

LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

MINUTES

OF THE

TWENTY-FIFTH SESSION

Held at Geneva from May 30th to June 12th, 1934,

including the

REPORT OF THE COMMISSION TO THE COUNCIL

GENEVA, 1934.

LEAGUE OF NATIONS

ANNUAL REPORTS OF MANDATORY POWERS

submitted to the Council of the LEAGUE OF NATIONS in accordance
with Article 22 of the Covenant.

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Geneva, June 12th, 1934.

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PERMANENT MANDATES COMMISSION

MINUTES OF THE TWENTY-FIFTH SESSION

Held at Geneva from May 30th to June 12th, 1934.

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

Marquis THEODOLI (*Chairman*) ;

M. VAN REES (*Vice-Chairman*) ;

Mlle. DANNEVIG ;

Lord LUGARD ;

M. MERLIN ;

M. ORTS ;

M. PALACIOS ;

Count DE PENHA GARCIA ;

M. RAPPARD ;

M. SAKENOBÉ.

Also present : Mr. C. W. H. WEAVER, Representative of the International Labour Organisation.

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

The following members were unable to attend certain meetings : Mlle. Dannevig, the first six and the last two meetings ; M. Merlin the ninth and the last two meetings ; M. Orts, the sixteenth meeting ; M. Rappard, the sixteenth meeting.

The following accredited representatives attended certain meetings of the Commission :

Mr. J. H. HALL, D.S.O., O.B.E., M.C., Chief Secretary to the Government of Palestine ;

Mr. M. NUROCK, O.B.E., Assistant Secretary to the Government of Palestine ;

M. R. DE CAIX, former Secretary-General of the High Commissariat of the French Republic in Syria and the Lebanon ;

Mr. J. A. CALDER, Colonial Office ;

Mr. J. G. McLAREN, C.M.G., Acting High Commissioner of the Commonwealth of Australia in London ;

Mr. E. W. P. CHINNERY, Director of Native Affairs and District Services of New Guinea.

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

FIRST MEETING.

Held on Wednesday, May 30th, 1934, at 11 a.m.

Opening Speech by the Chairman.

The CHAIRMAN spoke as follows :

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

I propose to give the customary brief survey of the decisions taken by the Council in connection with mandates since our last session.

On January 17th, 1934, the Council examined in my presence the report on the work of the Commission's twenty-fourth session. The Secretariat has sent you the Minutes of that meeting, which include the detailed report by the Rapporteur (the representative of Czechoslovakia) and the record of the very brief remarks made upon it by members of the Council.

The representative of Italy laid stress upon the fact that the Commission's report should be interpreted in the light of its Minutes.

The representative of the United Kingdom made a statement regarding the Cameroons under British mandate. You will remember that the Commission raised the question whether a certain regulation concerning tin ore was consistent with the principle of economic equality. Confirming an explanation given at the time by the accredited representative, the representative of the United Kingdom stated that there were no tin mines in the Cameroons under British mandate, and that the application of the regulation to that territory had consequently no practical effect. He added that his Government would nevertheless take steps to amend the legislation on that point.

Lastly, the representative of France stated that his Government would examine most carefully the Commission's observations relating to the territories under French mandate. Like the representative of Italy, he recognised that the Mandates Commission's report was inseparable from the Minutes, which must serve as a factor in its interpretation.

The Council adopted the draft resolution, submitted by the Rapporteur, to the effect that the Commission's observations on the annual reports should be communicated to the Governments of the mandatory Powers, and that they should be requested to take the action called for by the Commission.

The Council also transmitted to the United Kingdom Government, as ex-mandatory Power for Iraq, the passage in the Commission's report dealing with the administration of that territory during the period January 1st to October 3rd, 1932.

The Council further approved the Commission's conclusions regarding the petitions examined by the latter.

As you will remember, at its twenty-third session, the Commission expressed the desire to know what action had been taken on the declarations made by the representatives of France and the United Kingdom to the Council on January 30th, 1932, regarding the western section of the Syro-Palestinian frontier.

On February 15th, 1934, the two mandatory Powers concerned solicited the Council's approval for the Agreement they had concluded on March 7th, 1923, concerning the delimitation of that frontier. On May 14th, 1934, the Council invited the Mandates Commission to inform it as soon as possible of its opinion on the line fixed by that Agreement from the point of view of the execution of the mandates. The documents relating to this question were sent to each of us personally by the Secretariat a few days ago.

In consequence of the Council's request, I shall propose that we place this question on the agenda of the present session.

Statement by the Director of the Mandates Section.

M. CATASTINI made the following statement :

During the seven months that have elapsed since the Commission's last session, the work of the Mandates Section has pursued its normal course.

The Minutes of the twenty-fourth session, with index, and the Commission's report on the session, which closed on November 4th, 1933, were circulated to the Council on December 29th, 1933, and to the Members of the League on January 5th, 1934.

The Section continued to send regularly to members of the Commission any important information it obtained regarding political, social and economic conditions in mandated territories.

The Minutes of the Council's discussion on mandates on January 17th, 1934, have been sent to the members of the Commission individually.

The customary list of official documents sent in by the mandatory Powers has been drawn up for each of the territories the administration of which is to be considered at this session.

The list of Council and Assembly decisions and recommendations in connection with mandates, classified by subjects, has been brought up to date and circulated to the members

of the Commission (document C.P.M.1502). It covers the Council sessions from the fifty-sixth to the seventy-eighth, and the Assembly sessions from the tenth to the fourteenth, and supplements the lists circulated in October 1927 and June 1929 (documents C.P.M.635 and 857).

The annual reports of the mandatory Powers were received by the Secretariat in the following order :

Territory	Administrative period	Date of receipt
New Guinea	1932-33	May 12th, 1934
Palestine and Trans-Jordan	1933	May 17th, 1934
Tanganyika Territory	1933	May 17th, 1934
Syria and Lebanon	1933	May 18th, 1934
Nauru	1933	May 24th, 1934

As the members were informed on December 22nd, 1933, the annual reports on Togoland and the Cameroons under French mandate, which should normally have been examined at this session, will not be dealt with until the autumn session, by arrangement between the French Government and the Chairman.

The Government of the Union of South Africa informed the Secretary-General, in a letter dated March 15th, 1934 (Annex 3), that it would be unable to submit the annual report on South West Africa within the statutory period—that is to say, before May 20th—and therefore asked that consideration of the report should be postponed. The South African Government's letter was circulated to the members of the Commission on April 5th, 1934, and the matter has been placed on the provisional agenda of the present session.

Election of the Chairman and Vice-Chairman.

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

Adoption of the Agenda and Programme of Work.

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

South West Africa : Transmission and Examination of the Report for 1933 : Communication, dated March 15th, 1934, from the Government of the Union of South Africa (Annex 3).

The CHAIRMAN mentioned a letter in which the Government of the Union of South Africa announced that, owing to floods, it had been impossible for it to send the annual report on South West Africa in time, and asked that permission be granted for the presentation of the report in time for examination at the October session or later. The Chairman said that, generally speaking, in such cases, the Governments concerned did not say that they were unable to submit the annual report, but asked the Commission in due course if it would be possible to alter the date for the submission of the report. The French Government had, for instance, done that some months previously in connection with the two reports on Togoland and the Cameroons under French mandate.

The Chairman asked his colleagues to give their opinion on the letter from the Government of the Union of South Africa.

M. RAPPARD said that the last words of the letter from that Government, " or later ", seemed to him to be somewhat disquieting. Nothing could justify the postponement of the examination of the report for more than six months.

M. PALACIOS agreed. Moreover, he was astonished at the unilateral decision taken by the mandatory Power without getting into touch at least with the Chairman of the Permanent Mandates Commission.

COUNT DE PENHA GARCIA was sorry to hear that the country had suffered from floods, but it was not very clear how floods could cause delay in sending the report. Nevertheless, the Commission could not but accede on that occasion to the request for postponement, but should reply courteously that it was very regrettable, from the point of view of the Commission's work, that reports should not be received by the date fixed. It should also point out, of course, that the Commission could not postpone the examination of the report to a session later than the autumn session, and that consequently the report should arrive by the normal date fixed by the Council for the receipt of reports for that session.

M. RAPPARD was also of the opinion that a letter should be drafted, the terms of which should be very carefully weighed and that the draft should be submitted to the Commission for its approval. Moreover, the Commission's report to the Council should mention this fact. The Commission should, of course, be courteous but very definite.

COUNT DE PENHA GARCIA said he entirely agreed with M. Rappard. Indeed, the Commission should state in the letter the exact date by which the report from the mandatory Power should be received for the autumn session.

M. CATASTINI pointed out that the date of the session was fixed by decision of the Commission, while that for the receipt of the reports was determined by a decision of the Council.

M. ORTS thought that, in the circumstances, the Commission should express in the letter its desire that the report should arrive by the date fixed by the Council for the receipt of reports for submission to the autumn session.

The Commission decided that draft observations to the Council should be prepared for examination at a later meeting.

Frontier between Syria and Palestine (Western Section).

M. CATASTINI recalled that, on May 14th, 1934, the Council had invited the Mandates Commission to inform it as soon as possible of its opinion on the line fixed by the Franco-British Agreement of March 7th, 1923, from the point of view of the execution of the mandates.

It was a fact that the frontier as at present delimited had already existed for several years; to be more precise, it had been fixed by Convention in 1920 and was actually delimited in 1922.

COUNT DE PENHA GARCIA said that, in point of fact, the agreement now under discussion had previously been concluded between the two mandatory Powers and subsequently submitted to the Council. It was not clear to him what there remained for the Mandates Commission to do in regard to a situation established eleven years ago, except to state that no complaints or petitions in respect of the boundary line had ever been received.

M. RAPPARD had no observations to make on the substance of the question as no complaint had been submitted to the Commission. As regarded the formal question, it should be noted that the present case would constitute a precedent and that it was therefore advisable for the Commission definitely to state its views. The text of the two letters, dated London and Paris, showed that some hesitation had been felt by the Governments concerned and that, in any case, an omission had occurred at the outset. The Council had not been informed at the proper time of the agreement reached between the two mandatory Powers with regard to the western section of the frontier between Syria and the Lebanon and Palestine. This omission had been pointed out at the Council meeting and the two Governments had jointly examined the matter and had agreed to state that, although "no necessary measures on their part had, in fact, been overlooked", they would be glad to communicate to the Council, for its approval, a copy of the 1923 Agreement. In both letters, the most important passage was that included in the last paragraph to the following effect:

"... without prejudice to their views on the somewhat difficult legal question involved, are glad in this case to take the formal step of communicating a copy of the Agreement concluded on March 7th, 1923, between the French Government and His Majesty's Government in the United Kingdom for the approval of the Council."

Did the mandatory Powers mean that they could delimit the frontiers on their own authority without being obliged to consult the Council? He could not answer that question, but must confess that he had been struck by the wording used.

M. VAN REES observed, with reference to this last point, that the frontier in question had been fixed by an Agreement dated December 23rd, 1920—that was to say, at a date when the mandate did not as yet exist, since the mandates for Syria and Palestine were not confirmed by the Council until July 1922. That confirmation should be regarded as involving the approval of the boundary line as fixed by the 1920 Agreement, so that, if the original line had been adhered to when that frontier was delimited in 1923, further approval by the Council would have been superfluous. However, the original line had been modified considerably in 1923, certain parts of Palestine having been ceded to Syria. Consequently, and in virtue of certain provisions in the mandates for those two territories, the Council would appear to be competent to pronounce upon the new boundary line.

M. PALACIOS pointed out that the question did not merely cover the mandatory Powers' right to delimit the frontier; account should also be taken of the country concerned. In the present case, the countries were under A mandates—that was to say, they were more or less recognised by the Covenant as independent or destined to become so one day or other in the near future, and any change in the existing situation might have important repercussions in the future. Hence, from the point of view of doctrine and principles, the question should come before the Mandates Commission, because the latter was the guardian of the rights of the population and of the territories. It was clear that access to the lake of Tiberias, or non-access, might have its value for the country in a favoured position and for the one which was the loser.

M. CATASTINI observed that the legal question had been brought before the Council by one of its members, who, in other similar circumstances, had insisted on the necessity of consulting the Mandates Commission.

M. RAPPARD, referring to Article 4 of the mandate, under which the mandatory Power was responsible for seeing that no part of the territory was ceded or leased in any way, thought that, in the present case, territory had been ceded contrary to the terms of the mandate. Moreover,

Article 18 stipulated that the consent of the Council was required for any modification of the terms of the mandate. In those circumstances, it appeared that the two mandatory Powers had no right to modify the frontier in any way by agreement between themselves without consulting the Council.

M. ORTS agreed with M. Palacios that the Commission had a certain responsibility in the matter. It would be well to have an assurance that the modification of the frontier had not given rise to any complaints and, in the first place, to ascertain whether the populations concerned were aware of the Agreement. It would be a significant fact if the Agreement had been published without the slightest protest having been made.

M. PALACIOS raised the same question. In his opinion, it was of the utmost importance that the populations of the two territories under mandate should know exactly what this modification of the frontier involved and what the practical effects would be. He repeated that it was the Commission's duty to consider the present and future interests of these territories.

M. RAPPARD pointed out that, if the Commission agreed with the interpretation of the mandate, which seemed to be that of the mandatory Powers, it would not be able to do anything in the matter. Hence the preliminary question arose : Did the Commission consider that the terms of the mandate allowed changes to be made without the Council's approval?

Count DE PENHA GARCIA did not see the necessity for discussing whether the matter should or should not be submitted to the Council, since it had finally been submitted to it. In his opinion, there was therefore no need to raise the question. It was an accomplished fact, even though reservations had been made.

In reply to M. Orts, he pointed out that the modification of the frontier must certainly be known, since it went back to 1923.

Lord LUGARD observed that, in the preamble to the mandate, it was stated that " the Principal Allied Powers have agreed that the territory . . . shall, within such boundaries as may be fixed by the said Powers, be entrusted to . . . " Strictly speaking, therefore, the Principal Allied Powers should be consulted, but, since they no longer existed as a consultative body, their powers had been transferred to the League as their agent. The mandatory Powers could not alter the frontiers by an agreement between themselves. It was necessary that they should submit their proposals to the Council for its assent. They had now done so, and the matter was in order. Unless the Mandates Commission saw any objection, the proposals would be approved.

M. RAPPARD took this interpretation to mean that the Council, enjoying in every sense the prerogatives of the Principal Allied Powers, was alone entitled to modify, if necessary, the frontiers of the territories under mandate. If that were so, he agreed with Lord Lugard.

M. MERLIN thought that, as regarded the first point—that was to say, the modification of the boundary line, which was the substantive question—there was no doubt that, as that modification had been effected eleven years ago and had been applied ever since, the population must by now be aware of the regime under which they had been placed and no protest had been made to the League. The second question was of a legal nature. Admitting that the Council's rights in the proper sense of the term had been infringed, the question of the frontier modification had finally been referred to the Council, so that amends had been made. There remained, of course, the question of the reservations made by the mandatory Powers in submitting the matter to the Council, but, on this point, it was for the Council itself to decide whether it should insist on its rights. Was it advisable for the Mandates Commission to go beyond the question submitted to it by the Council? He did not think so.

Lord LUGARD observed that an identical case had already occurred in connection with the delimitation of the frontier between Ruanda and Tanganyika and that the same procedure had been followed.

The CHAIRMAN added that there had also been the case of the frontier between Syria and Iraq.

M. ORTS suggested that, in its report to the Council, the Commission should state that, from the point of view of the execution of the mandate, the question had never given rise to any observation suggesting that the modification of the frontier had been in any way detrimental to the interests of either territory. The date of the conclusion of the frontier convention and of the agreement under which it was modified might be mentioned and it might be added that, in the documentary material at its disposal, the Commission had never found any evidence of the slightest protest having been raised against that modification.

The Commission decided to express the view suggested by M. Orts.

SECOND MEETING.

Held on Thursday, May 31st, 1934, at 10.30 a.m.

Palestine and Trans-Jordan : Examination of the Annual Report for 1933.

Mr. J. H. Hall, D.S.O., O.B.E., M.C., Chief Secretary to the Government of Palestine, and Mr. M. Nurock, O.B.E., Assistant Secretary to the Government of Palestine, accredited representatives of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVES : CATASTROPHE AT TIBERIAS : FORM OF ANNUAL REPORT.

The CHAIRMAN welcomed the accredited representatives.

He desired to convey to the accredited representatives, on behalf of the Commission, his sympathy in connection with the disaster that had recently overtaken the population of Tiberias.

The Chairman expressed the Commission's great appreciation of the form in which the annual report had been drawn up. He asked Mr. Hall whether he wished to make a general statement on the situation in Palestine and Trans-Jordan.

GENERAL STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Mr. HALL.—I am most grateful to the Chairman for the terms in which he has been so kind as to extend a welcome to me and to my colleague, Mr. Nurock. This is Mr. Nurock's first appearance at Geneva, and he has yet to experience the happy manner in which the Commission combines a high sense of public duty with a generous appreciation of the difficulties of those who are called upon to appear before it. I myself, as the Chairman has said, am no stranger to Geneva or to the Mandates Commission, and it was with a keen sense of personal pleasure that I learned that I had been selected as accredited representative and would thus be privileged once more to be associated with the labours of a body whose members, both collectively and individually, have extended to me in the past so much consideration, sympathetic understanding and constructive advice.

The annual report on the Administration of Palestine and Trans-Jordan for 1933, which has been in the hands of the members of the Commission for some little time, contains, I hope, a full description of the activities of the Governments of Palestine and Trans-Jordan in their several departments during the year 1933, as well as a general appreciation of the development taking place in both territories, economically, socially and politically.

That report contains also all available information in reply to the general and special observations made by the Commission in the course of its examination of the report for the previous year. If there is any particular in which the Commission would like the report to contain fuller or more detailed information in future years, I shall do my utmost to see that the wishes of the Commission are met.

Before proceeding to the general examination of the report, I think it would be of advantage if I were to bring the picture there presented up to date, at least in so far as its main features are concerned. In particular, I would wish to indicate the extent to which the various forms of development and the various projects of Government, described in the statement made before you by the High Commissioner in November 1932,¹ have been realised.

The High Commissioner informed you that the economic condition of Palestine remained sound and that, in spite of large remissions of taxation, revenue has been maintained at its previous level, owing chiefly to a considerable increase in the receipts from import duty. That happy state of affairs, I am glad to say, has continued, and Palestine to-day can claim an enviable prosperity in a world of general economic depression.

At March 31st, 1934, the surplus balances of the Palestine Government had reached the figure of two and a-half million pounds, and, although no inconsiderable proportion of this must be regarded as hypothecated to the liquidation of anticipated commitments, nevertheless it can, I think, be regarded as reflecting a very satisfactory financial condition, and as justifying the increased programme of public expenditure which is contemplated this year.

One clear reflection of this prosperity is the amount of currency in circulation, which is nearly £P4,000,000, compared with £P2,540,000 in 1932, and the share of the Palestine Government in the profits from currency is now almost £P100,000 a year. The Trans-Jordan Government obtains its due proportion of these profits in respect of the Palestine currency in circulation in that territory.

¹ See Minutes of the Twenty-second Session, page 79.

In large measure, this favourable situation is attributable to Jewish capital and Jewish enterprise and to a general feeling of security of persons and property.

As the members of the Commission will be aware, His Majesty's Government in the United Kingdom has approved the issue of a guaranteed loan of £P2,000,000 for the purpose of financing important projects of development in Palestine. The objects of the loan were explained by His Majesty's Government in the recent announcement made in the House of Commons.

An important feature of the commercial life of Palestine is the Levant Fair, which is held at Tel Aviv every second year. This enterprise has grown from a modest local fair to the dimensions of an International Exhibition, and is the means of attracting much business to the country. In the 1934 fair, as many as sixteen foreign Governments took part, including the United Kingdom, and an astounding range of Palestinian products was displayed. The Government of Palestine displayed in a special pavilion exhibits of the work of its Departments of Health and Agriculture, Posts and Telegraphs and Public Works.

The success of the first Arab fair, which was held in Jerusalem in 1933, prompted a second and profitable venture this year; there were again large sales of the products of Arab arts and crafts in Syria, Trans-Jordan, Egypt and Iraq, as well as local workmanship, to the many visitors from Palestine and the adjoining countries.

Although the finances of Palestine are sound and the economic situation is generally good, the rural population is still suffering from the effects of a series of seasonal misfortunes—drought, crop failure and lack of grazing. Remissions of taxation which were necessary in 1933 are recorded in the report. While the prospects of a good season in 1934 are, I am happy to say, reasonably fair, the winter months and the early spring of the year found a large proportion of the fellahin in a state of destitution, approaching starvation in some cases, and their live-stock dying in large numbers.

The High Commissioner arranged, in the worst cases, for the free distribution by Government doctors of milk and soup. Where necessary, loans were given for seed and for fodder, and in the more seriously affected areas extensive relief works were set on foot to provide employment for the tribes and villagers. On these works, which for the most part take the form of village roads, constituting a useful addition to the communications of the country and enabling the villagers more rapidly and profitably to dispose of their produce, there are at present more than 8,000 villagers employed. The wages which they receive serve in one way or another to supply the needs of a very much larger number of persons. In addition, it was found necessary to remit three-quarters of the animal tax.

Side by side with these measures of relief, the Government has continued and expanded its activities in agricultural education and experiment.

The Agricultural School at Tulkarm is in full operation. The new Agricultural School at Mount Tabor, the inauguration of which has been postponed on account of constructional delays, will be opened for the reception of pupils on June 1st. A private donation by the High Commissioner will enable the school at Tulkarm to be enlarged to take seventy Arab pupils instead of forty. The school at Mount Tabor accommodates forty Jewish pupils. But Jewish boys and girls who wish to study agriculture can also enter a number of training-schools and farms already in existence and conducted by the Jewish Agency and its affiliated organisations and by the « Alliance israélite ».

The number of Government agricultural and horticultural stations is now nine compared with six in 1932, or an increase of 50 per cent, and at every station there is a section for poultry and bee-keeping. Demonstration plots are being extended, and the distribution of selected seed and fruit-trees, as well as of fruit-tree stocks, to farmers is being developed as rapidly as possible with a view, in particular, to the encouragement of the cultivation of fruit-trees, carobs and olives. Other means are being explored of adding to the fodder crops of the country, and the grading up of local cattle, sheep and goats is being fostered through the service of pedigree animals imported and bred on the Government farm of Acre. Bee-keepers who suffered from a lack of natural food for their bees at the beginning of this year were assisted by the Government, which distributed, at cost price and duty free, sugar imported for the purpose.

Co-operative organisations continue to take a prominent part in the economic life of the Jewish population, and the number of Jewish societies in existence as on December 31st, 1933, was 504. These societies embrace very wide activities, the most important of which are urban and rural credit and thrift, colonisation, marketing of produce in Palestine and abroad, industrial producers and the road transport of passengers and merchandise.

A promising beginning has been made with the organisation by Government of co-operative societies among the more backward Arab sections of the population, and it is hoped that it will be found possible, in the present and future years, to accelerate the rate of progress. There were, at the end of December 1933, twenty-six Arab societies in existence, of which fourteen were village societies, for the purpose of granting credits to members and the encouragement of thrift.

A new Co-operative Societies Ordinance was enacted in December 1933, which consolidated previous legislation, introducing such changes as experience had shown were necessary. It will also facilitate the establishment, on the initiative of Government, of societies among the Arab cultivators and provide for their supervision during the early stages of their existence.

The experimental scheme for settling fifty families of landless Arabs on Government estates near Beisan is now in progress, and it is hoped that it will be carried through with a success that will justify the Government in extending the experiment to others.

The High Commissioner referred in 1932¹ to the question of additional accommodation for elementary education in the principal towns and, as you will see from the report, 1,500 extra places are now available for urban pupils. Moreover, a sum of £P106,000 has been set aside in the new loan of £P2,000,000 for the construction of school buildings in the principal towns, which, by providing improved accommodation, will enable the Department of Education to admit a further number (between 8,000 and 9,000 eventually) of schoolchildren.

Complementary with that expansion of schoolrooms, the Government has provided funds for additional teaching staff and equipment.

The Palestine Government has embarked upon an extended programme of health services in the current financial year. The Ophthalmic Service, which is doing invaluable work in eradicating one of the worst scourges of Palestine, comprised two urban centres and six village clinics; to these have been added eight village clinics, so that this service now operates in Majdal, Hebron, Ramleh and Tulkarm districts. At Jaffa, where the rapidly increasing population provides a large number of such cases, a permanent additional hospital for infectious diseases is being established with fifty beds. The quarantine lazaret is being enlarged at Haifa to deal with the immigrant traffic, and an isolation block is being provided.

The improvement of rural health, which has attended the work of the Village Sanitary Service, had been very gratifying, and the Palestine Government is therefore increasing its operations. Provision has been made to instal between 5,000 and 6,000 standard-type bored-hole latrines in villages during the present year (compared with 2,000 in the previous year). Hygienic conditions thus ensured go far to check the spread of hookworm, typhoid and dysentery in the villages in which these latrines have been installed.

To the twenty infant welfare centres existing under Government control and with Government participation, three will now be added.

The High Commissioner has been concerned to institute a control over the purity of essential foodstuffs in Palestine, and His Majesty's Government has at present under consideration a draft Ordinance which deals effectively and on modern lines with the adulteration of butter and other foodstuffs in Palestine.

Some reference is made in the report itself to the measures taken by the High Commissioner for the permanent improvement of village water supplies. During the first five months of the present year, the Committee appointed by the High Commissioner to examine and report on this project has arranged for a survey of those village water supplies which are suitable for permanent improvement and has authorised the immediate undertaking of fifty-one schemes from which fifty-six villages, having an aggregate population of over 43,000, will benefit. The estimated expenditure is approximately £P11,000. It is difficult to overestimate the value of these works to the rural population in a country lacking perennial irrigation where rainfall and temperature determine agricultural success and failure.

The overcrowding at Jaffa, Tel Aviv and Haifa towards the end of 1933 forced upon the attention of the Government the necessity to vest local authorities with power to restrict rents. In February, a Committee was set up by the High Commissioner to enquire into the matter, composed of an official chairman and one Arab and one Jewish unofficial member, and this Committee presented a unanimous report, of which, I think, copies are already in the possession of the Commission. On the basis of this report, legislation was passed at the beginning of April empowering municipal councils to make bylaws for the protection of tenants and the reasonable limitation of rents on the basis of a maximum of £P2 500 millièmes per month per room. It is the custom in Palestine to assess rentals on the basis of the unit of a room. So far as can be judged in the short time since it was passed, this legislation has proved of benefit to a large section of the population in the towns concerned.

A comprehensive new Ordinance to regulate the sale of intoxicating liquors is on the verge of enactment. The members of the Commission will have observed that the advance promulgation in 1933 of a provision empowering licensing authorities to refuse to grant or renew licences without reason assigned has conduced already to a substantial reduction in the number of licensed premises compared with the returns for 1933. There has been a decrease of "on licences" in the Jerusalem and northern districts and an increase in the southern district, which is chiefly due to the expansion of Tel Aviv. There has been a general decrease in the number of "off licences" throughout the country.

At Haifa, in order to provide further facilities both for general cargo and for shipments of citrus fruit, the Government is spending an additional sum of £P20,000 on erecting a third transit shed, which it is hoped will be ready for use by the time the next export season opens in

¹ See Minutes of the Twenty-second Session, page 82.

November. Steps are being taken to secure the appointment as Port Manager at Haifa of a person experienced in the administration of modern commercial ports.

Work is already in hand in Jaffa upon the construction of a sea-wall and the reclamation of a further large area both to serve as a quay space and to provide a site for new accommodation for the storage of oranges and imported goods. Within the sea-wall there will be a small dredged basin in which lighters can load and discharge their cargo without interruption on account of the seasonal gales which have hitherto caused so much delay in the work of the roadstead.

The Government has felt justified in adding to the various contributions from public funds to Jewish educational, health and agricultural services, and the total amount of these grants in the current financial year is £P46,445. The arrangement whereby the Government co-operates in the research work carried out by the different institutions maintained by the Jewish Agency and the Jewish Community is of the utmost benefit to the country as a whole.

Negotiations of a non-official character have been in progress during the past year between the Vaad Leumi and the Central Agudath Israel in regard to the possibility of reaching an agreement on the basis of which these two bodies could co-operate in their communal affairs.

The discussions were concerned chiefly with the questions of the position and powers of the Rabbinate and Rabbinical courts of the Agudath Israel, and a tentative basis of agreement was reached in these matters. Official negotiations were then opened and accredited representatives of the Vaad Leumi and the Central Agudath Israel have recently met, and in a series of meetings under the chairmanship of a Government officer have formulated the heads of an agreement for reference to and ratification by their respective constituent bodies. The draft Agreement is designed to provide that the requirements of the Agudath Israel in respect of jurisdiction in matters of personal status shall be met within the framework of a reconstituted Rabbinical Council and that the Agudath Israel shall suspend for the time being its claim to recognition as a separate community.

The draft Agreement is still under consideration by the constituent bodies, and, in order that the further negotiations between the parties should not be prejudiced, the mandatory Power considers it advisable to defer the formulation of its views on the submissions and counter-submissions which have been put forward by the Central Agudath Israel, by the General Council (Vaad Leumi) of the Jewish Community and by the Chief Rabbinate of that Community, in connection with the claim of the Central Agudath Israel for recognition as a separate community in Palestine.

The Protection of Cultivators Ordinance, after being re-adapted in 1933 with a view to securing the proper attainment of the object in view, has been administered with effect. Commissions have been appointed, one for the northern and one for the southern district, to investigate disputes and claims arising under Section 19 of the Ordinance, and these Commissions have, in the short space of time up to the end of March of this year, disposed finally of not less than 356 cases, with only three appeals. The administration of this Ordinance is working smoothly, and the use which the general public are making of its provisions is sufficient to prove that it is serving a most useful purpose.

The Municipal Corporations Ordinance was enacted on January 4th, 1934, and steps were taken at once for the constitution of electoral committees in the various municipal centres and the preparation of rolls of townsmen for the election of new councils. These elections have already taken place in a number of the smaller municipalities, and it is expected that they will be completed throughout Palestine by the end of July. The elections so far have passed off without incident. The enactment of the Ordinance has been unexpectedly delayed owing to the necessity for consulting the wishes of all sections of the community and reconciling, so far as possible, conflicting views and divergent interests. The process has been long-drawn and difficult, but in a matter of such paramount importance to the country at large the end has, I feel sure, justified the means.

Much has been said about the inadequacy of the Municipal Corporations Ordinance as regards women's franchise; but, in a country like Palestine, where a large section of the population is still in a stage of comparative backwardness, so drastic an innovation as universal female suffrage would have been neither understood nor welcomed. For that reason, the Palestine Government thought itself justified in confining the suffrage of women to those municipal areas which have already had this concession under the previous legislation. Any other arrangements would only have led to indignant protests, not only from Moslems, but also from orthodox Jews.

After lengthy negotiations with all parties concerned, a draft Ordinance providing for the new election of an Orthodox Patriarch has been published prior to enactment. In the view of the Palestine Government, this Ordinance represents the best solution of the temporary problem caused by the changed circumstances in Palestine surrounding the election of a Patriarch.

The informal conferences which preceded the framing of this Ordinance were of great value to the Government, and it is hoped that the Conference will continue its deliberations and will resume meetings under the chairmanship of an officer of the Government after a Patriarch has been elected.

It is a matter of concern to the Government that certain grave defects have developed in the structure of the Church of the Holy Sepulchre and steps were taken for a survey of the edifice to be carried out by an expert in these matters. On the basis of his preliminary survey,

the Palestine Government arranged to carry out immediate repairs of a temporary character to prevent collapse, and a full report has now been made which indicates the steps which should be taken for complete and permanent restoration. So soon as that report is published, the Government will consult with the heads of the religious communities concerned as to the ways and means for raising the necessary funds and the carrying out of these essential works.

There is no need for me to dwell upon the disturbances of the autumn of 1933. You have before you, in the report of the Commission which investigated the facts, a full description of those events and of their immediate cause.

The Arab community of Palestine suffered a very severe loss in the death of Musa Kazem Pasha al Husseini at the age of 84 years. Musa Kazem Pasha had a long and distinguished career as a civil servant under the Turkish authorities, and, since the occupation, he was the leader of the Arab national movement in Palestine. He earned the esteem of all sections of the population by his personal integrity and disinterestedness.

I am most grateful to the Chairman for his kind and sympathetic reference to the tragic catastrophe which befell Tiberias on May 14th, 1934, causing serious loss of life and much damage to property. Effective measures to restore the situation and to relieve those rendered homeless and destitute were immediately undertaken by the Government, and generous gifts of clothing and blankets were despatched to the sufferers from the towns and villages of Palestine.

I have with me a full report on the nature and extent of the damage caused and shall be ready to answer any questions that the Commission may see fit to put to me. The Government is now considering what steps will be necessary for the reconstruction in that portion of the old town of Tiberias which was destroyed.

Turning now to Trans-Jordan : Reference has been made in the report to the ratification of the treaty between the Amir Abdullah and King Ibn Saud. A further stage in the improvement of relations between Trans-Jordan and Sa'udi Arabia was marked by the inauguration, in February, of direct wireless communication between the frontier officials of the two territories.

Cordial relations continue to be maintained between Trans-Jordan and Syria. The Officer Commanding, Desert Region, of the Trans-Jordan Arab Legion, accompanied by the Assistant British Resident, recently visited Beirut and, in conference with officers of the French High Commission, disposed of a number of outstanding matters relating to Bedouin affairs.

The new Trans-Jordan Government under the leadership of Ibrahim Pasha Hashem, himself a distinguished Arab jurist, is handling the problems of the country with energy and discretion.

There has been considerable distress among the nomad population of Trans-Jordan in recent months. Voluntary contributions have been collected by a Relief Committee and distributed in the form of rations ; of these contributions, sums aggregating £P1,000 have been received in cash, while rice and flour to the value of £P250 have been given. In addition, other foodstuffs and a considerable quantity of clothing have been distributed. In addition to these measures of voluntary relief, the Trans-Jordan Government has undertaken a number of relief works.

Seed loans were granted, as in Palestine, in the early part of 1934 for the summer sowing and a sum of £P14,000 was provided for the employment of indigent cultivators and tribesmen upon relief works, mainly on road construction. Arrangements are being made also to set aside funds for the purchase of goats with a view to replenishing the dwindling flocks of the tribes.

In September 1933, the High Commissioner authorised the formation of a Committee containing official members and representative cultivators and landowners to study the possibility of developing the resources of Trans-Jordan. The report of the Committee is expected to be received very shortly and will be carefully examined, with a view to determining whether it will be possible to put into effect any or all of its recommendations.

The services of the Chief Veterinary Officer and the Irrigation Officer of the Palestine Government have been made available to provide the Committee with technical advice on certain matters.

During the course of its deliberations, the Committee made recommendations for the issue of seed loans amounting to £P38,000 to impoverished cultivators in Trans-Jordan. After further investigation, loans totalling £P30,000 have been issued with the assistance of an advance of £P21,000 from the Palestine Government.

That, gentlemen, concludes my review of the principal events of the last five months in Palestine and Trans-Jordan. It is admittedly a sketch rather than a complete picture, but I did not feel justified in trespassing further on your time.

Palestine is a small country, but it has a large number of problems, and I am afraid that my nine months' residence in the country has not been sufficient to make me familiar with all its problems and complicated issues. There are, I fear, all too many gaps in my knowledge, and if I am unable to answer any of the questions that may be put to me on this occasion, I can only ask your indulgence and promise to be better equipped next time, if it should again be my privilege to appear before the Commission.

The CHAIRMAN asked the members of the Commission whether they had any comments to make on the accredited representative's statement.

ECONOMIC DEVELOPMENT OF THE TERRITORY : ORGANISATION OF AGRICULTURAL CREDITS.

M. ORTS observed that the accredited representative had referred to the economic situation of Palestine as being very satisfactory. A petition had, however, been received from an Arab source maintaining that the prosperity was in no sense general, and that the situation of the country as a whole, far from being satisfactory, was, on the contrary, deplorable. The prosperity referred to was confined to the Jewish colonies and was attributable to the influx of capital from abroad. The greater part of the population—that was to say, the Arabs—were said to be in a state bordering on destitution. Owing to the seasonal circumstances of which the accredited representative had spoken, the fellahin had exhausted their reserves, and hence the critical position in which they were now placed. He would be glad to know how much credit should be given to these allegations.

M. Orts further pointed out that Mr. Hall had included among the signs of prosperity the large increase in the currency circulation. But was not this, like the increase in bank deposits, merely the effect of the importation of Jewish capital ?

Mr. HALL replied that, generally speaking, the prosperity to which he had referred applied to the commercial classes of both Arabs and Jews, and to the citrus producers. He had pointed out in his statement that the prosperity of the country was not reflected in the rural population, and that applied to Jews and Arabs alike, both of whom were suffering as the result of four years of drought. The Arab was perhaps in a more difficult position, as he did not yet practise mixed farming.

The Government had done its best to assist the agricultural population by relief works, and by measures for the improvement of water supplies.

M. Orts had suggested that the Arab probably possessed no reserve of capital—that was true. During the last four years, the Arab had got more heavily into debt with moneylenders, hitherto his only source of credit. The Government was concentrating on providing him with an alternative system of credit. It had arranged with Barclays Bank for the granting of short-term credit in the form of crop loans, repayable when the crop was harvested. Secondly, the Government was taking steps with a view to the establishment of an agricultural mortgage bank for long-term loans ; it was hoped that private financial groups would supply the bank's capital, while the Government would provide its reserve. Lastly, a system of co-operative credit was in process of organisation, which should be of immense value to the Arab cultivator—Jewish cultivators were already extensively organised on those lines. The arrangements were in the hands of an official who had studied the co-operative system in Europe, India and Ceylon. Co-operation would provide for medium-term credit and, it was hoped, would inculcate in the Arab the principles of thrift and economy.

M. ORTS alluded to another sign of prosperity mentioned by the accredited representative—namely, the considerable profit from currency made by the Palestinian Government—and said he would like to have information on the subject.

Mr. HALL explained that, as the currency circulation increased, the Government's profits also increased automatically and had now reached the sum of about £100,000. He added that, owing to the effects of commercial prosperity, the Government obtained increased revenues, and was thus enabled to expend larger sums on the extension of agricultural stations and demonstration plots, and on the issue of selected seed, budded fruit-trees and similar measures for the benefit of the agricultural population. The general purpose was to " up-grade " the condition of the agricultural classes, in order that they might share in the prosperity now enjoyed by the more fortunate commercial classes.

M. RAPPARD stressed the reference to " immovable property " in paragraph 82 on page 24 of the annual report, which read :

" An arrangement has been made by the Government with Barclays Bank, for a period of three years in the first instance, for the issue of short-term (annual) crop loans by the bank to groups or individuals wherever there is adequate security in the form of immovable property, crops or joint personal surety, or credit is otherwise justified."

Mr. HALL said that, while the crop loans to groups or individuals might sometimes be on immovable property, generally speaking they were granted on the crop or on personal or collective surety. Such loans were granted on favourable terms as regarded interest.

M. RAPPARD pointed out that interest was at the rate of 8 per cent.

Mr. HALL, continuing, said that the legal rate of interest was 9 per cent, but various devices were used by moneylenders to extract a higher return. A draft Ordinance had now been prepared whereby any cultivator could apply to have his debt re-examined by the court, which could decide what he could and should pay. Even though he might have undertaken to pay a larger amount, the court would have power to say that he should not pay more than the legal 9 per cent.

Lord LUGARD suggested that banks might be unwilling to lend without better security than the crops.

Mr. HALL agreed as regards long-term loans, but said he had heard of no difficulty in the case of short-term loans.

INCIDENTS IN OCTOBER-NOVEMBER 1933.

M. ORTS had before him pages 4 *et seq.* of the annual report, which dealt with the circumstances preceding the disorders of October and November 1933, and the report of the Murison Commission, which was entrusted with the enquiry into those disturbances.

He quoted various passages from the annual report to the effect that there had been preliminary signs of these disorders since the beginning of 1933 and that those signs had recurred in different forms up to the eve of the Jaffa riot on October 27th.

It was clear that the Government had intervened on at least two occasions in order to show that its Jewish immigration policy had not changed and that demonstrations likely to cause a breach of the peace would not be tolerated. The report also said that the Intelligence Service of Police and Prisons was still functioning and was found very useful in preventing disorders. Nevertheless, M. Orts desired to ask certain questions with regard to those incidents.

First of all, had the Government taken all means to prevent the riot which was to be expected in view of the increasing excitement in Arab circles and in the Arab Press?

Had the Government endorsed the conclusions of the Murison report?

What penalties had been inflicted on the agitators and rioters?

Was there a likelihood of further agitation or fresh disorders?

Was the transfer of the chief of police at the time of the Jaffa disturbances, whose conduct had been favourably reported on by the Commission of Enquiry, connected with the riot?

Mr. HALL said he would endeavour to reply to M. Orts' questions.

(1) There was always strong Arab feeling in Palestine against Jewish immigration and that feeling had been intensified by Press articles for some weeks before the disturbances took place. The responsible editors had been warned and, on the publication of a statement by the Arab Executive that a demonstration was to be held in Jerusalem on October 13th, comprising a procession to the Government Offices, the speaker, in his capacity as Officer administering the Government, had sent for the President of the Arab Executive and informed him that no such demonstration would be permitted. He suggested that, in place of a demonstration, which would be illegal and might lead to bloodshed, the Arab Executive should send a deputation to lay before the Officer administering the Territory a statement of their grievance for transmission to the League of Nations. Musa Kazim Pasha undertook to consult his colleagues; but, in the result, less prudent counsels prevailed and the Arab Executive decided to adhere to their plan for holding an illegal demonstration. The public were clearly informed by official notice and otherwise that the demonstration would not be permitted. The demonstration was, nevertheless, held, and was in due course dispersed by the police without loss of life.

The High Commissioner, on his return, sent for the Arab leaders, who had announced their intention of holding a further demonstration at Jaffa, and solemnly warned them of the dangerous consequences that would follow, not only for themselves, but also for innocent members of the public if they persisted in this course. They rejected a suggestion, made by the High Commissioner with the object of providing a legitimate channel for the submission of their representations, that a certain number of their members should be allowed to proceed together to the District Offices and there lay their case before the District Commissioner, and reiterated their determination to proceed with their declared intention. The consequences of their attitude are described in the Murison report. Certain of the leaders were arrested and subsequently released on bail. Recently, they had been sentenced to terms of imprisonment varying from nine months. Appeals against these sentences were now pending.

(2) There had since, he thought, been some improvement in the political position. The relations of mutual confidence which the High Commissioner had established with influential Arabs had done much to ease the situation; there was also the increasing appreciation, on the part of the fellahin, of the measures taken by the High Commissioner to better their condition. Moreover, the High Commissioner had considered the possibility of providing both Arabs and Jews with some means of giving public expression to their views without danger to public security—(since the disturbances of 1929, no processions had been allowed)—and an amending ordinance had accordingly been passed early this year under the terms of which processions could take place on formal permission being granted by the District Commissioner, who was empowered to impose conditions as to the route to be followed, etc. Applications were duly submitted by the Arab leaders, in accordance with the terms of the new Ordinance, for permission to hold processions in various towns in Palestine on January 17th, and, the conditions laid down by the District Commissioners having been accepted, permission was granted. The processions duly took place in strict conformity with the Government's conditions, and passed off quite peacefully.

(3) The Government fully accepted the findings of the Commission of Enquiry.

(4) The accredited representative explained that the transfer of the police officer mentioned by M. Orts was the outcome of disciplinary action under the Colonial Regulations arising out of an incident connected with the Jaffa disorders. He stated further, in reply to M. Rappard, that this question was outside the terms of reference of the Murison Commission.

M. ORTS supposed that that was the incident which had led to a question being asked in March 1934 in the House of Commons. He observed that the suppression of disorders was an ungrateful task ; those responsible for such duties were invariably accused of being unduly energetic or not energetic enough.

M. VAN REES observed that several of the points on which he desired information had already been raised by M. Orts. He wished in addition to refer to a discrepancy between the figures for casualties in the 1933 disorders as shown in the annual report and in the report of the Commission of Enquiry : according to the former document there were one constable and twenty-four civilians killed or died of wounds, twenty-eight constables and 204 civilians wounded, while the totals given in the Murison report were : Killed—police 1, public 26 ; injured—police 56, public 187. He was concerned, nevertheless, not so much with the discrepancy between those two sets of figures as with the fact that the disorders had evidently been of a serious character, and that, according to the findings of the Committee of Enquiry, the responsibility for direct instigation lay with the Arab Executive. That body, which had been officially recognised, had, by that fact, shown itself to be little worthy of confidence. Had the Government considered it necessary and advisable to take action against the organisation, as distinct from the prosecution of certain of its members ?

Mr. HALL suggested that the number of casualties at Jaffa might perhaps give a wrong impression of the seriousness and extent of the disorders in that town. The number of casualties was to be explained in part by the difficulty of police action in a town such as Jaffa, with its narrow streets and topographical peculiarities.

Mr. Hall added that a reprimand had actually been administered by the High Commissioner, within a day or two of the disturbances, to those members of the Arab Executive who were available.

Lord LUGARD enquired what were the relations of the Arab Executive with the Istiqlal, which was, he believed, the most reactionary party.

Mr. HALL said that the Arab Executive included among its members certain persons who were prominent in the Istiqlal party.

JOINT CO-OPERATIVE SOCIETIES FOR ARABS AND JEWS.

M. VAN REES, reverting to the question of co-operative societies, to which reference had already been made, noted the reference in the annual report (page 14, paragraph 37) to Athlit, where Arabs and Jews had formed a co-operative society together. As the increase in the number of these co-operatives seemed to him to be a good sign, M. Van Rees asked the accredited representative whether he could give any information concerning another such society in Upper Galilee, of which details had appeared in the Press.

Mr. HALL said that the Assistant District Commissioner had, he understood, been assisting in the formation of an association of Arab and Jewish farmers in Upper Galilee. Arabs and Jews were also associated in the trade union of railway and postal workers.

THIRD MEETING.

Held on Thursday, May 31st, 1934, at 3.30 p.m.

Palestine and Trans-Jordan : Examination of the Annual Report for 1933 (continuation).

Mr. Hall and Mr. Nurock came to the table of the Commission.

RELATIONS BETWEEN ARABS AND JEWS, AND THEIR CO-OPERATION IN THE ADMINISTRATION OF THE TERRITORY : PETITIONS OF THE " ARAB INDEPENDENCE PARTY " AND OF " AGUDATH ISRAEL ".

Count DE PENHA GARCIA, while congratulating the mandatory Power on the material progress achieved in Palestine, noted that very little mention was made in the report of effective steps which would lead to eventual self-government. Yet that was the most serious problem—how to weld the different demographical elements in Palestine into a homogeneous whole.

Could the accredited representative state if any measures had been taken or were being considered to create a national Palestinian sentiment among the various ethnical groups? There seemed to be a certain tendency on the part of the Government—a tendency possibly imposed by present circumstances—to keep Jews and Arabs apart.

Mr. HALL said he could assure Count de Penha Garcia that, on the contrary, the constant aim of the High Commissioner was to bring Jews and Arabs together in every possible way.

His policy, as communicated to the Mandates Commission in 1932,¹ was, in the first place, to set up advisory committees, including Jewish and Arab members, who were encouraged to assist the Government with their advice in matters concerning roads, railways, harbours, agriculture and trade. He felt that the realm of economic co-operation offered the best initial prospects for the establishment of closer relations between the two races. This policy had been attended by a reasonable measure of success.

The second stage was co-operation of Arabs and Jews in municipal affairs. A Municipal Corporations Ordinance had now been enacted under which in mixed centres of population there would be Jewish and Arab councillors working together. When the new municipal arrangements were in full working order, the third stage would be reached and steps taken towards the formation of a legislative body. The Commission would understand that, in Palestine, nothing would be gained by attempting to move too rapidly.

COUNT DE PENHA GARCIA asked whether a beginning could not be made by bringing the upper intellectual classes of Jews and Arabs together.

Mr. HALL replied that political feeling found its strongest expression among the more educated classes. There were, however, encouraging instances of co-operation between cultivators of the two races. Similar instances of co-operation were to be found in the commercial community. There were, for example, a number of companies with mixed boards of directors.

COUNT DE PENHA GARCIA, noting that the proportion of Jews to Arabs was roughly one to four, asked whether the accredited representative did not think that, in future, it might be desirable slightly to increase the proportion of Jews to Arabs.

Mr. HALL said that the mandatory Power was mindful of its dual obligation under the mandate. The Government adhered strictly to the policy that immigration should be governed by the country's economic absorptive capacity. As a matter of fact, the present proportion of Jews to Arabs was nearer one to five.

COUNT DE PENHA GARCIA said he was not suggesting that Arab rights should in any way be endangered. The present Arab majority was large. He had said that possibly the situation might improve if the numeric disproportion between the two races were gradually reduced. It might perhaps become easier to establish equilibrium.

M. PALACIOS welcomed the note of optimism which so frequently occurred in the accredited representative's statements. It happened, however, that he was Rapporteur on a petition from the Arab Independence Party protesting against the statements made by the accredited representative of the mandatory Power at the twenty-second session of the Commission; the whole policy of the mandatory Power was reviewed and the authors of the petition gave details from which it would appear that a very unfortunate state of affairs existed in the country.

The impression left by the information derived from various sources, including official sources, was that very little progress had been made in peaceful relations between the different populations of Palestine. The opposition between the various elements might even have become accentuated. Collaboration between Jews and Arabs appeared to be difficult, if not impossible. Co-operation between the Arabs and the Administration was no less difficult. The Press was responsible for spreading the rumour—echoes of the complaint had even reached the Commission—that the Jews were not satisfied with the policy of the mandatory Power, which seemed to them weak and hesitating compared with the comprehensive nature of an undertaking such as the establishment of the Jewish national home.

That was probably why the forces of the United Kingdom Government were strengthened from day to day. The conflict between the two peoples, Arabs and Jews, had made it necessary to bring in considerable police and military forces in order to maintain peace, or re-establish it when it was disturbed from time to time. Those same conflicts stood in the way of local autonomy—for the new ordinance was on restrictive lines—and of the organs of self-government. There seemed now to be no more talk of the Legislative Council, the creation of which was to depend on the success of the new municipal organisation. Even the term of office of the members of the Moslem Supreme Council appointed by the Government as an interim measure was tending to be continuous.

M. Palacios thought that the difficulties of the situation arose from the difficulties of the mandate and that there was perhaps no other solution to that situation, which was bound to be very slow in evolving. He simply wished to know whether his views, based upon the data to which he had just referred, were correct, and to allow the accredited representative an opportunity of correcting him or giving some explanation in regard to the problems in question.

¹ See Minutes of the Twenty-second Session, pages 81 and 82.

Mr. HALL said that he could not accept the assertion that relations between Jews and Arabs had deteriorated. There might have been no sensible improvement politically, but in the economic and agricultural spheres some progress had been made, and there were grounds for hope. The aim of the Administration was to promote by every means the welfare of Palestine as a whole. If it had not yet succeeded in certain directions, that was not through any lack of endeavour. That there had been complaints on both sides regarding the Government's immigration policy did not necessarily prove that that policy was wrong. The Government's special concern was to help the poorer classes and raise their economic and intellectual level. This policy was making headway in spite of material difficulties.

He did not accept M. Palacios's suggestion that the rights conferred by the new Municipal Corporations Ordinance were more restricted than those which had existed under the Turkish regime. The Government thought it prudent, in the interests of the ratepayers, to retain a certain measure of control in the early stages. The High Commissioner, however, publicly announced his confident anticipation that, as the elected councils gained experience and public confidence, a progressive relaxation of Government control would prove possible.

The Government had no intention of interfering with the internal affairs of the various religious communities. With the exception of the President of the Supreme Moslem Council, Haj Amin Husseini, the remaining four members of the Council had all been nominated to their offices as vacancies occurred, owing to the difficulties which would have attended the holding of elections.

M. PALACIOS further explained his views, which, he repeated, were based on the allegations contained in a certain petition and on various documents and other sources of information, some of them official, which had reached the Commission. The petitioners referred explicitly to the failure of the scheme for the participation of Jews and Arabs in receptions and administrative and other committees. Some were mentioned by name. As the Arabs insisted that they did not want a Legislative Council, Sir Herbert Samuel's policy in the matter would seem to have failed so far. Similarly, their aspirations appeared to lie outside anything that might be done as regards the Moslem Supreme Council—which had to do with the Waqfs and the Sharia courts—as long as they were refused what they described as their natural rights to independence and liberty. At the same time, the mandatory Power could not neglect to follow a policy of progress in conformity with Article 2 of the mandate.

M. Palacios was also very much alive to the importance of a religious policy ensuring the protection and liberty laid down in Articles 13, 14, 15 and 16 of the mandate. A timely recommendation was the more urgent in view of the problems that had arisen in connection with the window in the Church of the Nativity at Bethlehem and the conservation of the Church of the Holy Sepulchre (page 74, paragraphs 2 and 3 of the annual report).

Mr. HALL pointed out that the offer of a Legislative Council made by Sir Herbert Samuel in 1922 had been uncompromisingly rejected by the Arabs, who had boycotted the elections. The nomination of the members of the Supreme Moslem Council was an exceptional measure.

The Church of the Holy Sepulchre had been in imminent danger of collapse and the Palestine Government, with the acquiescence of the religious authorities concerned, had advanced about £2,500 for temporary buttressing in order to enable the Easter ceremonies to be held in safety. Before any permanent repairs were undertaken, those authorities would again be consulted as to the manner in which the necessary works should be financed and executed.

M. RAPPARD said he had been placed in a difficult position because he was called upon to make a report regarding the claim of Agudath Israel to be recognised as a separate community. The accredited representative had stated that morning that the Government had submitted no observations on this point because negotiations were in progress and it would be inexpedient to make any statement at present. Could he take it that any expression of opinion by the Mandates Commission on this subject would also be inexpedient at the present juncture?

Mr. HALL said that, if the Commission or His Majesty's Government were to disclose its views at present, the delicate negotiations now in progress would be prejudiced. There was good reason to hope that these negotiations would be successful and that an arrangement would be reached which would meet the requirements of Agudath Israel without compromising the unity of the Jewish community.

M. ORTS desired to point out that, contrary to the reassuring impression conveyed by the accredited representative at the previous meeting, the most recent petitions seemed to indicate a growing exasperation among the Arabs. Was the Government fully in touch with the situation? Was the intelligence service, which had not been in existence at the time of the 1929 occurrences, as wide awake as was stated?

Mr. HALL replied that the Palestine Intelligence Service, which had been re-organised after the disturbance of 1929, was now highly efficient.

M. ORTS enquired whether, with the means at its disposal, the Government could undertake to maintain order in any contingency.

Mr. HALL replied in the affirmative.

MUNICIPAL CORPORATIONS ORDINANCE.

M. PALACIOS said that paragraph 17 on page 8 of the report showed that the new Municipal Corporations Ordinance had come into force in 1934, the aim being to give effect to Article 3 of the Palestine mandate. On page 30 of the report, it was said that the draft text had been communicated to the Arab and Jewish organisations and to other local authorities for comment and criticism. According to the report, the principal objection which was taken to the draft was that it provided for the limitation of independence of municipal corporations by official intervention. The text was therefore altered to meet the objection as far as practicable and the freedom of action of municipal councils would now be subject only to that measure of control which was at present regarded as essential for the due discharge of municipal responsibilities.

The report further stated that the mandatory Power hoped that in time, as the municipal councils gained experience and public confidence, this control would be relaxed and the Government be ready in due course to consider the suggestions of the Councils to that end.

As, according to the *Oriente Moderno* of March 1934, the Ordinance had not entirely satisfied either Arabs or Jews, could the accredited representative supply the following information :

1. In what directions did the Ordinance mark progress in establishing local autonomy ?
2. Had any provisions of the Ordinance already been applied and, if so, which ?
3. Were the provisions of the Ordinance similar to any other system in force in the British Empire or elsewhere, and, if so, which ?
4. On what principle had the country been divided into municipalities ? Was the division the same as previously and what were the reasons for changes, if any ?
5. Under Article 8, paragraph 4, of the Ordinance, the High Commissioner in Council was allowed to increase or decrease the number of councillors in every municipality. Why had the High Commissioner the right in the municipalities of Haifa and Jerusalem to appoint only two municipal councillors ?
6. It appeared that many of the decisions reached by the municipal councillors must, according to the Ordinance, be approved by the High Commissioner or the District Commissioner before they could come into force. In what respect had municipal councils any responsible powers not subject to the control of the representatives of the mandatory Power ?

Mr. HALL, with regard to 1, referred the Commission to his reply to Count de Penha Garcia and M. Palacios. He would be ready to support his previous statement by a detailed analysis of the provisions of the Ordinance, if the Commission could spare the time.

With regard to 2, the answer was in the affirmative. Elections had already been held in some of the smaller municipalities. The preliminary arrangements for the elections had been completed in the larger towns, such as the appointment of electoral committees and the preparation of registers of voters.

With regard to 3, the Ordinance was modelled partly on municipal practice in the United Kingdom, on colonial legislation and on the original Turkish law, subject to such modifications as the discussions with local interests had shown to be desirable.

With regard to 4, previously existing municipal divisions had been preserved, with the addition of Tel Aviv, hitherto a township.

With regard to 5, the object was to allow the High Commissioner, if advisable, to nominate councillors to represent foreign interests. Both at Jerusalem and at Haifa, there was a considerable foreign commercial community.

With regard to 6, the aim of the restrictions was to ensure that the money of the ratepayers would be wisely expended. As he had already explained, the Government contemplated the relaxation of these restrictions when the municipal councils were working satisfactorily and had gained the ratepayers' confidence.

LEGISLATION RELATING TO THE PRESS.

M. PALACIOS noted (paragraph 3, page 56, of the report) that a new Press Ordinance had been promulgated. Why had the Administration deemed it necessary to alter the law on this subject ? According to the report, the incidents of October 1933 were largely due to Press propaganda. Was that why the new law had been passed ?

Mr. HALL replied that the Shaw Commission had pointed out that the Government's powers of control over the vernacular Press were inadequate and needed strengthening. Consequently, power had been taken in the new Ordinance to suspend the publication of a paper if it contained any matter likely to endanger the public peace. There had only been two instances of such suspension.

Lord LUGARD thought that the Ordinance went further than was usual. For instance, a permit had to be obtained before a newspaper of any kind could be published. If the newspaper were of a seditious character, he could understand this clause, but otherwise it seemed to be rather drastic.

Mr. HALL believed that a similar provision had existed prior to the new Ordinance, and that similar regulations existed elsewhere. It was necessary for the Government to know when and where newspapers were published and who was the responsible editor. He was not aware of any case up to the present in which permission had been refused.

IMMIGRATION : DIVISION OF LABOUR BETWEEN ARABS AND JEWS.

M. RAPPARD noted a statement on page 16, paragraph 46, of the report that the Palestine Government was considering the formation of a statistical office and the taking of measures to establish a closer relation between immigration and the absorptive capacity of the country. He wished the Administration every success. In spite of existing prosperity, he understood its reluctance to conclude that the upward trend would continue indefinitely. He was relieved to know that reports concerning the heavy immigration from Trans-Jordan were said to be exaggerated. He supposed that the authorities did not base their calculations on a sort of cancelling out of claims made by both sides. M. Rappard would be grateful if the accredited representative could give an indication as to what method the authorities adopted in reducing, for instance, the figures of 12,000 and of 24,500 claimed by the Jewish Agency to the 5,000 finally allowed.

M. VAN REES said that he also would be grateful to the accredited representative if he would explain in some detail how the competent organs proceeded to fix the annual quota of immigrants coming under category C of the Immigration Ordinance.

It was stated on page 31, paragraph 2, of the report that the Jewish Agency had submitted proposals, for 1933, for labour schedules of 37,240 workers belonging to that category, and that, after due consultation with the representatives of the Agency, only 11,000 certificates of entry had been granted. Such a considerable discrepancy called for more comment than was given in the report. If the Agency submitted a detailed list guaranteeing that, during the next six months, a certain number of workers could be given employment in various urban and agricultural undertakings in process of execution or on the point of being executed, and if, during its negotiations with the competent authority, the Agency supplied all the supplementary data required to justify its application, on what was the Government's decision based whereby it admitted only one-third or one-fourth of the number proposed? There must surely be some concrete grounds for such a decision. Immigration must not exceed the country's power of economic absorption. That was understood; but was an appeal to that principle—a particularly elastic one—sufficient to justify the decision taken even in the case where it had been demonstrated that the labour suggested by the Agency was actually required?

Mr. HALL said that the authorities certainly did not adopt any haphazard system such as the cancelling out of rival claims. The Zionist Organisation submitted its estimates of the number of labour vacancies it believed to exist, giving full details. These claims were then closely examined by the Director of Immigration assisted by his Labour Officer, in consultation with the Directors of Trade, Public Works and Agriculture. In the course of this examination, each item was discussed with the Jewish representatives, who were informed by the Director of Immigration of the grounds upon which he differed from their estimates. The final recommendations of the Director of Immigration were then submitted to the Government for consideration by the High Commissioner in Executive Council. The Commission would realise that the High Commissioner, who was responsible for the present and future welfare of the country as a whole, was bound to take a longer and more cautious view than the Jewish Agency. Having reached his decision, the High Commissioner, in communicating it to the Jewish Agency, informed that body, in general terms, of the reasons for reducing their estimates.

The Commission should also remember that each year from 2,000 to 3,000 Jewish children, and about twice as many Arab children, entered the labour market; also that the present arrangements for the reception and accommodation of Jewish immigrants were inadequate for the numbers at present authorised to enter the country. There was some local and seasonal shortage of labour.

There was some local and seasonal shortage of labour, for instance, during the citrus-picking season. On these occasions, town workers could be, and were, brought in to help, like the hop-pickers who went to Kent from London. The Jewish Agency had applied for the immigration of permanent settlers to supply this purely seasonal requirement. The Government had rightly declined this request. There was also a shortage of labour for building owing to the "boom" conditions at present prevailing in that industry. But the Government felt that it would be unwise to regard this as a permanent feature of the economic life of the country, and some discrepancy between the supply of labour and the demand could not be avoided if a proper measure of caution were to be observed at a time of rapid development. Moreover, this discrepancy had been aggravated by the fact that the Jewish Agency had frequently nominated under the labour schedules professional men and non-manual immigrants instead of working men. A selection of immigrants more in conformity with the requirements of the labour market would have mitigated instead of accentuating the shortage of labour.

It would be realised by the Commission that it was impossible for the authorities to verify the occupation, trade or profession of immigrants, at the time of entry, or to ensure that they did in fact occupy the vacancies which they had been nominated to fill. In replying to M. Van Rees' question, Mr. Hall said that he could assure the Commission that

the Government would not be deterred from its avowed policy by any pressure or political considerations.

In reply to a further question by Lord Lugard, he said that the Jewish Agency gave a guarantee for one year's maintenance, but not for specific employment, of each Jewish immigrant.

M. RAPPARD understood that the authorities examined the figures suggested by the Jewish Agency in the light of the existing position. Did they not also bear in mind the possibility of leaner times in the future?

Mr. HALL said that the High Commissioner, in examining the Jewish Agency's figures, necessarily bore in mind both present and future possibilities.

M. VAN REES said that he had listened with great interest to the accredited representative's explanations. He fully realised the Government's difficulties in attempting to fix the quota of workers authorised to settle in Palestine during a given period, and readily admitted that the Jewish labour organisation's proposals in the matter frequently proved to be over-optimistic, as the accredited representative had stated. At the same time, one could not but wonder if the extreme caution that the Government had shown in allowing, for the year 1933, less than one-third of the number of workers mentioned in the Jewish proposal was really in keeping with the considerable increase in the demand for Jewish labour resulting directly from the country's state of prosperity, and thus to a large extent with the increasing activity of the Jewish element. It seemed perfectly clear that, in a country like Palestine, there was a danger that the shortage of Jewish labour might not only affect the normal extension of Jewish undertakings of every kind but might be detrimental to the regular economic development of the territory as a whole. Did not the mandatory Power's report itself refer, in several places, to the period of unprecedented prosperity which Palestine was now enjoying? Did not that same report, on pages 97 (paragraph 6) and 226 (paragraph 7), refer to some, at all events, of the regrettable consequences of the shortage of Jewish labour?

While directing attention to those passages, M. Van Rees would venture also to refer to the letter of February 13th, 1931, from the Prime Minister of the United Kingdom to Dr. Weizmann, paragraph 16, of which read as follows¹:

"The practice of sanctioning a 'Labour Schedule' of wage-earning immigrants will continue. In each case consideration will be given to anticipated labour requirements for works which, being dependent on Jewish or mainly Jewish capital, would not be or would not have been undertaken unless Jewish labour was made available."

Could it be seriously maintained that that affirmation, which was perfectly clear, was adequately enforced, when the considered Jewish estimate of the labour requirements was reduced to one-third?

M. HALL said there was no general shortage of unskilled labour in the country if Arab, as well as Jewish, workers available were taken into account. There was, however, a certain shortage of "skilled labour"; but he understood that the Jewish Agency was experiencing great difficulty in finding members of skilled trades for nomination.

There was nothing to prevent the Jewish Agency, which was alone responsible for the selection of immigrants under the Labour Schedule, from nominating for vacancies doctors or traders in place of labourers or artisans, and, as he had already explained, this was, in fact, happening.

M. VAN REES asked why, if there had been only a shortage of specialised labour, it had been impossible to obtain the 30 per cent of Jewish labour required for public works, as mentioned in the report. Those works did not require only specialised workers.

Mr. HALL referred M. Van Rees to page 226 of the report, where he would find an answer to his question.

M. VAN REES wished to ask a final question: In fixing the number of workers who would be allowed to enter the country for settlement, was account taken of the position with regard to Arab labour?

Mr. HALL replied that there had been no necessity to do so up to the present. M. Van Rees would remember, however, that in the Prime Minister's letter to Dr. Weizmann, it was said that, if in consequence of the policy of the exclusive employment of Jewish labour by Jewish organisations, Arab labour was displaced or existing unemployment became aggravated, that was a factor in the situation to which the Mandatory was bound to have regard.

M. VAN REES said that that passage had not escaped his notice. But was it fair to interpret it without reference to what went before—namely, "The principle of preferential and, indeed, exclusive employment of Jewish labour by Jewish organisations is a principle which the Jewish Agency is entitled to affirm"? The passage referred to by the accredited representative did not then lay down a general rule.

Mr. HALL said he did not wish to be drawn, or even appear to be drawn, into an interpretation of the meaning of the Prime Minister's words.

¹ Document C.173.1531.VI and CPM. 1139.

The CHAIRMAN wondered whether one cause of Arab dissatisfaction was lack of method in allocating the work as between Jews and Arabs. Had there not recently been at least one case in which there had been a shortage of Jewish labour for certain work which Arabs could have done and that Arabs were not employed, although a large number of them were in need of work and that in consequence it was said that oranges had rotted on the trees ?

Mr. HALL said that a special enquiry had been made by the Government into this allegation and it had been established that no oranges had rotted on the trees in consequence of labour shortage or for any other reason. In certain Jewish groves, both Arabs and Jews were employed and worked side by side.

In reply to a further question by the Chairman, Mr. Hall said that Jews and Arabs were not paid at the same rates. The Federation of Jewish Labour insisted on standard rates of pay for Jewish labourers. Arab labourers were paid less.

The CHAIRMAN asked if it was then an admitted fact that Arabs were paid less for doing exactly the same work as Jews in the same establishment.

Mr. HALL replied that, in general, that was so. The Commission should, however, remember that the Arabs had not yet as high a standard of living as the Jews. The employment of Arabs and Jews on the same works had tended to raise the wages of Arabs rather than to depress the wages of Jews.

Lord LUGARD, referring to the "illegal immigration" mentioned on page 36 of the report, said it would seem that 22,600 persons had entered the country illegally in the last two years. The result of this was that, in November 1933, a new ordinance had been passed to allow the prosecution and deportation of these illegal settlers. Could the accredited representative inform him why no steps in this direction had been taken previous to November 1933? How could these people find occupation without becoming identified, and how could persons be prosecuted as illegal settlers if the offence had taken place before the promulgation of the law?

Mr. HALL said that the measures in question had not taken the form of a new enactment, but were of the nature of administrative instructions. The full extent of illicit settlement had been revealed by the census of November 1931. The illicit settlers mostly entered as travellers with a three months' permit. Once in the country, they concealed their identity and went into hiding. They were undoubtedly assisted in escaping detection by the connivance of Jews already established in the country. The number of illicit settlers was now accurately ascertainable by a system under which every person entering the country as a traveller had to sign a card on arriving and another on departure.

The CHAIRMAN thought it astonishing that not merely several hundreds but several thousands of persons should escape police control.

Lord LUGARD asked whether any persons had been prosecuted for connivance.

Mr. HALL said the police were seriously hampered because a large proportion of the Jewish population sympathised with the illicit settlers and withheld information and assistance from the police.

Lord LUGARD, referring to the new Immigration Ordinance and Regulations mentioned on page 38 of the report, asked whether, in future, entry of persons into Palestine "without legal permission" would be an indictable offence.

Mr. HALL replied that this had always been an indictable offence. The new Ordinance was merely a consolidation of previous ordinances.

Lord LUGARD said that, if that were so, the reference in the report to a "change" was misleading.

M. RAPPARD noted that, in awarding labour schedules, the authorities discounted a certain number of illegal immigrants. Did that not almost amount to official connivance at such immigration?

Mr. HALL did not think so. As he had explained, the Government had recently taken new measures to check illicit settlement. It could not be hoped that these measures would at once be fully effective. Consequently, the Government felt justified in deducting from the labour schedule a number representing its estimate of the probable extent of illicit settlement during the period of the schedule.

In reply to a further question by M. Orts, Mr. Hall stated that persons who entered the country as tourists and then endeavoured to settle there illegally were liable to a term of imprisonment not exceeding six months.

M. ORTS noted that steps were now taken to prevent illegal immigration of either Jews or Arabs over the Syrian frontier, but that there was a certain amount of seasonal Arab immigration, said to be unimportant, on the Trans-Jordan frontier. Persons travelling from Trans-Jordan to Palestine or *vice versa* did not require passports. What steps were taken, then, to prevent immigrants from settling permanently in Palestine?

Mr. HALL confirmed that persons entering Palestine from Trans-Jordan, or Trans-Jordan from Palestine, did not require to be in possession of passports. Transjordanians were not allowed to take up a permanent occupation or residence in Palestine without permission. If Transjordanians were to attempt to settle in Palestine without permission, they would be returned to their country. The estimated number of Transjordanians in Palestine did not exceed 1,000. There were certain seasonal movements of tribes in the Jordan Valley and in the south in connection with grazing, but these tribes always returned to their place of origin. Agricultural labourers from Trans-Jordan also came to work in Palestine for a month or two between seasons. Reports concerning immigration from Trans-Jordan were greatly exaggerated. The supervision exercised by the Government over frontier movements was effective.

M. ORTS said that, at a previous session,¹ it had been stated that certain Transjordanians had been allowed to settle in Palestine, but that no Palestinians had ever been allowed to settle in Trans-Jordan. The mandatory Power did not encourage the settlement of Jews in that country. The present discussion seemed to show that Jews were not only not encouraged but were actually prohibited from settling in Trans-Jordan. That meant then that nationals of countries Members of the League of Nations should not have access, if they were Jews, to Trans-Jordan, which was nevertheless part of the territory under mandate. Was that situation in harmony with Article 18 of the mandate ?

Mr. HALL said that Jews as well as all other persons could enter the country as travellers ; but that no foreigner could settle there without permission. There undoubtedly was at present a strong feeling in Trans-Jordan against the settlement of Jews. In view of this strong public opinion, the mandatory Power felt that it would be unwise for Jews to settle in the country in present circumstances.

M. ORTS agreed that the mandatory Power, which was responsible for public order, must be left to decide what measures should be taken to ensure it.

Referring to page 16 of the report, he noted that facilities had been given for the access of German Jews to Palestine. At the session in 1933,² it had been stated that the German Government authorised Jews who had received permission to enter Palestine to take with them the £1,000 required from Class A immigrants. What proof was demanded of the possession of that sum ?

Mr. HALL replied that the proof required was the transfer of £P1,000 to an approved bank in Palestine.

M. ORTS said that he had heard from a reliable source that the German Government did not authorise Jews to transfer £1,000 to Palestine, but simply delivered an affidavit to the effect that that sum had been deposited in a German bank. Such an arrangement would favour imports into Palestine from a given country. A Jew possessing one of those affidavits had no way of employing it except by importing £1,000 worth of German goods.

Mr. HALL said that he understood that arrangements had now been made by the Jewish Agency with the German authorities which permitted of the transfer of the necessary capital. Moreover, the Immigration Ordinance allowed of part of the necessary capital taking the form of stock in trade, etc. This concession was of general application. The actual number of immigrants in Category A, whether of German or other origin, who took advantage of this concession was, however, very small.

COUNT DE PENHA GARCIA asked whether there might not be some danger of a situation arising in the future in which the Jews in Palestine would be the trading and professional class and the Arabs merely the labourers. Would not such a situation increase the opposition between Jews and Arabs ?

Mr. HALL thought there was little danger of such a situation arising. The policy adopted by the greater proportion of Jewish employers of using Jewish labour for Jewish enterprises would operate to prevent this.

COUNT DE PENHA GARCIA asked whether the formalities of admission could not be simplified. There had been complaints that the procedure took too long.

Mr. HALL said that, so far as the Government was concerned, the formalities were extremely simple, the nomination of immigrants for the quota granted being left in the hands of the Jewish Agency.

M. SAKENOBÉ, with reference to the special facilities granted in 1931 to illegal settlers to regularise their position by applying for registration, asked whether this arrangement still held good.

Mr. HALL replied in the negative.

M. SAKENOBÉ asked whether persons who entered and settled in Palestine with a traveller's visa had any possibility of applying for registration during that period. Would they be accepted as immigrants under the same conditions as before ?

¹ See Minutes of the Twenty-third Session of the Commission, page 98.

² See Minutes of the Twenty-third Session, page 103.

Mr. HALL replied that, during their three months, they could make such application. On the expiration of the three months, if they had not left the country, or had not obtained permission either to extend their stay as travellers or to remain permanently, they became illegal settlers.

LABOUR ORGANISATIONS.

M. SAKENOBÉ asked whether any other labour organisation existed in Palestine besides the Jewish Labour Federation, which was, he understood, connected with the Labour Party.

Mr. HALL replied that details concerning various unions would be found on pages 100 and 101 of the report. The General Federation of Jewish Labour was the principal union in Palestine, with more than 40,000 members, though an independent labour organisation had now been set up by the Revisionists. He could not forecast what would be the future of the new union.

FOURTH MEETING.

Held on Friday, June 1st, 1934, at 10.30 a.m.

Palestine and Trans-Jordan : Examination of the Annual Report for 1933 (continuation).

Mr. Hall and Mr. Nurock came to the table of the Commission.

LAND REGIME : LAND DEVELOPMENT SCHEME.

M. VAN REES noted (page 10 of the report) that, up to December 31st, 1933, the Development Officer had received 3,225 applications for admission to the register of landless Arabs. At that date, 652 Arab heads of families had been admitted to the register ; 2,541 claims had been disallowed and 532 claims were still under examination at the end of the year. The sum of the last three figures was 3,725, exceeding the total claims by exactly 500. What was the explanation of that discrepancy ?

Mr. HALL said that he hoped to give an explanation in the course of the meeting ; and, at a later stage, explained that there appeared to be a typographical error, he suspected, in the figure of claims awaiting examination.

M. VAN REES suggested that it would be of interest to know how many Arabs whose claims were admitted had been evicted, with or without compensation, by their compatriots, and how many of those who had been evicted following on the sale of land to the Jews had not received compensation. He suggested that the enquiry now proceeding should be used, if possible, to supply information for the next annual report.

Mr. HALL explained that, in general, Jews took over land from the Arab landlords, with a proviso that it would be handed over free of encumbrances. Thus, generally speaking, it was the Arab vendors (not the Jews) who were responsible for obtaining eviction orders where necessary in order to give vacant possession. In certain cases, however, former tenants had returned to the land and the Jewish owners had then been obliged themselves to take proceedings for their eviction. It was customary for the Jewish purchaser to pay compensation for crops left on the land and for disturbance.

M. SAKENOBÉ said that he was surprised at the slowness of progress of the resettlement scheme ; about 650 Arab heads of families were registered and the Government had acquired, up till now, about 15,000 dunums of land for their resettlement. The Wadi Hawareth Arabs had rejected the invitation to take up holdings in the Baisan and Jenin sub-districts, while, of the remaining registered Arabs, only 146 had declared their readiness to accept (see page 10, paragraphs 23, 24 and 25 of the report). What were the conditions attaching to the offer that had led to such wholesale refusal ? He could not understand how the Arabs themselves, without any land to cultivate, could stand the delay in settling.

Mr. HALL replied that the first cause of delay was the difficulty in purchasing from private owners suitable land, free of tenants, there being insufficient areas of State land available for the purpose. The land had then to be drained and otherwise prepared (irrigation channels, etc.) for cultivation. The most general reason for the reluctance to accept the Government's offer was to be found in the Arab's deep attachment to his own locality. A settlement in Baisan had first been offered to the Wadi Hawareth Arabs, who had refused it as being too distant from their habitat. The Government now proposed to drain an adjacent area of marshland belonging to the State, upon which they had expressed their willingness to settle ;

that should solve the problem. The same difficulty was not to be anticipated in the case of the Jenin settlement, where it was proposed to settle Arabs belonging to the immediate neighbourhood.

Pending settlement, the Arabs had been able to obtain casual employment in the towns and in neighbouring settlements.

M. SAKENOBÉ observed that when the question of a land and agricultural development scheme was examined by the Palestinian Government special note was taken of the very poor condition of Arab cultivation in the hill districts, and the urgent necessity for teaching them an intensive method of cultivation was strongly emphasised. He wished to know what special measures had since been taken in this direction.

Mr. HALL replied that £50,000 of the £2,000,000 loan had been set aside for loans to the hill Arabs. The loans would be used for planting fruit-trees, terracing, etc. But it was also hoped to improve the condition of these Arabs by co-operation. In addition, hill stations had been started in which horticultural instruction would be given.

M. SAKENOBÉ thought that the establishment of the hill stations was a particularly significant and beneficial measure. It was essential to instruct the Arabs, or the money loaned to them would never be spent in a useful way.

Lord LUGARD, referring to paragraph 41*a* (page 15) asked whether Mr. Hall did not fear that the negotiations for the Agricultural Mortgage Bank might be prejudiced by the new Protection of Cultivators Ordinance, which seemed to create statutory rights for squatters. Banks would be unwilling to advance money on the mortgage of land if they had continually to watch that such rights were not being created.

Mr. HALL said that the financial groups who were concerned in the formation of the proposed Agricultural Mortgage Company represented to the Government that the effect of the Protection of Cultivators Ordinance, of 1933 would be to depreciate the value of the security, for long-term agricultural loans, and their representations were now under consideration. He himself thought that they were mistaken in that view, since the Ordinance provided no protection for tenants who did not pay rent or who grossly neglected their holdings. Thus, rights under the Ordinance could only be claimed by satisfactory tenants, and the existence of such rights should not, he thought, impair the value of the mortgage. He did not anticipate that this difficulty would prove insurmountable.

M. VAN REES referred to a passage in the report (page 45) which stated that 36,991 dunums of land had been purchased by Jews from non-Jews at a total cost of £P854,796 in 1933, the corresponding figures for 1932 being 18,893 dunums at a total cost of £P148,881. Those non-Jewish vendors appeared to him to have done a very good stroke of business. Who were they, exactly?

Mr. HALL said that they were almost entirely Arabs, not necessarily all large landholders.

M. VAN REES objected that if the Arabs themselves kept on selling land, there seemed to be no real meaning in their continual protests and requests to the High Commissioner to prohibit the sale of land to Jews.

Mr. HALL replied that it was not necessarily the same people who made the protests as sold the land.

M. VAN REES replied that the petitioners were only asking then to be protected against their own weakness.

Referring next to the statement that 300 State domain properties had been leased and £P4,421 collected in rent in 1933 (page 45 of the report), he enquired whether those transactions concerned Arabs only or whether account was taken of Article 6 of the mandate and part of such properties leased to Jews.

Mr. HALL said that such properties were leased both to Jews and to Arabs.

Lord LUGARD asked if details were available of a scheme of colonisation on the frontiers of Syria, to which reference had been made in a Jewish paper.

Mr. HALL suggested that the accredited representative of Syria might be better able to answer that question, as the proposed settlement was, he believed, within the borders of Syria. He stated, in reply to Lord Lugard, that the *mafruz* system was a form of individual tenure of land.

AGRICULTURAL POLICY.

M. RAPPAUD said that he had been interested in the previous day's exchange of views on agriculture and land; the country as a whole, he understood, was prosperous, but agriculture was in difficult circumstances, the cause being not so much the lack of markets as the four years' drought and poor crops. As to remedies, the Commission had been told that credits could be secured on crops. If, however, the real cause of distress was the continuous drought, no credits could help, and, clearly, with the increase of population, and under the prevailing

policy of agricultural protection there must be a market, so that credits would be unnecessary when droughts had ceased. Was he right in thinking that the only effective form of relief was to be found in drainage and similar works?

Mr. HALL thought that natural circumstances were only a partial explanation. Undoubtedly, by inculcating better methods, such as mixed crops, and introducing drought-resisting seeds, better stock and irrigation, much could be done, and, for that, credits were necessary.

M. RAPPARD enquired whether the increase in population and in wealth in Palestine had had any repercussion on the local market for agricultural products.

Mr. HALL replied that the increase in population was probably largely neutralised by the increase in the number of cultivators and increased yields under intensive farming. Owing to the failure of local harvests, the cultivators of Palestine had not as yet derived the full benefit of their own protective tariffs; and, in addition, citrus and soap exporters had been severely affected by the high tariffs recently introduced in Egypt.

JUDICIAL ORGANISATION : RELIGIOUS COURTS.

The CHAIRMAN noted that, in the land courts, 610 cases had been entered and 600 decided, but that 729 were still outstanding at the end of the year (page 63 of the report). Could the accredited representative explain why so many cases were still outstanding? Was it perhaps due to there not being sufficient personnel?

Further, it was stated (page 64) that the pending cases in the Supreme Court numbered 234 at the end of 1933, an increase largely due to a vacancy on the Bench. Had that vacancy been filled?

It appeared also that sixteen persons had been sentenced to death (page 64). For what offences?

On page 68, the total should, he thought, read 2,506 instead of 506, under the total for magistrates' courts.

Mr. HALL replied that the last point was due to a printing error.

Land cases in Palestine, he explained, sometimes necessitated the calling of large numbers of witnesses, and the complexity of the cases rather than a shortage of judges accounted for delay. The Government, he stated, was filling the vacancy in the Supreme Court.

Murder was in every case the crime for which sentence of capital punishment had been imposed. The High Commissioner possessed the right of pardon, and had actually exercised it in three cases during 1933.

COUNT DE PENHA GARCIA wished to direct attention to a certain anomaly in the attitude of the mandatory Power towards certain religious courts. During the Turkish regime, when there had been a State religion, it was understandable that there should also have been religious courts of a single religion subsidised by the State. Since the advent of the mandatory Power, however, the fact of subsidising the Moslem courts alone appeared to imply an inequality as between those courts and the other religious courts.

M. RAPPARD observed that a petition had been received by the Mandates Commission in which that very point came up. The Moslem courts, it was claimed, were subsidised, while the Jewish courts received no aid. The mere fact of there being an historical basis for that situation was hardly a sound reason for perpetuating the anomaly under the regime of the mandate.

Mr. HALL replied that the attitude of the Government towards this question was not based merely upon the maintenance of the *status quo*, but principally upon considerations of administrative convenience and efficiency. The Government recognised a responsibility itself to provide a means—if other means were not available—for the adjudication of matters of personal status according to the religious laws of the several communities concerned; but the Government was entitled to choose the means to be adopted. The payment of subsidies to courts over which the Government exercised no financial or other control was not a means which commended itself. By taking over *en bloc* the system of Shari'a courts which existed in Palestine before the war, the Government considered that it had made the most economical and efficient arrangement for the administration of the law of personal status of the vast majority of the population. There was here no question of a subsidy. The Government paid the salaries of the Shari'a court officials over whose appointment it had a measure of control, and received the fees; at present there was a deficit, but the deficit had been reduced and might be expected to diminish further. The Government did not consider it either advisable or practicable to extend this particular system to other communities in which the same conditions did not exist; but, as His Majesty's Government had stated, the Palestine Government was prepared to make suitable arrangements if any community desired, for the administration of the appropriate law of personal status.

M. RAPPARD said that, none the less, two systems remained in being: one was financed by the Government, and one was not. If the Government offered the Jewish courts the same conditions as applied to the Moslems, and the Jewish courts turned down that offer, the apparent injustice would then disappear.

Mr. NUROCK said that the courts of the Christian religious communities administered their own codes of law without Government subsidy or control.

M. RAPPARD observed then that, if any discrimination existed, it was at the expense of the Christian Arabs as well as the Jews.

Mr. HALL pointed out that discrimination would only exist if the Government withheld a means of settlement of personal status cases—but that it had not done. It would be prepared to take over Jewish cases, but it would choose its own means.

He stated, in reply to Lord Lugard, that the magistrates, just as the judges, all possessed the necessary judicial qualifications, the difference between the various courts being simply one of jurisdiction. Precedence was now given to the hearing of criminal cases.

MINIMUM AGE OF MARRIAGE FOR GIRLS.

Lord LUGARD expressed his satisfaction that the minimum age of marriage for girls had now been raised to 14 years and that the heads of the various religious communities had, without exception, concurred (page 67, paragraph 32, of the report).

CUSTOMS AGREEMENT BETWEEN PALESTINE AND SYRIA.

M. ORTS enquired whether the Customs Agreement concluded with Syria was provisional or whether it was binding upon the territory for a definite length of time. It was, he presumed, concluded on the basis of Article 18 of the mandate, which provided that the Administration of Palestine, might, on the advice of the Mandatory “conclude a special Customs agreement with any State the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia”.

Mr. HALL replied that the Agreement was concluded in virtue of Article 18 of the mandate and was definitive, but that it could be denounced at six months' notice.

M. ORTS asked whether goods liable to import duties under the general tariff were exempted under the “Syria-Palestine Customs Agreement”. Certain industrial products imported duty-free competed with local industry. Was any revision of that Customs Agreement contemplated?

Mr. HALL could not go so far as to say that none of the products imported competed with local industry. Industrial products found a place among the exemptions, which, however, for the most part related to agricultural produce.

No revision of the Customs Agreement with Syria was contemplated.

EXECUTION OF THE WORK FOR THE CONSTRUCTION OF HAIFA HARBOUR : ECONOMIC EQUALITY.

M. ORTS observed that the Mandates Commission had asked the previous year for detailed information on the arrangements for the construction of Haifa Harbour.¹ That information was now given on page 235 of the report, but the explanation appeared to him somewhat involved. Had the firm of Messrs. Rendel, Palmer & Tritton received privileged treatment in the matter of the Haifa works? Had it been remunerated, in its capacity as a firm of consulting engineers? Had that same firm supplied the material for those works, or had it acted as middleman in the purchase of that material, and, if so, had it received a commission?

Mr. HALL stated that the firm in question had acted as Government's consulting engineers; and in that capacity had drawn up the designs for the harbour and advised on all technical questions connected with its construction. The firm had been paid fees for its services at the standard rates and beyond those fees had received no remuneration whatsoever. The firm had had nothing to do with the materials supplied, which, except for local material (cement, quarried stone, etc.), had been bought through the Crown Agents in the usual way.

M. RAPPARD asked whether the firm was normally a consulting firm, as distinct from a firm of constructing engineers.

Mr. HALL replied that they had always acted as consulting engineers, and in no other capacity.

M. ORTS asked whether non-British firms had been given direct contracts for the execution of public works.

Mr. HALL stated in reply that Haifa Harbour had been built by the Government. Sub-contracts had been given out, though whether in every case by tender or not he could not say. Stone and cement had been supplied by local Palestine firms.

Some of the most important building works in Jerusalem had been or were being carried out by non-British firms, for example, the Museum and the Post Office buildings, for both of which Italian firms were responsible.

¹ See Minutes of the Twenty-third Session of the Commission, pages 106 and 190.

CONVENTION CONCLUDED WITH THE ANGLO-PERSIAN OIL CO. FOR THE CONSTRUCTION
OF A PIPE-LINE.

M. VAN REES wished to draw attention to a passage in the report (page 72) as follows :

“ During the year, a Convention was concluded by the Government of Palestine with the Anglo-Persian Oil Co., Ltd., with a view to facilitating the conveyance of mineral oils by the Anglo-Persian Oil Co. through Palestine.”

He desired to know whether that second pipe-line was quite distinct from the one belonging to the Iraq Petroleum Co., Ltd.

Mr. HALL said that the second pipe-line, if built, would be quite separate from the one already in existence. The route was not yet decided, and he could not say whether the new pipe-line would have the same terminal as the first one.

M. ORTS asked whether the terms of the new Convention were the same as those of the earlier agreement and whether there was any question of a branch line through Syria.

Mr. HALL said that, subject to slight differences—such as the payment of annual sums to Trans-Jordan—the terms of the second agreement were substantially the same as those of the first. He had heard of no suggestion for a branch line through Syria.

The CHAIRMAN enquired whether the Iraq Petroleum Co. and the Anglo-Persian Co. would enjoy the same advantages in the port of Haifa.

Mr. HALL replied that the agreement gave the company similar rights at the Mediterranean terminal. The Iraq Petroleum Co.'s pipe-line was already through to Haifa and the company was erecting certain installations there.

INSTALLATIONS OF THE IRAQ PETROLEUM CO. IN THE PORT OF HAIFA.

The CHAIRMAN invited the accredited representative's views on information that had come to his notice to the effect that the installations set up by that company stood in the way of vessels entering the port of Haifa, such vessels frequently having difficulty in coming alongside. Improvements in the port of Haifa, it was maintained, were chiefly for the benefit of the oil company's docks, whereas they ought to serve the general interest of the territory.

Mr. HALL said that, in the original plan of the harbour, the construction of an oil dock was not envisaged. When it was decided to build an oil dock, the plan was altered and the lay-out of the harbour enlarged so as to provide space for an oil-dock without encroaching upon the area set aside for other shipping. The port had never been designed to take enormous vessels such as the *Conte di Savoia* or the *Queen Elizabeth*. It could take normal ships without difficulty.

The new Haifa oil dock would in fact prove a good investment as it would bring in an annual revenue of £30,000.

IMPORTS AND EXPORTS.

M. MERLIN congratulated the Palestine Government on the economic situation of Palestine at a time of crisis. He noted that, while the Customs returns had increased, the cost of collecting had decreased ; that showed the existence of sound administrative measures.

In the trade balance, he noted that, while imports totalled about £P11,500,000, exports totalled only £P3,500,000 (page 199 of the report). Perhaps the accredited representative would give the Commission some information as to the invisible items of the balance of payments.

Mr. HALL replied that the invisible imports were no doubt to be sought, partly in expenditure by tourists, whose numbers showed a continual increase, partly in remittances from abroad to Jews and non-Jews, partly in the expenditure of the British garrison and expenditure involved in works such as the Haifa port and the pipe-line.

M. MERLIN put a question as to the smuggling of gold between Syria and Palestine.

Mr. HALL replied that the smuggling of gold had been largely checked as the result of stricter frontier control on the part of the Egyptian and Syrian authorities. There were no restrictions in Palestine upon the import or export of gold (see page 185 of the report).

M. MERLIN asked what were the commodities in which Germany was concerned in the trade with Palestine. He noted from the export (page 201 of the report) and import tables that Germany figured second on the list of countries trading with Palestine after the United Kingdom.

Mr. HALL replied that the export trade to Germany was almost exclusively in citrus fruits.

HOLY PLACES.

M. PALACIOS enquired as to the position in regard to the Church of the Nativity at Bethlehem. He understood that the conflict arising out of the cleaning of one of the windows was still very keen.

Mr. HALL replied that the District Commissioner was doing everything in his power to promote a settlement of the dispute ; but, so far, he had not been successful.

M. PALACIOS drew special attention to the problems arising out of the dangerous condition of the fabric of the Church of the Holy Sepulchre. What had been done to prevent its collapse, and who would pay the cost? The question had been raised in the House of Commons.

He wished, in particular, to know whether those difficulties that had occurred in the Holy Places had caused the mandatory Power to revert to the Balfour suggestion of 1922 to appoint a Commission under Article 14 of the mandate, under conditions acceptable to the Powers and the religious bodies concerned.

Mr. HALL replied that the Palestine Government had merely advanced funds to prevent the immediate collapse of the church. He saw no reason to anticipate serious difficulty in arranging with the different Christian communities interested in the church for financing the permanent repairs. The sum involved would be a very large one ; and there was no suggestion that the Palestine Government should pay. This question would have to be taken up when the report on the condition of the building had been published.

So far as he was aware, His Majesty's Government had not reconsidered the question of setting up the Commission for the Holy Places.

The CHAIRMAN observed that his own experience of the country under the Turks suggested that each of the Christian communities concerned would be only too ready to defray the expenditure in question, in order to retain its rights over the building.

Mr. HALL answered that the action of the Palestine Government—the sole object of which was to prevent the collapse of the sacred edifice—was taken with the acquiescence of the three Christian communities concerned.

The CHAIRMAN enquired whether, in fact, they delegated their rights, as it were, to the mandatory Power?

Mr. HALL replied that the action was taken with their knowledge and acquiescence.

TRANS-JORDAN FRONTIER FORCE.

M. SAKENOBÉ thought it curious to see the recruitment of Egyptian and Sudanese conscripts and Druzes (page 83 of the report) in the Trans-Jordan Frontier Force. The report said that there was no difficulty in obtaining recruits.

Mr. HALL replied that presumably the recruits concerned were already domiciled in Palestine or Trans-Jordan. The Sudanese were possibly recruited for their known military qualities.

ARMS AND AMMUNITION.

In reply to a question by M. Sakenobé, Mr. HALL undertook in the report for the following year to give the number of licensed firearms (rifles, shot-guns and revolvers) in the mandated territory.

The figures given with regard to seizures of arms and ammunition on page III of the report included both seizures effected on the frontier between Trans-Jordan and Palestine and seizures elsewhere in Palestine. He undertook to distinguish between these two categories in the next report.

FRONTIER BETWEEN SYRIA AND PALESTINE : ACCESS OF SYRIANS TO THE SEA OF GALILEE.

M. ORTS asked whether there had been any criticism in Palestine since the coming into force of the 1923 Frontier Agreement with Syria.

Mr. HALL replied that no complaints had been received either from individuals or from Governments.

M. ORTS asked whether Syria had still access to the Sea of Galilee.

Mr. HALL replied that the Bon Voisinage Agreement of 1926 (see page 85 of the report) had preserved to Syrians pre-existing fishing and other rights in the lake. Syria had no territorial rights in respect of the lake other than those laid down in the 1923 Agreement.

M. ORTS pointed out that Palestine appeared to have given up more than she got.

Mr. HALL replied that in area, maybe, that was so, but not in value.

M. ORTS asked what was the value of what she secured.

Mr. HALL answered that the value from the administrative point of view of having the whole lake under one authority was very great. Smuggling and the control of fisheries would be almost impossible to deal with if the frontier line crossed the waters of the lake.

FRONTIER BETWEEN PALESTINE AND TRANS-JORDAN.

M. ORTS asked whether the frontier between Palestine and Trans-Jordan in the first (northern) section had been delimited.

Mr. HALL referred in reply to the description of the frontier on page 1 of the report. No alteration had been made.

TREATMENT OF PALESTINIAN NATIONALS IN CERTAIN COUNTRIES.

M. ORTS asked whether any steps had been taken to remedy the disadvantage in which nationals of the territory under mandate were placed in certain Central American countries (see annual report, page 37, and Minutes of the Twenty-third Session, pages 97-98).

Mr. HALL replied that the position was so far unchanged. The Commission would note that the restrictions referred to applied to all Asiatics, and not merely to Palestinians.

ANTIQUITIES.

Count DE PENHA GARCIA observed that the budget appropriation under this head had been £5,000 until 1929, since when it had been halved.

Mr. HALL replied that works of conservation had been transferred, he understood, to the Public Works budget in 1930. Further information on the point would be given in next year's report.

He further undertook, at Count de Penha Garcia's request, to forward to the Commission the quarterly review published by the Palestine Antiquities Department.

Trans-Jordan.

FRONTIER BETWEEN TRANS-JORDAN AND SA'UDI ARABIA.

M. ORTS put a question with regard to the frontier between Trans-Jordan and Sa'udi Arabia. Proposals had been made in a letter, dated May 19th, 1927, from Sir Gilbert Clayton to the Emir Feisal (son of Ibn Saoud), Viceroy of the Hejaz, for a settlement as follows: A straight line from the southern extremity of the frontier between Nedj and Trans-Jordan at the point where the meridian 38° East and the parallel 29° 35' North intersected to a point on the Hejaz railway-line two miles south of Mudawwara, and from the latter in a straight line to a point on the Gulf of Akaba two miles south of the city of Akaba.

The Viceroy of the Hejaz replied, on May 21st, 1927, that he did not see his way at the time to make a definitive settlement of the question of the frontier with Trans-Jordan. Being, however, desirous of maintaining cordial relations based on stable bonds of friendship, he was disposed to agree to the *status quo* in the Ma'an-Akaba district, and agreed not to interfere in the administration of the district until circumstances rendered possible a final settlement of the question (document Cmd.2951, pages 4 and 5; see also Minutes of the Eleventh Session of the Mandates Commission, page 114, and Twentieth Session, page 111).

The accredited representative for Palestine, in reply to a question at the twenty-third session in June 1933 (page 117), said that the question of the frontier had not been discussed in connection with the negotiations which had recently led to the conclusion of a Treaty of Friendship between King Ibn Saoud and the Emir Abdullah.

The Cairo correspondent of the *Temps* reported in the issue of August 17th, 1933, that the final position of Akaba and Ma'an had been settled on this occasion.

During recent hostilities between Sa'udi Arabia and the Yemen, the controversy which had arisen some years previously with regard to this district had been resumed in the Press of various countries.

M. Orts asked what had been the position of the boundary between the Hejaz vilayet and the vilayet of Syria under the Ottoman administration, and, in particular, which of the two vilayets contained the Akaba-Ma'an districts in dispute at the present time between Trans-Jordan and Sa'udi Arabia.

The position of Akaba would appear to have special interest in connection with the access to Trans-Jordan from the sea.

Mr. HALL replied that the position had not changed since the exchange of letters with Sir Gilbert Clayton. The frontier had never been delimited; it had never been formally accepted by King Ibn Saoud, who had, however, accepted the *de facto* position.

M. ORTS asked whether, in the accredited representative's view, Akaba formed part of Trans-Jordan.

Mr. HALL replied that Akaba was administered by the Trans-Jordan Government, who maintained there a staff of police and revenue officials. It was at present only a small fishing village.

The CHAIRMAN asked whether any protest in regard to the present position had been received from Egypt.

Mr. HALL replied that, to the best of his information, there had been no such protest.

PUBLIC MEETINGS ORDINANCE.

The CHAIRMAN asked for information with regard to the Ordinance of the Amir providing that no public meeting should be held in Trans-Jordan save with the permission of the Executive Council (page 244 of the report).

Mr. HALL said that the purpose of the Ordinance was to prevent repercussions of the troubles in Palestine, and it had proved effective for the purpose.

REPRESSION OF HIGHWAY ROBBERY.

The CHAIRMAN further enquired as to the law modifying Article 219 of the Penal Code in order to impose a heavier punishment for highway robbery (page 244 of the report).

Mr. HALL replied that there had been an increase of brigandage in Trans-Jordan, partly attributable to the failure of the crops.

ACQUISITION OF IMMOVABLE PROPERTY BY ALIENS.

M. VAN REES directed attention to an article in the *Oriente Moderno*, dated November 24th, 1933, to the effect that the Trans-Jordan Government had promulgated a law entitled "Law of 1933 on the Ownership and Disposal (*tasurruḥ*) of Immovable Property by Aliens", providing that no person of other than Trans-Jordan nationality should buy or receive in deposit or in any other way dispose of immovable property situated in Trans-Jordan, or rent such property for a period exceeding three years, without Government authority. The law was stated (in *Alif-be* of October 8th, 1933) to abrogate all preceding legislation to the contrary. Had that law actually been promulgated?

Mr. HALL replied that legislation to this effect had been introduced but had never become law. Under an old Ottoman decree however, which still held good in Trans-Jordan, foreigners were compelled to obtain the consent of the Government to any alienation of land.

M. ORTS argued that the Ottoman law was superseded by the provision of the mandate which proclaimed economic equality. Economic equality implied equal opportunity—that was to say, the principle of the open door. How was it possible to exercise in a country any economic activity—commercial or industrial—or to carry on one of the liberal professions, when one was not allowed to have permanent headquarters there?

Mr. HALL replied that there was nothing to prevent the lease of a headquarters. It was only the alienation of land to foreigners that required the permission of the Government. He could not agree that there was in this legislation any infringement of the principle of economic equality.

The CHAIRMAN enquired whether the expression "foreigners" included subjects of the mandatory Power?

Mr. HALL replied in the affirmative.

The CHAIRMAN further asked whether the object of the provision was to prevent nationals of Trans-Jordan alienating their land to Jews or others.

Mr. HALL replied that this was so.

FIFTH MEETING.

Held on Friday, June 1st, 1934, at 3.30 p.m.

Palestine and Trans-Jordan : Examination of the Annual Report for 1933 (continuation).

Mr. Hall and Mr. Nurock came to the table of the Commission.

Trans-Jordan (continuation).

CONSEQUENCES OF THE DROUGHT.

M. PALACIOS referred to Press reports with regard to the conditions of famine prevailing in Trans-Jordan which, it was suggested, were not due merely to the economic crisis, but to the general increase of taxation—a great part of which was attributed in the Press to the maintenance of a frontier force, the main object of which was to protect the oil pipe-line.

Was it a fact that certain of the tribes had applied to be allowed to emigrate and occupy the country vacated by the Assyrians?

Mr. HALL said he had never heard of any request by tribes in Trans-Jordan for permission to occupy the territory vacated by the Assyrians. He suspected that the report was wholly unfounded.

There had certainly been serious privation in parts of Trans-Jordan, as in Palestine, as a result of the series of droughts, but it had been relieved by the work on the pipe-line (which might be said, indeed, to have kept the tribesmen alive while it continued) and was now being met by a programme of public works by the Government of Trans-Jordan as well as by assistance in the form of a loan by Palestine,

The purpose of the Arab Legion, to which force M. Palacios had doubtless intended to refer, was to preserve public security throughout the territory and to stop frontier raids, not to protect the pipe-line. The pipe-line was not yet in use ; and he could assure the Commission that, if any special expenditure were in future to be incurred for its protection, it would be the oil company and not the Trans-Jordan Government that would pay.

PROPOSED MODIFICATION OF THE ELECTORAL LAW OF TRANS-JORDAN.

M. PALACIOS referred to a statement on page 244, paragraph 5 (II), of the report to the effect that proposals had been made to change the Electoral Law of Trans-Jordan with a view to (a) reducing the number of Christian and Circassian electors, and (b) making the whole country one electoral area.

Mr. HALL said that he presumed that the proposal in question indicated a desire on the part of the majority to reduce the voting power of the other elements. In any case, the proposal, as the Commission would observe, had been rejected.

LABOUR.

Mr. HALL further undertook, in reply to questions by Mr. Weaver, to ascertain whether there were any regulations in Trans-Jordan governing the employment of children in factories.

Palestine (continuation).

LABOUR.

Mr. WEAVER said the report contained full and interesting information on the labour situation in Palestine. It showed that there was practically no unemployment ; if anything, there was a shortage of labour. Wages were rising. Labour disputes were rather frequent, but there was a welcome tendency towards the conclusion of collective agreements with provision for arbitration.

The Convention concerning Forced or Compulsory Labour should be added to the list (on pages 94 and 95) of International Labour Conventions ratified by Great Britain ; although there was no forced labour in Palestine, the mandated territory was covered by Great Britain's ratification.

Mr. HALL said that should be done.

Mr. WEAVER asked whether any decision had been reached with regard to :

- (a) The inclusion of agriculture in the Workmen's Compensation Ordinance ;
- (b) The introduction of legislation on workmen's compensation for occupational diseases ;
- (c) The partial application of the Minimum Wage-fixing Machinery Convention, to which reference was made in the report (page 95).

Mr. HALL replied that the Palestine Government's proposals on all these matters were now under consideration by His Majesty's Government ; but there had been no time as yet to reach a decision.

Mr. WEAVER regretted that it was not found possible to apply the Sickness Insurance Convention in Palestine (page 95 of the report). He said the Government appeared to appreciate the Voluntary Sick Fund set up by the General Federation of Jewish Labour. Would it not be possible to encourage this institution and the development of other similar organisations ?

Mr. HALL replied that present conditions in Palestine made any action in that direction very difficult. The Labour Legislation Committee had reported against the proposals.

Mr. WEAVER said that the unemployment statistics (page 96 of the report) were obviously still inadequate, probably even for the Administration's own purposes. He suggested once again that it would be desirable to distinguish between the different categories of persons seeking employment.

Mr. HALL replied that the distinction was already being made, but on very broad lines. He admitted that the present unemployment statistics were defective, and looked for a marked improvement after the establishment of a Statistical Office. But, in the absence of any effective incentive to registration in the form of a comprehensive social insurance system, he could not undertake that even then the statistics would be exact or complete.

Mr. WEAVER suggested that it had been found in other countries that an employment exchange system facilitated the collection of statistics. Possibly, the Government might consider the institution of such a system, perhaps in connection with immigration policy. Incidentally, he noted the existence of fee-charging agencies in Palestine (page 99), the abolition of which was provided for in an International Labour Convention adopted in 1933.

The proposed new labour legislation was welcome. The amendment of the Prevention of Intimidation Ordinance, however, though understandable, was not without danger to the right of combination. What would be the position during a strike against the employment at lower rates of wages of workers of another race ? Further, did the Government encourage arbitration and conciliation ?

Mr. HALL replied that, up to the present, picketing in disputes of racial origin had led to serious disturbances of the peace and the Government had therefore been constrained to take action.

The Government favoured the principle of collective agreements and resort to arbitration. In one labour dispute in the past year, the district authorities had intervened to promote a settlement. But, in general, it was the Government's policy not to intervene in labour disputes.

Mr. WEAVER referred to the appointment of a trained part-time assistant under the Inspector of Welfare Work for factory inspection work in Jaffa, Tel-Aviv and the surrounding villages (page 103, paragraph 20). Did not the Government think the time had come to establish a proper Labour Department and inspectorate ? The present Director of the International Labour Office, in his report on Egypt, had drawn attention to the importance of a proper staff of inspectors in the application of labour legislation.

Mr. HALL replied that the Government was not yet prepared to establish a Labour Department ; but, if the Labour Legislation Committee's report were adopted, it was proposed to increase the staff of labour inspectors.

Mr. WEAVER welcomed the Employment of Females Ordinance (page 103, paragraph 22) and hoped to hear further news of its operation in future reports.

Lord LUGARD asked who were the " negroid girls " of whom the paragraph spoke.

Mr. HALL explained that they were the descendants of former slaves now employed in domestic service.

Mr. WEAVER regretted that the conditions of employment by the Iraq Petroleum Co. had only now been made known, after the pipe-line had been completed. Were a sixty-three hour week and the absence of any provision for a weekly day of rest the regular practice, or exceptional ?

He noted that Article XI of the Convention with the Anglo-Persian Oil Co., while giving the company facilities for recruiting labour, did not appear to impose any obligations on the company in respect of labour conditions (page 306 of the report).

Mr. HALL replied that, in the case of the construction of the pipe-line, the same workmen did not necessarily work every day. Cases of men working sixty-three hours a week or seven days in the week must have been very rare. It was quite out of keeping with the habits or inclinations of the Bedu to work seven days a week.

The Anglo-Persian Oil Co. had given the same assurance as regards fair conditions of labour as had the Iraq Petroleum Co.

Mr. WEAVER said he had received reports that the treatment of the dockyard workers in Haifa Harbour was unsatisfactory.

Mr. HALL replied that he thought it very unlikely that these reports were well founded ; but he would enquire into the matter.

ALCOHOLIC LIQUORS AND DRUGS.

Count DE PENHA GARCIA noted that the number of arrests and seizures in connection with the possession of narcotics had increased.

As regards alcohol, he noted that there was a decrease in the number of licensed premises, but an increase in the consumption of alcohol. He was particularly struck by the number of Moslem arrests (page 116) for drunkenness. The number of licensed premises should perhaps be still further reduced.

It would be very desirable to have separate figures for the urban and rural population, as in the case of some other territories under mandate, particularly because, as the representative of the mandatory Power had said, the consumption of alcohol in the villages was still small.

Mr. HALL replied that there was no evidence of any increase in the drug habit in Palestine. Almost all the seizures and arrests were in connection with transit traffic. Egyptians domiciled in Palestine were sometimes addicted to hashish ; but, generally speaking, the Arabs of Palestine did not take hashish.

Certain Moslems were addicted to " arak ", but the number of convictions for drunkenness per thousand of the population in the past year compared very favourably with the statistics in certain European countries.

As regards licensed premises, the new licensing bill provided for the establishment of licensing boards throughout Palestine with power to refuse licences without giving any reasons. There was at present practically no drunkenness in the rural areas, and the spread of alcoholism to those areas would in future be effectually checked by the new boards.

EDUCATION : PETITION FROM THE ARAB INDEPENDENCE PARTY (*continuation*).

The CHAIRMAN drew attention to the figures given on pages 119 and 120, paragraph 8, of (a) children of school age, and (b) children actually attending school, and asked why such a very small proportion of Moslem children were attending school, while practically all Christian and Jewish children of school age were receiving education.

Mr. HALL replied that the explanation was that the Government was not at present in a financial position to provide education for all Arab children in Palestine. The cost would be prohibitive.

The CHAIRMAN observed that, under the Education Ordinance, the High Commissioner was empowered to exempt certain institutions from the provisions of the Ordinance (page 56). What institutions?

Mr. HALL replied that they were institutions for the purpose of purely religious education.

Lord LUGARD said it was very satisfactory to see the transference of Arab children from Kuttabs to Government schools (page 127). Did the Hebrew University take Arabs?

Mr. HALL replied in the negative. A certain number of Arab students were given scholarships to enable them to study in the United Kingdom or at Beirut ; and the Arab College provided a pre-university higher education. But, otherwise, there was no other local facility for Arab students.

Lord LUGARD was very glad to note that the scheme of inducing students to engage in voluntary welfare work in the villages had been introduced (page 131). He thought it was most valuable. Was there any prospect of its extension? Had it been adopted by the Hebrew University?

Mr. HALL said that the voluntary welfare work done by twelve students from Beirut in certain villages in the Galilee and Jerusalem districts was of very great value. This was a new development. He believed that the Hebrew University had not yet tried the experiment.

M. PALACIOS wished to consult the accredited representative with regard to the objections and complaints (which he would read) in the petition of the Arab Independence Party (document C.P.M.1434). He would be grateful if the accredited representative could give any explanations in connection with the various points of this petition.

The authors of the petition said that, in order to prove that, in fifteen years, no constructive programme of education had been laid down, it was sufficient to mention the following facts :

“(a) That there are in Palestine about one thousand Arab villages, while schools are not established except in about 300 villages ;

“(b) That the number of Arab children, male and female, who are of scholastic age, amounts at least to 150,000, while only about 30,000 are accommodated in schools and that there are more than 100,000 boys and girls who are deprived of education for lack of schools, notwithstanding the intense and keen desire for education in the country ;

“(c) That thousands of pupils in towns seek admission to schools, but only one tenth of them are admitted ;

“(d) That, up till now, there exist no industrial schools and only one secondary-school with complete classes and that, had it not been for the endowment of Kadoorie, the Jew, there would not have been established in Tulkarm, two years ago, an agricultural school, to which the High Commissioner refers as though it were the result of the efforts of the British authorities ;

“(e) That the Department of Education which supervises the Arab schools is run by English officers who lay down the programmes and regulations ;

“(f) That the management of the schools adopts an intimidating attitude, prevents the teaching of national education, strictly watch the Moslem Arabs and demands from them to watch each other ;

“(g) That the head of this Department is, at the same time, the President of a foreign association known for its missionary activities.”

Mr. HALL replied as follows :

(a) The programme of expansion of rural schools had been suspended because the one-class system in village schools had been found unsatisfactory. The Government's new proposals for an increase of educational facilities in rural districts were mentioned on page 121 of the report.

(b) The statement that “there are more than 100,000 boys and girls who are deprived of education from lack of schools, notwithstanding the intense and keen desire for education in the country” was misleading. The number of applications for admission to Government schools which had to be refused was about 5,000 (page 121, paragraph 11). The proposed expansion of urban education would eventually make good this discrepancy.

(c) Mr. Hall invited attention to his reply to the allegation at (b).

(d) It was true that there was no Government technical school at present. It was, however, proposed to establish one at Haifa out of the proceeds of the Loan, and plans were now in course of preparation.

(e) The Commission would see, from page 117, paragraph 3, of the report, that of the 866 classified officers employed by the Education Department, only twelve were British.

(f) Mr. Hall could only say that there was no foundation whatever for this statement.

(g) The “foreign association known for its missionary efforts” was presumably the Y.M.C.A. The Director of Education was, he believed, a member of the local committee of this association.

M. PALACIOS was glad to have provided the accredited representative with an opportunity for making a statement—for which he thanked him—on these various points.

M. RAPPARD observed that the Grand Mufti was touring the world to raise funds for an Arab University. Did the accredited representative think the Arabs were more interested in higher than in primary education ?

Mr. HALL was not prepared to say that. The Arab leaders were concerned both to raise the educational standard of the fellahin and to promote higher religious education. The Arab University which the Grand Mufti wished to found would be a university on the lines of Al Azhar—that was to say, primarily a religious institution.

PUBLIC HEALTH.

M. SAKENOBÉ called attention to the prevalence of conjunctivitis in the southern parts of Palestine. He wished to know if the danger was over.

Mr. HALL said that the problem of conjunctivitis was a very serious one. The Government had expanded the ophthalmic services in South Palestine, and its campaign was already yielding good results (page 143).

PUBLIC FINANCE.

M. RAPPARD said that so prosperous were the finances of Palestine that she was able to invest large portions of her revenue abroad—in British and colonial stocks, though not apparently in Palestine itself—and draw a large income from this source. And yet she was now proposing to raise a loan. This policy had naturally given rise to criticism in certain quarters, in particular, in the British House of Commons.

He noted that, in defending the proposed loan in the House of Commons, Sir Philip Cunliffe-Lister had stated that orders to the amount of £600,000 would be placed by the Palestine Government in England. He would like further information from the accredited representative on this point; and in particular he would be interested to learn whether the initiative in regard to this loan came from Jerusalem or from London.

Mr. HALL replied that it would be unwise to regard the present revenues of Palestine as necessarily stable. Experience of the financial crisis of 1926-27 had shown that Palestine was not immune from periods of depression; there were, indeed, important elements in the revenue which were particularly sensitive to economic and other influences and liable to sudden contractions. It was specially important for the Palestine Administration to pursue a financial policy which would ensure that essential social services and public development continued without interruption or curtailment during periods of financial depression and falling revenue. On the other hand, the general good of the country demanded the early undertaking of certain capital works of development, for the most part directly remunerative financially and in every case socially beneficial. The Palestine Government was therefore confronted with the choice between expending its surplus balances and then facing the future prospect of having to suspend or curtail essential public services, and borrowing money on the most favourable terms while preserving its surplus balances as a reserve against hard times.

The Palestine Government, as he thought rightly, had chosen the latter course. It should be mentioned that, of the accumulated surplus balance of £2½ millions, over £600,000 was already hypothecated to expenditure. The Government intended at once to transfer to a Reserve Fund £1½ million and to add to this fund from future revenue surpluses, until it had reached the figure of £3 millions, representing a normal year's revenue.

The present time was particularly favourable to the flotation of a loan, owing to the low interest rate prevailing.

It was not a fact that the Government was investing at a low, and borrowing at a high, rate of interest. The average yield on its investments was at present 3.49 per cent; and it was hoped, thanks to the guarantee of His Majesty's Government to be able to float the new loan at a lower figure.

The initiative for the loan definitely came from the Palestine Government and not from the United Kingdom. The undertaking to place orders for materials in the United Kingdom was, in the circumstances, entirely fair and reasonable. Those circumstances were that Palestine, with an existing first charge on her revenues of the service of a loan of £4½ millions, wanted to raise another substantial loan on the most favourable terms obtainable. Without the guarantee of His Majesty's Government, Palestine would have had to pay a high rate of interest. That guarantee was possibly worth as much as 2 per cent to Palestine—namely, £40,000. But that was not the full extent of the assistance accorded to Palestine by His Majesty's Government. His Majesty's Government had already promised to meet from the Colonial Development Fund a proportion of the interest charges in respect of loan expenditure on the Jerusalem and other water and drainage schemes during the early years, amounting to a contribution of some £74,000. Detailed plans for other water and drainage schemes had not yet been completed; but there was reason to hope that, when the plans had been approved, further assistance would be granted from the same source, possibly amounting to as much as £46,000. In view of these facts, Mr. Hall felt confident that the Commission would agree with him that Palestine had not made a bad bargain.

In reply to a further question by M. Rappard, Mr. Hall said that he considered it a fair arrangement that 25 per cent of the expenditure of the Trans-Jordan Frontier Force should be defrayed by Palestine.

DEMOGRAPHIC STATISTICS.

M. RAPPARD enquired why no figures were available for emigration in 1932 and 1933 (page 181).

Mr. HALL replied that the figures of emigration totals were now only estimated.

APPLICATION TO PALESTINE OF THE IMPERIAL PREFERENCE.

The CHAIRMAN drew attention to the question of the application of the British Imperial Preference to Palestine with regard to which the Commission made an observation last year (Minutes of the Twenty-third Session, page 190).

Mr. HALL replied that the difficulties encountered by His Majesty's Government when it considered the question arose out of the most-favoured-nation clause of its commercial treaties with foreign countries. It was impossible to grant Imperial Preference to Palestine if as a result States with most-favoured-nation rights in the United Kingdom would thereby also be entitled to claim it. A number of States had been consulted and had replied to the effect that they considered that they would in fact be entitled to claim it, and His Majesty's Government had therefore decided to take no further action in the matter.

CINEMATOGRAPH.

Lord LUGARD asked if there was any policy in regard to educational films in Palestine, and if there was any censorship.

Mr. HALL replied that the British Social Hygiene Council had lent the Government films, which had been displayed to good purpose. Educational films were imported free of duty. The Government hoped in due course to arrange for the display of such films in the villages by means of a travelling cinematograph. All films were effectively scrutinised by a Board of Censors in Palestine.

CLOSE OF THE HEARING.

The CHAIRMAN thanked Mr. Hall for his frank and full answers to the Commission's questions.

Mr. Hall and Mr. Nurock withdrew.

New Guinea : Examination of the Annual Report for 1932-33.

Mr. McLaren, Acting High Commissioner for Australia in London, and Mr. Chinnery, Head of the Department of District Services and Native Affairs of New Guinea, accredited representatives of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVES.

The CHAIRMAN welcomed Mr. McLaren and Mr. Chinnery on behalf of the Commission. The Commission had already had the honour in the previous year to collaborate with Mr. McLaren and was also acquainted with Mr. Chinnery, who had represented the mandatory Power at the Commission's eighteenth session. The Commission had followed with interest Mr. Chinnery's remarkable achievements in the territory under mandate as Government anthropologist. For the last twelve months, Mr. Chinnery had been directing one of the most important departments in New Guinea. The Commission highly appreciated the fact that the mandatory Power had given it an opportunity of examining the annual report with the assistance of a high official of the mandated territory.

Mr. McLAREN thanked the Chairman, particularly for his reference to Mr. Chinnery, who, holding a high position in the Administration of the territory and being a member of the Legislative Council, would be in a position to supply the Commission with much up-to-date information.

FORM OF ANNUAL REPORT : MAP OF THE TERRITORY.

The CHAIRMAN noted with satisfaction that the annual report had been somewhat enlarged this year, particularly by the addition of a number of special reports, including Mr. Chinnery's report on applied anthropology in the territory under mandate (page 153). This latter report contained information which was of great interest to the Commission. He also wished to thank the mandatory Power for having appended to the report, in accordance with the desire expressed in the previous year by a member of the Commission, a revised and detailed map of the territory.¹

QUESTION OF CLOSER CO-OPERATION BETWEEN THE ADMINISTRATIONS OF NEW GUINEA, PAPUA, NAURU AND NORFOLK ISLAND.

M. PALACIOS noted that, according to an article entitled "Amalgamation in the Pacific" which had appeared in the Rabaul *Times* of December 15th, 1933, a Conference between the Administrators of New Guinea, Papua, Nauru and Norfolk Island had been convened at Canberra in February 1934. The object of this Conference was to discuss the possibility of introducing a uniform system of government and establishing closer co-operation between the above-mentioned authorities. Although this Conference had been convened for a date subsequent to the period covered by the annual report, could the accredited representative state whether it had taken place and, if so, what decisions it had reached?

¹ See Minutes of the Twenty-third Session of the Commission, page 21.

Mr. McLAREN said that the Conference had duly met at Canberra and had discussed the practicability of the amalgamation of the Administrations. The view generally expressed was that the territories had not yet reached a sufficient stage of development to warrant any action in this direction at present. On the other hand, the advantages of closer co-operation had been acknowledged and it had been agreed that, in future, each Administrator, in addition to reporting to the Minister in charge of territories, should, by monthly circular, advise the other Administrators of anything of interest regarding the application of present policies, any important changes, innovations or forms of development contemplated and any matters of administration likely to be of interest or assistance, the object being to promote a greater degree of uniformity in administrative methods.

M. PALACIOS said he was satisfied with this reply for the present. He hoped that it would always be borne in mind that the mandated territory was a separate entity.

In reply to Lord Lugard, Mr. CHINNERY said that there was no intention on the part of the Administration to alter the general policy with regard to New Guinea.

PENETRATION INTO AND CONTROL OF THE TERRITORY.

M. VAN REES, referring to the table in paragraph 38 on page 29 of the report, noted that, after deducting the areas under control, influence or partial influence in the territory, an area of about 50,660 square miles, or more than half the total area of the territory, remained unaccounted for. Were those areas completely unknown and unexplored?

Mr. CHINNERY said that, since the report had been drawn up, large tracts of new territory had been penetrated, prospected and patrolled. It was difficult to define, in terms of square miles, what area still remained unexplored, because unpenetrated regions occurred in various parts of the territory. He would presently be able to describe to the Commission, with the aid of lantern slides, certain large new areas recently explored in the central mountain ranges south-east, south and south-west of the Bismarck Ranges, where friendly relations had been established with newly discovered populations estimated to exceed 100,000. There were now few large areas remaining unpenetrated. Furthermore, considerable tracts of country were known to be uninhabited. Aircraft had been employed with great success, both in aerial reconnaissance work preceding penetration of land patrols and in transport, patrols being revictualled by planes. One result of this had been the establishment of aerodromes and landing-grounds in many places among the central ranges of New Guinea. Additional areas had been mapped since the publication of the map appended to the report.

In reply to a further question by M. Van Rees, who asked what was the meaning of the words "the total of the *counted* population" (mentioned in paragraph 54, page 33, of the report) which amounted to 400,000, Mr. Chinnery explained that this was the total population actually counted by the Administration. It did not include estimates of the inhabitants of unpenetrated or newly penetrated regions. For instance, it did not contain the large population recently discovered south of the Bismarck Ranges. It comprised 372,880 natives counted in villages, plus approximately 28,000 absent on indentured service.

RE-ORGANISATION OF THE PUBLIC SERVICE : SITUATION OF PUBLIC SERVICE OFFICIALS : LEGISLATIVE COUNCIL.

Lord LUGARD noted (paragraph 4 of the report) that the Administration had been completely re-organised somewhat on the lines of the British Crown Colony system. He noted, however, that the non-official member of the Executive Council was elected by the non-officials of the Legislative Council. Was there a special reason for this procedure, which was unusual?

Mr. McLAREN replied that the same system was followed as in the territory of Papua. The non-official member of the Executive Council was chosen by and from the non-official members of the Legislative Council.

In reply to a further question by Lord Lugard, Mr. McLaren said that he would be pleased to communicate to the Commission a summary of the proceedings of the Legislative Council.

Lord LUGARD was glad to see that the Government of Australia had appointed an official anthropologist and had also decided that cadets should go through a course of anthropology (paragraph 9). What would be the length of the course? Was special study leave granted for cadets?

He offered his congratulations to Mr. Chinnery on his promotion.

Mr. CHINNERY said that the course of anthropology referred to was twelve months' training at the University of Sydney. In addition, a special short course was often taken by district officers on leave. There was, however, no special system of "study" leave.

In reply to a further question by Lord Lugard (paragraph 12, "Exempt Employees and Temporary Employees"), Mr. McLAREN explained that the provision for appointments for

"specified periods" had been deleted from Section 13 of the Public Service Ordinance, and that any person engaged for a specified period was now classed as an "exempt" employee. "Exempt" officers were not employed in the higher administrative positions, but, in a number of cases, they were engaged upon technical work. The Minister was empowered to determine the rates of pay and conditions of employment of "exempt" officers, who were, in these respects, exempted from the provisions of the Ordinance. "Temporary employees" were not engaged for specified periods and were governed by conditions different from those applicable to "exempt" officers.

In reply to a further question by Lord Lugard, Mr. McLaren said that there were three divisions of the public service. The first division comprised the senior officers, such as heads of departments and district officers. The second division included, amongst others, the assistant district officers, patrol officers and cadets. Roadmasters, chainmen, mechanics and other non-clerical officers were included in the third division. All were white men.

LANGUAGE.

Lord LUGARD quoted a statement in the Press that the administrative staff was insufficiently acquainted with local languages. Was there any compulsory examination in languages as a condition for promotion? Even though there might be a multiplicity of languages, the knowledge of one was a great help. Was there no *lingua franca* at all?

Mr. CHINNERY replied that there was no such system of compulsory examinations in languages. A system of proficiency examinations existed, however, as a qualification for increments. The difficulty of examinations in languages arose because of the many languages spoken, even in small areas. In Morobé, for instance, probably thirty different languages or dialects were used. The Administration was endeavouring to teach and extend the use of English, and pidgin English was now fairly well understood and used throughout the territory. Some officials understood a local language, but the use of such languages was confined to a small area.

M. RAPPARD asked whether any of these languages had been reduced to writing and whether any grammars had been established.

Mr. CHINNERY said that, in the Morobé district, the Lutheran Mission had published grammars of a non-Melanesian bush language and a Melanesian language, and these languages were being taught in the mission schools throughout the district. In other parts of the territory, too, the missions had published grammars of local language.

AMALGAMATION OF THE DISTRICTS OF AITAPE AND SEPIK.

M. SAKENOBÉ noted from the report that the districts of Aitape and Sepik had been amalgamated (paragraph 11). Sepik was the largest district in New Guinea and Aitape was by no means a small one. What benefits were expected to accrue from the amalgamation of these two large districts?

Mr. CHINNERY explained that the country between the Torricelli and Prince Alexander mountains and the Sepik river consisted of heavily populated grass-land, across which it was a comparatively simple matter to establish communications. The inhabitants had linguistic affinities, and ready access to the whole area could be obtained through Wewak, which was a much more convenient port than Aitape or the Sepik River. The amalgamation had, therefore, been made in order to facilitate transport and the administration and development of the country.

PUBLIC FINANCE.

M. RAPPARD noted that the financial situation of the country was satisfactory, owing largely to the yield of royalties on gold mines. He called attention to the statement in paragraph 265, page 97, of the report, that "the indebtedness to the Commonwealth Government was reduced during the year 1932-33 by the repayment of an amount of £29,537 18s. 9d. on account of cash loans". He could not see any mention of this amount in the general statement of expenditure, unless it had some connection with the £21,632 1s. 5d. hidden away in the "Miscellaneous" section, under the item "Interest on and redemption of loans for new works". Even if this assumption were correct, the two figures did not seem to tally. Could the accredited representative explain this point?

Mr. McLAREN drew attention to footnote (e) on page 93, which showed the miscellaneous item mentioned by M. Rappard to be "due to liquidation of loans referred to in paragraph 265". The item included interest on, as well as payments by way of redemption of, loans. The loan indebtedness to the Commonwealth Government was reduced during the year by special payments, from revenue, amounting to £19,537 18s. 9d. (included in the miscellaneous item referred to). These, with a further payment to the Commonwealth Government of £10,000 from Trust Funds, produced the total of £29,537 18s. 9d. quoted in paragraph 265 (page 97). The payment from Trust Funds was authorised by the Loan Ordinance 1933, which empowered the Administrator to borrow from that source a sum of £22,000, to be used (a) in reducing the debt to the Commonwealth Government by £10,000 and (b) in repaying

the balance (£12,000) of an earlier loan from Trust Funds borrowed under the authority of Ordinance No. 27 of 1928. The earlier loan from Trust Funds thus redeemed had carried interest at the rate of 5 per cent. The interest on the 1933 loan from Trust Funds was at the rate of 4 per cent.

M. RAPPARD hoped that in future these transactions would be set out in the report in a somewhat simpler and more easily comprehensible form. He was glad to note that the various separate "funds" were gradually being replaced by a unified system of accounts.

Lord LUGARD asked whether the head tax of 10s. referred to in paragraph 55 was not rather high. It was stated that a number of natives were unable to pay the tax. In such cases, could not a reduced tax be authorised? Had natives in the interior any money to pay in cash?

Mr. CHINNERY explained that when copra prices were normal, natives found little difficulty in meeting this tax, which they paid in cash. Even in the interior, cash was available as a result of trade between the natives of the interior and the coast. Furthermore, the people of both regions sold native food and commodities to traders. When natives were unable to pay, they were exempted or, in some cases, smaller sums were accepted.

In reply to a question by Lord Lugard, Mr. Chinnery said that the grants for native welfare had been abolished, owing to the economic depression in Australia, and had not been reinstituted.

JUDICIAL ORGANISATION.

The CHAIRMAN drew attention to the statement on page 22 of the report that the district courts had convicted thirty-three Europeans of assaulting labourers. According to the information given on page 39, the penalties seemed to be rather light.

Mr. CHINNERY said that each case had been carefully considered on its merits. Reports had frequently been examined at headquarters. He was convinced that, where a fine was light, it was justified. The Chairman would notice that, in the more serious cases, the fines were much higher.

The CHAIRMAN observed that sixty-two natives had been convicted during the year by the Central Court for wilful murder (page 21 of the report). There had only been nineteen convictions in the previous year. Could the representative explain these figures?

Mr. CHINNERY replied that it was probably because the territory was now being more effectively patrolled.

ARMS AND AMMUNITION.

M. SAKENOBE, referring to the table on page 40 of the report, noted that there had been a large increase in the importation of arms and ammunition of every kind. The number of permits issued had also increased considerably. He asked the accredited representative to explain this.

Mr. CHINNERY said that the increase was probably due to a greater number of Europeans entering new country. Such parties were bound to go armed. M. Sakenobe would also realise that, in the tropics, arms deteriorated and had to be replaced.

NATIVE CUSTOMS : POLYGAMY.

Mr. CHINNERY, in reply to a question by Lord Lugard, said that the Lutheran Mission insisted that its converted natives should abandon all their "native dancing". So far as he could see, this prohibition had not resulted in any apparent apathy among the natives.

M. PALACIOS noted that, in the special report on applied anthropology appended to the annual report, it was stated (page 158) that the new social and religious ideas introduced struck killing blows at the very root of native culture and that in almost every district where missions have become established the old customs are rapidly disappearing. Were not the missionaries prepared to maintain and develop whatever might be healthy and valuable in native culture and customs?

Mr. CHINNERY replied that it was definitely the policy of missions and the Government to improve the moral and material welfare of the natives. There was not always agreement, however, as to what was healthy and valuable in native life and, as indicated in the anthropological report, the various European interests imposed their own standards of development on native institutions.

M. PALACIOS asked whether there was any opposition among the population to the abolition of native customs.

Mr. CHINNERY replied that there was a resistant element among the older people, but that the younger natives now attending school were becoming permeated with new ideas, which would probably result in substantial changes in the coming generation.

M. RAPPARD, with regard to the gradual suppression of polygamy, noted that throughout the territory there were 10 per cent more males than females. What were the relations between this circumstance and the disappearance of polygamy?

Mr. CHINNERY said that he sympathised with the missions in their attitude towards polygamy. It often happened that old and wealthy men had a number of fruitless wives, while younger men were deprived of women.

SIXTH MEETING.

Held on Saturday, June 2nd, 1934, at 10.30 a.m.

New Guinea : Examination of the Annual Report for 1932-33 (continuation).

Mr. McLaren and Mr. Chinnery came to the table of the Commission.

RE-ORGANISATION OF NATIVE POLICY.

Count DE PENHA GARCIA congratulated the mandatory Power on the revolutionary change in the native policy of the territory. The fact that District Services and Native Affairs now formed a single department, directed on anthropological lines, was of happy augury in solving the difficult problems that always arose from a contact of races. He asked that any publications on applied anthropology and the questionnaires, if any, used by the Administration might be communicated to the Commission.

REPRESENTATION OF NATIVE INTERESTS IN THE GOVERNMENT COUNCILS.

Lord LUGARD said that he would venture to make a comment on the debate in both Houses of the Australian Parliament on the New Guinea Bill, which he had read with the greatest interest. The representation of native interests had been very fully discussed, and the Government had seen no reason to include in the Act any provision for a member specially charged to represent those interests. He ventured to think that that decision was fully justified and—since legislative councils in the colonies were, he thought, confined to British dependencies—he might perhaps explain the reason for his opinion. So long as the non-official members were nominated by the Governor or Administrator, it was properly left to the latter's discretion, subject to confirmation, to select the men who, in his opinion, were best qualified to advise him. But, as soon as the principle of election of non-officials was introduced, it might be necessary (especially if the franchise was not extended to the natives) that the natives should have some special representation, if not direct, then by proxy.

LABOUR.

Lord LUGARD noted the passage in Mr. Chinnery's presidential address (page 158 of the report) that, as new villages are brought under control, recruiters and others "count the districts for labour", and men were "taken away for a minimum period of three years to various parts of the territory, leaving for the first time their families and wives". He added that there were 3,000 adult males in compounds at Rabaul alone. Under the Native Labour Ordinance, the term of indenture was three years (page 171), but Lord Lugard pointed out that the Native Labour Committee of the International Labour Office had been drafting recommendations for a Convention regarding contract labour, and the delegates of the different nations represented on that Committee had been unanimous in the view that long contracts were responsible for great harm. Would it not be possible in New Guinea to reduce the length of contracts to six months, or at most a year?

Mr. CHINNERY explained that three-year contracts of service were necessary to enable employers to train natives making an indenture for the first time. In planting- and mining-circles, a labourer was regarded as of little use for the first year, and the employer only derived any benefit from his services during the period following. After one contract, a native could be signed on for one or two years, as he pleased. Gradually, by a process of rotation, the natives would come to be more or less trained, and the tendency might then be to take natives living near by for a shorter period. At present, owing to time lost in travel and training, employers could not be expected to do so.

The CHAIRMAN asked what was the punishment in cases of breach of contract, if, for instance, a native ran away. Was corporal punishment inflicted?

Mr. CHINNERY replied that that was not allowed. The native was liable to be sentenced to a short term of imprisonment, with hard labour, during which time he would receive no wages. The mere fact of detention, away from his fellows, with prison labour, often acted as a corrective.

In reply to Lord Lugard he added that there was a movement on foot to encourage women to accompany their husbands; that had been the position all along, but lately there had been additional activity to this end. An important commercial firm was definitely trying to induce married recruits to bring their wives with them.

Lord LUGARD reminded the accredited representative that it had formerly been the rule in New Guinea that a labourer was compulsorily repatriated on the conclusion of his contract, before being allowed to re-engage. Was this excellent rule still in force?

Mr. CHINNERY replied that the general practice was for labourers to return first to their villages, but that exceptions were allowed.

Mr. WEAVER asked that the next report might show the approximate number of natives who returned to their homes before re-engaging.

Lord LUGARD pointed out that, according to paragraph 75 of the report, the total number of natives who, during the year, on the expiration of their old contracts, had signed new ones was 5,761. The preceding year, the number had been 2,902. What were the reasons for that greater willingness to re-engage on the expiration of the contract?

Mr. CHINNERY replied that many natives were settling down to the conditions of life in industrial labour, and were marrying women in villages in the neighbourhood of their work. Many, especially those from far inland, were not desirous of returning home, where they would again be subject to severe tribal laws. Fuller reasons could, he added, be supplied for inclusion in a future report.

Lord LUGARD noted the reply to a question asked in the Australian Parliament, in December 1933, to the effect that "no native or other coloured labour shall be employed on any vessel engaged in the services" between Australia and New Guinea, except for certain work, such as the handling and discharging of cargo. He enquired what was the reason for that total exclusion of native labour.

Mr. McLAREN stated that the purpose of the provision was to protect seamen from unfair competition by the lowering of wages.

Lord LUGARD thought the new system of training for native labourers who showed aptitude and interest in agricultural work was an excellent one (paragraph 212), and enquired under whose supervision that training was given and whether it had been introduced in more than one place in the territory.

Mr. CHINNERY stated that the system applied only at Keravat, where there was a demonstration plantation under the Government. Training was given by a qualified instructor, under the direction of the Director of Agriculture. Later, it would be continued in the various districts, under the supervision of district agricultural officers. It had been necessary to start on a small basis, and the selected natives now undergoing training would be replaced by others. It was hoped thus gradually to introduce improvements into native agricultural methods.

Lord LUGARD asked whether any part of the "Native Labour Tax" (now substituted for the education tax formerly paid by employers) fell on the natives themselves (paragraphs 261 and 266).

Mr. McLAREN replied in the negative. He stated that a provision existed for levying an education tax on the natives, but that during the last few years that tax had not actually been imposed.

Lord LUGARD observed that attention had been called the previous year to the large number of cases of desertion among the labourers.¹ The table on page 24 of the present report showed a considerable decrease in the number of such cases. On the other hand, it appears from the same table that the figures for native labourers neglecting to perform duty had risen from 316 to 490. Had the accredited representative any information to offer on the subject?

Mr. CHINNERY thought that the point noted by Lord Lugard was probably an indication of the period of depression. Employers were requiring a greater efficiency from their workers and might perhaps be lodging more complaints than before.

Mr. WEAVER asked whether the Administration was satisfied that no further measures—other than those described in the report—could be taken to improve the position in regard to desertion.

¹ See Minutes of the Twenty-third Session of the Commission, page 27.

Mr. CHINNERY said that the question was one with which the Government was greatly preoccupied, especially in the Morobé district. Local officers were endeavouring to collaborate with employers, on whose attitude the position largely depended. An experienced officer had recently inspected labour conditions on the goldfields and fuller information would be given in the next annual report. He added that one of the largest employers of labour in the New Guinea goldfields had recently asked him to recommend someone to take over the control of his labour. Mr. Chinnery expected to see big improvements in the Morobé district within the next two years. The problem was being seriously considered by the principal employers on common-sense lines.

Mr. WEAVER called attention to two cases mentioned in the report. There was the case of two European prospectors who had entered the uncontrolled area without permission and there been killed, together with six of their native labourers (paragraph 42). There was the case also of a recruiter who had been murdered south of Wewak, with three of his labourers (paragraph 51). Could the accredited representative state whether any compensation was paid to the families of labourers who lost their lives in such circumstances?

Mr. CHINNERY said that, so far as he was aware, no compensation had yet been paid in the two cases in question. He would make a point, on his return, of bringing the matter before the Administrator for consideration of the question of compensation arising out of natives losing their lives while engaged with expeditions in uncontrolled areas.

Mr. WEAVER, referring to the Ordinance to amend the Native Labour Ordinance (page 127 of the report) and to the section which concerned more particularly the contracting of women (Section 27), enquired whether women, like men, were engaged for a three-year period.

Mr. CHINNERY replied that they might be engaged for a period up to three years.

Mr. WEAVER noted that an unmarried female native recruited and engaged for employment in domestic service was not allowed to marry during the period of her employment without the permission of the director. He asked whether such permission was readily given, or if the application would be regarded as grounds for terminating the engagement.

Mr. CHINNERY replied that the whole question of women's employment, which existed only in the big towns and on some of the plantations, was strictly controlled. It was necessary to protect women from marriages of convenience. The application of a girl for permission to marry a man on an adjoining plantation might possibly be considered grounds for the termination of a contract. Each case was, however, governed by the wishes of the parties and by the particular circumstances.

Mr. WEAVER asked that a summary of the inspectors' reports might be communicated to the Commission. He said that he would state in a note exactly what information was desired.

Mr. WEAVER noted the reference, in Section 72 B of the Ordinance amending the Native Labour Ordinance, to the "customary place of residence" of non-indentured natives, and enquired whether there was a limitation of radius for the employment of such labour.

Mr. CHINNERY replied in the affirmative; the customary place of residence must be within twenty-five miles of the place of employment, in order to ensure that the native could get back home, should he wish to terminate the contract. That was one means of protecting unindentured labourers.

Mr. WEAVER asked that future reports might contain statistics of unindentured labour.

He enquired, with reference to the Native Taxes Ordinance, what was the purpose of the exemption from taxes in the case of indentured labourers (paragraph 68). Was the intention to provide an inducement to them to engage?

Mr. CHINNERY did not think that there was any such intention. Exemption was granted, by reason of the difficulty of collecting the taxes, for the year in which the native entered or departed from his contract.

Mr. WEAVER noted the definition of "professional recruiter" given in the annual report (page 171) in response to the Commission's request.¹

He enquired whether the Administration was satisfied that the demographical position of the territory was safeguarded, in view of the fact that about 20 per cent of the total adult male population were under indenture away from their homes.

Mr. CHINNERY said that it was difficult to set up a definite percentage of how many people it was safe to allow to be absent. There was no definite rule. A number of considerations had to be taken into account, such as the sex ratio (*e.g.*, excess of males over females); the number of marriageable females in relation to the number of males; food shortage; the fact that many of the plantations were within reach of the villages, and that natives could get home for week-ends. Government officers were watching the position and, as soon as a village showed signs that the number of able-bodied men was being drawn upon too freely, that village was closed to recruiting for a certain number of years.

¹ See Minutes of the Twenty-third Session of the Commission, page 27.

Mr. WEAVER observed that the death-rate of thirty per thousand among indentured labourers engaged in mining—though an improvement on the previous year's figures of forty-two per thousand—was still too high. He hoped that the measures announced in the report (page 65) would be successful.

Mr. CHINNERY said that epidemics were the difficulty, with the native's indifference to measures of hygiene.

He stated, in reply to M. Rappard, that the natives came willingly to the mines, where the conditions generally were good.

Mr. WEAVER said the report gave the minimum rates of wages, but did not state the actual rates paid in the territory. He would be glad to have this information in the next report.

EDUCATION.

The CHAIRMAN noted the reference in the annual report (paragraph 115) to a scheme whereby the missions would be asked to take over the education of the natives of the territory. Could the accredited representative give further particulars as to the proposed arrangement and the possible consequences?

The annual report gave the number of mission schools, together with the attendance, while the statistical table on page 112 showed the distribution of the schools and of the pupils between the various missionary societies. Would it be possible to have fuller details of the work of the mission schools—for example, the curriculum, the distribution of pupils according to sex, their ages, the length and nature of the courses and the number of teachers?

Count DE PENHA GARCIA asked that the expenditure on the Rabaul technical school might be given in the following report; he noted that the estimated value of the work done by the school during the year was £2,441 (paragraph 103).

There seemed to him to be some incongruity in the Native Administration and Welfare item (paragraph 267): "Native Affairs Department, Total Expenditure—after deducting expenditure on the European school, Rabaul. . . ." What was the connection with the European school?

He expressed his interest in the proposals of the Administration with a view to an arrangement under which the missions would be made responsible for the education of the natives of the territory. That was perhaps a natural extension of the *de facto* position. Latterly, in Timor, he had had occasion in the Supreme Council for the Portuguese Colonies to examine a similar proposal, for there, too, the missions had shown great skill in the difficult task of educating the natives. He approved, in principle, the mandatory Power's policy in this matter.

He observed, however, with some misgiving that it was proposed that the native schools should consist of three groups: the village school, the primary or middle school and the high school or college. The rôle of the village school was obvious: it was designed to give the native an adequate knowledge of elementary subjects and of agriculture and even some knowledge of the manual arts. The primary school, too, had its place. But was the time ripe for the high school or college? To provide such education for the natives at present would be to create a class of persons for whom there was no reasonable prospect of obtaining employment. A sounder policy, in his view, would be to extend the scope of elementary education and to bring it within the reach of a greater number of natives, though always with reference to the possibilities of employment.

According to the proposals, the curriculum would, he noted, be prescribed by the Administration, and subsidised schools would be subject to inspection. He pointed out one provision of the Portuguese scheme for Timor, to which he had referred, stipulating that the Administration reserved the right, in the event of the mismanagement of any school by the missions, to take over that school within thirty days after communicating its decision to the mission authorities; that ensured that prompt action would be taken when necessary.

Lord LUGARD said that, while agreeing with much that had been said by the previous speaker, he did not share the view that it was good that the Government should give up all direct participation in and responsibility for education. The Government schools should be models for the missions, in so far as secular and particularly technical and manual education was concerned.

M. SAKENOBÉ said that he had read with some concern the passage in the report stating that the mandatory Administration was proposing to put the whole work of native education in the hands of the missions, retaining only the right of fixing the curriculum and the hours to be devoted to secular instruction, and the right of inspection of subsidised schools. The negotiations were going on, he presumed. Those negotiations had been initiated by the Administration, and the matter was serious, since, in his view, it was the duty and, at the same time, the privilege of the Administration to provide adequate education for the natives in its charge, at all events, so far as primary or elementary education was concerned. If certain private institutions were engaged in that type of education, as was generally the case, the Administration should be satisfied that such schools were being efficiently conducted.

The mandatory Administration now proposed to hand over to the missions the entire work of native education; it proposed to be relieved of its responsibility. True, it claimed the right of inspection of subsidised schools, but, in view of the steady progress of mission schools

in recent years in New Guinea and the resources of the missions in the mandated territory, as well as in their home countries, those schools would probably require no subsidy. Some might accept, but the number of subsidised schools would still be extremely limited. The Administration would gain practically nothing and what it lost would be enormous. The mandatory Administration had long been outstripped by the missions in the matter of native education, and its field of educational activity had been narrowed down by the expansion of mission education. Its efforts to control the mission schools had so far failed, and the position was indeed difficult. Still, M. Sakenobe could not but hope that the Administration would hold its ground and try gradually to improve the present position, with a view to establishing its place as a centre of guidance for native education.

Lord LUGARD said that he regarded the school-boarding system as invaluable, since more could be done to train character by association with the pupils out of school than in the classroom. He asked why boarders were discouraged in the elementary schools at Malaguna and at Maiom, and a policy adopted of making those schools available for local natives rather than as boarding establishments for those from a distance.

He enquired what was the net annual expenditure on education, after deducting receipts (such as the £2,441 in paragraph 103).

He observed (page 44 of the report) that the staff of the European school at Rabaul consisted of the head teacher and one assistant teacher, for 58 pupils, and that the head teacher was also responsible for supervising correspondence classes. This staff was surely quite inadequate.

Mr. CHINNERY said that no finality had yet been reached by the Administration in regard to the future of education in the territory. He was not himself conversant with the details of the position to date, but would invite the Commission to consult a memorandum¹ on the subject, which had been prepared by the Administrator, a copy of which he was happy to hand in for the information of the Commission.

CINEMATOGRAPH.

Lord LUGARD desired to obtain information on educational cinematographic films, if any, in the territory and on the policy of the Government in the matter and, in particular, on the censorship of films.

ALCOHOL AND SPIRITS.

Lord LUGARD pointed out that, in the last table in paragraph 87 (page 42), the column headed " approximate alcoholic content " did not show the alcoholic content.

PUBLIC HEALTH.

Lord LUGARD enquired whether the 2,922 natives holding appointments as medical tultuls were all trained (paragraph 122). He asked what were the causes of the apparent spread of leprosy, of which it was stated, on page 51, that the Department of Public Health took a serious view.

Mr. CHINNERY replied that the training of medical tultuls was constantly in progress in district hospitals. He drew attention to the intensive nature and number of medical patrols engaged in the investigation and control of leprosy.

The CHAIRMAN observed that, according to the report (paragraph 178), one of the causes of the high mortality rate among indentured labourers engaged in mining in the Morobé district was the rejection of food essentials provided by the white miners, but foreign to the native, and hence suspect. Would it not be possible and preferable, in the circumstances, to supply native labourers with the kind of food to which they were accustomed ?

CHILD WELFARE.

M. SAKENOBE recalled the interesting account in the previous year's report (page 37) of the work of the infant welfare centre at Malabunga. There had been some difficulty in retaining the officials at that centre, which had accordingly been taken over by the Methodist Mission. Notwithstanding the altered arrangement, he hoped that future reports would continue to give an account of the work that was being done both at Malabunga and in other centres.

Mr. CHINNERY said that material on the subject would be available from time to time. The Methodist centre work was excellent, and, both from the practical and scientific point of view, the Government was following the experiment with interest. Similar experiments might later be extended as necessity arose and so far as funds were available.

¹ " Memorandum on Native Education in New Guinea ", kept in the archives of the Secretariat.

LAND TENURE.

Lord LUGARD noted the procedure—described in Mr. Chinnery's presidential address (page 159 of the report)—when Europeans applied for land. If the natives were willing to sell, and the district officials considered that the land would not afterwards be required by them, the application, after passing through various stages, was granted. The land was proclaimed Crown land, and might be leased for periods up to ninety-nine years; the district officials then received instructions to pay the rightful owners a price agreed by Government. Did the natives understand the conception of the sale of land? Was all land recognised as belonging to the natives so that the Government could only acquire it by purchase? The Land Ordinance of 1933 (page 19) referred to the creation of natives reserves. If, however, all the land belonged to the natives, what was the need for creating reserves? Further, if all land belonged to the natives and the Government could only acquire land by purchase, what was meant by the allusion in the report to native land claims (page 159)? Lord Lugard enquired whether the Government was desirous of introducing individual ownership.

Mr. CHINNERY replied that land investigations were carefully carried out by trained officers. The native owners fully understood their transactions with the Government. The native reserves referred to were areas purchased by the Government for the natives from land already alienated. The native land claims referred to rights presented by the Department of Native Affairs in land alienated during the German Administration for which registration was now being sought. As set out in the anthropological report, no title to land could be registered until the Director of Native Affairs had given a certificate that there were no native rights over the land concerned.

CLOSE OF THE HEARING.

The CHAIRMAN thanked the accredited representatives for their valuable assistance.

SEVENTH MEETING.

Held on Monday, June 4th, 1934, at 11 a.m.

Nauru : Examination of the Annual Report for 1933.

Mr. McLaren, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed Mr. McLaren in his capacity of accredited representative of the mandatory Power for Nauru.

FORM OF THE ANNUAL REPORT.

The CHAIRMAN noted that the annual report contained much statistical information. In order to ascertain the changes made and the progress achieved in the territory, it was often necessary to compare these data with the data contained in previous annual reports. This comparison would be greatly facilitated by the preparation, if possible, of comparative tables regarding the most important questions. Could this be done in subsequent annual reports?

Mr. McLAREN thought that it should be possible.

EMPLOYMENT OF NATIVES IN THE ADMINISTRATION.

M. SAKENOBE asked whether any comparatively important posts in the administrative service were occupied by natives.

Mr. McLAREN replied that he was not in possession of details, but he knew that several natives were employed in the post office, at the wireless station and in the administration secretariat. He would ask for details to be given in the next report.

PUBLIC FINANCE.

Lord LUGARD asked why a number of trust funds were maintained. Would it not be possible to include them all in the general statement of revenue?

Mr. McLAREN explained that the Administration was merely a trustee in respect of the moneys in the Nauru Royalty Trust Fund and the Nauru Landowners' Royalty Investment Fund (pages 11 and 12).

In the first place, 1½d. a ton royalty on phosphate was paid to the Administrator to be expended solely for the benefit of the Nauruan community as a whole; secondly, 2d. per ton royalty was paid to the Administrator to be held in trust for the individual landowners concerned. This latter sum was held in trust for twenty years at compound interest. According to the agreement, at the end of twenty years the accrued interest was to be paid half-yearly to the landowner or his heirs or assigns. Apparently this trust was intended to be perpetual. The 4½d. per ton royalty on phosphate was paid direct to the Nauruan landowners concerned, and did not pass through either of the Trust Funds.

M. VAN REES asked what was the nature of the trust fund controlled by Nauruans, to which he saw (according to Table B on page 10) that £186 15s. had been transferred in 1933.

Mr. McLAREN explained that this fund was made up of money raised locally by various means, plus a proportion of the capitation tax. The money was expended by a committee of Nauruans for such purposes as they deemed desirable. The arrangement had been explained in the reports for previous years. One use to which the committee had put some of this money was the construction of a large national hall. No restrictions would be placed upon the administration of the fund unless it were being used for obviously wrong purposes—a condition of affairs which had never yet arisen. A credit of £417 remained in the fund at the end of 1932, and a sum of £186 was transferred thereto in 1933. This money was being used for the development of the districts, including the promotion of agriculture.

M. RAPPARD noted that although a record quantity of phosphate (418,000 tons) had been exported in 1932, and 363,680 tons in 1933—also a considerable amount—the revenue did not seem to have increased proportionately.

Mr. McLAREN said that the revenue of the territory was not derived solely from export duty on phosphate. Revenue from certain other sources had decreased. For instance, the contribution of £1,000 per annum by the Phosphate Commission towards the police force had been discontinued. Moreover, harbour dues had been reduced by 75 per cent and shipping fees by 50 per cent.

STATISTICAL INFORMATION.

M. CATASTINI said that the Australian Government had drawn the Secretariat's attention to the following errors which had crept into the table of statistical information (page 15 of document C.565.M.272.1933.VI) :

- (1) The words "£ stg." in the note at the bottom of the page should read "£ stg. A" ;
- (2) The figure for imports in 1922 should be 78,320 instead of 78,236 ;
- (3) The figure 3,396, in the "Public Works" column for the year 1927, should read 3,936.

PRICE AND EXPORTS OF PHOSPHATES : RE-CONDITIONING OF PARCELS OF LAND EXPLOITED BY THE COMPAGNY.

M. MERLIN noted that there had been a considerable decrease in the sales of phosphates, which had fallen from 418,000 in 1932 to 363,000 tons in 1933 (page 13). Could the accredited representative indicate the cause of this?

Mr. McLAREN said that the decreased consumption of phosphates in Australia was due partly to the depression, and partly to the fact that the stocks imported in the previous year exceeded requirements. The demand for phosphates was governed largely by the price of primary products. In the year 1932-33, the manufacturers had anticipated a large increase in the demand, but this had not occurred. A fairly heavy stock had therefore been carried over. There were no indications that the demand would be much greater in the present year.

Lord LUGARD asked at what rates the phosphates were sold to Australia and New Zealand, and to Japan and Finland, respectively. Great Britain had never taken any.

Mr. McLAREN reminded the Commission that phosphates might not, under the special agreement, be exported to countries other than Australia, New Zealand and Great Britain until the requirements of these countries had been satisfied. They had been satisfied in 1933, leaving stocks still in hand, so that it had been possible to export to Japan and Finland. The price fixed under the agreement was the cost price, which worked out, for Australia and New Zealand, at £1 3s. 6d. per ton. The remainder was then sold to other countries at the best price obtainable, which, in this case, had been £1 4s. per ton.

M. VAN REES noticed that each year land which had been worked by the Phosphates Company which the company no longer required was returned to the natives. Before it was returned, was it put into a fit state for agriculture or other purposes?

Mr. McLAREN was unable to say, but he would endeavour to secure the inclusion of the necessary information in the next report.

The accredited representative, in reply to a question by Lord Lugard, said that he would endeavour to obtain an estimate as to how long the extraction of phosphates might be expected to continue in the future.

EXPORTS AND IMPORTS.

M. RAPPARD said he was endeavouring to analyse the balance of payments for Nauru. This small country exported £436,000 worth of goods annually, but imported only £97,000 worth—including treasury notes and cash. The difference, therefore, was £300,000. There did not seem to be coming into the country a volume of goods corresponding to the wealth which left the country. Could Mr. McLaren explain this?

Mr. McLAREN pointed out first that, as phosphates were almost all sold at cost price, there was not much profit. There was also the obligation to repay, plus 6 per cent interest, the money paid by the three Powers for the purchase of the concession from the Pacific Phosphate Company. Moreover, for the marketing of the phosphates, establishments had to be maintained in the principal purchasing countries; there was, in fact, a large office in Melbourne, and there were also offices in New Zealand and England.

JUDICIAL ORGANISATION : PRISONS.

The CHAIRMAN congratulated the Administration on the situation revealed by the tables on page 18 of the report—namely, that the number of convictions in the courts had decreased from 657 in 1931 and 530 in 1932 to 358 in 1933. Only 158 natives were convicted in 1933, as compared with 239 in the previous year. On page 19, it was said that the delegation to the chiefs of certain minor powers in their districts had been continued with satisfactory results. Had the accredited representative any further information on this point?

Mr. McLAREN replied that he had nothing to add to what had been said in previous reports.

M. SAKENOBÉ said that the reports had never contained any description of the prison system in the island—for instance, whether there were separate quarters for Chinese and Nauruans, what was the system of prison labour and what were the prison health statistics?

Mr. McLAREN said he could not recall having seen anything on this subject in any previous report. He would obtain the necessary information.

The accredited representative agreed with Mlle. Dannevig's suggestion that separate figures should be given for men and women offenders.

LABOUR.—PUBLIC HEALTH.

Mr. WEAVER noted that the number of convictions of Chinese for offences against the Labour Ordinance was relatively large. Could the accredited representative state whether imprisonment was of the same nature in such cases as for ordinary common law offences?

Mr. McLAREN said he had no details on this subject, but would ask for information to be included in the next report.

The accredited representative, in reply to a further question by Mr. Weaver, said that he would endeavour to obtain the inclusion in the next report of data concerning the effects of opium-smoking on the efficiency, health, etc., of Chinese workers.

Lord LUGARD asked what, after discounting arrivals and departures, was the average number of Chinese remaining.

Mr. McLAREN replied 930 on an average.

Lord LUGARD said it would be interesting to see the increase or decrease in the yearly average.

Count DE PENHA GARCIA noted that, according to the report (page 21), 350 Chinese out of a total of 930 had been treated in the hospital maintained by the British Phosphates Commission. He supposed that this referred to days of hospital treatment.

Mr. McLAREN thought this must be so. The only treatment which the Chinese could obtain was at the hospital, no matter how slight the ailment might be.

Lord LUGARD asked how many medical officers there were on the island, and what subordinate staff.

Mr. McLAREN replied that there was one medical officer attached to the Administration and one attached to the British Phosphates Commission. He would obtain the necessary information regarding medical staff for the next report.

EDUCATION.

Mlle. DANNEVIG noted the statement on page 19 of the report that the period of study in the schools was to be reduced from ten to seven years. Could the accredited representative assure the Commission that this change would not affect the degree of instruction to be imparted to the pupils? The economic conditions in Nauru did not seem to necessitate the reduction.

Mr. McLAREN said that from a close study of the position it had been concluded that there would be no fall in the level of education. The Nauruans were a very intelligent race.

The Commission would note that two new schools had also been established, the Moure boys' technical school and the Orro domestic arts schools for girls (page 19).

The accredited representative, in reply to a further question by Mlle. Dannevig, said that the forty-seven offences under "breaches of ordinance—compulsory education" (page 18) consisted, in most cases, of failure to send children to school, but the general attitude of the natives towards education was very favourable.

Mlle. DANNEVIG noted that a native was being trained as a mechanical dentist in Australia (page 19). She wondered if such a training would be sufficient for the man to do good work. She understood that there was no dentist in the island at present.

Mr. McLAREN replied that this was so.

MISSIONS.

In reply to M. Sakenobe, Mr. McLAREN said that, as far as he knew, all the Nauruan natives were Christians. There were two missions in the country, the London Missionary Society and the Society of the Sacred Heart (Roman Catholic).

LIQUOR AND DRUGS.

Count DE PENHA GARCIA asked whether there was any smuggling as the taxes on spirits, wines and beer were high. Moreover, were the Chinese forbidden alcohol?

Mr. McLAREN replied that the smuggling of alcoholic liquor into the country would be a very difficult task. The only possibility was that a certain amount of opium might be smuggled into the country. He did not think that Chinese were prohibited from drinking alcoholic liquors.

Count DE PENHA GARCIA hoped that the authorities would remain very watchful with regard to the possibility of the smuggling of opium, as he noted that there had been thirteen opium-smoking offences and that several kilogrammes had been seized (page 22).

DEMOGRAPHIC STATISTICS.

M. RAPPAUD thought that the increase in population was the most satisfactory feature of this very satisfactory report. He noted from the *Nauru Government Gazette* that there had been celebrations to mark the attainment once more of a native population of 1,500 and that a school holiday had been proclaimed to emphasise the event. Did that mean that the demographic problem was kept before the eyes of the natives?

Mr. McLAREN said that the natives were very proud of the achievement, which had been celebrated by holding a public holiday.

The accredited representative, in reply to a suggestion by Count de Penha Garcia, agreed that the population statistics should in future indicate the number of males and females respectively.

CLOSE OF THE HEARING.

The CHAIRMAN thanked Mr. McLaren for the assistance he had afforded the Commission in its examination of the annual report.

Mr. McLaren withdrew.

Syria and the Lebanon : Treaty of Friendship and Alliance between France and Syria : Procedure to be followed in connection with the Examination of this Question.

The CHAIRMAN noted that, in the report on Syria, the text of the draft Treaty which had been submitted by the French authorities to the Syrian Parliament had been included as an annex. The problem which arose was whether and how the Mandates Commission could discuss this point with the accredited representative, and, above all, what was, in fact, the status of this document.

M. RAPPAUD thought that this text might be discussed with the accredited representative as a draft. It was a difficult matter for the mandatory Power to negotiate a treaty with its own ward. When a tutor had to reach an agreement with his ward, it was essential that the

ward should be accorded the greatest possible freedom. He was not sure that the Syrian Parliament had been allowed all the necessary freedom in this case, because the High Commissioner had withdrawn the Treaty and prorogued Parliament as soon as that Parliament had begun to discuss the Treaty. The text could therefore be regarded only as a unilateral act which showed the intentions of the mandatory Power.

COUNT DE PENHA GARCIA suggested that this text should be regarded as a document destined to throw light on the policy of the mandatory Power.

M. ORTS could not admit that the Treaty had no more force than that. He regarded it as a definitely signed treaty and not a unilateral act, although, in order to acquire binding force, it had still to undergo the formalities of Parliamentary approval and ratification by the Governments concerned. He suggested that the Commission should ask the accredited representative what value the mandatory Power itself attached to the Treaty. In other words, did it hold that the Treaty no longer existed because it had been definitely withdrawn, or was it still in existence, the mandatory Power intending to submit it anew—with or without modifications—to the Syrian Parliament?

M. PALACIOS thought it was very important that the members of the Commission should reach an agreement regarding the status of the document included in the mandatory Power's report. The accredited representative might be asked what his views were on this point. His reply would almost amount to an official interpretation. The Commission's attitude must necessarily vary according to whether it had before it an actual treaty or a mere draft. A draft would be the expression of the policy of the mandatory Power and of the Syrian Government. In any case, the Commission was at least bound to study the form and contents of the document and could hardly avoid a reference to it in its observations to the Council.

LORD LUGARD thought that the Commission should refrain from expressing an opinion about a hypothetical situation. At the moment, the Commission could only ask the accredited representative questions with a view to ascertaining the status of the document and the mandatory Power's intentions. The Commission should not express opinions until it had before it a final decision.

M. RAPPARD said that, although the document might be regarded, as M. Orts suggested, as a treaty from the standpoint of formal law, it could not be regarded as such when the peculiar relationship of the mandatory Power to Syria were taken into consideration. What was the real value of the act? While popular pressure had been exerted on the one hand to prevent the Syrian Parliament from approving it, it could not be said that absolutely no pressure had been exercised on the other side with a view to securing its approval. He agreed with Lord Lugard that the Commission could not discuss hypothetical acts, but it was preferable that the mandatory Power should submit the various phases of its policy to the Mandates Commission rather than face the Commission with an accomplished fact. The Commission at least now had an opportunity of questioning the accredited representative regarding the mandatory Power's intentions in connection with this document.

M. VAN REES pointed out that it was not impossible that the document might be amended. At the present time, the Mandates Commission had only to hear the explanations which the accredited representative would certainly furnish regarding this Treaty. If these explanations did not satisfy it, the Commission could then ask general questions for its own information, without, however, going into details, seeing that all discussion of the substance appeared to be premature.

M. ORTS thought that, in any case, the fiction of a bilateral agreement had to be accepted—namely, that the Syrian Government had been in a position to discuss and accept the document.

COUNT DE PENHA GARCIA thought that the document represented a treaty having no legal force, because it was no longer before the Parliaments for their approval.

M. MERLIN disagreed. He thought there could be no doubt that the document represented a treaty signed by the two persons competent to contract. It had been submitted for approval to the Syrian Parliament. It had been withdrawn because that Parliament had not followed the constitutional course—that was to say, it had not referred the document to the relevant Commission in the regular way for examination. The Treaty had not been dropped, but the mandatory Power demanded that it should be examined in accordance with the constitutional procedure. The Commission's best course would therefore be to ask the accredited representative to explain the intentions of the mandatory Power. The Commission should carefully refrain from any premature opinion in order to avoid causing further excitement in a country that was already liable to political unrest.

M. VAN REES observed that it was very important that the Commission should also reserve its opinion on the question whether, either now or at any future date, Syria was ripe for self-government.

M. PALACIOS thought that the Mandates Commission could not elude the question. It should not, however, allow itself to be tempted into drawing premature conclusions and should take every care to ensure that its reasoned opinions could not be used as political arguments. He felt that the Treaty was a hypothetical document only as regarded its possible perfection. It was, at any rate, an intention and a policy. It was an important chapter—perhaps the most important up to the present—in the history of the mandate for Syria and the Lebanon. It should be noted that the two great States in the mandated territory were each

about to be enter on a different destiny. The Commission was not yet fully aware of the difference in maturity for self-government between the one and the other of these two territories. The question was a very delicate one. In order to throw light on the subject, the accredited representative must be asked certain questions. The comments of the members of the Commission should be only made in private session.

M. MERLIN thought that the Commission was in no wise called upon to make a pronouncement. It should confine itself to asking for information on the procedure followed by the Syrian Government, and perhaps that of the mandatory Power.

M. VAN REES agreed with M. Merlin.

The CHAIRMAN pointed out that the Commission's course was established by precedent. When a document was submitted to it, it could not remain entirely silent on the point.

EIGHTH MEETING

Held on Monday, June 4th, 1934, at 3.30 p.m.

Syria and the Lebanon : Examination of the Annual Report for 1933.

M. de Caix, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE : FORM OF THE ANNUAL REPORT.

The CHAIRMAN, after welcoming M. de Caix, noted that the annual report for 1933 appeared to have been so framed as to take into account, to a very large extent, the wishes expressed by the Commission. He desired to thank the mandatory Power accordingly.

DATE OF RECEIPT OF CERTAIN PETITIONS.

The CHAIRMAN observed that the agenda of the session included a large number of petitions concerning Syria and the Lebanon. The previous year,¹ the attention of the accredited representative had been directed to the inconvenience caused by the fact that the majority of petitions had been received late. While realising that an effort had now been made to ensure that the petitions should reach the Commission at the opening of the session, he desired to point out that a number of those documents, dating several months back, might have been communicated earlier and thus facilitated the task of the Rapporteurs responsible for examining them.

STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Before opening the discussion on the report, the CHAIRMAN desired, as usual, to give the accredited representative an opportunity of making a statement, if he wished. He felt sure that M. de Caix would desire to amplify the part of the annual report dealing with the important political events that had occurred in 1933, such as the effort to conclude the Franco-Syrian Treaty, the suspension of the Syrian Parliament and the constitutional reform in the Lebanon.

M. DE CAIX.—Mr. Chairman, I can only note what you have said about petitions. You were good enough to say that they had been received earlier than in previous years. That improvement will be more marked as it becomes possible to deal more rapidly with the necessary work of verification.

You asked me whether I had anything to add to the information in the report. I desire to give the Commission some further information with regard to two facts, deserving of special attention, that have occurred since last year. One of them was in Syria, the other in the Lebanon.

I refer, first, to the signing of the Franco-Syrian Treaty, which was followed by the suspension of proceedings in the Damascus Parliament, and, secondly, to the re-establishment of parliamentary life in the Lebanon. Those were the very facts concerning which you desired additional information.

The events which occurred in Syria previous to December 31st, 1933, are described at length in the report. The re-establishment of parliamentary life in the Lebanon, however, which occurred only in January 1934, is not mentioned in that document. I shall, I think, be complying with the Commission's wishes, if I now give some information upon the nature of the regime set up in the Lebanon and the considerations which led to its institution.

¹ See Minutes of the Twenty-third Session of the Commission, page 134.

As regards Syria, I desire to add to the chronological statement in the report a few comments in reply to the preoccupations expressed by the Commission at its twenty-third session and set forth in the conclusions of M. Rappard's report on the petitions for and against union, which were adopted by the Commission at its meeting on November 3rd, 1933, and incorporated in the Commission's report to the Council.¹

With regard to the preparation of the Treaty, it should first be noted that the second Hakki Bey el Azem Cabinet had, like the previous Cabinet, received an explicit mandate to negotiate in the name of Syria. The ministerial declaration, on which a vote of confidence was obtained from the moderate majority of the Chamber, on May 8th, 1933, contained the following passage :

“ The Government proposes to resume the conversations initiated by its predecessors in order that our dear country may achieve sovereignty, independence and the termination of the mandate, by means of a treaty defining also the future relations between France and Syria. ”

The Treaty signed at Damascus on November 16th, 1933, is thus not the outcome of hasty improvisation or the product of a few days' negotiations. The unofficial conversations bearing on the substance of the Treaty were begun as far back as 1932 with the concentration Cabinet then in power. Those conversations were resumed in the spring of 1933 and continued until the resignation of the nationalist ministers in March. Only the fact of his indisposition prevented M. Ponsot from resuming the negotiations with the second Hakki Bey el Azem Cabinet. A preliminary draft, consisting of twelve articles, was drawn up at the outset, in agreement with the nationalist members of the concentration Cabinet. After this first result had been obtained, the substance of certain future agreements that were annexed were also examined. It was decided, by joint agreement, to keep first to the Treaty proper, which the Syrian negotiators desired should be supplemented by a declaration on Syrian union, making it clear that the eventual realisation of union was not ruled out by the mandatory Power. That was the stage reached at the time of the resignation of the nationalist members. When the negotiations were resumed in October 1933, the draft Treaty communicated to the Syrian Government was the one framed during those earlier conversations. It was accompanied by the draft Protocols required by reason of the adjournment to a later date of the negotiations relating to the annexed agreements.

The formula of union still had to be negotiated. It was, in point of fact, in connection with that question of union that difficulties arose both in March and in November. The attitude of the mandatory Power in regard to the principles of union is now perfectly clear. It formed the subject of explicit declarations both in the Commission, more particularly at the twenty-fourth session², and at Damascus, and may be summed up as follows :

The mandate of June 24th, 1922, specifies by name two States capable of being granted independence : the Lebanon and Syria. The same document makes it incumbent upon the Mandatory to encourage local autonomy. In conformity with those provisions, the mandatory Power constituted the two States and has encouraged, for the benefit of the group of compact minorities, the development of three autonomous entities : the first, the Sandjak of Alexandretta, within the framework of Syria, and the other two, the Latakia Government and the Jebel Druse Government, within the framework of the mandate. The question of the fusion of the Lebanon with Syria cannot arise, since the Lebanon is destined to be independent ; nor can the question of fusion arise in the case of Alexandretta, which already forms an integral part of Syria with autonomy extending only to administrative and financial matters. It arises only in regard to the Government of Latakia and that of the Jebel Druse. The potential attachment of those two Governments to Syria is by no means ruled out by the mandatory Power ; that contingency is simply conditional on certain conditions first being fulfilled. In the first place, Syria must give proof of her ability to govern herself and of her intention to ensure that the scattered minorities established in her present territory shall be guaranteed the full enjoyment of their rights. Further, an agreement freely debated must be concluded between the competent representatives of Syria and those of the two Governments concerned, in order to define the conditions of union and the terms of the autonomy which the Governments shall continue to enjoy within the framework of Syria, the terms of those agreements constituting in the future a guarantee for the compact minorities established in the territories of Latakia and the Jebel Druse. No place is found for these conditions or qualifications in nationalist theory, which demands Syrian union pure and simple, a form of union which, moreover, would apply to unusually extensive territories, and which goes so far as to contest the existence of a minority problem.

The representatives of the mandatory Power had, however, encountered among the nationalist leaders associated with the Government up to March 1933, a more accurate comprehension of the various factors in the problem. They were prepared to agree to confine their claims to the Governments of Latakia and of the Jebel Druse, agreeing to grant to those two Governments a special regime within the framework of Syria. They insisted, however, that both Governments should be regarded henceforth as forming an integral part of the Syrian territory, this special regime being no longer the outcome of an agreement freely entered into, but in the nature of a charter vouchsafed to them.

The doctrine of the mandatory Power as thus defined and the position adopted by the nationalists in the Government at the beginning of 1933 constituted the basis of the November negotiations. Rather than seek a doubtful compromise midway between the

¹ See Minutes of the Twenty-fourth Session of the Commission, pages 105 and 137.

² Page 62, *et seq.*

views of the two parties, it seemed preferable, at the signing of the Treaty, to record both points of view in an exchange of letters annexed to the Treaty. The nationalist ministers in the first Hakki Bey el Azem Cabinet, being unable to persuade the doctrinaires of the party to reduce their claims somewhat, decided to resign in a body. That same lack of compromise on the part of the nationalists was the essential factor in the November crisis, which was in the nature of an exploitation of doctrinal positions by persons disappointed at having no part in the proceedings. The mechanism of the crisis is described in the report. The wildest rumours as to the tenor of the Treaty were circulated by those very persons who, having been associated with the negotiations from October 1932 to the end of March 1933, were better informed than anyone else as to the real position. Street demonstrations, inspired by these rumours, undermined public opinion, to which the deputies of the rural areas are always susceptible when translated into the special atmosphere of Damascus. Those same deputies were the object of collective pressure and individual menace. A good many of them were thus obliged to sign, outside Parliament, a petition rejecting the Treaty, before there had been any discussion or, indeed, any examination of that document.

The nationalists counted, by means of the petition, on making Parliament vote for the rejection of the Treaty, and on causing the fall of the Government and even the resignation of the President of the Republic, and the impeachment, on a charge of high treason, of all those responsible for the signing of the Treaty—with the intention of themselves assuming power.

That would have meant an immediate conflict with the mandatory Power, the only solution for which would have been the complete suspension of the Constitution.

The sole means of avoiding such extremities was to suspend the proceedings of the assembly, and that was done on November 21st, 1933. That decision, on the grounds of the violation by members of the assembly of all constitutional and parliamentary rules, had the effect, not only of safeguarding the Treaty, which was subsequently withdrawn from the table of the assembly, but of saving the Constitution itself.

The normal procedure of constitutional guarantees having been suspended, it became necessary to ensure the conduct of the State's business. Adopting the means employed in the Lebanon on May 9th, 1932, the sanction of the representative of the mandatory Power was substituted, for such time as the deliberations of the assembly might stand suspended, for Parliamentary sanction.

The Government was then free to devote itself to drawing up a budget, in which there was a further considerable cutting down of expenditure.

The day after the November crisis, complete calm reigned once more at Damascus, nor has it since been troubled.

Politically, the nationalists were anxious that Parliament should reassemble in March, hoping thus to bring about a ministerial crisis. The mandatory authorities thought it better, however, not to be over-precipitate in putting to the test again parliamentary institutions which had recently been so profoundly shaken. The Hakki Bey el Azem Ministry, weakened by internal dissension, having resigned on March 17th, 1934, the President of the Republic called upon Sheik Tadjeddine, who had held the office of Head of the State from 1928 to 1931, to form a new Government; Sheik Tadjeddine had no difficulty in rallying a number of notables already accustomed to the exercise of power. The constitution of a new Ministry was welcomed by the population as a whole and aroused no hostility. Absolute calm reigns in Syria. It will be for the Tadjeddine Government to pave the way for a return to the normal procedure of the Constitution, a necessary prelude to any further evolution.

As regards the Lebanon, a provisional constitutional text was promulgated by Decree of the High Commissioner on January 2nd, 1934. Elections were held in conformity with that text on January 22nd, 24th and 29th. Since then, the new regime has been functioning normally, and Parliament met on the date fixed. Some comment is necessary in connection with this operation.

In his statement before the Commission in November 1932,¹ M. Ponsot expressed his intention of putting an end, at the proper moment, to the provisional state of affairs set up in the Lebanon, with the assistance of President Debbas on May 9th, 1932, and of working out a regime which, while avoiding the difficulties of the past, should again make it possible to give the representatives of the population a share in the conduct of public affairs.

That programme was put into effect in January 1934. It would have been possible to proceed by means of the revision of the Constitution, which had been suspended since May 9th; but it seemed preferable to wait before making any definite amendments in that text.

The Decree of January 2nd accordingly is confined to instituting, over and above the three parts of the 1926 Constitution that are still suspended, a text setting up a new regime, the efficacy of which remains to be proved by experience. If the result is satisfactory, it will be possible to replace the suspended parts of the 1926 Constitution by the texts of January 1934, which the High Commissioner has put into force—either in their present form or after the necessary rectifications have been made.

The chief criticism directed against the 1926 Constitution concerned the inadequacy of the prerogatives of the Executive and the heavy burdens that the functioning of an unduly complex system imposed on the population. Decree No. 1, of January 2nd, 1934, is designed to meet that criticism by providing for twenty-five, instead of forty-five, deputies, and by strengthening the Executive by means of appropriate measures. The Head of the Government exercises executive power with the assistance of a Secretary of State, responsible to him alone. The Secretary of State may be selected indifferently, either from the Chamber of Deputies or

¹ See Minutes of the Twenty-second Session of the Commission, page 295.

from outside that body ; but the status of deputy and the office of Secretary of State are incompatible.

The prerogatives of the Chamber of Deputies are defined and limited. The Chamber cannot, in any circumstances, initiate new expenditure. In order to restrict the possibilities of disorder that the transition from a dictatorship to a representative regime may involve in any country, and in view of the agitation caused by the presidential campaign prior to May 9th, 1932, the new President of the Republic has been appointed for one year by the representative of the mandatory Power.

Lastly, with a view to ensuring that the election shall be attended by the necessary guarantees of impartiality, the authorities entrusted the duties of Governor to the High Commissioner's delegate in the Lebanon Republic during the period which elapsed between the resignation of M. Debbas and the assembling of the new Chamber. This procedure was similar to that adopted by M. Ponsot, in parallel circumstances, at the time of the elections to the Syrian Chamber. It appears to have been appreciated by the population, judging by the increased percentage of the electorate who voted : 55 per cent as compared with 38 per cent in 1929.

The application of these various measures as a whole gave rise to no objections worth mentioning. There were many favourable comments in the various circles of Lebanon opinion. The persons at present performing the duties of President of the Republic and Secretary of State obtain from the population such assistance and collaboration as they require. The Chamber of Deputies has already held several meetings, which have passed off in an orderly manner. It would, however, be premature at the present juncture, after so short an experience, to advance definite conclusions as to the value of the new regime or the possibility of conferring upon it a definite character.

PROCEDURE TO BE FOLLOWED IN THE GENERAL DISCUSSION.

The CHAIRMAN enquired whether his colleagues wished to discuss the annual report or whether they preferred to discuss the accredited representative's statement. He pointed out that, for the moment, it was only intended to obtain information, by asking questions of the accredited representative, and that that was neither the time nor the place for the Commission to express itself on matters of principle.

M. RAPPAUD thought that it came to the same thing whether the accredited representative's statement was discussed or whether the Commission began by examining the annual report, since the latter in point of fact opened with a statement of the facts on which the accredited representative had commented.

TREATY OF FRIENDSHIP AND ALLIANCE BETWEEN FRANCE AND SYRIA : ATTITUDE OF THE VARIOUS GOVERNMENTS AND POPULATIONS TOWARDS THE POLITICAL DEVELOPMENT OF THE TERRITORY : PETITION FROM M. A. KEYALI : PETITIONS WITH REGARD TO THE FRANCO-SYRIAN TREATY.

The CHAIRMAN observed that certain passages in the introduction to the report, which dealt principally with the negotiations of the Franco-Syrian Treaty, seemed to call for further explanation.

1. On page 2 in the last paragraph but one, there was the following passage :

" In an interview early in the month, at a meeting of the Conference on joint interests, the Syrian Government explained its views to the High Commissioner : conversations relating to the Treaty could be resumed on the Geneva bases."

Did the expression " on the Geneva bases " mean on the basis of the principles fixed by the League of Nations for the emancipation of a mandated territory, or did it imply a programme such as M. Ponsot had sketched before the Mandates Commission in December 1932 ?¹ If the second interpretation were correct, the expression employed in the report might perhaps be open to some misunderstanding.

2. A similar observation applied to the second paragraph of the High Commissioner's Press *communiqué* of November 19th, 1933, reproduced on page 6 of the report. The text read :

" The vote in Parliament will supply the French representative, and through him the French Government and the League of Nations, with definite proof as to the possibility or impossibility of ensuring by contractual means Syria's progress towards that independence to which she aspires."

Although to the initiated reader the exact meaning of that statement was clear, it might give the impression that the criterion of maturity adopted by the High Commissioner formed part of the League doctrine in this matter, which was not the case.

3. The annual report reproduced, on page 5, a warning communicated to the Press by the High Commissioner, concerning a rumour to the effect that the Treaty, then in process of negotiation, contained a clause involving an undertaking on the part of Syria to repay the sum

¹ See Minutes of the Twenty-second Session of the Commission, page 259 *et seq.*

of 15 milliards to the French Government. In his *communiqué*, the High Commissioner had declared that that statement was devoid of all foundation.

It was of interest to note on page 185 of the report, in the chapter concerning the Ottoman Public Debt, a passage as follows :

“ Apart from the obligations of the mandated States towards the Mandatory, those States are now liberated from all external debts.”

Was there any relation between the aforesaid debt, the amount of which M. de Martel had denied in his *communiqué*, and the obligations referred to in the aforesaid passage of the report? The question of the repayment by Syria to France of large sums has, believe, been repeatedly raised in the French Chamber of Deputies, in connection with the examination of the chapter of the French budget relating to Syria and the Lebanon, but apparently without any definite result.

M. DE CAIX, replying to the first point, said that obviously the allusion in the report to “ the Geneva bases ” was a reference to M. Ponsot’s statement. For some time now, whenever the Syrians spoke of “ the Geneva bases ”, they were simply alluding to that statement, which had been very keenly commented on. All the petitions on which M. Rappard had reported the previous year were based on the High Commissioner’s political utterances. The expression “ the Geneva bases ” could not refer to the mandate, as the nationalists had always refused to recognise it.

As to the second point, he did not think that it would be right to attribute to M. de Martel any intention of establishing an absolutely new criterion of maturity, differing from the principles adopted by the League. Taking into consideration the moment at which the *communiqué* was published, it was clear that the High Commissioner had simply wished to utter a warning as to the gravity of the decision that the Syrian Chamber was called upon to take.

As regards the third point, a distinction must be drawn between a principle and an actual sum of money. The mandate provided for the reimbursement of certain expenditure to the mandatory Power. In view of the provisions of that instrument, it was impossible that the French Government, when addressing the Chamber of Deputies, or that the report to the League should not submit some reservation concerning a right explicitly stated in the mandate. But M. de Martel had been perfectly justified in objecting to rumours that Syria had undertaken, under the Agreement with France, to reimburse 15 milliards to the French Government. There had never been any question of such a thing. Anyone must be out of their senses to imagine that Syria could pay such a sum or anything approaching it, or that the French Government had ever thought of demanding it.

The CHAIRMAN agreed that the question of refunding certain expenditure was dealt with in Article 15 of the mandate, but observed that Article 15 had in view only expenditure incurred on such items as the organisation of the administration, the development of local resources, the execution of public works. It was hardly likely that it could ever amount to 15 milliards !

M. DE CAIX replied that the figure in question existed only in the imagination of those who had been carrying on a campaign against the Treaty.

The CHAIRMAN said that the Commission would take note of his reply.

M. VAN REES pointed out, on page 5 of the report, a passage as follows :

“ This correspondence—*i.e.*, the correspondence reproduced on pages 194 and 195 of the report—provided that the control over the Waqf property of the autonomous Governments would be transferred to Damascus and that the higher judicial instance for the Latakia Government would be that of Damascus instead of that of Beirut, these stipulations, unlike the others, coming into force immediately after the ratification of the Treaty.”

As the report itself stated, the Alaouites, like the Druses, had protested against this provision. Could M. de Caix tell the Commission what were the reasons which made the regulation necessary ?

M. DE CAIX replied that the High Commissioner had been dealing, in those negotiations, with persons who were anxious to obtain without delay a symbol, a token of the realisation of the possibilities in regard to union contemplated in the said negotiations. Consequently, the Syrian negotiators had decided to ask for, and the High Commissioner to grant, a change regarded at all events as an indication. There had not been any imperative reasons of a practical or administrative nature dictating that change. Nor was there any reason why the Damascus Court of Cassation should not, as regards the revision of judgments given in the jurisdiction of the autonomous Government, possess the competence at present devolving upon the Beirut Court.

M. VAN REES noted that the President of the Republic himself, according to his letter of November 16th, 1933 (page 194 of the report), had urged this arrangement, to which the High Commissioner had immediately assented in his reply. M. de Caix had just said, however, that there was no imperative reason for the adoption of this new arrangement. In these circumstances, how should M. de Martel’s reply be interpreted?

M. DE CAIX explained that the Syrian Government had naturally been desirous of finding means to meet the attacks of the Nationalist Party. Members of the Mandates Commission

might be surprised at the difficulties that had been encountered in connection with the text in question, but they must not forget that Syrian Governments or Members of Parliament were loath to shoulder responsibilities and sought to protect themselves. It was for this reason that M. de Martel had been asked to make the concession, and as the latter was not seriously prejudicial to the interests of either the Alaouites or the Druses, M. de Martel had assented.

M. VAN REES expressed his belief that the Alaouites and Druses did not share this opinion.

M. DE CAIX replied that they had made it clear that they were suspicious of any policy of union. The problem was to discover a common divisor between their particularism and the Syrian desire for unity. The difficulty was due, perhaps, not so much to the particularists, who did not possess the same powers of resistance, as to the Syrian nationalists, who were pursuing an absolute and entirely unacceptable system on doctrinaire and extreme lines, which appeared to be indifferent to the actual possibilities of realisation.

M. ORTS asked where supervision of the Waqf property was effected at present.

M. DE CAIX replied that supervision was carried out in the various States and Governments.

M. ORTS thought that it was therefore intelligible that the autonomous Governments should have protested against the transfer of supervision of Waqfs to Damascus, because they were being asked to surrender a right they had already possessed. What he found less easy to understand, unless there was opposition to anything that looked like a form of union with Syria, was the objection of the Alaouites to the proposal that the Supreme Court of Cassation should henceforth be that of Damascus. Such a decision seemed necessary directly it was established that the Alaouite country was part of Syria. On the other hand, the Alaouites' claim that their country should remain within the jurisdiction of the Beirut Court could hardly be defended, as there was no direct link between that country and the Lebanon.

The protest of the Government of Latakia against the recognition of the jurisdiction of the Damascus Court of Cassation thus seemed very ominous: it seemed to signify resolute hostility to attachment to Syria. Was that in fact its significance?

M. DE CAIX said that, to go to the root of the matter, it must be definitely stated that the Alaouites did not desire any sort of attachment to Syria. There existed between the *de jure* situation referred to the previous year in M. Rappard's report and the wishes of the populations and of the autonomous Governments a lack of agreement which called for the most careful handling. Accordingly, the mandatory Power could not, without committing a great injustice, insist—unless it offered the autonomous groups concerned very definite guarantees—on a union which was no doubt in conformity with the legal status of the mandated territories but which did not correspond to the wishes of those minority populations.

There were two reasons why the Alaouites preferred to be attached to Beirut rather than Damascus. The first was that Beirut was on the sea-coast and was more easily accessible; that was a material reason. Perhaps also rather more confidence was felt in the value of the Lebanon courts. The second reason was that anything that savoured of their union with the Sunni in the interior was a cause of anxiety to the Alaouites, and they would only accept such union if they felt that it was inevitable. As long as they could hope to avoid it, they would make no secret of their objection.

M. RAPPARD noted that the discussions always came back to the famous territorial problem. The members of the Commission could understand that the Druses and the inhabitants of Latakia preferred to be independent of Damascus. They noted, on the other hand, that Syrian patriots desired complete unity. It had, however, been laid down in the previous year that the doctrine of the League of Nations—*i.e.*, of the mandate—was not in accordance with either of these claims. M. Rappard would be glad to know what was the doctrine upheld by the mandatory Power. He had noticed in the accredited representative's statement the antithesis between what the accredited representative called the desires of the population of Syria, who wanted the Jebel Druse and Latakia to be "within the framework of Syria", and the apparent doctrine of the mandatory Power to the effect that these territories came "within the framework of the mandate". Surely these territories were either in Syria or in the Lebanon. M. de Caix had said that in the French view they came within the framework of the mandate. That reply appeared to be avoiding the territorial question. Could the mandate be held to justify a wide measure of autonomy within the frontiers of Syria?

M. DE CAIX replied that the expression "framework of the mandate" meant that, as long as there was no change in the inter-territorial relations, the link was established between them by the mandate, which applied to them as a whole. The framework of Syria or the Lebanon was not in opposition to the framework of the mandate. No one was thinking of anything of the kind, but, when it was a question of applying an uncontested right to define the relations between one and another, difficulties arose which could not be ignored when a statement had to be made which would be published.

He pointed out, however, that, from the outset, it had been so clearly understood that there were only two States, and that one of them—the Syrian Federation—grouped together in federal form all the territories not forming the Lebanon. With a view to improvements, which were admittedly necessary, that Federation had been abolished at a date so close to the disturbances of 1925-1926 that the question had been left pending. Then there had arisen, in each of the States, internal constitutional questions which, after M. de Jouvenel's mission, called first for consideration by the High Commissioners. Their solution introduced into the problem of the relations between the several territories parliamentary factors which were

bound to make its settlement more difficult. While undoubtedly, according to the legal status referred to by the Commission the previous year, there were in law only two States, many local requirements must be taken into account in settling the difficult question of the form in which those two States should finally be organised.

That difficulty was aggravated by the fact that they were dealing with men who, if they had to make any public utterance, were unwilling to depart in the slightest from the absolute tenets of their doctrine, whereas, in private, they might have admitted that such concessions were necessary. No one appeared to have the moral courage to accept what was possible. It was easy to take refuge in a form of absolutism which might simply veil a lack of political courage, but that attitude was not favourable to practical achievement, which presupposed compromise and gradual progress. Nor, consequently, was it favourable to the interests which those who adopted it claimed to defend.

The CHAIRMAN did not think that the Mandates Commission could know what was the future of Syria unless it knew exactly what future was in store for its other districts, Latakia and the Jebel Druse, which were an integral part of Syria. It seemed to him that the Commission had had no satisfaction in this connection. From M. de Martel's letter, it appeared that the Jebel Druse and Latakia would be politically united with Syria before the emancipation of that territory; it appeared, nevertheless, to reserve for the mandatory Power complete liberty in the matter.

M. RAPPARD said that, in reply to his question, M. de Caix had just made a statement which entirely satisfied him. He would not wish to tax him with the reproach he had levelled at the Syrians, but noted that France's language in public was much less clear. Mohamed Ali Bey Abed wrote to the High Commissioner :

“ The Syrian Government considers that the Liwas of Latakia and the Jebel Druse are a part of Syria. ”

He then recognised the justification for autonomy. That was the doctrine of the League of Nations. To that, the High Commissioner replied that he accepted this communication, and then made the following statements, which, in M. Rappard's opinion, had no particular meaning. He wrote (page 195 of the report) :

“ I have the honour to inform you that the attitude adopted by the French Government in respect of these same questions, with a forethought to subsequent developments, does not differ from the provisions of the Act of London of July 24th, 1922. This attitude is as follows :

“ The French Government is prepared to consider, immediately prior to the time at which Syria's request for admission to the League of Nations is submitted, such modifications as might be made in the present situation of these two autonomous Governments.

“ The questions for consideration will be both the definition of the regime of these two Governments and the conditions in which the administrative and financial autonomy they at present enjoy are to be maintained and guaranteed. ”

In other words, the High Commissioner did not accept the statement to the effect that these two territories, though enjoying a very appreciable degree of self-government, were part of Syria. M. Rappard asked whether M. de Martel would be ready to endorse the statement which M. de Caix had just made to the effect that the Jebel Druse and Latakia were part of Syria.

M. DE CAIX replied that, from the moment when the High Commissioner referred to the Act of London—namely, the mandate—and recognised it, he drew therefrom all the conclusions that could legitimately be drawn and which had been drawn by M. Rappard himself in his report. He did not see what more could be expected. What still remained to be settled? The methods by which a certain juridical status should be established in fact? If the High Commissioner had taken the risk of defining those means in advance at a time when he had to obtain the consent and agreement of the interested parties, he would have revived the uncompromising attitude of some and would have awakened anxiety in the hearts of others; no one could expect him to add to the difficulties of his task in such a way.

M. RAPPARD did not think that this would have been the case if M. de Martel had said that he agreed with the two-fold declaration of Mohamed Ali Bey Abed (page 194 of the report) :

“ The Syrian Government considers that the Liwas of Latakia and the Jebel Druse are part of Syria. It nevertheless recognises that the peculiar situation of these regions makes it necessary to reserve for them a special regime. This regime should be based on the wishes of the populations of these regions. ”

M. DE CAIX explained that, when Mohamed Ali Bey Abed said that the Liwas of Latakia and the Jebel Druse were part of Syria, he was trying to meet the nationalists' claims, but the latter did not take into account all the requirements of the Act of London, and were even at variance with some of those requirements. It could not accordingly be assumed that mere acquiescence in the President's words—though he had spoken of a special regime—had settled the question by ensuring to the parties concerned the desired guarantees, which only an agreement could provide.

The CHAIRMAN understood, therefore, that these statements of Mohamed Ali Bey Abed were in accordance with the idea of “ the Syrian territory ” adopted by the League organs.

M. DE CAIX thought that that was no doubt so, but that one should not seek for legal precision in such statements. He had told M. Rappard that the High Commissioner's reference to the Act of London involved consequences which no one in France denied. But that did not mean that these consequences had to be followed up in the manner desired by the Syrian nationalists who did not accept them. It was noted, in the course of conversations with them, that they tried to get out of the difficulty and to avoid the necessity of coming to an agreement with those concerned. Some, for example, said : " We are prepared to enact a wide measure of decentralisation—what need then to demand guarantees for the future regime of the territories of the Alaouites and the Jebel Druse ? " But, when the Mandatory had a duty which could only be fulfilled by concluding a contract, was it permissible that the future regime of the populations should be left to be determined by a Syrian law, which might be repealed by another Syrian law ? And how, if preparation was to be made for a contract—that was to say, for conversations in the first place—could anyone speak in terms such that it might be concluded therefrom that the question was settled in advance and that the agreement of the persons concerned was unnecessary ?

M. RAPPARD wondered whether the mandatory Power could delay the execution of the Treaty if no agreement were reached ; the agreement was not a condition for the entry into force of the Treaty.

M. DE CAIX said that, while it was undoubtedly right to take account of the law and to consider how it should be interpreted, account must be taken of facts, and, in particular, the imagination and susceptibility of this people, Syrians of the interior, Alaouites, other groups. If they were allowed to think that the mandate might be terminated without certain necessary agreements having first been concluded, there was the risk of causing uneasiness in one place and obstinacy in another, which would add to the difficulties of a solution.

In studying the possible developments of a policy concerned with such complex elements, it was necessary, after all, to exhibit a certain elasticity of judgment. The Commission had the right to know the general aims of the mandatory Power. M. de Martel's reply was explicit : there was the framework of the Act of London, as it would be modestly expressed in Syria ; there was the framework of the mandate, as it was uncompromisingly put at Geneva. That, the mandatory Power fully recognised, and the proof was to be found in the correspondence between M. de Martel and Mohamed Ali Bey Abed. If M. de Martel had wished to put on one side the question of the union of the Alaouites and the Druses with Syria, he would not have replied to the President as he had done.

M. de Caix quite realised the Commission's anxiety ; but the latter must nevertheless have some confidence in the mandatory Power and in its repeated declarations. In the present case, the Mandatory was following a definite line of conduct and was making no secret of it. When M. Ponsot had spoken of two States destined for an international vocation, he had, *ipso facto*, defined—and very clearly—the policy of France.

M. RAPPARD viewed the situation as follows : even the Syrian nationalists and the most out-and-out supporters of union declared : " We will have a large measure of decentralisation ". The mandatory Power replied : " We cannot be satisfied with these declarations, since they can be revoked. We feel an international responsibility for the safeguarding of the minorities who would be at the mercy of your good pleasure. " M. Rappard had no intention of expressing an opinion, but what would the accredited representative say in answer to the observation : " Is that not the justification for the mandate ? The mandatory Power, in point of fact, was bound to defend the interests of the minorities. It might recognise that there were in the territory certain elements which did not offer the necessary guarantees from the standpoint of the protection of minorities, but it was still their guardian. Why, then, should it be in a hurry to terminate a mandate which, in its view, seemed to be a necessity ? "

M. DE CAIX did not quite see the point of M. Rappard's question. Supposing that tomorrow the French Government said : " It is impossible to arrange the matter, and the mandate must continue *sine die*, despite Article I, which provides that Syria and the Lebanon must be given an opportunity of becoming independent States ", the Commission would probably not be prepared to acquiesce in that conclusion ? The Commission found the mandatory Power endeavouring to reconcile things which it was extremely difficult to reconcile. He would even venture to go further, in view of the effort that was being made, and say to the Commission : " Do not be more exacting towards a mandatory Power which has anxieties of this kind than towards another mandatory Power which settled matters in a far more comprehensive fashion. See what difficulties are encountered directly an attempt is made to do something for the minorities. "

The CHAIRMAN noted that M. de Caix appeared to think that the Commission was more severe to-day than it had been two years previously with another country.

M. DE CAIX felt obliged to say that the Commission had been more exacting in this case than elsewhere.

The CHAIRMAN replied that it was precisely its experience in connection with the emancipation of Iraq that was making the Commission far more cautious with regard to the emancipation of Syria.

M. DE CAIX said that, if that were the case, it would be seen that there was a difference between a policy which included in a draft treaty a general minority clause and which, moreover, attempted to obtain the necessary guarantees for the continuance of a regime peculiar to compact minorities, and, on the other hand, a policy which had emancipated a united State after the conclusion of a treaty which made no mention of minorities. In the present case, the

mandatory Power was pursuing a policy which was in conformity with wishes previously expressed by the Commission, but which was fraught with many difficulties.

The CHAIRMAN noted that the Commission had not, for the moment, expressed any desire.

M. ORTS did not share this view. The Commission, at the instance of the Council, had enunciated the conditions with which a country must comply before it could be emancipated. The first of these conditions was a respect for minorities.

M. DE CAIX added that some way must be found of including these guarantees within the framework of the conditions for emancipation laid down in the mandate. That was not easy.

M. RAPPARD said that emancipation at a too early date was not indispensable.

M. DE CAIX agreed that that was one point of view. But what would the Commission's feeling be if to-morrow he brought it a declaration stating that the mandate would last for ever?

M. RAPPARD replied that the mandate would not last for ever, but that its cessation was not an immediate contingency.

M. DE CAIX pointed out that, in any case, a certain period was laid down and that, if the Commission admitted that time was a factor in preparing for emancipation, it must be admitted as a factor equally in ensuring the methods for reconciling the various rights and interests covered by the Act of London which, as he had already observed, was the framework within which the mandatory Power had to act.

COUNT DE PENHA GARCIA pointed out that he was Rapporteur on the petition from M. A. Keyali, which was some 200 pages in length. The petition discussed events since the beginning of the mandate; it brought out the substance of the nationalists' claims. They did not merely claim the territory of the Alaouites and the Jebel Druse, the question would arise of other territories also. However, the accredited representative had stated clearly what was the feeling of the mandatory Power. Union in the future was not ruled out; but, for the Jebel Druse and the Alaouites, political considerations—with which the Commission was well acquainted—formed an obstacle at present.

There were some points in M. Keyali's petition on which Count de Penha Garcia desired the accredited representative's opinion. M. Keyali declared that, neither among the Alaouites nor among the Druses was there such antagonism to Syrian unity; it was the mandatory Power that had brought pressure to bear on them in that direction, and M. Keyali went so far as to say (page 51):

"Moreover, it suits the mandatory authorities that things should drag on as long as possible, in order that they may have time to perfect their strategic measures: the construction of barracks, outposts and fortresses, where they can quarter the troops necessary for the maintenance of their perpetual domination over the country."

Count de Penha Garcia asked whether the desire of the Alaouites and the Druses not to be attached to Syria was really as definite as had been said, or whether they would agree to such a measure subject to certain guarantees.

M. DE CAIX replied that the statements concerning military installations were simply absurd. The mandatory Power's policy had quite another object in view.

The political aspirations of peoples like the Alaouites and the Druses should not be regarded as having reached that clear and systematic form which similar sentiments were apt to assume in Europe. These peoples had unhappy memories, traditions which inspired fear and repugnance, but they did not think out constitutional solutions in the way that they might be thought out in the Commission. When they were told "You are going to be united to Syria, subject to guarantees", they realised the fact of union in its most absolute form, but understood very little of what was meant by guarantees. He did not say that it would be impossible to make them understand, but that would take time and persuasion. When M. Keyali said that the French had exercised an influence over the Druses and the Alaouites, that was perfectly true. The mandatory Power had found them with their painful memories of inferiority, their particularist traditions, interests and instincts; but it was that Power which had made it possible for these tendencies to emerge and become more self-conscious, because it had provided for these minority groups a situation they had never previously enjoyed. When a man having a certain tendency discovered a means of living in accordance with that tendency, he became attached to it and practically ordered his whole life in accordance with it.

With regard to the Druses, it should even be remembered that, when the mandatory authority established itself in that country, it did so in virtue of an agreement recognising the autonomy of the Jebel Druse. In that country, there had been strong traditions of independence, because the land had hardly been subjected to the Ottoman authorities. This *de facto* independence had been recognised by the mandatory Power in an agreement with the leading Druse chiefs. The mandate therefore might be said to have created "autonomism," but it had not created the memories, complaints and tendencies on which this "autonomism" was founded.

COUNT DE PENHA GARCIA recognised the delicate aspect of the question. The problem was to weld together disparate elements, and to give them a feeling of nationality. Would the Jebel Druses and the Alaouites later acquire the national feeling necessary to join forces with the rest of Syria? M. de Caix had just said that those populations did not really understand the

question of guarantees. Had there been no manifestations as yet in either of the territories concerning those guarantees? Had they never been willing to accept the idea of union?

M. DE CAIX replied, with reference to the possibility of creating a national feeling, that the solution of this problem was not possible and could not even be anticipated in the course of a single generation. In European countries, national feeling had existed for a long time, but it was the outcome of joint trials and efforts throughout the centuries; and this did not mean that, in the beginning, there had not been deep-rooted antagonisms between the groups which to-day were solidly united as one nation. That was a commonplace.

He did not mean that it was impossible to create a national feeling at the present juncture, even, and above all, if the populations in question were given the particular regime which they desired and which suited them. It could not be said that national feeling did not exist in Switzerland, a country which gave to the several populations united within the Confederation fundamental guarantees to which they were firmly attached. This, therefore, did not seem impossible; but the fact of collaboration, or of association, in acceptable and accepted conditions, must precede the feeling of solidarity which should be born thereof.

As regards Count de Penha Garcia's second question, the inhabitants of those territories had never demonstrated in order to ask for guarantees. For them, the only effective guarantee hitherto would have been a separate existence. To lead them to have confidence in any guarantees outside this would require a lengthy education, and perhaps the assurance that the support they had had would be continued for some time.

Count DE PENHA GARCIA wondered whether the conclusion to be reached, for the moment, was that these two territories could only be united to Syria by an act of force.

M. DE CAIX replied that union might also be obtained by pressure.

The CHAIRMAN observed that the discussion seemed to show that the mandatory Power, instead of attenuating the divisions and causes of friction between these territories, and welding the various parts of the territory, which were, when all was said and done, closely connected both politically and economically, into a single compact country, thus helping towards the fulfilment of the mandate's fundamental aim—independence and unity—had followed an entirely contrary policy. The notion of administrative autonomy accepted by the League of Nations could not be confounded with the notion of separatism which, in his opinion, was harmful to the future of Syria.

With regard to the Lebanon, he had understood M. de Caix to imply that the mandatory Power regarded this country as ripe for independence, but that the Lebanese did not claim independence. If the Lebanon was, indeed, ripe for independence, the aim of Article 22 of the Covenant had been attained in that territory. Did the accredited representative think it possible that independence could be granted to Syria and not to the Lebanon? True, the mandate recognised two States, but those two States were so closely linked together in their existence that it would be difficult to conceive of independence, within the meaning of the Council's rule for the termination of a mandate,¹ which would be granted to one and not, at the same time, granted to the other of these two territories.

M. DE CAIX said he was somewhat surprised at the form in which the Chairman had submitted his question, which almost amounted to an accusation. The Chairman implied that the mandatory Power had been at pains to maintain the divisions of the country. That might of course be one opinion.

The CHAIRMAN said, in that case, he would put his question the other way round. What had the mandatory Power done to attenuate these divisions? Or, indeed, had it accentuated them? When it had been appointed trustee for the territories it had seen that they were cousins which did not get on very well together; had the mandatory Power endeavoured to bring these cousins together into one family?

M. DE CAIX replied that the mandatory Power had noted an existing situation and had confirmed that situation in certain respects which were not at all incompatible with the creation of unity, with certain shades of difference. That was shown by the creation, from the outset, of the Federation. This policy of organising a joint existence had not, for reasons he had just explained, been continued in the same form, but everything went to prove that it had never been abandoned in principle.

He could not see how any doubts could remain with regard to the Lebanon. It had been stated on several occasions in the Commission that the policy which was applicable to Syria, that of the Treaty, was also applicable to the Lebanon. There was no difference in the way the mandatory Power conceived the evolution of Syria as compared with that of the Lebanon.

The CHAIRMAN said he was referring to synchronism. He had understood from M. de Caix's statement that the Lebanon was quite as mature as Syria. The Commission had just been told, however, that self-government was to be proposed for Syria but not for the Lebanon.

M. DE CAIX repeated that there never had been any question of drawing a distinction between the two countries. He had never said that self-government would not be offered to the Lebanon. No act on the part of the mandatory Power warranted any such interpretation of its policy.

¹ See *Official Journal*, November 1931, Minutes of the Sixty-fourth Session of the Council, pages 2055, 2056-2058.

The CHAIRMAN observed that he had not said that the Commission was giving an interpretation of any kind, but from all he had heard in the Commission he had the feeling that the Lebanon was not less mature for independence than Syria.

M. DE CAIX said he could not enter into the question of comparative maturity. There was something else—namely, that Syria was showing more impatience than the Lebanon to see the end of the mandate. The Lebanon also had, to an appreciable extent, tendencies which were natural to countries that included minority groups. The Lebanon had traditions which resulted in a different attitude towards the mandate. It was natural that, in any policy, an endeavour should be made to take into account the various existing aspirations.

The question of simultaneous independence had been raised in the Mandates Commission on several occasions. It had been admitted in the previous year¹ that it was not absolutely essential that all parts of the mandated territory should achieve independence at the same time.

The CHAIRMAN asked who had admitted this.

M. DE CAIX replied that the Mandates Commission had admitted it.

The CHAIRMAN observed that it was not the Commission, but perhaps some of its members.

M. RAPPARD explained that he had said that he did not think that progress towards emancipation could be at the same rate everywhere. But the members of the Commission had all thought that, before final emancipation, all the elements in the territory should have reached a certain degree of maturity.

M. RAPPARD desired to know how matters stood with the Jebel Druse. A territory of about 60,000 inhabitants could hardly be said to possess a public opinion, but it had always been asserted—and he had no difficulty in believing that it was true—that the Druses did not want to be subject to Damascus. What did they want? They surely did not imagine that they could be independent. They were not very enamoured of French guardianship. What idea had they regarding their future?

M. DE CAIX replied that it was open to doubt whether the Druses had any definite ideas as to a specific political future. They were very divided. There were family rivalries even between members of the same family, and their thoughts mainly centred around these internal questions. It could only be said that, generally speaking, they were attached to the independence of their mountain and had no wish to be joined up with Damascus. They would regard that as exploitation.

M. RAPPARD asked whether the same was true of Latakia.

M. DE CAIX replied that the situation was similar, but with shades of difference attendant upon a richer and more complex community, whose economic structure was suited to an autonomous existence.

M. RAPPARD said that, if these territories had to form part of any larger State, that State could only be Syria.

M. DE CAIX said that that was so, but added that the Alaouites did not see the matter clearly. If the question were put to them, they would doubtless think, pending the time when they would be able to form an idea of what new regime might be applied to them, that there was an ulterior motive—namely, a desire to deliver them over to the majority.

M. ORTS had a cutting from a newspaper (*Oriente Moderno*), dated October 27th, 1933. In the previous autumn, the paper reported, a delegation from the Jebel Druse, led by the Governor of the Jebel Druse, had visited Beirut. This delegation had been composed of several notables whose names the paper mentioned. Was the accredited representative aware of this delegation?

M. DE CAIX said that his attention had not been specially drawn to this delegation. He did not think it had been of great importance.

M. ORTS said that, nevertheless, it seemed to have been received by the Acting High Commissioner and to have stated certain claims of the Jebel Druse; in particular, that the 1922 Constitution of the Jebel Druse, which had been recognised by the mandatory Power and by General Gouraud, granted the Jebel Druse its independence. The head of the delegation was alleged to have complained that he and his people “had become strangers in their own house and that strangers had become the sons of their country”. Was that not an indication that the Druses were not greatly in favour of close connection with Damascus?

M. DE CAIX said that, to judge the importance of this visit, it was necessary to know the various motives which had prompted the notables in question. It was certain that, in addition to certain requests concerning current events, they had put forward the customary claims of the Druse group.

M. RAPPARD said he was Rapporteur for a number of petitions raising the question of the whole treaty policy that had just been explained to the Commission. There was one point on which he would be glad to have M. de Caix's opinion, because the observations of the mandatory Power did not refer to it. Some of the petitioners had discovered a formula to express an idea which had occurred to M. Rappard himself. The formula was “the ratification of this Treaty

¹ See Minutes of the Twenty-fourth Session of the Commission, page 64.

by deputies whose mandate has not been recognised by the nation would be tantamount to France concluding a treaty with herself ”.

He was bound to admit that, on reading the report and the Treaty, he had been unable to suppress a very similar sentiment, and he would like to have M. de Caix's opinion.

The High Commissioner negotiated with a Ministry which gradually faded away during the course of the negotiations. Parliament met to vote the budget, but the movement against the Treaty was so strong that this Parliament, elected after all mainly on the Treaty question, hastened to express its disapproval of the Treaty. Whereupon Parliament was suspended and then, as it persisted in its attitude, prorogued. The territory was a mandated territory ; the mandatory Power was its legal guardian. If M. Rappard had wished to conclude a family agreement with one of his minor children, he would be very perplexed because he would himself be one of the parties to the contract and would also be representing the infant who was the other party. In such cases, it was generally felt that a third party should intervene, or that, in any case, some procedure should be devised to guarantee the minor's rights as far as possible. On reading the report, however, he could not help feeling that the mandatory Power had not only failed to do what it could to safeguard independence of will, but when the minor had endeavoured to state its own desires—with somewhat undue haste, it was true—had simply gagged him. How in these circumstances could the value of the petition be estimated ? Could it be replied that the only aim was to protect the minor against his juvenile wilfulness, and to prevent him from reaching an over-hasty decision ?

M. DE CAIX answered first that the question of negotiating a treaty with the mandated country could not be raised because it had been settled in fact. This policy had been known for a long time past. It had been announced in 1926 and had been put into effect with regard to another country.

Moreover, it was not accurate to say that the Chamber had been elected on the Treaty question. It had been elected much more on the question of collaboration or non-collaboration with the mandatory Power. Those who were called moderates were really nationalists who desired to attain their aims by an agreement and in collaboration with the Mandatory, whereas extremists were persons who desired to achieve practically the same purpose, but without agreement, by different and more expeditious methods.

The Chamber which had empowered the Government to negotiate represented the country. All the mandates had been unanimously ratified, as had been noted by the Commission itself.

M. RAPPARD pointed out that he was referring to what the Government did. If the Chamber did not represent the country he could have understood its prorogation. But if it did really represent the country, how could it be prohibited from expressing its opinion on a treaty which was said to be the result of a synallagmatic contract ?

M. DE CAIX explained that the Chamber represented the country, but it was necessary to remember the circumstances in which it had sat. The deputies had been subjected to intolerable pressure and intimidation. He gave a few examples of the forms which such pressure and intimidation had taken, to illustrate how difficult it was for deputies from the Qazas, intimidated by the manifestations in Damascus, to express their opinion freely. Furthermore, to understand what had happened, it was not sufficient merely to bear this situation in mind and remember that the question of the treaty had been raised in the Chamber at its meeting on November 21st in a quite unconstitutional manner, but it was necessary also to realise that an attempt had been made to solve the problem by subterfuge. It had, in fact, been proposed that a petition, submitted to each deputy at his place of residence—and not very willingly signed in many cases—should be read and then inserted in the Minutes as a definite decision. That could hardly be called normal parliamentary procedure.

M. RAPPARD simply wished to say that he did not believe there had been precedents for such a procedure. When the Mandates Commission had been led to express an opinion on a treaty concluded between another mandatory Power and another territory under mandate, the treaty had already been approved by the Parliament of the territory under mandate. In the present case, not only had the treaty not been approved, but Parliament had been suspended in order to prevent it from expressing a hasty opinion which the High Commissioner foresaw was likely to be unfavourable. In these circumstances, what answer could be made to persons who said that this Treaty had been concluded by France with herself, since France seemed to have feared the judgment of the Parliament of the other party ? If the only question had been one of avoiding irregularity and unconstitutional precipitancy, why had the High Commissioner not merely vetoed immediate discussion—that was to say, discussion previous to the report of the Parliamentary Committee prescribed by the Constitution ?

M. DE CAIX said that he did not propose to go into the circumstances in which the ratification of the other treaty had really been brought about. He would merely say that the value of the ratification of the Syrian Treaty need not be judged until it had taken place. The present period was a period of marking time, which had been begun by a surprise manoeuvre and not by a decision the value of which was derived from the regularity and method of its achievement.

M. RAPPARD thought that the situation was that the High Commissioner had withdrawn the Treaty which had been tabled in the Chamber, postponing until the autumn the discussions thereon.

M. DE CAIX said that things remained as they were.

For the present, the Treaty only existed in reserve, but it was the expression of a definite policy which had been followed by the mandatory Government for a long time.

M. ORTS said that, if he were Rapporteur on the petition, M. Rappard's difficulty would not trouble him. To say that the Treaty had been concluded by France with France would amount to denying the existence of a Syrian Government. The Syrian Government did, however, exist, and it had been formally empowered, by a vote of the Chamber, to sign and negotiate a Treaty. The result was the Treaty tabled in the Chamber. Those then who had signed the Treaty had a mandate from the Chamber, so that it could not be said that there was any identity of persons between the Syrian Government and the High Commissioner.

M. RAPPARD said that M. de Caix's reply relieved him of his difficulty : there was no treaty at present awaiting Parliamentary approval.

M. DE CAIX said that, while M. Orts had submitted legal argument in proof of the status of the Syrian Government as a partner competent to contract, it might be said much more briefly that France did not deal with herself, if she were doing so, she would obviously experience no difficulty in reaching an agreement.

M. ORTS wished to ask M. de Caix a few questions.

According to the report, it was on May 8th that the Chamber had, by a vote, empowered the Syrian Government to negotiate. That vote had been given virtually by forty-two out of the forty-three members present ; the nationalists being absent. How many deputies were there in the Syrian Chamber ?

M. DE CAIX replied that there were sixty-nine. The nationalists had abstained.

M. ORTS observed, then, that the vote had obtained a majority in the Chamber. It seemed strange to anyone not conversant with what had happened in Syria that, just when one might have expected that negotiations would be pushed forward actively and that a treaty would immediately emerge, as soon as the Chamber had voted, silence had followed ! There had been no further movement ; no action was taken on that vote until November 2nd. According to the chronological statement that appeared in the report, it was on November 2nd M. de Martel had finally got into touch with the Syrian Government. True, in the meantime, M. Ponsot had been called to other duties and a new High Commissioner appointed. Yet, why between May 8th and November 2nd had things remained at a standstill ? Why had there been a delay of six months before contact had been resumed with this Government which had the confidence of the Chamber, thus allowing the Opposition time to turn round, carry on a campaign and finally mislead public opinion by spreading one-sided tales ? There might be an explanation of this. But the facts as they stood conveyed the impression that that delay was responsible to some extent for the ultimate failure.

M. DE CAIX replied that two factors must be taken into account : the first was that M. Ponsot had been ill, very seriously ill, at the end of the spring of 1933, and had been unable to attend to business. The second was that, in that country, political activity and other activities came to an almost complete standstill in summer. In point of fact, questions that had not been settled in the spring were almost always held over till the autumn. It was a habit which had its disadvantages, but which was explained by the climate.

M. ORTS had a second question to ask. With regard to M. de Caix's reply to M. Rappard, was he correct in supposing that a treaty existed ? The Syrian Government, duly authorised by the Chamber—an unnecessary precaution because every executive was ordinarily empowered to negotiate treaties—had negotiated a treaty with the competent representative of the mandatory Power. Agreement had been reached and a treaty signed. There was, therefore, a treaty. The latter, it was true, owing to the parliamentary incidents referred to, had not been approved by the Chamber. But neither had it been rejected by the Chamber, since, at the last moment, it had been withdrawn, with the object of avoiding that fatal act—namely, its rejection. That, it seemed to him—and the accredited representative would say if he was wrong—did not prevent there being in existence, between France and Syria, something more than a treaty in simple draft form. Was that so ?

M. DE CAIX replied that the Treaty had never been regarded by the mandatory authority as having disappeared from existence by reason of its not having yet been ratified by the Chamber, all the less so in view of the way in which certain elements in the Chamber had tried to achieve its rejection. Whatever manœuvres took place, the French Government would see no reason to admit that a treaty which expressed its position, which had been signed by a regularly constituted Government, had ceased to exist. Moreover, M. de Martel had replied. He had said : " I have put the Treaty away in the cupboard " ; but he had not mentioned the waste-paper basket.

M. RAPPARD thought that, if M. de Caix reread the Minutes containing the statement that the Treaty simply represented the political purpose of the Government at a given moment, he would have some difficulty in saying now that the Treaty existed as such. What was a treaty in a cupboard, from the point of view of constitutional law ? In any case, the Treaty had at present no executive force, nor had it been submitted to the Chamber for approval.

M. DE CAIX replied that, diplomatically, the Treaty remained in existence. It was binding upon the two signatories until such time as it had had to be abandoned by the normal procedure or had been replaced by some other instrument.

When he had said that this Treaty was the expression of the policy of the mandatory Power, he did not mean that it was merely a momentary expression. His intention was, on the contrary, to bring out the full value of the Treaty by emphasising that it was the expression

of a deliberate and conscious purpose, of a policy which could not change from day to day because an accident had occurred.

M. ORTS thought that the position was clear. A treaty existed. It was valid, since it had been signed by the mandatories of Syria and by the mandatory of the French Government. It was still subject to two conditions—namely : (1) approval by the two Parliaments ; (2) ratification by the two Governments.

He asked if M. de Caix could say what the mandatory Power proposed to do with the Treaty. Reference had also been made to a *communiqué* of the High Commissioner, dated November 19th, 1933. That was probably only a Press *communiqué*—which did not amount to an official Government declaration—but it had none the less emanated from the High Commissioner and was reproduced in the report. It contained one passage in particular (page 6 of the report), as follows :

“ The vote of Parliament will supply the representative of the French Republic, and through him the French Government and the League of Nations, with definite proof of the possibility or impossibility of ensuring by contractual means the evolution of Syria towards that independence to which she aspires.”

Did that mean that the two countries would come to an agreement to settle the problem by contractual means—that was to say, by treaty, or, failing that, that France would settle the question of Syrian independence by other than contractual means ?

Did the interpretation of the *communiqué* imply that the mandatory Power intended at a given moment—probably not far distant—to ask for a vote on the Treaty in the Syrian Parliament, in order to see if there was some means of coming to an understanding ?

M. DE CAIX pointed out to M. Orts, in passing, that he was not sure, from a constitutional point of view, whether the Treaty required ratification by the French Government.

He could not give any indications as to when the question might be re-opened before the Syrian Parliament. That matter was one for the High Commissioner to decide, in agreement with the Syrian Government.

As to the warning to the Syrians in the *communiqué*, the question of the Treaty being put into effect did not arise, for the Syrian Parliament could not be said to have stated its position. There had been no regular debate. It was conceivable that, in other circumstances, after further preparation, this Chamber, the majority of which was not hostile in principle to an arrangement with the mandatory Power, would reach an agreement. The question had not yet been decided. If the decision were negative, the mandate would obviously continue to exist and the Mandatory would have to look for some other solution, on which M. de Caix was not in a position to express an opinion. While awaiting the ratification of the Treaty, the policy of preparation laid down in the annexed Protocol could be followed, and all action bearing upon the future of the country was not barred because of the events of November 26th.

M. RAPPARD regretted that he could not find in the statements of M. de Caix anything to refute the contention that the Treaty had been negotiated by France with herself. When Parliament had wished—with a haste that was irregular, he agreed—to give its views, the Treaty had been withdrawn, and, when the High Commissioner thought that the moment was propitious, he would authorise the Chamber to express its opinion. Was not, then, the mandatory authority clearly on both sides of the fence at once ?

M. DE CAIX pointed out that the Treaty had been withdrawn by the President of the Syrian Republic. He felt sure that the question would be brought before Parliament again whenever the President of the Syrian Republic and the High Commissioner would be in agreement to do so.

M. RAPPARD stressed that statement : it was in agreement with the High Commissioner that the President of the Syrian Republic would lay the Treaty before Parliament again.

M. DE CAIX said that, from the very nature of things, it was obvious that an act of this kind, which was of interest to both Governments, presupposed the High Commissioner's agreement.

It would be neither desirable nor right to endorse the description of the Treaty as being a treaty concluded by France with herself, the Mandates Commission, so to speak, tacitly consenting.

M. ORTS thought that importance should not be attached to what was only a controversial argument, which the petitioners had not realised might be turned against themselves. If, in fact, the Syrian Government was to be regarded as the mere reflection of the mandatory authority, even when it had been especially authorised to negotiate by a motion of the Chamber, and as, on the other hand, there could be no question of negotiating a treaty direct with a Parliament, any contractual solution in which Syria was a party would have to be regarded as excluded.

M. RAPPARD thought that the Chamber might be allowed to vote.

M. MERLIN wished to say something in reply to M. Rappard. He himself had recalled that morning the conditions under which the Treaty between France and the Syrian Government had been withdrawn from the debate in the Chamber. The circumstance of its withdrawal had been unconstitutional : a number of deputies, very skilled, it would seem, in parliamentary practice, had endeavoured by a sudden attack to obtain a snap vote on the

Treaty. Seeing the manoeuvre, the Government had withdrawn the Treaty in order not to fall a victim to that vote. If Parliament had acted properly, it would not have withdrawn the Treaty ; in short, it was neither the High Commissioner nor the Government that had begun—it was Parliament, seeking by dubious means to obtain a snap vote. The Government had shown great wisdom in provisionally withdrawing the Treaty and in reserving the right perhaps to ask for a further discussion when the various intrigues had been exposed and feeling had died down. No sound decision could ever be reached when excitement ran high.

M. DE CAIX noted that M. Merlin had referred to a snap vote. In order to be more clear, he would recall that an endeavour had been made to secure, by surprise, that an act drawn up outside Parliament with signatures obtained outside Parliament should be registered and regarded as constituting a parliamentary decision. That certainly did not constitute an attempt to ensure that Parliament should be in a position to express its views freely and in the normal way.

NINTH MEETING

Held on Tuesday, June 5th, 1934, at 10.30 a.m.

Syria and the Lebanon : Examination of the Annual Report for 1933 (continuation).

M. de Caix came to the table of the Commission.

TREATY OF FRIENDSHIP AND ALLIANCE BETWEEN FRANCE AND SYRIA : ATTITUDE OF THE VARIOUS GOVERNMENTS AND POPULATIONS TOWARDS THE POLITICAL DEVELOPMENT OF THE TERRITORY ; PETITIONS WITH REGARD TO THE FRANCO-SYRIAN TREATY (*continuation*).

M. RAPPARD, as Rapporteur for a large number of petitions, wished first to ask a question on one specific point. Could the accredited representative tell him whether the authors of the petitions were persons who could be said to be of approved authority ?

M. DE CAIX said that the political leaders seldom signed petitions themselves. They persuaded persons of lesser importance to do so. There were also a number of persons who might be called " petition experts " whose signatures recurred repeatedly. Lastly, it must be ascertained how many of the signatures were given independently and with full consciousness.

M. RAPPARD noted that all the petitions referred to the treaty policy. It was quite easy to see the objections which the Treaty raised, either as a result of the measures which the mandatory Power had been obliged to adopt for its negotiation, or as a result of its contents. It was understandable that the Treaty could not satisfy the aspirations of a people pining for complete freedom. It was also evident why the mandatory Power had not desired, and had not been able, to grant that people complete independence. What was not clear were the reasons for which the mandatory Power had followed this course of drawing up a treaty. True, there was the precedent of Iraq ; but that precedent could not be invoked in the present case, because it was of a different nature and was, in any event, by no means encouraging.

M. DE CAIX did not feel that he should say what might be said with regard to the precedent of Iraq and the question of independence, and it was not for him to discuss the contents of the Treaty. He could not admit M. Rappard's criticism of the treaty policy, and felt bound to point out that the present policy had already been followed for the past eight years and represented a line of conduct which the mandatory Government was not prepared to abandon.

M. RAPPARD did not consider these reasons convincing. If a certain road had been followed during the last eight years, that was not, in itself, sufficient reason for continuing in it, particularly after the unfortunate precedent that had been mentioned. The disadvantages of the policy were evident and admitted by the mandatory Power, and the advantages were very doubtful.

M. DE CAIX observed that the criticisms contained in the petitions were largely the polemical expression of temporary reactions actuated by an inadequate grasp of the texts and facts. He himself sincerely believed that the Treaty might be a means of pacification. The Syrians who were interested in political affairs might discuss the conditions for its realisation, but the principle certainly met the wishes of the enlightened class of the population. It must not be imagined that the petitions, however numerous they might be, were necessarily the expression of a clearly defined and well-considered opinion. Demands were often received which were signed by many persons who were mainly anxious not to do less than their neighbours.

M. RAPPARD asked on what general grounds the population was favourable to the Treaty policy ? Did they see in it a path to emancipation ?

M. DE CAIX replied that they saw in it a system which depended on their consent, or, at any rate, on the consent of the notables.

M. RAPPARD could not discover much that was convincing in this policy. He still saw the disadvantages rather than the advantages of the Treaty, which would only be acceptable to Syria on conditions unacceptable to the mandatory Power and to the League of Nations.

M. DE CAIX believed, nevertheless, that the various tendencies involved and the various interests to be safeguarded were not irreconcilable.

Count DE PENHA GARCIA wondered whether the situation, from the political standpoint, could not, in the light of the accredited representative's statements, be defined as follows : in Syria there was a dictatorship ; in the Lebanon a new Parliamentary regime ; in the territories of Latakia and the Jebel Druse, no change. Was that so ?

M. DE CAIX said that there was in Syria an authoritarian regime which should not be called a dictatorship in the ruthless sense that might attach to that word elsewhere.

Count DE PENHA GARCIA, continuing, said that the situation with regard to maturity with a view to independence seemed to be this. The mandatory Power thought that Syria was ripe for independence. Regarding the Lebanon, it expressed no opinion. As to the territories of Latakia and the Jebel Druse, it did not think the time had arrived. Furthermore, Syria claimed certain territories from the Lebanon. The question of Syrian unity in terms of the stage of maturity of the various territories therefore arose.

The question of the accession of these territories to Syria would depend on a plebiscite, but if they were not ready for independence what would be the value of a plebiscite ? Was this a correct interpretation of the facts ?

M. DE CAIX thought that the situation could not be defined so categorically. As to the parallel that it was desired to draw between Syria and the Lebanon, the question of maturity did not arise. The point was whether the question of changed relations with the mandatory Power was or was not now open and whether its solution was more or less in keeping with the desire of one or other of the two countries. As to the territories of Latakia and the Jebel Druse, it was hardly correct to talk of cession. Their present regime was temporary, and means of bringing them within the legal setting previously defined must be sought. In this case, it was no longer a question of maturity or immaturity but of association with the neighbouring country.

Count DE PENHA GARCIA thought that the difficulties of the mandatory Power derived partly from the political instability in Syria and partly from the lack of authority of the Syrian Government with whom the mandatory Power had to reach an agreement. M. de Caix had said on the previous day that the question of a federated system had been set aside. Was this a final or only a provisional decision ?

M. DE CAIX said he would not give a definite reply engaging the policy of the mandatory Power. By "federal system", did Count de Penha Garcia mean an association of States with an autonomous regime. If so, the answer might be in the affirmative. He could not, however, give a definite reply concerning the creation of a federation in one of its many possible forms.

M. SAKENOBE noted that, at the time of the negotiations relating to the Treaty, the agitation and manœuvres of the nationalists had increased considerably. It was stated, on page 6 of the report, that, between the signature of the Treaty and its presentation to the Parliament :

"The violence of the campaign against the Treaty had reached its highest point and most of the moderate deputies were subjected to pressure of every kind, which often went so far as threats of death."

It was hard to understand how the Government could have allowed such a state of affairs to exist. Had it not been aware of the position ? Could it not take steps to prevent threats of this kind, which had completely upset the Government's plan ?

Moreover, when Parliament had met on November 21st—curiously enough—the report did not say how many deputies had taken their seats—certainly there were many moderates who had been scared and had not been present and those who were present were constrained to take the side of the nationalists. However, after the event, had not the moderate party in Parliament, which was undoubtedly in a majority, rallied, or had it been so frightened that it no longer had the strength or the will to take any action ?

M. DE CAIX replied that there had undoubtedly been attempts to intimidate deputies who were known to be in favour of co-operation with the mandatory Power. However, the difficulty of protecting people living in different parts of such a city from unpleasant visits or even from being threatened in the street and in their homes should be realised. If it endeavoured to prevent any contact between the deputies and the people, the mandatory Power would inevitably lay itself open to the charge of having some very different end in view from that of enabling the deputies to exercise their free will. There had been a fairly large number of cases of intimidation, although far fewer had occurred in the Chamber than outside. A certain number of deputies who, in principle, were likely to support the treaty policy, had been led to sign, outside the Chamber, a petition denouncing this Treaty as contrary to the interests of the country. Consequently, those deputies were no longer free to decide as they thought fit after they had entered Parliament.

What had been their subsequent reaction ? The majority had returned almost immediately to their constituencies. M. de Caix had seen a certain number ; many of them

appeared to be almost astonished at the weakness they had displayed at Damascus. Some were sorry for it, and some of them had told him so quite frankly.

Damascus was a large city with a complicated topography and a population that was easily aroused. It was by far the most "nervy" city in Syria, and was possibly the least suited to the carrying out of a considered policy. The deputies from the provinces, especially those from rural districts—the men of the Qazas, as they were called—came into contact with townspeople who were much cleverer at making speeches and handling arguments, and they found themselves in an inferior position, particularly as street agitators were employed to intimidate them.

Mlle. DANNEVIG asked how, if the Lebanon and the territories of Latakia and Alexandretta were independent, could Syria exist, from an economic point of view, without access to the sea?

M. DE CAIX replied that this objection would be well founded if Syria and the Lebanon were not an economic unit from which there was no question of their separation and which the Mandatory attached importance to maintaining. The Lebanon would not be able—or have any reason—to prevent free transit between her ports and the interior.

The Sanjak of Alexandretta, which was already a Syrian province, possessed administrative and budgetary, but had no legislative autonomy to enable it to adopt measures contrary to the wishes of Syria as a whole.

Lastly, the legal position with regard to Latakia was such that, whatever the conditions for its realisation, it was difficult to see how the Government would cut itself off economically from Syria.

That was a question which would seem to arise on the map but did not exist in practice. There were no Customs between Syria and the Lebanon and the frontiers were merely marked by frontier posts. There was nothing to show when one passed on the road from one State to the other, and the traffic was not stopped for any formality whatever. Goods therefore paid no duties when passing from one mandated territory to the other.

The CHAIRMAN thought that the question raised by Mlle. Dannevig called for an interpretation on the part of M. de Caix. What did M. de Caix think of Article 8 of the draft Treaty?

On the previous day, the Chairman had not been able to understand whether the Treaty would be modified or maintained as it stood. In any case, certain points ought to be made clearer.

Article 8 was worded as follows:

"The High Contracting Parties agree that, in so far as each is concerned, it will be desirable to maintain the community of economic interests existing throughout the whole of the territories referred to in the London Act of July 24th, 1922."

That might mean that Syria would not be able freely to institute or levy Customs duties—in other words, that her economic independence would be limited, for she would be bound in economic matters to one or more territories over which the mandatory Power still exercised authority. M. de Caix must surely admit that, if political independence were to be granted to Syria, it ought to be accompanied by economic independence.

M. DE CAIX felt he was not bound to give his views as to what might happen many years hence, and which nobody could foresee. He was sure, however, that as long as the Mandatory maintained responsibility for these countries, it would uphold the principle of economic association between Syria and the Lebanon. He could not be asked what would happen when it was no longer responsible. But, even then, the Lebanon and Syria would have to agree upon some means of organising the economic unit which there was no reason for them to break up.

This question was, however, much more theoretical than practical, because the interests of the two parties were so clear that no very serious difficulties would be likely to arise. It was in the interests of the Lebanese ports to trade with Syria, and it was in the interests of Syria to utilise the Lebanese ports. If ever the question arose, the needs of both parties would compel them to find a solution.

The CHAIRMAN noted that, in short, the accredited representative did not regard this interdependence of economic interests as incompatible with political sovereignty.

M. DE CAIX replied that he might mention the example of a country which, while retaining full political independence, had formed an economic unit with other States. Their independence was marked, not by refusal to form an economic unit, but by the fact that they had formed it by agreement or contract.

The CHAIRMAN said that he did not know what treaty the Commission would have to examine in detail. He wished, however, immediately to put questions which might enlighten the Commission on certain points which he regarded as fundamental. For instance, Article 2 seemed to be contrary to the independence of Syria, because it would subject that country to political control and would *force it*, in the countries where it had no representatives of its own, to trust solely to France to protect its interests and nationals. Normally, an independent country reserved its right to decide for itself on what State it should rely for the protection of its interests abroad.

M. DE CAIX said that, in the present state of affairs, he did not feel called upon to discuss the provisions of the Treaty.

The CHAIRMAN reminded M. de Caix that, on the previous day, he had said that the Treaty had "been put away in the drawer". The mandatory Power could, however, take it out of the drawer whenever it chose. When would the Commission have an opportunity of ascertaining the scope of the Treaty? If the Treaty were brought out of the drawer unexpectedly, the Commission would be faced with an accomplished fact and its task would thus be very difficult. In his opinion, if it examined the Treaty immediately, it would be collaborating with the mandatory Power and might even give it useful assistance.

M. DE CAIX was sure that the Chairman's intentions were good, but in the present case he did not think that a discussion of the text of the Treaty, at the present time, was to be recommended.

The CHAIRMAN pointed out that M. de Caix had said that the Treaty was a draft which had been put on one side. If the Commission was not to discuss it now, when could it be discussed? He asked that question because he feared the Commission would some day be presented with an accomplished fact.

M. DE CAIX reminded the Chairman that he himself had said that he did not know what treaty the Commission would have to examine. If that were the Commission's feeling, he did not see what would be the use of any statements he might make, but he saw the disadvantages when the possibility of a parliamentary discussion had to be borne in mind.

The CHAIRMAN wondered, then, at what time the Commission would be able to discuss the Treaty.

M. RAPPARD always saw certain difficulties. He had to draw up a report on the petitions, the signatories of which were dissatisfied with the Treaty in question. If they could be informed that it had been withdrawn from consideration by the Chamber, that would constitute a reply, but if they were told that, sooner or later, the Treaty would be submitted to the Chamber for its approval, what reply should the Commission give them? There were two alternatives: either the Treaty was communicated for information to mark a stage in the negotiations or else it was a document which was being held in reserve as a means of regulating relations between Syria and the mandatory Power before the end of the current year. M. Rappard was perfectly prepared to observe the utmost discretion if he were given a sufficient reason, but if the Treaty had been "put in the drawer" and was to be taken out again sometime, what reply was to be sent to the petitioners?

M. DE CAIX repeated that personally he did not feel able to discuss the provisions of the Treaty. He wished to make it clear that if the Commission proceeded to discuss them he would not take part.

COUNT DE PENHA GARCIA took the view that, as the Treaty had been communicated to the Commission, the members must discuss it among themselves. As regards the position of the mandatory Power's representative, the Commission could do nothing more than ask him for information.

M. ORTS referring to the difficulties experienced by M. Rappard, thought that the Commission might merely reply to the petitioners that, as the Treaty would have to be submitted to the Syrian Parliament, those concerned might see that all arguments for or against it were duly laid before the Chamber by their representatives. When, in previous cases, the Commission had had to deal with disputes regarding the jurisdiction of the ordinary courts of law, it had confined itself to referring those concerned to the courts in question. In the present case, it ought, in his opinion, to get them to submit to any decisions reached by the Chamber.

M. RAPPARD thanked M. Orts for this suggestion. He desired to explain to M. de Caix why he had ventured to question him with regard to the Treaty. Various petitions had been communicated to the Secretary-General by the French Foreign Ministry, which wrote as follows:¹

"These telegrams are all part of the organised campaign against the Franco-Syrian Treaty. The mandatory Government has nothing to add to the considerations set out in the political part of the report to the League of Nations for 1933 which the accredited representative of the French Government will be able to supplement at the next session of the Mandates Commission."

A certain amount of information was certainly to be found in the report, but M. Rappard did not think it was indiscreet to ask the representative of the mandatory Power to supply further particulars.

M. DE CAIX observed that the information given in the report, which he had supplemented as far as he was able in his statement and in his replies to the Commission's questions, related, not to the Treaty itself, but to the circumstances in which it had been drafted, submitted and withdrawn from discussion in the Chamber.

Mlle. DANNEVIG asked whether changes could still be made in the Treaty should either party so desire, seeing that it had not yet been ratified.

M. DE CAIX replied that it should be remembered that the mandatory Power did not claim to impose this Treaty without discussion by Parliament, which involved certain consequences. The members of the Commission would understand that he could not anticipate that discussion.

¹ Document C.P.M.1512.

M. VAN REES said that although, for certain reasons which he would explain later, he had taken no part in the discussion, he would like information on one point—namely, whether the Treaty could be amended, or whether the High Commissioner regarded the present text as the last word.

M. DE CAIX said that he was unable to reply to a question of that kind. He could not be asked to take the place of the High Commissioner in preparing the solution of such a difficult problem. He would confine himself to stating—as he had already said—that the Treaty was the expression of a well considered policy that was already of long standing, and that it was hardly likely that there would be any fundamental change in that expression of policy.

The CHAIRMAN, speaking on behalf of the Commission, noted the fact that, in its essentials, the Treaty would not be modified.

He added that his questions had not been indiscreet. His colleagues and himself merely wished to be enlightened upon the more important points. He concurred, however, in the suggestion made by Count de Penha Garcia : the members of the Commission would discuss the Treaty among themselves.

ALLEGED MONARCHIST MOVEMENT.

COUNT DE PENHA GARCIA pointed out that, on Februaury 22nd, 1934, *La Syrie* had published a denial of the alleged negotiations between the French authorities and the ex-King of the Hejaz, Aly, regarding the throne of Syria. This denial ended with the expression : “ The so-called negotiations with ex-King Aly have never at any time gone beyond the stage of talks with a view to enlightenment.” Could it be inferred from this notice that some of the public were still in favour of a monarchy ? If so, were their numbers considerable ?

M. DE CAIX did not think it could be said that there was a properly organised monarchist party in Syria. Undoubtedly, many persons had leanings towards a monarchic system, for it was in keeping with the habits of mind created by ancient customs and traditions.

Rumours were persistent regarding negotiations with claimants. There were several claimants to the throne in the mandated territories ; others were to be found elsewhere. From time to time a highly imaginative Press spread rumours with regard to one or other of these persons. There had been a rumour during his last visit to Syria that he himself had come to prepare the way for one of these claimants, of whom he had never spoken.

TERRITORIAL DELIMITATION BETWEEN SYRIA AND JEBEL DRUSE.

M. ORTS read the following extract from the Damascus *Echos* (June 1933) :

[*Translation.*]

“ At the request of the mandatory authorities, a technical commission is apparently to be set up by the Syrian Government for the purpose of erecting boundary posts along the frontiers separating the territory of the Syrian Republic from that of the Jebel Druse. This commission is to begin its work during the current month.”

On August 12th of that year the *Presse coloniale* of Paris published the following information :

[*Translation.*]

“ The Mixed Commission for the delimitation of the frontier between Syria and the Jebel Druse is continuing its work.

“ In principle, the main boundary-line between the Jebel Druse and Syria will pass close to Brak and the village of Sura, skirting the Leja.

“ The Druses, whose territory has already been amputated in the south and added to Trans-Jordan under the Sykes-Picot Agreement, are afraid that their territory will be again reduced and added to Hauran—that is to say, to Syria, and are following the delimitation operations very closely.”

Was that information correct ?

M. DE CAIX said that he had not heard of any such delimitation. It would be possible and might even prove necesasry to erect boundary posts between the land belonging to villages under the jurisdiction of the Government of the Jebel Druse and that belonging to the Syrian province of Hauran. Almost the whole of the frontier between the State of Syria and the Government of the Jebel Druse, however, passed through desert land, which did not require detailed delimitation. It was only in the south-west that a delimitation had been found necessary for essentially local practical purposes which bore no resemblance to the establishment of a frontier.

LOCALLY RECRUITED OFFICIALS : SUPPRESSION OF ABUSES.

M. ORTS added that, according to an article published in the Damascus *Echos* of July 12th, 1933, the Lebanon was complaining that Lebanese officials in the service of the Syrian Government were being ill-treated and that reprisals were being contemplated—in particular, the dismissal of Syrian officials in the Lebanese service. Was that report correct ?

M. DE CAIX replied that, for a long time and prior to the developments determined by the mandate, the Lebanon had supplied a larger number of officials, as education had been more widespread there than in Syria. Thus, the Lebanon had supplied a certain number of officials to all the Levant countries. There had been a few Christian Lebanese among the administrative and political staff of the Emir Feisal. Now, however, that it was becoming easier for Syria to draw officials she required from her own sources, she was naturally inclined to reserve all Government posts for them. Hence, personal difficulties had arisen on several occasions and were no doubt reflected in the article in question. As for the reprisal which it was desired in the Lebanon to take against Syrian officials, there would not seem to be much in this threat; the Lebanon had always been far more a nursery for officials than a market.

M. ORTS quite understood the feelings of the Syrians, if they regarded the Lebanon as another country and the Lebanese as foreigners.

According to another Press report, a certain amount of agitation had been caused among the Christian minorities in Syria owing to the hardships suffered in a neighbouring country by other Christian minorities. In that connection, it was stated that, at the present time, there were very few Christians occupying posts of any importance in the Government departments of Aleppo. Was that statement correct? Was it true that non-Moslem officials were being eliminated?

M. DE CAIX had not heard it said that a systematic process of elimination was going on. As for the Moslems' desire to occupy the highest posts, that was the natural feeling of men accustomed to regard themselves as the better element in the country.

What M. Orts had said about the uneasiness felt by the Christian minorities, especially in view of the example afforded by a neighbouring country, was unfortunately only too true.

In that connection, it might be said of the Christians that they were not altogether sorry, although they supported the mandatory Power, and because they would prefer the mandatory regime to be prolonged, that the treaty policy pursued by the mandatory Government was encountering difficulties.

In reply to another question by M. Orts, M. de Caix said that he could not call to mind any cases in which Christians occupying higher posts had been replaced by Moslems without any apparent reason.

M. ORTS drew attention to an article on the general position in the Lebanon which had appeared in the *Times* of March 22nd, 1933, some particulars of which were very similar to those mentioned on page 12 of the report. The article suggested that the Lebanese were attached to the mandate, because they could see no possibility of reform otherwise than under the authority of the mandatory Power. The author of the article considered, however, that the results of that Power's most recent experiments had not been promising. He also referred to the facts mentioned on page 12 of the report—namely, to the improper use of public monies, cases of corruption and traffic in influence. In connection with the new system introduced by the High Commissioner, the article said:

“At first, President Debbas showed great energy in making reforms. He cut down Government expenditure; but his best efforts could not reduce it to much less than twice what the French Government had required before 1926. The public welcomed his promise of a thorough clean-up of the Administration, but soon changed its mind when it was found that the enquiry was being conducted with quite unnecessary severity. It was perturbed to see officials and contractors of high standing imprisoned in dark cells, cross-examined at dead of night, refused bail, and not even allowed to communicate with their lawyers, only to be set free after months of isolation and told that they were innocent.

“Complaints were made to the French as well as to the Lebanese authorities, but without result. This led some persons to do justice for themselves. The President of the Supreme Court was waylaid in the street and severely beaten. Such was the public indignation over the methods employed by the prosecution that the judge found few or no supporters, while more than 200 advocates volunteered to defend his assailants.

“Petitions protesting against the present regime were presented to the High Commissioner from various classes of the population. The Press (with one or two exceptions), the party of Republican Independence, and the second-degree electors all made strong representations. Finally, the Maronite Bishop of Beirut, Mgr. Agnathios Mobarak, widely known as a staunch friend of the mandate and a man of great influence, in an address to a large audience on St. Maron's Day, attacked the Government, which he called ‘a Government of destruction’.

“It is not likely the Lebanese will resort to disorder to show their discontent. On the other hand, the French exercise of the mandate yearly gains the approval of the League of Nations, thanks to the ability of M. Ponsot, who is both a good witness and a clever advocate. But the situation is such that, in the eyes of the Lebanese, France ought either to pay closer attention to the application of the law and the administration of justice or terminate her mandate.”

In short, the article criticised the President's use of his powers and considered that the mandatory Power should itself introduce the necessary reforms.

M. DE CAIX said that a distinction should be drawn between two different things : the feelings of the Lebanese with regard to the regime, and the manner in which reform had been carried out under the authoritarian system introduced on May 9th, 1932.

There could be no doubt that for some time past opinion in the Lebanon had been anxious that the constitutional machinery should be greatly simplified. The 1926 Constitution was like a garment which had been cut to purely theoretical measurements without regard to the stature of the country by which it was to be worn. The development of parliamentarianism had resulted in a system of favouritism and exploitation of public funds which was disliked by all who made nothing, out of it. There were many Lebanese who demanded direct administration by the mandatory Power. Others were more moderate and merely recommended a return to a similar and very simple system which had given the Lebanon the constitutional rules introduced after the events of 1860. There was no doubt, therefore, that the introduction of an authoritarian system in May 1932 was fully in keeping with the desires of the whole of that section of the population which had not benefited by the abuses. It was not necessary, moreover, to believe all that was said with regard to administrative corruption, in a country where people were so ready to write and speak.

Thereupon had followed the reforming activities directed by President Debbas, who had naturally left it to the Lebanese judicial authorities to take repressive measures. It would appear to be true that the proceedings had been drawn out and that the treatment meted out to the accused was such as to justify complaints. In any event, public feeling—including that of the enlightened classes—was high. In order to calm it, the President had put an end to the prosecutions, which in many cases had lasted too long, the accused never appearing before the courts.

M. ORTS pointed out that, according to the report, all the persons charged had been amnestied.

M. RAPPARD asked, in this connection, how anyone could be amnestied without being first convicted.

M. DE CAIX admitted that the procedure was somewhat unusual. In any event, as it had become necessary, an end had been put to proceedings which were leading to no result—partly, perhaps, on account of the difficulty of obtaining witnesses in that country—but which had aroused public opinion owing to their duration and to the methods employed.

As regards the budgetary position, the improvement which had followed the reduction of expenditure was considerable, as out of a budget of 100 millions nearly 12 millions had been saved, thanks more especially to salary cuts and the abolition of posts—that was to say, without touching necessary expenditure.

M. ORTS wondered whether undue severity had not been followed by undue leniency. It had first been made impossible for those charged to defend themselves and then persons who had not been convicted were amnestied. From the Amnesty Decree promulgated by the President of the Lebanese Republic on August 31st, 1933, it would appear that the amnestied officials had been dismissed, though under Article 2 it was open to them to apply for reinstatement in the public services. What had actually been done in such cases ?

M. DE CAIX explained that public feeling had been so strong that President Debbas had been obliged to seek some means of putting an end to the situation. In reality, it was the judicial authorities who had been at fault in this matter. The Government could not be held responsible for the fact that the Lebanese judicial authorities had protracted the proceedings and had indefinitely postponed the moment when the accused would be able to defend themselves in court. While no penalties had been inflicted, it was nevertheless a fact that proceedings had been instituted for corruption and that high officials might have been imprisoned. No such happening had been seen for a long time, and that fact retained its significance, although the judicial proceedings had led to no result.

M. ORTS asked whether certain of these officials had actually been reinstated.

M. DE CAIX replied that this had been the case, but that almost immediately certain officials had been pensioned. It could not be said that no administrative action had been taken.

The CHAIRMAN believed that a decree had been promulgated the previous year which provided that not more than two members of the same family could belong to the same administration. Furthermore, it had been discovered during the present year that a judge had been guilty of trafficking in sentences. If he had understood M. de Caix's previous remarks correctly, the Lebanon was a far more fruitful nursery of officials than Syria. He would be glad if the accredited representative would explain this point.

Mlle. DANNEVIG referred to a passage on page 136 of the report concerning legal proceedings instituted against the director of the orphans' fund who had misappropriated the money of his wards. Proceedings had been discontinued under the Amnesty Decree. How had this matter been settled ?

M. DE CAIX was unaware whether the director in question had benefited under the amnesty. In any case, the orphanage had certainly not been closed for that season, and the children had not suffered as a result of the misappropriations.

With regard to the parallel drawn by the Chairman between the value of Syrian and Lebanese officials respectively, the Chairman had given to M. de Caix's words a meaning he had not intended to convey. When speaking of a nursery of officials, he was not thinking of their worth or qualities ; he simply meant that the Lebanon had supplied a greater number of

certificated persons than Syria, and that in proportion, therefore, there were many more Lebanese trained to serve as officials than Syrians. He had not intended to establish a parallel between the two races.

The CHAIRMAN understood that M. de Caix was referring to the quantity rather than the quality of the officials.

M. DE CAIX replied that it would be very difficult to conduct an enquiry into their comparative merits.

ALLEGED EXODUS OF THE INHABITANTS OF SYRIAN VILLAGES.

M. ORTS referred to an article in the *Times* which said that tax collectors, who a year ago had visited a remote district east of the vilayet of Aleppo for the purpose of collecting taxes in arrears from some 300 villages, had stated on their return that these villages were completely deserted and that they had found nothing to show what had happened to the inhabitants. The rumour had spread and had been denied by the Government, but it appeared to have been subsequently confirmed.

M. DE CAIX said that he had heard this rumour during his last visit ; but, so far as he had heard, there was no justification for it. It should doubtless be regarded as an exaggerated report of an occurrence due to the persistent drought, from which that region, situated on the confines of the desert, had suffered. Harvests were bad in this zone, where there was always more uncertainty than in the west. It was therefore possible that some of the peasants had gone to live somewhere else for a time without actually emigrating. Movements of this kind were easier to make and more frequent in this country—where equipment and material were so light—than in Europe. But 300 villages must represent at least 30,000 persons. How could so many disappear without leaving any trace ? The fellaheen could not have gone into the desert, where they would have died of hunger. No movement of this kind had, however, been reported in the cultivated areas. They must have distributed themselves in the interior of these districts for a time. In any event, when M. de Caix had passed through the country no one had told him of an occurrence of that importance.

QUESTION OF ZIONIST COLONISATION.

M. SAKENOBÉ, as Rapporteur for a petition, said that the Commission had heard that attempts had been made by the Zionists to acquire land in the south of Syria and the Lebanon. So much agitation and so violent a Press campaign had ensued in those two countries that the mandatory Government had considered it expedient, by its Decree of January 18th, to decide that, in the case of the purchase of land and of long leases, the authorisation of the Government concerned should be obtained beforehand. Had that decree been promulgated for the purpose of maintaining public order, and did it apply to all foreigners without distinction ?

M. DE CAIX replied that it was quite true that the Zionists had attempted to acquire land bordering on the plain of Hulé. Those attempts had in every case alarmed the Syrian population. He thought he was right in saying that administrative measures had already been adopted previously to prevent any attempt of that kind from succeeding. The position of the mandatory Government, which had to deal with a population which became excited when foreigners who were not attached to any country arrived and wished to start settlements in the district, should be realised. That population was naturally still more excited when it believed that attempts were being made to extend territorial possessions, as was being done in the neighbouring country to the resentment of the Moslems and even of the Arabic-speaking Christians. Zionist colonisation would require a protective force, and there was no obligation upon the mandatory Power to facilitate the settlement of foreign colonists in the country, which could justify it in placing upon the Governments of Syria and the Lebanon the cost of such a force.

The decree applied to all foreigners. The Government's authorisation could be obtained in the case of a purchase which would not prepare the way for colonisation likely to disturb the tranquillity of the country.

M. SAKENOBÉ asked whether the Zionists had purchased any land prior to the Decree of January 18th, 1934 ?

M. DE CAIX replied that they had attempted to do so, though apparently without success up to the present. There was still more ground for the exercise of discretion by the mandatory Power in the case of the sale by latifundia, who were in debt, of large estates already occupied by villages of fellaheen.

TENTH MEETING.

Held on Tuesday, June 5th, 1934, at 4 p.m.

Syria and the Lebanon : Examination of the Annual Report for 1933 (continuation).

M. de Caix came to the table of the Commission.

MUNICIPAL ADMINISTRATION : REPLACEMENT OF CERTAIN MUNICIPAL COUNCILS BY OFFICIALS.

M. PALACIOS recalled that, on several occasions in the course of recent years, the Commission had concerned itself with measures regarding municipal administration in the various parts of the mandated territory. From the detailed information to be found on this point in various sections of the annual report, it would appear that the tendency to substitute officials for the elected notables previously in charge of municipal affairs had still further increased in the course of 1933. In Syria, for example (page 93 of the report), forty of the ninety-nine municipalities " were presided over by officials appointed by the central authority ". The report stated that " inspection of the municipalities had shown that, in many cases, and frequently in spite of praiseworthy efforts, the notables at the head of the municipalities had not the necessary qualifications to enable them to make profitable and proper use of the funds placed at their disposal. Their management was more often inexpert rather than dishonest ".

As regards the Lebanon, the report stated, on page 154, that certain municipalities " had shown themselves unequal to their task and had been supplanted by municipal delegations ".

As regards the Government of Latakia, the report said the following (page 132) :

" At the end of the period of Ottoman rule, there were four municipalities. Since 1932, all municipalities have been managed by commissions consisting of a number of nominated members with an official at their head ; the only exception is Slenfeh, where the municipality functions only during the summer, the members being elected amongst the summer residents. Municipal affairs are thus much more efficiently managed than previously as regards both the collection of taxes and control of expenditure and also the initiation and priority of municipal works."

In the Jebel Druse (page 115), lastly, the system of " municipal commissions " appointed by the Government and consisting of native members acting under the supervision of technical advisers had been maintained.

It was a striking fact that developments in municipal administration pointed to a tendency to replace the representative authorities by officials designated by the central authority. Did the accredited representative consider that these measures, which were, no doubt, provisional, would make it possible to make sufficient progress to permit of a return to the normal state of affairs in the near future ? Did the position justify the view that the inhabitants of these parts were ripe for independence ?

M. DE CAIX replied that it had never been a principle systematically to supplant the elected municipalities by officials. This had been done in a great many cases because, as the report stated, the inefficiency or lack of qualifications of the municipal councils necessitated such a course. Moreover, the results obtained justified this measure.

As regarded the question of the conclusion which might be drawn from these facts in the matter of independence, it was an open question whether there was not a number of independent countries in which municipal affairs were just as badly managed as many of them might be in Syria and the Lebanon. M. de Caix would merely raise this question without expressing an opinion.

M. PALACIOS then pointed out that the Arab Press had recently reproduced (see *Oriente Moderno*, of October 1933 and March 1934) demands made by the Druse chieftains for the reform of the administrative machinery of that region. What the Druses apparently desired was that the responsibilities of the native authorities and officials should be increased with a corresponding curtailment of the powers of the agents of the mandatory Power.

On page 107 of the report, it was stated that the Government services were still organised in the manner described in the report for 1932, except that the post of Technical Adviser had been abolished by decision of the High Commissioner, dated December 20th, 1933.

Had the Druses' other requests been regarded as premature, or was it proposed to give them a certain measure of satisfaction ?

M. DE CAIX replied that, generally speaking, the powers of the native authorities and the numbers of the native officials would be increased as soon as such a course proved to be possible. As regards the Jebel Druse, however, it must be realised that, while, at present, almost all the children attended school—for this was one of the countries in which the greatest efforts were being made in educational matters—the majority of the old governing class consisted of notables absolutely devoid of the qualifications necessary for modern administration.

This state of affairs could not fail, for a certain time, to have effects on the recruiting of the administrative staff.

The accredited representative observed that M. Palacios would note, in the report for this year (page 109), a statement to the effect that, in the Jebel Druse, all newly-appointed school-teachers were now drawn from the local population. In this respect, therefore, there was an important change. At the outset, the only native officials came from elsewhere, more especially the Lebanon, but that class of official was now tending to give way to local men who had received the necessary education.

MILITARY ORGANISATION.

M. SAKENOBE referred to the information given in the report (pages 43 and 44) regarding the training of local troops, expenditure during the last two years and the recruiting of cadets for the military school. Cases were mentioned in which the military forces had been used. M. Sakenobe asked whether information could be given in the next report regarding the progress made in improving the efficiency and training of the local troops.

M. DE CAIX said that the question could easily be put to the military authorities. As regards the pupils trained at the military school, it was important to note that the number of young men seeking a career was on the increase in this country, as everywhere else, and, as the number of competitors increased, it was possible to make a better choice. Recruiting was satisfactory, and the Military School at Homs, where the training grounds were larger than at Damascus, gave satisfactory results.

REFUGEES : ASSYRIANS FROM IRAQ ; ARMENIAN (NATURALISATION AND LABOUR).

M. SAKENOBE referred to the case in which the military had been called in on the occasion of the arrival of Assyro-Chaldean refugees from Iraq and noted that, on the first occasion (page 52 of the report), the refugees had returned to their own homes, but that, on the second occasion, they had been unwilling to return and the authorities had been obliged to look after them. For how many Assyro-Chaldeans was the Syrian Government still responsible, and what was the present position ?

M. DE CAIX said that, according to the information in his possession, it might be assumed that approximately five hundred male Assyrians had entered Syrian territory. They had been immediately removed from the neighbourhood of the Iraq frontier in order to avoid a repetition of incidents similar to those which had occurred on the first occasion. Since then, a number of them had been employed in improving the desert trails. It had to be recognised that the employment of the Assyrians in such work had not been to the taste of the local population, which had complained of this competition. That was always the difficulty : they were unwilling to grant anything to the new arrivals. M. de Caix did not, however, think there would be much difficulty in settling a small number of farmers and shepherds in the north-east of the country, but the question arose as to the conditions under which their families in Iraq could join them.

M. ORTS asked how many families could be accommodated in that region.

M. DE CAIX replied that that did not depend upon the land but upon the cost of settling these people and especially upon the attitude of public opinion towards such settlement. The feelings shown in Iraq in respect of this group, which desired to preserve its own individuality, also existed in Syria, at least in certain circles. These were the factors which rendered any large-scale immigration difficult.

Lord LUGARD asked what was the difficulty in the way of bringing in the families of the refugees in question. Was the Government of Iraq opposed to it ?

M. DE CAIX thought that the Iraqi Government had only one desire—namely, to get rid of the Assyrians. The difficulty appeared to have been the question of responsibility for the cost of transport. The territories under French mandate could not be asked to bear the burden ; in any case, the question had not yet been settled.

Lord LUGARD asked whether, in the event of the Assyrians of Iraq settling in Brazil or elsewhere, the Assyrian refugees in Syria would join them or whether they would remain in the mandated territory.

M. DE CAIX said they would not be greatly tempted to do so, but that would partly depend on the amount of the allegiance of these refugees towards the chiefs taking part in the exodus overseas, and still more on the conditions of the agreement between all the Governments concerned.

Mlle. DANNEVIG asked whether it would not be cheaper and easier to settle the Assyrians in Syria rather than in Brazil or elsewhere.

M. CATASTINI drew Mlle. Dannevig's attention to the fact that a Committee of the Council was at that very moment dealing with the question, and he asked whether the Commission would not prefer to leave it in the Committee's hands.

M. VAN REES had noticed in the same passage of the report an account of the circumstances in which certain Assyro-Chaldeans had taken refuge in Syria in August 1933. The majority of them had found an asylum in the territory, but had not yet been joined by their families.

Some of them were employed on work, for which they received the wages current in the district. Did that statement refer to the hundreds of Syrian workers who, according to the newspaper *La Syrie*, of April 12th, 1934, had been engaged by the Syrian Government for the construction of the railway line between Damascus and Iraq ?

M. DE CAIX replied that, in the first place, there was no railway in course of construction between Damascus and Iraq, which proved that, to say the least of it, the report was mistaken. He had already stated that the men in question were employed on improving desert trails, and some of them, indeed, were working, or had been working recently, in Syrian territory on the trail from Damascus to Baghdad.

M. VAN REES asked whether they were employed on the pipe-line.

M. DE CAIX replied that a certain number of them might perhaps have been employed on this work, but that many of the workers were of a different origin. It was stated in the report that the number of workmen engaged in laying the pipe-line had at one time been nearly 3,000 (page 31).

M. VAN REES noted that a whole chapter had been devoted (pages 50 to 52) to assistance to refugees. It was thus possible to form an idea of the remarkable results achieved thanks to the co-operation of the mandatory Power with the Nansen International Office. The tables showed that refugees, and especially Armenians, had settled in the cities and countryside in very large numbers. What was their position as regards nationality ? Were they without nationality, like the majority of immigrant Ottoman nationals, or had they acquired Syrian nationality ?

M. DE CAIX replied that a great many of them had been naturalised. The Armenian vote had not been the least important factor in the recent elections in Beirut.

M. VAN REES asked whether the acquisition of Syrian nationality had been automatic, or whether it was the result of a form of procedure under which the Syrians had the right to oppose naturalisation ?

M. DE CAIX said that natives of Ottoman territories domiciled in Syria at the time of the ratification of the Treaty of Lausanne automatically become Syrians ; many Armenians who had taken refuge in the country at the beginning of the French occupation came under these provisions.

As regards naturalisation in the ordinary sense of the word, a decision by the Government was required, and the Syrian Government, like the Lebanon Government might refuse it. In point of fact, however, the vast majority of Armenians living in the country had passed through the gate and were now installed within the city.

Mlle. DANNEVIG asked whether the Armenian refugees were on good terms with the Syrians.

M. DE CAIX thought that, generally speaking, there was not much love lost between them, but they lived together in peace.

Mlle. DANNEVIG asked whether any serious difficulties might be anticipated in regard to the Armenian refugees if the mandate were terminated.

M. DE CAIX replied that their competition with native labour, in the strict sense of the term, was not very popular, and that there might perhaps be trouble. It should, nevertheless be borne in mind that the rivalry of workmen caused conflicts even in Europe, especially when men wanted to work in spite of a strike being declared. Such conflicts might be experienced in Syria, and their importance magnified, as was only to be expected in that atmosphere.

PRISONS : JUDICIAL ORGANISATION.

M. SAKENOBÉ gathered that the prison system in Syria was not very satisfactory. All the prisons were congested. The report said that no system of labour by the prisoners had been organised in the prisons (page 75). Certain administrative departments, such as the Departments of Public Works, Agriculture and Archæology, and certain municipalities employed prisoners to a certain extent. What was the policy of the Syrian Government in regard to this labour by prisoners outside the prison ? Was there any intention of organising prison labour inside the prisons ?

M. DE CAIX replied that the prison organisation was indeed unsatisfactory. The prisons were too small and inadequately organised, although improvements had been made in sanitary conditions. It was certain that prisoners received attention ; and the prisons were disinfected.

There was no organisation of prison labour, and it would undoubtedly be the intention of the authorities to organise it within the prisons. But, apart from the difficulty due to the nature of the premises, there was the further difficulty that, in a country of this kind, it was not very clear how the proceeds of prison labour were to be marketed. They might prejudice the local artisans. On the other hand, there was work outside the prisons for which there was less competition and where prisoners could be very useful. At Latakia, for example, the only place in which there was a really modern prison, prisoners were employed outside the prison walls unless their sentences were too heavy—that is to say, unless the premium on escape was too high.

M. SAKENOBÉ enquired as to the treatment of juvenile offenders and asked if there were any Borstal or reformatory institutions.

M. DE CAIX replied that, generally speaking, efforts were made to keep young offenders separate from adults ; but no organised reformatories were, at present, in existence. The budgetary situation did not yet permit of their being established. The country in itself was not rich, and it had just passed through a very serious depression, like all other countries ; it was therefore not surprising that reforms were crippled for lack of funds.

M. SAKENOBÉ pointed out that reference was made (on page 108 of the report) to the establishment of an administrative tribunal in the Jebel Druse. What was the competence of this tribunal ?

M. DE CAIX replied that it was to settle difficulties between individuals and the Administration. It was an organ on a small scale with the same object as the French Conseil d'Etat.

M. SAKENOBÉ asked if there were similar tribunals in Syria and the Lebanon.

M. DE CAIX replied that there were.

The CHAIRMAN pointed out that the Commission had drawn attention at a previous session to the fact that native litigants in Syria were resorting increasingly to the mixed courts—that was to say, courts composed in part of French judges—as offering them greater safeguards (see Minutes of the Twenty-third Session, page 142). It appeared from the annual report for 1933 that this preference for French rather than native judges had not diminished : on the contrary, it was accentuated. It would also be found on page 73 that the High Commissioner had extended the competence of the mixed courts to offences against public order, “ even where no foreign interest is involved ”. Could the accredited representative give reasons for this action, and tell the Commission what reception it had met with in the territory concerned ?

M. DE CAIX explained that there was no connection between civil litigation, where the plaintiffs resorted to the jurisdiction of the mixed courts of their own accord, and criminal proceedings, where it was imposed on the offenders. It was imposed on them for the reason that it had been found that the local connections of native judges were apt to lead either to excessively indulgent or to excessively severe judicial sentences. The mixed courts were considered to be more detached from local influences than those which had dealt with offenders up to the present.

LEGISLATION RELATING TO THE RIGHT OF INHERITANCE.

The CHAIRMAN pointed out that the report referred (page 14) to the Order of the High Commissioner dated October 3rd, 1933, fixing the respective powers of consuls on the one hand and the local authorities on the other in cases of inheritance. He observed it was stated that the Order in question “ determined the method of inheritance, which is the same as that of the law governing the property of deceased persons, movable or immovable ”. Was the accredited representative able to say whether steps had been taken, or at any rate taken into consideration, with a view to giving effect to the Commission's comments in the previous year in connection with its examination of the Sagiati and Dallal petitions ? ¹

M. DE CAIX said that legislation had been promulgated in the Lebanon of a more liberal character than that of any other oriental country in these matters. It allowed non-Moslem Lebanese nationals to follow rules of succession other than those established under the Koranic law. They were free to make wills, subject to the rights of certain natural heirs. This legislation had been introduced, he believed, in the Lebanon in 1929. It had not been introduced without giving rise to protests on the part of the patriarchates, and it had been necessary to exclude the Moslems. The fact that this difficulty had been encountered in the Lebanon showed the impression that would be created in Syria by a similar reform.

The CHAIRMAN said he gathered that the Order nevertheless introduced a new state of things.

M. DE CAIX replied that this was so ; but the purpose of the Order was to regulate the conditions under which consuls had to intervene in the removal of seals, the taking of the inventory, etc., or in acts for which their intervention was unnecessary in western countries. But the fact had been taken into account that, until recently, these countries had had the system of capitulations, which created habits that could not immediately disappear and should be taken into consideration.

The CHAIRMAN, continuing his observations in regard to the rights of inheritance of foreigners, observed that the report (page 73) in the paragraph dealing with the Sharia courts said that :

“ The Sharia court is competent to adjudicate between non-Moslems in matters of inheritance, if the deceased met his end when travelling, or if the heirs are minors, or absent, or incapacitated, or if the real estate of the inheritance is Mirieh or Wakf.

“ In all other cases relating to an inheritance between non-Moslems, the Sharia court is competent only if the parties do not agree to have recourse to the religious jurisdiction of their Confession.”

¹ See Minutes of the Twenty-third Session of the Commission, page 194.

He asked how the question of competence was determined in the case of inheritance between Syrians of different confessions.

M. DE CAIX explained that the Sharia court was competent, unless the parties agreed to bring the case before one of their patriarchs.

EXERCISE OF THE PROFESSION OF ADVOCATE IN SYRIA AND THE LEBANON.

The CHAIRMAN observed that, at the twenty-third session (see Minutes, pages 142 and 150), the accredited representative was invited to give details as to the conditions attaching to authorisation to exercise the profession of advocate in Syria and the Lebanon. The Commission was then told that there was no discrimination on grounds of nationality, and M. de Caix had added that he would furnish additional details subsequently in regard to the qualifications required, after looking into the matter. Was he now in a position to give the Commission the details in question?

M. DE CAIX said that he had with him, and would read to the Commission if desired, the text of the conditions required relating to the Lebanon and those relating to Syria; the same rules existed in the Government of Latakia.

The CHAIRMAN said he only wanted to know what was new in the matter.

M. DE CAIX replied that, in principle, the profession of advocate was reserved for nationals of the country, but it was open to foreigners who possessed certain qualifications.

M. RAPPARD enquired whether the expression "nationals" included Frenchmen.

M. DE CAIX replied in the negative. There were certain French advocates at Beirut; but their position there was on the same footing as that of any other foreigner. Frenchmen were not in any respect regarded as nationals.

He then read the following statement:

"In derogation of the principle above indicated, the Chief of State may, by decree in Council, authorise foreigners who are nationals of one of the Powers signatory of the Covenant of the League of Nations or nationals of the United States of America, to register at one of the Bars established in connection with juridical bodies sitting in the State. Nevertheless, such authorisation may not be granted unless the candidates can prove that they possess the moral qualifications . . . and that they possess an adequate knowledge of one of the official languages in the States of the Levant under French mandate. . . ."

The question was not therefore a question of university education, but of knowledge of one of the languages used in the courts.

The CHAIRMAN asked whether the passage quoted had been communicated to the Commission and, if so, when.

M. DE CAIX replied that the text had never been communicated to the Commission. The dates on which it came into force were as follows: In the case of Syria, under Order of June 2nd, 1930, and, in the case of the Lebanon, under Order of May 26th, 1921, as amended in 1926.

ORGANISATION FOR THE CONTROL AND ADMINISTRATION OF THE WAKFS.

M. PALACIOS pointed out that, at the twenty-third session (see Minutes, page 145), the accredited representative had stated that elections would be held to the Wakf Councils in Aleppo and Damascus when the people calmed down. He added that the reform establishing the autonomy of the Wakfs was being applied. The annual report (page 55) stated that the elections had had to be postponed in view of the maintenance of the opposition already referred to. The situation was therefore unchanged. This—at first sight abnormal—extension of a purely provisional situation must surely involve some inconvenience from the standpoint of the Wakfs. It would seem from the information furnished in the report that this was not the case; but to what then was the opposition in question due?

M. DE CAIX did not think that the position involved any administrative inconvenience—that was to say, in connection with the collection of revenue or the upkeep of the Wakf institutions. The difficulty had been explained two years earlier.¹ It was due to the fact that Mohammedan religious personages considered that officials who were Government agents had been given too large a place in the composition of local Councils. Syrian policy, as the Commission had been told, was grafted on this claim; the Wakf elections had been regarded as a means of agitation. He did not know how the matter exactly stood at the moment. But he knew that a scheme for adapting the system in such a manner as to take account of the various needs and desires was at present being studied.

M. PALACIOS asked why the activities of the corporate bodies in the Lebanon, the study of which had been undertaken in 1931, had not yet begun (page 56 of the report).

M. DE CAIX could not give M. Palacios information on this point. There were non-Moslem communities on which he did not possess the documents necessary for giving a reply.

¹ See Minutes of the Twenty-second Session of the Commission, page 284.

SHIITE COMMUNITY.

M. PALACIOS pointed out that, at the twenty-third session (see Minutes, page 145), the accredited representative's attention had been drawn to the fruitless efforts made by the Shiite community in Syria to obtain jurisdictional and religious autonomy, separate from that of the Sunnite community. The accredited representative then replied that the recommendations made in this sense by the agents of the mandatory Power had met with resistance on the part of the Sunnites, who were the dominant element in Syria. The report stated (page 56) that the Shiite Moslems of Syria had expressed the wish to be attached to the Shiite community in the Lebanon. Could it be said that the advantages of such a solution were such as to outweigh the disadvantages resulting from the attachment of a Syrian minority group to a community whose headquarters were outside Syria proper ?

M. DE CAIX replied that the situation was governed by the fact that there were very few Shiites in Syria. They constituted small and scattered groups ; and there were no large groups of Shiites in the territories under French mandate except in the Lebanon. Under these circumstances, it could be understood that the Syrian community should endeavour to attach itself to the community in the Lebanon, which was an organised body and had, for example, its own special religious courts applying its own special rites.

PILGRIMAGES.

Count DE PENHA GARCIA observed that, according to the report (page 67), the number of pilgrims had largely fallen off in the past year. The report attributed this to the general economic conditions ; but it would seem that there might be another explanation. The newspaper *Filastin*, of December 21st, 1933, quoted in the *Oriente Moderno* of February 1934, stated that a Moslem Association had submitted to the High Commissioner a number of points on which reform was desired in connection with the conditions under which pilgrims went to the Hejaz (freedom of choice in regard to steamers, reduction of fares—which were stated to be exorbitant in comparison with those paid by pilgrims coming from other countries—comfort, health and police arrangements on board the vessels, visa charges for passports and so on). It was added that, the concessions made by the " Pilgrimage Commission attached to the High Commissioner's Office ", not having been considered sufficient by the representatives of the parties concerned, the latter had resigned their positions as members of this Commission. The article added that a number of persons had foregone making the pilgrimage that year owing to the high cost of transport. How did the matter stand ? Had any attempt been made to meet these demands, which would appear to be well founded ? He did not press for an immediate reply.

M. DE CAIX could only reply that, so far as pilgrim vessels were concerned, the Administration insisted on certain sanitary requirements, which might have affected the cost of the passage. The information requested would appear in the next report.

JEWISH IMMIGRATION.

Count DE PENHA GARCIA said that, according to the *Temps*, of October 13th, 1933, the authorities of the mandatory Power had been led to take measures for limiting the immigration of German Jews into Syria, for fear of a seditious movement in the country. As the annual report was silent on this point, he asked whether the accredited representative could supply the Commission with information.

M. DE CAIX replied that there had been no measures against the immigration of Jews, but there had been an agreement with the Palestinian authorities to prevent immigrants to Palestine who landed at Beirut with a British visa from being turned back by the Palestine authorities. Information on that agreement would be found on page 16 of the report.

PRACTICE OF MEDICINE AND PHARMACY BY FOREIGNERS.

Count DE PENHA GARCIA drew attention to a statement in the *Echos de Damas* of June 10th, 1933, that Syrian public opinion had been disturbed by the menace of the arrival of doctors and pharmacists who had immigrated from Germany. Had there really been such immigration and had measures been taken under the pressure from the professional organisation concerned ?

M. DE CAIX replied that no such invasion could take place, because doctors and pharmacists wishing to practise in the country would require certain qualifications which these German doctors and pharmacists would not possess ; they would have to acquire them.

Count DE PENHA GARCIA asked if there were any restrictions in respect of nationality.

M. DE CAIX did not think so or, if there were, they referred only to the diplomas required. A foreign diploma was only accepted after a *colloquium*. Moreover, unless such foreigners brought their patients or customers with them, they would not succeed in a country where there were so many doctors and chemists. Far from increasing, the number of foreign doctors, including Frenchmen, was tending to decline, owing to the excellent technicians that were turned out by the faculties of the country. There had been a scheme for the settlement of German Jews near the Euphrates ; if it had led to anything, those immigrants might perhaps have brought doctors with them, but the scheme had been dropped.

ECONOMIC EQUALITY : MINES ; OIL PROSPECTING : IMPORTS OF CERTAIN OILS.

M. ORTS noted that, on page 59 of the report, the High Commissioner was stated to have signed an Order instituting a new mining system. Did the new legislation take account of the principle of economic equality, under which all States Members of the League of Nations were placed on a footing of equality in regard to mining research rights and mining concessions ?

M. DE CAIX replied in the affirmative, and furnished M. Orts with the text.

M. ORTS said that reference had been made to petroleum prospecting in the Nissibine district. Was there not a large petroleum deposit in this district, extending from beyond the frontier into Turkish territory ?

M. DE CAIX replied that petroleum had not yet been found in this district, though the geological indications were promising. The ground there seemed to continue the Irak petroleum zone. A firm had taken out a licence for prospecting.

M. ORTS asked what was the nationality of the company to which this concession had been granted.

M. DE CAIX replied that it was a French company, or, to be more exact, a French combine.

M. ORTS asked whether it had begun prospecting.

M. DE CAIX replied that, at the moment, there were geologists on the spot, who were making a very detailed survey of the land.

M. ORTS asked whether the concession had been given under the former regime or under the regime of the new Order.

M. DE CAIX replied that it was granted under the regime referred to in the document which M. Orts had before him. There was a special paragraph on hydro-carbons.

M. VAN REES referred (page 19 of the report) to two Decrees by the High Commissioner, of November 24th and December 30th, 1933, regulating the imports of certain oils into the territory. The first of these Decrees provided that certain oils of vegetable or animal origin could only be imported into Syria and the Lebanon under a special authorisation, unless they were destined for soapworks and denatured under conditions laid down in the existing Customs regulations. The reason for this prohibition was stated in the Preamble to the Decree and read : " Whereas it is essential to prevent fraud in the form of the adulteration of locally produced butter and oil, which injures the good reputation of such products. " The object was, therefore, not to combat the competition of imported foreign oils, but to prevent adulteration injurious to the good reputation of local products. This motive gave rise to a question. If it were considered that a system of import permits could not be dispensed with, why was this system applied only to a small number of oils, and not to all oils which might be used for adulterating local oils ? Groundnut oil, olive oil, palm oil and coconut oil, which were not mentioned in the Decree, could also be used for this purpose quite as well as the oils referred to in it. This would appear to be a discrimination which might be interpreted as a violation of the principle of economic equality if it was a fact, as would appear to be the case according to information which had reached him from private sources, that they were chiefly the oils which were imported by the French producers, under the names of vegetaline, cocoline, cocose, etc., while the others referred to in the Decree in question generally came from foreign countries.

He added that that interpretation would be strengthened by the fact that, according to his information, the import permits were regularly refused, especially in the case of soya oils intended for food, although these oils were universally recognised as perfectly edible. What was more, consignments sent before the Decree was promulgated appeared to have been unable to obtain the import permit, so that certain foreign consignors had suffered considerable loss. Could the accredited representative give any information on the question thus raised ?

M. DE CAIX replied that he would find it difficult to express an opinion on the respective merits of the several oils, or on the reasons for which the Customs discriminated between them. He could only assure the Committee that the mandatory Government or the High Commissioner, if asked to consider measures infringing economic equality, would certainly put matters right.

M. VAN REES observed that his intention had been to obtain particulars as to the reasons why the Decree was limited to the three categories of vegetable oils mentioned—cotton, soya and sunflower—with the object of preventing adulteration, when it appeared to be incontestable that those were not the only oils that lent themselves to that purpose.

M. DE CAIX was unable to reply on this subject. M. Van Rees's question would be recorded in the Minutes, but he would bring the matter to the attention of the Beirut authorities without delay, in order that its effects on economic equality might be studied and the necessary action taken, if there had been an attempt to violate that principle.

M. VAN REES pointed out that, besides the Decree of December 30th, 1933, to which he had referred, there was a third Decree, of January 11th, 1934, not mentioned in the report.

Those two Decrees considerably increased the import duties on all kinds of liquid or solid oils. He supposed that the Decrees, the object of which was not defined in the preambles, had been promulgated, in particular, with a view to protecting local products against foreign competition. If that were really the reason, the question arose as to why hydrogenated oils, not to mention certain other oils, had been subjected to an import duty which seemed quite prohibitive. The hydrogenisation of oils was simply a solidifying process which merely served to give consistence to oils which in hot countries remained liquid and were liable to run. That process was without effect on the edibility of the product, as he had indeed been assured by persons particularly competent to express an opinion on the matter. He wondered, then, what pressing reason there had been to impose such a duty on hydrogenated oils, when the duty was so much lower for other liquid oils. Further, in view of the practical effects of the provision to which he had just referred, he wished to know whether there were any hydrogenated oils recognised as such and imported by French producers, or whether those oils were generally of foreign manufacture.

M. DE CAIX said that he was not, in fact, in a position to reply. But, as M. Van Rees had pointed out that the Decree might affect economic liberty, the fact would have to be reported to the authorities so that they could enquire of the Customs administration the reasons why the Decree had been drawn up.

EXPORTS AND IMPORTS : INDUSTRIES.

M. MERLIN said that, judging by the economic position and the tables on the movement of trade, Syria was not very greatly affected by the crisis ; even exports had increased in weight, though they had fallen in value, a fact which was explained by the drop in prices. It should be pointed out that the mandated territories suffered because they did not enjoy reciprocity from foreign Powers. Economic equality was imposed on them, but was not granted in return by the other Powers. In the case of Syria, this fact was felt all the more seriously because Turkey had entered the League, and Syria, in its relations with that country, got the worst of the bargain.

M. Merlin noted that, among the countries from which imports were received, France, as was normal, ranked first, though it had fallen to the fifth place as regards exports. Could the accredited representative give the reason for the inferior position thus held by the mandatory Power in the country under its mandate ?

M. DE CAIX said this was obviously explained to a large extent by the considerable decrease in the purchase by France of silk from Syria and especially from the Lebanon. France formerly purchased almost all the Lebanese production, but, as a result of the crisis, now purchased practically nothing.

M. MERLIN noted (page 19 of the report) that Syria and the Lebanon had imported 66,000 tons of grain and flour and had exported 22,000 tons, or one-third, almost entirely to Palestine. What were the reasons for this movement ? Should it be assumed that cereals destined ultimately for Palestine were sent by the indirect route through Syria instead of being imported direct into Palestine ?

M. DE CAIX did not think that any of the imports of cereals into Syria or the Lebanon were intended for Palestine. The explanation was geographical ; in the extreme south of Syria, in the Hauran, there was generally a large output of grain, and it was very probable that all the grain bought by Palestine in Syria was purchased from growers in that frontier region.

M. MERLIN remarked (page 22) that the wheat crop had amounted to 3,273,000 and the barley crop to 2,731,000 quintals. Had it all been absorbed by local consumption or had some been exported, and, if so, to what district ?

M. DE CAIX replied that the only export was to Palestine.

M. MERLIN noted (page 19) that the export of citrus fruits was in difficulties because certain competing countries, such as Palestine, had a better organisation or enjoyed privileges in the consuming countries. The make-up was important, especially in the case of luxury products, such as citrus fruits. Was the mandatory Power taking the necessary action with Syrian producers to ensure that their products might be as highly prized by consumers as the Palestine products ?

M. DE CAIX replied that efforts had been made in two directions ; orange and lemon orchards were being improved by means of treatment, formerly quite unknown, to cope with insects and parasitic diseases, and attempts were made to persuade the exporters to grade and pack the fruit so that the Lebanese citrus brands might be appreciated. Progress had already been made. As a result of an agreement with the Union of Soviet Socialist Republics, considerable exports were made to that country.

M. MERLIN noted (page 19) that the duties on foreign wheat and rye flour had been increased by 100 per cent. What was the reason for this huge increase ? Was it purely fiscal ? What were the effects on the wheat trade ?

M. DE CAIX replied that the purpose of the increase was essentially to protect the agriculture of the country, which experienced much difficulty in selling its products. There

were in the world enormous quantities of wheat which remained unused and could be sold at a very low price, so that it had appeared necessary to protect Syrian and Lebanon agriculture.

M. MERLIN pointed out (page 20) that steps had been taken to prevent the increase in cigarette and shoe factories. What kinds of products were manufactured? Were they intended for local consumption or for export and, in the latter case, to what countries?

M. DE CAIX replied that there were hardly any exports of cigarettes from the Lebanon. Certain Frenchmen who had come to Syria had perhaps become accustomed to these cigarettes, but no tobacco was yet produced there that could compete on the international market. As regards shoes, they were good and cheap, but there was no export trade.

M. MERLIN asked if, in that case, there was over-production.

M. DE CAIX replied that there was a general reason for the step taken: in Syria, when one manufacturer succeeded, four or five other people rushed to start a similar industry, oblivious of the fact that there was only room for one or two factories, so that a business which was promising for a time speedily found itself in difficulties.

M. MERLIN asked why cigarettes were not manufactured for export.

M. DE CAIX repeated that the local tobacco, which was liked by the population, was not of specially good quality.

M. MERLIN, referring to the decline in silkworm breeding (page 25), asked whether it was due to the fall in exports or to a decrease in local consumption or to foreign competition. On page 28 there was a reference to increased trade in silk stockings and socks. Did these articles come from Japan?

M. DE CAIX replied that the trouble was lack of markets. Lebanon silk had been purchased for a mere song from mills which had nearly all closed down, depriving the silk-growers of markets. That was due in part to the competition of artificial silk, which was largely used by the weavers in the country. He understood that the stockings sold on the local market, which were woven on the looms in the Syrian towns, were mostly made of artificial silk.

ESTABLISHMENT OF FREE ZONES IN CERTAIN PORTS.

M. MERLIN observed (page 21) that free zones had been established in certain harbours—for instance, Beirut. Had that experiment already produced results?

M. DE CAIX said it was much too early to pass an opinion on such a new departure. Presumably, good results were expected, since all the ground had been immediately leased and a start made in building warehouses.

M. MERLIN asked whether, if the experiment were successful, it was proposed to open free zones in the other Syrian harbours.

M. DE CAIX replied that this would doubtless be done.

DEVELOPMENT OF THE PORT OF LATAKIA.

M. MERLIN, referring to the commerce of the chief ports (page 38), asked the accredited representative if he could give any information about the harbour of Latakia.

M. DE CAIX replied that there was a little trade through Latakia, where the local Government had had the harbour of the old Laodicea dredged. Latakia had no railway, but, in view of the growth of motor transport, it could tap a comparatively large and fertile region, and the facts no doubt justified the improvements carried out there by the autonomous Government.

M. RAPPARD observed (page 62) that, by a decree of May 16th, 1933, Latakia had been included in the *régime de l'entrepôt réel*, which was already operating in the main commercial ports and centres of the States under mandate.

INTERNAL AND EXTERNAL COMMUNICATIONS.

M. MERLIN, referring to transport by the desert route to Iraq and Persia, noticed that steps had been taken by the authorities to encourage such transport, particularly by exempting certain goods from duty. Were the roads and tracks, particularly between Damascus and Baghdad, satisfactory? Was the road system in Syria expected to develop?

M. DE CAIX replied that it could, in general, be said that the Syrian road system was now complete, as the country could not afford to maintain a larger number. Any extension of the system would, moreover, be unnecessary, since, in a country where production was low and the dry season lasted six to seven months, tracks were an adequate means of transport—their upkeep requiring very little outlay—and it would be a mistake to replace them by other highways. The cost of transport by road and by tracks was very low, permitting of easy competition with railways, and those costs would be further reduced by the use of heavy oil engines.

PIPE-LINE.

M. VAN REES wanted to know the position regarding the pipe-line. He had found nothing on the subject in the report except some particulars of the number of labourers (page 31).

M. DE CAIX replied that the pipe was all laid. The pumping plant had not been finished when M. de Caix was in the country, but it might by now be completed and operations about to begin. The members of the Commission had received a hypsometric map of Syria showing the route followed by the pipe-line.

FRONTIER BETWEEN SYRIA AND PALESTINE.

M. ORTS recalled that the Council had asked the Commission for its opinion on the Franco-British Agreement of March 7th, 1923, delimiting the frontier between Syria and Palestine. Had this Agreement, which was more than ten years old and which, as he believed, had been put into effect, given rise to complaints or protests on the part of the Syrian Government or Syrian opinion?

Secondly, under this Agreement, Syria had acquired north of Lake Tiberias more territory than she gave up in the south-east. Had this territory any special value for Syria?

Lastly, a study of the text of the 1923 Agreement showed that the frontier had been steadily kept at some distance east of the watercourses: 50 metres away from the Jordan and 10 metres away from Lake Tiberias. That seemed to suggest the other party's wish to have complete control of the water system.

M. DE CAIX replied as follows:

1. There had been no local complaints in the sense that the frontier agreements had been so concluded that landowners had hardly noticed the change. If Syria had had cause for complaint it would have been in 1920, at the time of the Convention giving Palestine the Hulé.

2. The 1923 Agreement was really only a topographical arrangement to give effect to the 1920 Convention concluded during the peace negotiations. The 1920 Convention had been distinctly advantageous to Palestine by giving the latter the plain of Hulé. Before putting that Convention into force, it had been necessary to delimit the frontier on the spot, care being taken, by means of provisions governing the frontier regime, to prevent the frontier from injuring the agricultural and pastoral interests of the local population.

3. The Zionists had always made a point of securing that Palestine should have the use of all the waters of the Jordan. The latter, owing to the mountainous character of the country, could hardly be used to irrigate the part of the territory under French mandate, where the upper course of the Jordan lay.

FRONTIER BETWEEN SYRIA AND TRANS-JORDAN.

M. ORTS, referring to the Frontier Agreement with Trans-Jordan, dated October 31st, 1931 (page 17), noticed that the United Kingdom Government had asked for some amendments on points of detail. Had difficulties arisen?

M. DE CAIX replied that they were difficulties of detail not affecting any important interest.

ADJOURNMENT OF THE EXECUTION OF THE CONVENTION BETWEEN SYRIA AND EGYPT FOR THE ENFORCEMENT OF JUDGMENTS.

M. ORTS observed that the execution of the Convention between Syria and Egypt for the enforcement of judgments (page 17) was still postponed. Was the difficulty due to Egypt?

M. DE CAIX said that he had no information on the subject.

COMMERCIAL RELATIONS WITH IRAQ.

M. ORTS, referring to trade relations with Iraq (page 17), remarked that the negotiations for establishing a special regime had not been resumed. Had the Iraqi Government raised objections?

M. DE CAIX replied that Iraq showed not great desire to come to an understanding with Syria.

M. ORTS noted that, in default of a commercial agreement, the minimum tariff continued to be applied. The question was interesting in view of the importance of the trade relations between the two countries.

M. DE CAIX said it was mainly transit with Persia which was important. This transit, however, was not hindered by the absence of a commercial agreement which would practically apply only to sales in Iraq itself.

PRO-TURKISH MOVEMENT IN THE SANJAK OF ALEXANDRETTA.

M. ORTS had read in the *Echos de Damas* an article concerning a so-called Turkish movement in the Sanjak of Alexandretta. A number of Turks in that district were said to regret the Turkish regime, but the majority of the inhabitants, although Turkish in speech, were not, it appeared, Turkish in sentiment. Should this political movement be taken into account ?

M. DE CAIX did not think the movement important. The Turks in the Sanjak were not disloyal to Syria, and they were, above all, interested in preserving their language. At the Antioch Lycée, it might be noted, the courses for the Turkish language were better attended than those for Arabic. Undoubtedly, there was a close community of culture with Turkey. The mandatory Power's policy had always been to see that the rights of the Turkish minority were scrupulously respected as regards education and the use of its language.

M. ORTS added that, according to the same newspaper, the Shiites sent their children to the Arab section while the Sunnite children all attended the Turkish section.

M. DE CAIX did not know whether there were no Sunnite children at all in the Arab section, but the fact that the Sunnites went chiefly to the Turkish section was explained by the circumstance that the Sunnite population of the Sandjak was largely Turkish, the people of Arab speech being mostly Alaouites.

M. ORTS had read in the *Orient*, of Beirut, for May 24th, 1934, that, owing to this pro-Turk movement, the heads of the Antioch municipality had been relieved of office and officials of the Lycée had been penalised. That would seem to show that the movement had caused the authorities some concern.

M. DE CAIX said that he had not yet received any information on that point. The mandate must, when necessary, safeguard the integrity of the country, just as it must ensure respect for the rights of the minority groups.

ANTIQUITIES.

Count DE PENHA GARCIA had already had occasion to draw the mandatory Power's attention to the lack of grants for archæological work and its importance in mandated territory.¹ This year's report seemed to him more satisfactory on that point (pages 52 to 54). It mentioned the general principles of the latest reform as regards regulations for excavations, the classification of historical monuments and sites, etc. From the legislative standpoint, the progress had thus been remarkable. Generally speaking, the report gave fuller information and there was great archæological activity in the territory, an interesting fact, not only from the scientific, but also from the tourist standpoint for the future. The peculiarity of Syria was that in it could be found, at times, remains of several civilisations superimposed on one another. On page 53, the report stated that the Latakia Government had ceded to France the Castle of the Knights (Krak des Chevaliers). Under what circumstances had this taken place ?

M. DE CAIX replied that it was simply a transfer of property to a foreign Government such as had occurred in a number of other cases. France, for instance, owned a mansion in the Street of the Knights at Rhodes, but that did not imply any sovereign right ; it was simply the private property of the Government. The operation had not been profitable to the French Government, which would have to spend large sums on the restoration and upkeep of the old fortress. The sum paid to the Latakia Government would have to be employed in the first place in transferring and finding other homes for the hundreds of persons who had settled in the castle and were tending to damage it.

The expenditure on archæology was more generous than appeared at first sight. The Lebanon, for instance, had spent five hundred thousand francs on appropriating the ground necessary for the Byblos excavations, which was a considerable amount in a budget of one hundred millions. Syria had also incurred large expenditure on archæology. The fact should be realised that, if the Syrian antiquities were to be saved, the proper way was to encourage other countries to send archæological expeditions. As soon as a site was marked as interesting it was immediately exploited by illicit searchers who not only removed objects but disturbed and destroyed the different strata.

Count DE PENHA GARCIA wondered whether this damage could not be prevented, seeing that it was known where the illicit searchers would go to work.

M. DE CAIX replied that the sites were often in the desert, in very isolated spots ; it would take a large staff, very much on the alert, to guard them properly.

¹ See Minutes of the Twenty-third Session of the Commission, page 156.

ELEVENTH MEETING.

Held on Wednesday, June 6th, 1934, at 10.30 a.m.

Syria and the Lebanon : Examination of the Annual Report for 1933 (continuation).

M. de Caix came to the table of the Commission.

LABOUR : CO-OPERATIVE SOCIETIES : GUILDS.

Lord LUGARD asked if, as in other countries, there had been friction between the various races with regard to labour, wages, etc.

M. DE CAIX replied that there was nothing like that in Syria and the Lebanon, for the simple reason that there had been no large-scale immigration of foreign elements. It should, however, be pointed out that some slight dissatisfaction had been displayed among the population at the arrival of the Armenians, who worked at least as well as the natives and whose competition had led to a fall in wages.

Lord LUGARD asked if the difficulties in the labour market had arisen among the skilled artisans or among the ordinary workers.

M. DE CAIX replied that they were to be found mostly among artisans in the old crafts and skilled workers who had much more trouble in finding employment than the others.

Lord LUGARD asked if the Government was experiencing any trouble from unemployment.

M. DE CAIX said that he had not the same difficulties to report as those encountered in Europe. It was a habit of the natives to be patient and to cut down expenditure. They could therefore more readily adjust their lives to inevitable conditions and complained less. He added that unemployment occurred mainly in the old crafts in the towns of the interior.

Mr. WEAVER said that the report brought out the improvement that had occurred in certain traditional industries as a result of Government measures of protection. In other cases, there was a continued falling off, with serious consequences to the workers. The report suggested as a solution (page 29) the mechanisation of industry, the utilisation of electricity, etc., but pointed out that those measures had their disadvantages, inasmuch as there was a risk of their rendering unemployment worse.

The report also spoke of the steps taken for the improvement of vocational training (page 80). In this connection, Mr. Weaver asked if any other measures were contemplated. In particular, did the Government intend to encourage the organisation of co-operative societies for credit purposes, for the purchase or sale of products, mortgage loans, etc. ?

Lord LUGARD also asked if efforts were being made to save the cottage industries which were seriously threatened by the competition of cheap imported goods.

M. DE CAIX, replying first to Lord Lugard, said that the only way of protecting small industries seemed to be a considerable increase in Customs duties. In particular, it had been necessary to place prohibitive tariffs on Japanese goods in order to prevent them from competing with local products even in the towns in which such products were manufactured.

In reply to Mr. Weaver, he said that the introduction of electric power in the four towns of the interior would certainly have the effect of transforming the conditions of work. At Aleppo, he had had word of a scheme for the sale, by instalments, of electric looms to artisans working in their own homes, but that was a double-edged weapon ; it allowed some workers to produce more and increase their profits, but it deprived others of work. There had certainly been progress in the matter of vocational training ; at Aleppo and Damascus there were crafts schools. He had recently visited the Damascus Arts and Crafts School for Boys, and its pupils had made a very good impression on him.

As to co-operative societies and credit, it must be admitted that it was difficult to make loans to small artisans whose property consisted only of primitive tools of trifling value. There could be no guarantee other than their signature, but their position was so precarious that any credit operation would be extremely problematical. Co-operative societies might be organised for the sale of foodstuffs, in order to combat the general indebtedness of the population ; for workpeople obtained practically everything on credit from small dealers, to whom they thus became indebted. Nevertheless, in view of native habits, would a regularly administered co-operative society, in the matter of credit, display the same flexibility as the existing lenders and usurers to whom the people were accustomed ? It was open to doubt, and, in any case, the people would have to be educated up to the idea.

Mr. WEAVER said that he was glad to note that a certain amount of interest was beginning to be displayed in the question of co-operative societies. He recommended the mandatory Power to study it, as had been done in the neighbouring countries—notably in Palestine—where an ordinance on co-operative societies had been promulgated and the services of an

expert secured. The mandated territory might thus profit by the experience acquired in countries where conditions were more or less similar. He was willing to give M. de Caix any information which he might need.

The report mentioned a tendency for unemployed workers to be absorbed by new industries. Although it was stated on page 27 that, with one exception, scarcely any new industries had been created, there was, on page 20, a list of some thirty new undertakings already created or on the point of being created. Was there any evidence that those undertakings were absorbing unemployed labour ?

M. DE CAIX replied that this tendency had been definitely observed, especially in the Lebanon and at Aleppo. Unfortunately, the question continued to arise in the case of a certain number of workers, as soon as it was solved in the case of others.

Mr. WEAVER asked whether, in the circumstances, a policy of a return to the land was contemplated.

M. DE CAIX admitted that this would be the only complete solution, but agriculture was still in a rudimentary state ; it was difficult to find land owing to the fact that landed property was for the most part in the form of latifundia. Lastly, town handicraftsmen did not seem to have much enterprise or energy and would only resign themselves to a change of work and habitat as a very last resort.

Mr. WEAVER observed that the questions asked about labour legislation year after year had had no effect, and no progress had been made in this respect. That was an especially serious matter, as the protection of the worker was becoming more necessary than ever in view of the creation of fresh undertakings. Were there any hopes of Government action ?

M. DE CAIX replied that nothing had yet been done if he excepted what existed in the Lebanon and the law on child labour in Syria. The High Commissioner had decided to entrust the study of this question to persons experienced in sociology. The almost insurmountable difficulty, however, was to discover some solution for craftsmen practising the ancient crafts. These craftsmen had, nevertheless, a definite sense of solidarity and discipline which would enable them to be led if it became possible to know whither to lead them. They followed the opinions of their master-craftsmen, whom they regarded as their district chiefs. It should not therefore be supposed that they were completely unorganised. On occasions, they were quite capable of putting forward their claims ; at Aleppo, for instance, the weavers had obtained their desiderata by going on strike.

M. PALACIOS referred to the Massignon enquiry into the guilds and asked whether it had finally been published. If so, might it not be desirable for the Commission to be supplied with a copy ?

M. DE CAIX understood that this was an historical treatise on Mohammedan guilds rather than an economic study. He would ask for a copy to be sent to the Commission.

M. PALACIOS associated himself with Lord Lugard's and Mr. Weaver's apprehensions at the absence of labour legislation or of a more advanced social policy.

Mlle. DANNEVIG asked if the accredited representative had anything fresh to report with regard to unemployment among women, and child labour.

M. DE CAIX replied that there was no difference between women's unemployment and men's ; as the workshops were mainly family concerns, unemployment affected the whole family.

There were very few factory workers. In the Lebanon, there was a fair number in the spinneries, which employed the daughters of countryfolk. But this was only seasonal labour and families did not rely on it as their sole resource. Most of the spinneries had been closed owing to the crisis.

Lord LUGARD asked if there were in Syria, as in Palestine, mulatto women who were daughters of former negro slaves.

M. DE CAIX did not think there were many of them. A certain number worked as servants in big Damascus families. Some were perhaps engaged as workers, but they did not form a distinct category of labour.

DRUGS.

Count DE PENHA GARCIA noted on page 50 of the report a slight discrepancy between the statements concerning respectively the trade in and the consumption of narcotics. After declaring that consumption was very small, the report admitted the existence of a fairly large trade in drugs across the mandated territory. He also had the impression that the laws were inadequate. In its report to the Council in 1933, the Advisory Committee on Traffic in Opium and Other Dangerous Drugs (document C.385.M.193.1933.XI, page 12) had said that, in spite of the energetic measures taken by the Syrian authorities to suppress the cultivation of Indian hemp, " large stocks still existed in the country, and their possession, it was explained by the French representative, was not an offence under the existing law ". Could the accredited representative give any further information ?

M. DE CAIX did not believe that hashish was still being produced in the mandated territory, because the regions in which it was cultivated were easy to supervise. It must not, however, be forgotten that, near the territory, there were countries which produced hashish, of which a certain quantity was successfully smuggled across the frontier. As stated in the mandatory

Power's report, this smuggling was very difficult to deal with, owing to the configuration and extent of the country, much of which was desert.

Count de Penha Garcia's quotation of the statement made by the French delegate to the Advisory Committee on Traffic in Opium surprised him, because, in Syria, pharmacists alone were allowed to stock drugs, and then only provided they declared them. There must therefore be some mistake because, for a long time past, the illegal possession of drugs had been an offence at law.

Count DE PENHA GARCIA, in reply, read the statement made some days ago at a public meeting of the Opium Advisory Committee by the French delegate, M. Bourgois, to the effect that, under a new decree, the illicit possession of narcotics, and in particular hashish, had now been declared in Syria to be an offence which justified police search on mere suspicion, and that, at the same time, a series of measures had been taken to tighten up control ; in particular, to facilitate the search for and destruction of stocks or crops.

He would be glad if the details of this legislation could be given in the next report ; he hoped that the measures now taken would be more effective.

M. DE CAIX repeated that a punitive law had been long in existence. Possibly, further steps had been taken to improve it.

EDUCATION.

Mlle. DANNEVIG thanked the mandatory Power for the very full and interesting replies to the questions raised in the previous year¹ and for the very valuable information concerning the reforms which had been carried through in various parts of the territory. In the matter of elementary and higher education, and in technical schools, the percentage of children not attending school and illiterate adults was still very high. On page 79 of the report it was said that, in Syria itself, numerous requests for enrolment had had to be refused owing to lack of school accommodation. How many requests had actually been refused ? Did this mean that there was an increasing desire for instruction ?

The greatest difficulty, from the point of view of the mandatory Power, seemed to be the lack of qualified teachers. Was that mainly due to financial stringency or to the fact that young persons were not attracted to the teaching profession ?

M. DE CAIX did not know how many requests had had to be refused. In Syria, parents were generally eager to have their children educated, provided education did not interfere with farm work. That was why, under the school reform of the previous year, arrangements had been made for elementary instruction of a shorter duration than primary instruction. The distances between the villages were often great, and it would be necessary to increase the number of schools. But that, owing to budget difficulties, could only be done gradually. Very appreciable progress had, however, been made within the last few years.

With reference to Mlle. Dannevig's last question, so far from noting any repugnance among the young people for the teaching profession, the large number of certificated persons made even the small posts sought after ; many school-teachers were now recruited from among graduates. The real difficulty was the financial impossibility of maintaining numerous schools and a large teaching staff.

Mlle. DANNEVIG noted on page III a reference to the frequency of trachoma amongst school-children. Although the percentage of this disease had fallen from 60 to 40 per cent, it was still very high. Was the disease hereditary or due to dirt ? Were child patients treated at school ? On page 142 there was a reference to a school for blind children. Was blindness very common ?

M. DE CAIX replied that all children attending school were subject to medical inspection ; those suffering from trachoma were given special treatment. The disease was mainly due to contagion. Thanks to the care bestowed, the number of serious cases continued to decrease and blindness was less frequent among the young than among the generation which had grown up before the various health measures had been applied at the instigation of the mandatory Power.

M. MERLIN, referring to supplementary general occupational and technical training mentioned on pages 80 and 139 of the report, the importance of which he would emphasise, asked whether the accredited representative could give any information regarding the results obtained and the mandatory Power's policy in this matter.

M. DE CAIX replied that the Adviser on Education attached to the High Commissioner's Department was endeavouring to perfect the course of instruction with a view to obtaining practical results. That was the aim of the Syrian Law of July 6th, 1933. There was a very decided tendency to develop handicrafts. Numerous schools of arts and crafts had been established and seemed to be giving excellent results. There were schools of this kind at Beirut, Damascus, Aleppo and Latakia, not to mention private schools where the same sort of training was provided.

M. MERLIN hoped that active steps would be taken to encourage young people to enter these schools rather than others. It was highly desirable to avoid swelling the ranks of the "blackcoated workers", who, when they failed to obtain employment, often became agitators.

¹ See Minutes of the Twenty-third Session of the Commission, page 152.

M. DE CAIX said that many ingrained habits, including a traditional dislike, had to be overcome before young people could be persuaded to choose a manual occupation. The best solution was to organise education in such a way that one of its important branches would lead to manual labour naturally ; that was what the education authorities were trying to do in Syria.

PUBLIC FINANCE.

M. RAPPARD did not wish to cause any offence to M. de Caix and his collaborators, since he knew how anxious they were to give all possible information on this point, but he was bound to admit that he could not easily find his way through the chapter on finance, on account of its extreme complexity. First, there were five States and Governments : Syria, the Lebanon, Alexandretta, Latakia and the Jebel Druse, and, further, a number of joint services. Each of these major divisions was subdivided into four chapters : accounts for 1932, estimates for 1933, results for 1933 and estimates for 1934. To these had to be added numerous budgets, reserve funds, local reserve funds, joint interest funds and the Ottoman Debt Fund. There was also the Treasury of the High Commissariat, the accounts in connection with the quarantine service, etc. Moreover, as shown in the first paragraph on page 168, there were instances in which one budget merged into another. All this made, even on a most careful reader, an impression of extreme complexity if not confusion.

Though he realised the immense pains which had clearly been taken in drawing up the chapter on finance, he could not help feeling that much of the work had really been lost ; it was impossible to say for certain whether the financial situation was prosperous or critical and whether the territory was in debt or not. He would be obliged if M. de Caix could indicate the main lines of the financial administration of the country, in order that the Commission might obtain a clearer view of this situation.

M. DE CAIX explained that the five major State budgets were each divided into two parts, the ordinary budget consisting of the annual resources of the Government or the State, and the extraordinary budget maintained out of a reserve fund. These funds were composed either of surpluses paid to the State's or Government's own reserve fund, or of current year surpluses, not yet allocated, from the working expenses account of the services of joint interest, or from funds previously paid into the Ottoman public debt which had become available. The mandated territories had, over a long period, continued to pay into the Ottoman public debt sums which finally much exceeded the payments due under the agreements concluded with the holders under the Treaty of Lausanne. The sums thus freed made it possible to meet exceptional requirements.

These were the resources of which the reserve funds were composed. The interpenetration of the ordinary and extraordinary budgets was an exception to the standing rules, as the report itself stated. This was a situation peculiar to the last financial year, during which the effect of the crisis had been seriously felt.

Certainly, the submission of so many different points might seem to be complex ; but, when the machinery was properly understood, it would be seen that the obscurities of the system were more apparent than real.

Moreover, in order to facilitate the comprehension of this chapter, he had asked the competent services to prepare a table of total expenditure, set out on page 159. This would be given in each annual report.

In the case of services of joint interest, surpluses were allocated between the States either direct or, as had been stated, by constituting reserves for subsequent allocation.

The receipts of the quarantine services had only been included in the joint budget for a certain time and for purely accountancy reasons, because these services were, under international agreements, bound to use all their surpluses for their own improvement. Their revenue was mainly derived from duties levied on the inspection of ships.

M. RAPPARD asked for explanations regarding expenditure which was normally chargeable to the budgets relating to reserve funds and had been assumed by the High Commissariat (page 175).

M. DE CAIX replied that this was an expedient used to meet an exceptional difficulty and not a normal procedure in the budgetary practice which in principle should keep within the limits indicated in the reports submitted to the League of Nations.

M. MERLIN asked why there were a number of reserve funds instead of the single fund into which all surpluses should be paid. If all the occasional amounts (Ottoman debt, Customs, taxation yield, etc.) were paid each year into the reserve fund of the country, the system would be less complicated.

M. DE CAIX admitted this and said that there would be an increasing tendency every year in the direction suggested by M. Merlin. There was, however, another consideration to be borne in mind : prudence required that a balance should remain in the hands of the High Commissioner, so that it would not be a temptation to Governments whose sense of economy and financial acumen had not yet been put to the proof.

M. RAPPARD wondered whether the mandatory Power, in all other respects so favourable to decentralisation and local autonomy, did not show excessive zeal for uniformity in the fiscal regime applied to territories which were very different from each other in their economic structure. How was it that the need for autonomy had not also been expressed in an adaptation of the fiscal system to meet the diversity of requirements ?

M. DE CAIX replied that the nomenclature of the taxes had led M. Rappard to think matters were more uniform than they were in reality. There was certainly a tendency towards uniformity in taxation, but the total for land tax given in various tables included elements which were not everywhere identical and the taxes varied according to region and the progress of the cadastral survey both as regarded assessment and rate. It would therefore be seen that it was not the same throughout the mandated territory; this was not clear from the tables because it was impossible to include too many details.

M. RAPPARD asked what was the general financial position of the mandated territory.

M. DE CAIX replied that, in reality, the position was not very brilliant, because the reserves were to a great extent exhausted and the crisis had greatly reduced the yield of the taxes. It was, however, hoped that the 1934 budgets would be normally balanced by means of economies.

M. RAPPARD asked for details of the economies of which M. de Caix had spoken.

M. DE CAIX explained that a law authorising a reduction in the number of posts had been voted by the Syrian Parliament.

M. RAPPARD pointed out that such a vote on a question of principle was easy to obtain but difficult to apply.

M. DE CAIX replied that it was the duty of the Executive to apply it.

M. RAPPARD had learned in this connection that the Syrian Government had made great reductions in the expenditure of the legislature. Had that any ulterior political motive?

M. DE CAIX did not think so. The measures had been general, but had perhaps been most loudly complained of in parliamentary circles.

The CHAIRMAN was somewhat surprised that Parliament was not free to legislate on its own resources.

M. DE CAIX pointed out that Parliament had legislated while admitting by its vote the principle of certain general reductions which it could not evade. Like all reforms of this kind, this reduction in the remuneration of deputies and in the number of posts was disliked by the deputies but satisfied public opinion.

The CHAIRMAN asked M. de Caix's opinion on the following point. The mandated territory which had formerly been a single vilayet had been divided by the mandatory Power's policy of autonomy into five parts with a complete bureaucracy, two parliaments, several separate administrations, etc. Had not this division, which had always been encouraged by the mandatory Power, helped to aggravate the financial situation of the country?

M. DE CAIX had himself gone into this question. In point of fact, there had been not one vilayet, but three vilayets—Aleppo, Damascus and Beirut—one autonomous Sanjak (Deir-ez-Zor) and, lastly, the Lebanon under a special regime. The present governmental machine at Damascus would not appear to be larger than the country could normally support. As regards the Governments of Latakia and the Jebel Druse, the administrative and other machinery was as simple as possible and did not amount to more than a provincial organisation. In the Lebanon, the increase had been greater in comparison with the former regime; but it was also in the Lebanon that the most rigorous economies were at present being made.

Taking into consideration the fact that it was possible thus to supervise more closely the budgets of the various countries, there was reason to believe that the multipartite position in the mandated territories was more likely to lead to economies than expenditure. He did not believe that this system was more costly than any other; but, in his opinion, it was very desirable that expenditure should be incurred in close proximity to the organ which decided upon the expenditure, and under its supervision.

The CHAIRMAN, in thanking M. de Caix for his explanations, pointed out that, when a guardian administered the interests of four or five minors, it was inevitable that all should not be in agreement. In this case, the aspirations of the whole community should rank before those of its component parts.

M. DE CAIX, while admitting the legitimacy of this view, said that the mandatory Power had tried at the same time to please everybody and to serve the general interest. If France, the centralised country *par excellence*, had preferred to apply a system of autonomy in the mandated territory, it was because she had admitted its undoubted advantages and recognised that there was no magic virtue or necessary superiority in a centralised system.

The CHAIRMAN thought that it would have been more consonant with the spirit of the mandate to unify. He was surprised at such division, particularly when carried out by a country which, as M. de Caix had just said, was "the centralised country *par excellence*". Was the idea not to show rather too much favour to regional tendencies?

M. RAPPARD noted on page 166 an Item III, "Debt". What did this mean? Had each territory a debt or did they all share in one common debt?

M. DE CAIX replied that it was the current debt of the States, plus pensions, and not the service of the Ottoman public debt, which was borne on the working account of the joint

interests. The pensions payable to retired officials constituted one of the biggest items in the item "Debt" in Syria, where there were still a number of retired Ottoman officials.

M. RAPPARD asked M. de Caix to be good enough to supply in the next report still clearer information regarding the various points which had been raised.

M. DE CAIX agreed that several passages in the report were obscure, because they were drafted by people who, though possessing great technical skill, were not versed in the art of "presentation".

PETITIONS : (a) DATED SEPTEMBER 1ST, 1933, FROM DR. A. KEYALI, AND (b) DATED JANUARY 17TH AND FEBRUARY 1ST, 1934, FROM M. SAMI SLIM.

Count DE PENHA GARCIA asked for particulars regarding Dr. Keyali, the writer of a petition (document C.P.M.1521) for which he was rapporteur.

M. DE CAIX replied that the petitioner was very much in the limelight and was one of the leaders of the Aleppo Nationalist Party.

Count DE PENHA GARCIA asked whether the Syrian Congress held at Aleppo in 1933 had been an important gathering.

M. DE CAIX replied in the affirmative.

Count DE PENHA GARCIA, referring to the petition by M. Sami Slim (document C.P.M. 1507), asked for particulars of the Lebanon elections.

M. DE CAIX replied that they had led to some disturbances, but that, on the whole, the excitement had not been very acute, and had not been in excess of what always happened in such cases. It could not be said that there had been much force used.

Count DE PENHA GARCIA admitted that there was one fact which would reassure the Commission—namely, that there had been no resort to the statutory right of appeal.

COMPOSITION OF THE SYRIAN CABINET AND THE ATTITUDE OF PARLIAMENT THERETO.

M. MERLIN, who had been absent from the last meeting but one, recapitulated the changes which had been made in the Government since the beginning of last year and asked how the present Cabinet was composed and how it stood towards public opinion and towards Parliament.

M. DE CAIX gave the following summary of the position. There had first been a Cabinet of concentration, including nationalists and moderates, until April 1933, when the nationalists had left under the pressure of the anti-participationists who had carried the day in the party. Hakki Bey el Azem had then formed a Cabinet consisting only of moderates, in which changes were made resulting in the formation of a second Hakki Bey Cabinet, also of moderate tendencies. This Ministry, greatly weakened by the divisions of its members, had been replaced, by the President of the Republic, by another Ministry chosen outside Parliament, its President being Sheikh Tageddine, who had obtained the assistance of experienced men like Jemil Bey Oulchy and Atta Bey el Ayoubi, who had long kept aloof from office and was one of the most esteemed citizens of Damascus.

The CHAIRMAN asked how this Cabinet, which contained no members of Parliament, could be accepted by Parliament.

M. DE CAIX thought that this Ministry contained men of worth who should be able to lead the country. There was no reason to suppose that the Chamber would not accord them its confidence.

M. de Caix withdrew.

South West Africa : Report for 1933.

After an exchange of views, the Commission adopted its observation on the transmission and examination of the report for 1933 (Annex 20).

TWELFTH MEETING.

Held on Wednesday, June 6th, 1934, at 4 p.m.

Syria and the Lebanon : Treaty of Friendship and Alliance between France and Syria (continuation).

M. PALACIOS said that personally he had no questions regarding the Treaty to put to M. de Caix, whose replies to M. Orts, M. Rappard, the Chairman, etc., had cleared up the position. Though certain points of detail might remain unexplained, they were of no importance from the point of view of the course which the Commission should adopt. In his opinion, it should consider its attitude towards the Treaty and it could not avoid transmitting observations on this subject to the Council. Such would be the case if it were dealing with an

actual treaty ; but, even if the instrument in question were nothing more than a draft—the expression of a policy—some observations would still have to be submitted, though these might not be the same as in the former case. Such a discussion, moreover, should not be held in the presence of the accredited representative. He thought the Commission could not avoid the discussion, which should, however, be conducted with all due tact so as not to increase the difficulties of the mandatory Power.

M. ORTS reminded the Committee of the opinion he had expressed on another occasion—namely, that the document was not a mere draft but a veritable treaty signed by the representatives of the French and Syrian Governments who had been duly invested with the necessary powers for the purpose.

The instrument, however, did not yet exist from the standpoint of third parties. It would only be of value from an international point of view when—having been approved by the Syrian Parliament, since it had been said that its approval by the French Parliament was not necessary—it had been ratified by the two Governments concerned. For the moment, the Treaty had only been “initialled”.

Was it desirable for the Commission to examine this Treaty forthwith ? M. Orts did not think so. He thought that the Commission should even refrain from asking any questions, because questions would lead to an exchange of views which must reveal the feelings of the members of the Commission, and that would be premature.

It looked as though matters would evolve along much the same lines as in the case of the last Anglo-Iraqi Treaty, which formed a precedent—namely, in the first place the Council would ask the Commission to express an opinion as to whether Syria fulfilled the conditions which, generally speaking, were held to be necessary to entitle a mandated territory to obtain full independence.

If the reply to the first question were in the affirmative, the second step would be for the Commission to examine the Franco-Syrian Treaty with a view to deciding whether that Treaty fulfilled the required conditions, and, in particular, whether it really established the independence of Syria.

He strongly felt that the Commission should refrain from expressing any views which might prejudice the opinion it would have to give to the Council on this last point, when so requested. Personally, he intended to reserve his opinion, particularly as anyone who had watched the political life and atmosphere in Syria since the establishment of the mandate could clearly see that the country was not yet ripe for full independence. The desire of the Syrian nationalists to see that day dawn was not accompanied by the evidence of political wisdom and maturity and a spirit of toleration which would justify their desire. If the question of the termination of the mandate arose at present, all those who were determined to take into consideration only the interests of the whole of the population and, without entering into political considerations foreign to the subject, to base their conclusions solely on the rules laid down *in abstracto* by the Council, would be obliged to reply in the negative.

To examine the Franco-Syrian Treaty forthwith would be by implication tantamount to replying affirmatively to the previous question—namely, whether Syria was politically mature. He therefore thought that any such examination should be avoided, and proposed that the Commission should, until further notice, ignore the existence of the Treaty.

True, this Treaty had been communicated by the mandatory Power. That Power could hardly have refrained from doing so, the instrument having been made public by its submission to the Standing Committee of the Syrian Chamber. The fact that the Treaty had been communicated did not make it necessary for the Commission to examine it, or, in other words, to acknowledge implicitly that the present situation in Syria justified contemplating the termination of the mandatory regime in the near future.

M. PALACIOS was in agreement with M. Orts on the premises of his argument. He could not follow him, however, when, after recognising the fact that the Treaty existed, he concluded that he was unaware of its existence. For was it not the Treaty which informed the Commission of a plan for the possible independence of part of the mandated territory ? The firm and solid logic of M. Orts' speech seemed to come to grief in the conclusion.

M. ORTS reminded the Committee that, in his view, the Treaty would only exist, as far as the Commission was concerned, after it had been adopted in due form—that was to say, after its ratification by both parties.

The CHAIRMAN said that, in any case, the Treaty had been communicated to the Commission in an Annex to the report.

M. PALACIOS said that the Treaty was there, printed in the annual report. It was a great event ; there had even been petitions regarding it and it would have to be considered if only to formulate reasons for the Commission's silence.

M. ORTS explained that the Treaty had no existence from an international standpoint. If the Commission were of opinion that Syria was not ripe for independence, then any discussion of a treaty which would terminate the mandate was putting the cart before the horse. Believing as he did that the Commission would be committing an act of culpable weakness if it handed over this country, without supervision, to political personages whose incompetence was manifest, he regarded the Treaty as devoid of all interest.

The CHAIRMAN considered that, in that case, the more friendly course would be to notify this fact to the mandatory Power without delay instead of leaving it to commit itself still further.

M. ORTS said that personally he had no objection.

M. RAPPARD considered M. Orts's argument entirely logical, provided that the Commission informed the mandatory Power through the Council of the reasons for its silence. M. Rappard would therefore be prepared to accept a text stating that the Commission had had cognisance of the Treaty and also of the incidents which had followed its publication, and that, if it refrained from an immediate expression of opinion, that was because it preferred to reserve its opinion on the whole question of the wisdom of recognising the independence of the territory, which was the purpose of the Treaty. That procedure would dispose of the logical weakness which M. Palacios had discerned in the arguments put forward by M. Orts. If the Commission were to remain silent without stating its reasons in its report, its attitude would be misunderstood.

M. ORTS and M. PALACIOS concurred in the suggestion made by M. Rappard.

M. VAN REES, though he also approved this suggestion, wished to express his view as to the desirability of discussing the details of the Franco-Syrian Treaty at this juncture. He would be brief. After hearing the very clear statements and information supplied by M. de Caix, he felt that a discussion of this Treaty would be unfortunate, premature and likely to tempt the Commission to embark on a forbidden path. Unfortunate, because M. de Caix had on several occasions told the Commission what regrettable effects this discussion, as soon as it had been made public, would undoubtedly produce in Syria. The task of the mandatory Power would thereby be vastly complicated. Premature, because the Commission would be discussing a document in respect of which negotiations between the High Commissioner and the Syrian Government had led to no result and which would at a suitable moment have to be examined anew by the two parties concerned, so that the Commission would be discussing a treaty without knowing what its final form would be, and which, moreover, was incomplete because the agreements provided for in Protocol B, which was an integral part of the Treaty, were still lacking. Lastly, there would be a risk that such a discussion would lead the Commission to exceed its powers, as its functions were not *preventive*, and as, by failing to keep that fact in mind, it would inevitably assume a responsibility which did not properly belong to it and which was fundamentally alien to both the letter and the spirit of its activities under the Covenant and its own constitution. For these reasons, he thought it would be undesirable to discuss the Treaty unless the discussion was not to be reported in the Minutes.

COUNT DE PENHA GARCIA thought the mandatory Power had explained its policy in 1933 in the preface to the report, and as documentary evidence had added the text of a treaty signed between it and the Syrian Government. This document, having been submitted to the Commission, might therefore call for reflections from the latter. What was this Treaty in point of fact? The Commission was confronted by the mandatory Power with the problem of the termination of the mandate. It was difficult to separate the Treaty from the policy of the mandatory Power as a whole. It was also a very delicate matter to take up a position which might make the mandatory Power's situation very difficult. That its situation was difficult was clearly stated in the report and also emerged from the statements of the accredited representative.

Was Syria capable or not of governing herself? It was not an easy matter to give a definite reply to such a question. The conclusions that could be drawn this year showed that, from the political standpoint, institutions worked badly in Syria, the parliamentary system was not operating properly and authority took the place of the elected bodies by peaceful or violent means.

What should be the attitude of the Commission to this state of affairs? What would be the scope of its observations? It would be useless to discuss the Treaty article by article, since the text, somewhat similar to that of the Anglo-Iraqi Treaty, was in suspense. A discussion might give rise to difficulties in the territory, for the members of the Commission knew that in Syria, and particularly in nationalist quarters, the Commission's reports were widely read. On the other hand, the Commission must tell the League of Nations the truth—namely, that the political situation in Syria had not improved and that the constitutional organs were working badly. The mandatory Power was clearly meeting with difficulties in carrying through the scheme on which it had embarked in signing the Treaty and which would lead to the termination of the mandate. Perhaps the problem had been broached a little hastily.

Count de Penha Garcia thought that the formula suggested by M. Rappard might be satisfactory, provided its terms were carefully considered from the twofold standpoint of the Commission's duty to the League of Nations and the need to make allowance for the difficult position of the mandatory Power. The concern of the Commission was not that the mandate should not be terminated, but that it should terminate in favourable circumstances. It was necessary, not only to ensure the protection of minorities, but also to remedy the defects of certain administrative and political institutions which at the moment were working badly. There were four territories which had to a certain extent common interests but which were separated by racial or religious or even economic differences. The problem was thus extremely delicate for the mandatory Power and for the Commission itself, as the Council would obviously ask what was to be done about admitting Syria to the League. As in the case of Iraq, each case should be examined separately to ensure that the mandate would be terminated in satisfactory circumstances.

M. PALACIOS agreed with M. Van Rees that it would be both unfortunate and useless to examine the Treaty. Unfortunate, because it was often unfortunate to do what was strictly one's duty. Useless, because—much as he regretted to have to say so from the point of view of the Mandates Commission—events often occurred quite beyond the Commission's means of

control. He disagreed with M. Van Rees, however, as to the powers of the Commission. The latter spent its time discussing small points of detail, but when it was faced with a serious political problem, when a critical moment had arrived for a mandated territory, it would not be competent. While recognising M. Van Rees's authority on mandates questions, M. Palacios did not see why the Commission should not, as occasion arose, exercise a truly essential part of its functions according to Article 22 of the Covenant. Moreover, what did this expression "preventive" mean in the case of the treaty? Here was an instrument submitted to the Syrian Chamber which expressed the policy of the mandatory Power and appeared in the annual report. The Commission, while not perhaps examining it in detail, could not ignore it. He agreed with Count de Penha Garcia that the Commission should approach the question with the utmost discretion. He had not yet said in what way; for the moment, therefore, it was only a question of procedure. He thought that M. Rappard's formula might perhaps satisfy all the members of the Commission.

M. RAPPARD wondered whether there was any need to continue the present exchange of views. If the substance of his formula were satisfactory, there was no need to be in agreement on every point of the introductory considerations.

M. VAN REES, replying to M. Palacios, explained that the Commission's duty was to supervise and did not include an examination of the unfulfilled intentions of the mandatory Powers, nor the power to give it advice, suggesting a line of conduct other than those which the Mandatory had laid down and of which the Mandatory itself must be the sole judge. That was what M. Van Rees had meant when he had said that the activity of the Commission had not and could not have a preventive character. He had added that a discussion of the Treaty, at the present moment, might lead the Commission in a direction which would inevitably take it beyond the limits of its powers, and that was what he wanted to avoid. It would perhaps be objected that if, at a particular moment, the Treaty, supplemented by the agreements provided for in Protocol B, and ratified by the two Governments and the Syrian Chamber, were laid before the Commission, the Commission might find itself faced with an accomplished fact, so that it would then have nothing more to say. That was not so, because the Commission had not to consider whether this Treaty, accepted by the two parties concerned, was satisfactory from every point of view, but whether, on the basis of this Treaty, the mandated territory might possibly be emancipated and become independent. That was quite another question. What the Commission would be called upon to consider one day was whether the Levant territories under French mandate fulfilled the general conditions laid down in 1931 for the termination of the mandatory regime in a mandated territory. Then—and not at present—the Commission would be able to discuss the contractual relations established between the two parties and intended to come into force after the emancipation of the mandated territories.

M. MERLIN expressed the same view as M. Orts and M. Van Rees. It was not for the Commission to express an opinion on a treaty which was not final. M. Orts had made a statement of pure international doctrine; the document in question had been initialled by the two parties, but had not yet obtained the necessary ratifications. So long as it had not been ratified, it might be altered or even caused to disappear. The Commission did not know. Should it then consider a treaty which might in the near future be dropped?

The Commission could, of course, do so if the Treaty were laid before it for discussion. That was not the case. The mandatory Power, placing its full confidence in the Commission, had very honestly said to it: "Here is an instrument which has been negotiated between the two authorities, submitted to Parliament and, for reasons that we know, not approved by that Parliament". Thus, the instrument was at the moment in suspense, and it would, to say the least, be premature for the Commission to start examining an instrument which was so incomplete. Furthermore, as M. Orts had said, at the moment when a similar instrument, but on that occasion in its final form, came before the Commission it would then be of significance, as it would denote the end of the mandate. The Commission would then devote itself to studying the conditions to be complied with on the cessation of the mandate: maturity of the territory, safeguards for its independence, properly guaranteed protection of minorities, observance of the general clause of economic equality. That moment, however, had not yet come.

Furthermore, what was the duty of the Commission? As M. Van Rees had very wisely remarked, the Commission, as set up by the Covenant and the Council, was a supervisory body, and supervision in practice applied only to past, not to future actions. Doubtless, its observations on the administration of the territories, taken as a whole, formed a body of doctrine by which the mandatory Powers should be guided in doing or omitting to do a given act, but the Council had very wisely invested the Commission with the exclusive duties of a supervisory body. Were it not so, the Commission, with the best will in the world, might have ventured to advise mandatory Powers to take certain steps. That would have been a regrettable transfer of responsibilities, committing the Commission on the one hand and exonerating the mandatory Power on the other, whereas the latter should bear the full responsibility. The Commission's sole task was that of criticism, in the etymological sense of the term—namely, to examine the acts of the mandatory Power and point out any mistakes made.

Both from the standpoint of theory and from the standpoint of the Commission itself, it would certainly be out of place for the Commission to examine a document which had not yet been finally established. By expressing opinions which would take the place of the acts of the mandatory Power, it would risk committing itself, and, as Count de Penha Garcia had said, would complicate the elaboration of the texts to be concluded between the mandatory Power

and the mandated territory for achieving what was the aim of all—namely, the cessation of the mandate with safeguards for all the interests involved.

COUNT DE PENHA GARCIA drew attention to the fact that the Treaty, as submitted to the Commission, was, from one point of view, an essential document which it could not refuse to consider and of which it would have to take account. The mandatory Power's idea in adding this text to its report was to show the Commission the state of mind of the parliamentary representatives of the country. The Treaty, signed by the two Governments, had not been accepted by the nationalist elements. The Commission should therefore ascertain which clauses in the Treaty had caused so much disturbance and what were the real reasons which had prevented the Syrian representatives from approving a treaty accepted by the Syrian Government after long negotiations.

M. ORTS believed that the provisions concerning the protection of minorities were largely responsible for the refusal.

COUNT DE PENHA GARCIA replied that that was not the only point. There was the fact that the nationalists did not recognise the mandate and feared that the Treaty would be a sort of continuation of the mandate. There were other questions like unity, military clauses, payments, etc., all of which the Commission would have to consider.

LORD LUGARD agreed with what he thought was the general opinion of the Commission. It would be premature to discuss the Treaty, as it would lead the Commission to the consideration of a wider problem, the end of the mandate, which was not at present within its province. He felt strongly, however, that the Commission should state clearly, as suggested by M. RAPPARD, its reasons for acting in this way.

The CHAIRMAN observed that no general opinion of the Commission had emerged from the discussion.

LORD LUGARD replied that he shared the opinions expressed by M. ORTS, M. VAN REES and M. RAPPARD.

THIRTEENTH MEETING.

Held on Thursday, June 7th, 1934, at 10.30 a.m.

Syria and the Lebanon : Treaty of Friendship and Alliance between France and Syria (continuation) ; Observations of the Commission.

M. SAKENOBÉ said that he was one of the few members of the Commission who was in favour of examining the Treaty. It had been pointed out that this Treaty was incomplete in itself, that there were certain conventions to be concluded and that therefore it was not necessary to examine it at the present stage. But if the Treaty, when signed, had followed its normal course—that was to say, had been ratified and promulgated and then inserted in the annual report—what would the Commission have done? Would it have postponed its examination because certain conventions had not yet been concluded? Surely not. The Commission would certainly have examined the Treaty, and the accredited representative of the mandatory Power would have answered all the questions put to him. The argument that this Treaty was part of a whole, and could therefore wait until all was complete, was not at all convincing.

Another opinion had been expressed—namely, that it was useless to examine the Treaty because it had not yet been ratified and there was uncertainty whether it would remain as it stood or would be altered. If this uncertainty existed, would it not be better for the Commission to start from the premise that the signed Treaty would—as was normally the case with signed treaties—not be altered? He thought that this Treaty would probably take its normal course; it would duly be submitted to Parliament, would be ratified and promulgated without alteration. That was the most natural way to look at the matter, particularly in view of the very special circumstances in which the Treaty had been withdrawn. The Government had merely been taken by surprise. It was not difficult to foresee that one day the Government would submit the Treaty to Parliament and that all would end well. He could hardly, therefore, subscribe to the argument that the Treaty was useless.

A very powerful argument in favour of not examining the Treaty was that such examination might cause difficulties to the mandatory Power. The Mandates Commission, however, should not look at matters from the standpoint either of Syria or of France, but from its own standpoint. The Commission had received the text of the Treaty; that Treaty was public property and everybody had a right to discuss it. Could the Commission pass it over without even looking at it on the pretext that it had only been signed and had not yet been ratified, that it might undergo certain alterations and that its examination might embarrass the mandatory Power? If by any chance the Treaty contained any clause or article which was indisputably inconsistent with the independence of a State—which, of course, he did not imagine to be the case—and if the Commission let that fact go unchallenged, would it be faithfully discharging its duty? The Treaty was a fact, a clear expression of the intention of

the mandatory Power on the most important point of its future policy. The Commission could surely not ignore this on any consideration ; it was the Commission's duty to look into the matter and satisfy itself at least that the Treaty contained nothing open to criticism. The Commission could not avoid this duty. After the duty had been discharged, it might consider whether it should or should not express an opinion on the Treaty and, if it decided that it should pronounce an opinion, it would then have to consider the tenor of that pronouncement. Then—and not until then—it might consider the delicate situation of the mandatory Power. The Commission might then say that it had examined the Treaty, but that, in view of the fact that, etc. But it could not say that it had refrained from examining the Treaty in view of the fact that, etc. The question was a serious one. He hoped his colleagues would reflect very carefully before taking their decision.

M. ORTS reminded the Commission that he had already put forward the following argument : If the Commission examined the Treaty, it would, by doing so, implicitly reply in the affirmative to a previous question which it had not yet discussed—namely, whether Syria was or was not ripe for independence. He would like to ascertain M. Sakenobe's opinion on that point.

M. SAKENOBE replied that he was not yet contemplating the question of Syria's matureness for independence. He thought that, in the present case, the Commission could examine the Treaty without committing itself on the question of maturity.

M. ORTS replied that, nevertheless, it was difficult to discuss the Treaty without virtually expressing an opinion as to the maturity of Syria. For instance, when the Chairman had questioned the accredited representative with regard to Article 2 of the Treaty, he had—as was inevitable—asked whether the fact of Syria's undertaking to allow herself to be represented in certain cases by French diplomatic agents was consonant with her complete independence. That point led straight to the query whether Syria was ripe for independence. It should be remembered, moreover, that it was for the Council, when it deemed that the moment had come, to ask the opinion of the Commission regarding Syria's maturity. The Commission should not, by stating its views regarding the Treaty at the present time, make a premature pronouncement on this previous question.

M. VAN REES pointed out that the Commission did not know when the mandate would be terminated. It should at least take into account the fact that four years would be required for the preparation of Protocol B and its adoption. One might agree with M. Orts that the territory was not yet ripe for independence ; but that was not a reason for stating that opinion now. The Commission would have been entitled to express its views on this point only if the mandatory Power had now been submitting Syria's candidature for independence, which it was not.

M. PALACIOS agreed with M. Orts's reasoning, but that reasoning led him to conclusions of a diametrically different nature. If M. Orts's reasoning were sound, the difficulties of the Mandates Commission became still greater and the question was far from being simplified. It was therefore necessary to say that the Commission had been informed of a treaty by which the mandatory Power was endeavouring to bring about the independence of part of the mandated territory. According to M. Orts's reasoning, the Commission *must* examine the Treaty ; it was obliged to do so.

Lord LUGARD said that, in reply to the argument that, if the Commission did not discuss the Treaty, it might be put in force, and the Commission might then be told that it had lost its opportunity for criticism, he wished to repeat and to emphasise that the Commission should state very clearly its reason for not examining it—namely, that, if the Commission did so, it might be argued that it had admitted that Syria had reached the stage for a treaty as a preliminary to independence. Moreover, the accredited representative had deprecated any examination of the Treaty, which he had refused to discuss.

Mlle. DANNEVIG wished to reserve her decision in case a vote were taken as to whether the Treaty should be examined or not, until she had before her the text prepared in accordance with M. Rappard's suggestion, and had heard the discussion thereon. She thought that the Mandates Commission should proceed with great care in this matter in order to avoid causing difficulties either to the mandatory Power or to the Government and people of Syria. After the experience acquired since the proclamation of the independence of Iraq, she felt that the Mandates Commission should take every possible precaution before declaring a mandated territory mature for complete independence, particularly as, in the present difficult circumstances, it might be deemed an advantage for a young State to have the privilege of the advice and support of a friendly State under the supervision of the League of Nations.

The CHAIRMAN thought that the Treaty could not be ignored ; in the first place, because the accredited representative had stated that the document was the expression of the mandatory Power's policy, and, secondly, because he could not help thinking of the interests of the mandated territory—the safeguarding of which had been entrusted to the League of Nations—just at the most important period of this territory's existence ; namely, when the possibility of its emancipation was under contemplation. He therefore felt bound at the present juncture to tell the Commission that he experienced some anxiety with regard to certain, in his opinion fundamental, points of the Treaty.

(1) He could not understand why the mandatory regime should continue for the Lebanon when it had ceased for Syria. Up to the present, the Lebanon had given proof of social and

political maturity at least as great as that attained by Syria. M. de Caix did not dispute this nor did the Chairman imagine that anyone would be able to do so. Why, then, was the emancipation of the Lebanon being contemplated? He had questioned M. de Caix on this point and M. de Caix had not given a clear reply; he had simply said that the Treaty only contemplated for the present the emancipation of Syria.

With regard to the Jebel Druse and the Alaouites, he recollected that, at the time when certain petitions were being examined, the Commission, at its previous session,¹ had noted that the fundamental charter, the mandate, excluded, not only the creation in Syria of a unitary State—that was to say, of a State in which no part enjoyed local autonomy—but also the granting of full independence to any part of the mandated territory which was not Syria or the Lebanon.

According to this principle—which had, it should be noted, been approved by the Council—the Alaouites and the Druses could obtain autonomy, but only within the framework of the Syrian State.

(2) The Commission would certainly remember that, when the Anglo-Iraqi Treaty was being examined, he had said—and his remarks had been endorsed by several of his colleagues—that the provisions of this Treaty might be regarded as the extreme limit of what could be done without infringing the independence of a sovereign State.²

He wished to draw the special attention of his colleagues to this notion of a limit, which he thought must be considered even before a first impression were gathered concerning the Treaty.

The Franco-Syrian Treaty, as it emerged from all the documentary material communicated to the Commission, seemed to him to be based on a desire to maintain for twenty-five years a system of assistance in all the essential spheres of the State's political life—a system which was very similar to guardianship of the "A" mandate type, with one difference—namely, that it seemed, at first sight, that, in place of the guardianship under the mandatory regime, there would be a guardianship under which several prerogatives of the mandatory Power would be maintained but all supervision by the League of Nations would be excluded.

The Commission took cognisance of the following text drawn up by M. Rappard after the previous meeting, as a basis for the Commission's observations to the Council:

"The Commission has taken note of the text of the Treaty of Friendship and Alliance between France and Syria and the Protocols relative thereto which are annexed to the report.

"Being desirous of entirely reserving its opinion as to the political maturity of the populations under mandate and, therefore, as to the manner and date of their emancipation, the Commission has deliberately refrained from any comment upon the Treaty. This instrument, which is not yet finally binding upon the two parties, is intended only to regulate relations between the mandatory Power and the Syrian community after the termination of the mandate, the proposal for which, the Commission observes, has not yet been communicated to it."

Lord LUGARD agreed with this text, which entirely reflected his own views. On the other hand, he saw no objection to adopting the Chairman's proposal to state briefly some of the salient objections to the Treaty as drafted.

M. SAKENOBÉ said that, from this text, it was not clear whether the Commission had examined the Treaty or not. Since a treaty existed and its text had been communicated to the Commission, and since the Commission had received the mandatory Power's report, to which this Treaty was an annex, the Commission must state the reasons for which it had not examined the Treaty, if it decided not to examine it.

M. MERLIN proposed, in order to meet M. Sakenobé's views, to modify the first sentence as follows: "The Commission has taken cognisance of the text of the Treaty . . .", which would mean that the Commission had read the Treaty but had preferred to express no opinion. The essential fact was that the time had not yet come to consider the Treaty; in that respect, M. Rappard's text was excellent. The mandatory Power had included the Treaty as an annex to its report in order that no one might be able to say that it was keeping anything back. He thought that the text had been supplied as information, and not for consideration. This view seemed to be borne out by M. de Caix's statements and M. Orts's decisive comments on the previous day. If the Commission decided to examine the text, it would be discussing a treaty that postulated a first decision—namely, whether Syria was ripe or not for independence. The answer to that question, however, was unknown. When the mandatory Power, who was alone qualified to estimate accurately the territory's degree of maturity, put forward a proposal for its independence, the Commission would still have time to examine the Treaty with a view to deciding whether the real independence of the country, the interests of minorities and the principle of economic equality were respected. He noted that the Commission had before it a treaty which, except in certain details, was copied from the Treaty concluded between the United Kingdom and Iraq. The Commission should be very careful to refrain from entering on a dangerous course which would amount to a surrender of its right to examine facts in being and not future facts. Would the Commission not find itself in a very difficult position if the Treaty were withdrawn?

Lord LUGARD, in reply to the Chairman, said that he was quite prepared to adopt M. Rappard's text without alteration. If, however, some members of the Commission felt

¹ See Minutes of the Twenty-fourth Session of the Commission, page 137.

² See Minutes of the Twenty-first Session of the Commission, page 76.

strongly that the principal objections to the Treaty should be stated, he thought that, to meet their wishes, the words "has deliberately abstained from any comment upon the Treaty. This instrument which" might be replaced by "considers that the time has not yet come to examine the Treaty in detail since it" At the end of the text a further sentence might then be added as follows : "The Commission desires, however, to mention several points to which at the proper time it will call attention", and then state the points. Lord Lugard added that he made this suggestion only in order to reconcile, if possible, the opposing views of different members. For his own part, he would prefer to adopt M. Rappard's text as it stood.

M. ORTS hesitated to follow Lord Lugard's suggestion ; it would be contradictory to say that the Commission had not examined the Treaty in detail and then to formulate certain observations.

The text proposed by M. Rappard completely satisfied him except on one point. Instead of "the proposal for which, the Commission observes, has not yet been communicated to it" it would be better to say "which the Commission has not yet been requested by the Council to discuss". In accordance with the way matters had developed in connection with the Iraq precedent, the Council would instruct the Commission, in the first place, to express its opinion regarding maturity, and then to examine the Treaty, which would establish the independence of the country, comparing its provisions with the conditions recognised as necessary in order that a mandated territory might be considered as independent.

M. PALACIOS said he would accept M. Rappard's text if the Commission adopted it, but only by way of conciliation. The text did not give him satisfaction because it certainly stated an opinion quite contrary to his own and even contrary to what he had understood to be the views of the majority of the members of the Commission. Personally, he thought that the time had come to examine the Treaty as a fundamental element of the mandatory Power's policy. He was bound at least to make this reservation. In this connection, he was rather disposed to agree to Lord Lugard's proposal, which seemed to him to have the advantage of being somewhat milder.

He was also opposed to the amendment suggested by M. Orts. There was no need for the Council to entrust to the Commission a task which had already been entrusted to it under Article 22 of the Covenant. The Commission did not need to ask the Council's permission to express its opinion on a treaty which was not merely appended as an annex to the mandatory Power's annual report, but also formed the subject of petitions brought before the Commission.

He wished therefore to repeat that he would accept M. Rappard's text solely because he did not wish to be an obstacle to unanimity.

COUNT DE PENHA GARCIA thought the Commission ought not to give the impression that it was walking warily round the examination of the Treaty as if there were some danger lurking in it. The Commission ought, therefore, to examine the Treaty, particularly as it contained only two controversial clauses. The most important question was that of unity, which it would doubtless be inopportune to discuss now, because the Treaty was at present incomplete, lacking as it did certain protocols or supplementary conventions which might introduce fresh elements. Furthermore, the statements of the representative of the mandatory Power made it inadvisable to discuss this point. The Minutes of the meetings devoted to this question would suffice to draw the attention of the mandatory Power and the Council to the difficulties which this question had raised. He was therefore inclined to support M. Rappard's text as modified by Lord Lugard's amendment. He must admit, however, that he did not see the necessity for the last sentence from the words "the proposal for which"

M. ORTS thought the idea contained in the last sentence was important because it clearly marked the proper course of events. To meet M. Palacios's objection, he was prepared to omit from his amendment the words "by the Council", so that the amendment would read, "a subject which the Commission has not yet been requested to discuss".

M. PALACIOS said that this would not satisfy him. He thought that the truth was just the contrary ; by the very way in which things had happened, the Commission and, through the Commission the Council, whose advisory organ it was, had been asked to discuss the question. In actual fact, the matter was laid before the Council and the Commission automatically, and *ipso facto*. If it expressed no opinion, the Commission might lay itself open to reproach by the Council, because that body might think it strange that the Commission had decided not to draw its attention to such an important document that had been submitted to it. If the Commission abstained from comment, he would bow to its decision, but he felt that the Commission should at least state its reasons for such abstention.

M. RAPPARD raised an objection to M. Orts's first amendment ; the Commission should not seem to be inviting the Council to ask it to discuss this point. He therefore preferred M. Orts's second suggestion, provided the word "proposal" were maintained as in the original text. It was necessary strongly to emphasise the point that the mere fact that the Treaty had been appended to the mandatory Power's report was not sufficient in itself to constitute a proposal by that Power. Proof of this could be found in the fact that the accredited representative had refused to discuss the text of the Treaty with the Commission.

M. VAN REES agreed with M. Rappard's text. He thought, however, that the first sentence might be amended as suggested by M. Merlin.

After further discussion, *the following final text (Annex 20) was adopted :*

“ The Commission has taken note of the text of the Treaty of Friendship and Alliance between France and Syria, and the Protocols and letters relative thereto which are annexed to the report for 1933.

“ Being desirous of entirely reserving its opinion as to the political maturity of the populations under mandate and, therefore, as to the date and manner of their emancipation, the Commission has deliberately refrained from any comment upon the Treaty. This instrument, which is not yet finally binding upon the two parties, is intended only to regulate the relations between the mandatory Power and the Syrian community after the termination of the mandate, no proposal for which, the Commission observes, has yet been brought before it.”

Syria and the Lebanon : Petition, dated April 30th, 1934, from M. Réchid Mélouhi.

M. RAPPARD, after explaining briefly the contents of the petition, said that he desired to ask the accredited representative a few questions concerning it.

M. de Caix came to the table of the Commission.

The CHAIRMAN said that the Commission, making an exception to the rules it had established, had decided to examine M. Réchid Mélouhi's petition—which had been received from the mandatory Power during the present session—instead of adjourning it to a later session. As the mandatory Power had not sent with it any detailed observations, the Commission had decided to ask the accredited representative for further explanations.

M. DE CAIX said that he was prepared to answer any questions that the Commission might wish to ask him.

M. RAPPARD enquired whether M. de Caix could give any information concerning the “ Committee for the Defence of Parliamentary Institutions ”.

M. DE CAIX said that he knew no more than was stated in the French Government's covering letter, which noted that no body established under this title and for this purpose had been registered.

M. RAPPARD enquired whether any parliamentary body had been holding sittings since the suppression of the official activities of Parliament.

M. DE CAIX replied in the negative. He added that there had been at least one meeting, but not of an official character.

M. RAPPARD asked whether the order of events as described in the petition was correct. The Syrian Government maintained that the President of the Chamber should not have authorised the opening of the discussion on a question that had not been referred to a committee, to which the President had replied that the High Commissioner's representative should have intervened earlier at the sitting in question.

M. DE CAIX was in a position to explain. When the sitting had been declared open, the question not being yet on the agenda, a member of the Opposition had risen to attack the Treaty. The Minister of Finance had then intervened, not to speak on the substance of the matter, but in order to insist that the rules of the Assembly must be respected by referring the Treaty to a Committee. A member of the Government had thus attempted to arrest the debate, while the President of the Chamber had not felt himself called upon to intervene. As these irregular proceedings continued, their irregularity being heightened by the reading of a motion prepared and signed outside Parliament, the High Commissioner's delegate was forced to act. It was curious that the President of the Chamber should be blaming the High Commissioner's delegate for having done what he himself as President ought to have done from the outset.

M. RAPPARD asked for explanations on the following paragraph of the petition, in which the author seemed to be speaking in his own name :

[*Translation.*]

“ The economic policy, or, in other words, the economic schemes that the authorities promise the country, can be explained in one word : heavy concessions, concessions to be granted to French companies, to the detriment of the country, on the lines of the Bank of Syria and the Lebanon. The authorities, fearing lest the Chamber might object to the renewal of the concession of the Bank of Syria, the tobacco *régie*, the asphalt development scheme, the draining of the Arnouk plain, etc., and alleging as a pretext the refusal to accept the Treaty, ordered the suspension of the deliberations of the Chamber, as if the Chamber had nothing to do but consider the Treaty and as if, when the Treaty had been refused, its functions would cease.

M. DE CAIX replied that those allegations were not relevant. In point of fact, the most important of the affairs mentioned—namely, the Bank of Syria, which had the right to issue the paper money, had a contract which would expire only some years hence. As to the various concessions, those already existed and there was no question of modifying them or



granting new ones. There was no justification at all for trying to establish a connection between those concessions and the adjournment of the Chamber.

M. RAPPARD referred to the letter from the President of the Council of Ministers informing the President of the Syrian Chamber of the budgetary cuts affecting members of Parliament. M. de Caix had already furnished the Commission with explanations on the subject. M. Rappard was not surprised that the deputies should have attributed those cuts to motives other than economy, but desired some assurance that the reductions in question were simply part of a general programme of reductions.

M. DE CAIX replied in the affirmative. The endeavour to secure economies was not limited to Syria; Parliamentary allowances had been drastically reduced in the Lebanon also. He was unaware that any economies had been effected outside the general plan or which could be described as special measures aimed against the Syrian Chamber.

M. RAPPARD was also interested in the fact that the Government accused the President of the Chamber of having allowed the discussion to continue; whereupon the President appeared to have replied that the Government, being present at the sitting, could simply have intervened sooner. That was a strange view of parliamentary procedure.

M. DE CAIX said he had just explained this point and how the events had happened. The Government had taken action when the President had done nothing to stop an irregular discussion. He had apparently disregarded all the rules of Parliamentary procedure and particularly the duty to refer Bills to a Committee.

M. RAPPARD suggested that, in many Parliaments, a general discussion was possible before reference to a Committee. Was that the case in the Syrian Parliament, and were there any precedents in the matter?

M. DE CAIX did not think so. He believed that the rules of the Chamber, as well as customary procedure both in Syria and in the Lebanon, were opposed to such a course.

M. RAPPARD enquired whether the general programme of reductions or only the part relating to Parliament had been communicated to the President of the Chamber.

M. DE CAIX did not know in what manner the economies decided upon had been communicated to the President in so far as they concerned, in particular, the Chamber and its Secretariat. The Government, however, had merely given effect to a law passed in the spring authorising the Government to make large reductions in staff and consequently in expenditure.

It seemed difficult to admit that anyone so correct as Hakki Bey el Azem, the President of the Council, had not observed the customary forms in making his communications.

M. RAPPARD concluded that, normally, the Government could not promulgate the budget. Attention should, however, be drawn to Article 116 of the Syrian Constitution, which was quoted on page 20 of the petition and which he proceeded to read. When the Chamber re-assembled, would it have to examine the draft budget framed in its absence?

M. DE CAIX said it should be remembered that the High Commissioner had, on November 30th, provisionally empowered the President of the Republic to promulgate, especially in budgetary measures, decrees having force of law. The reductions had, moreover, been authorised by the Chamber.

M. RAPPARD asked whether the 1934 budget would or would not be discussed by the Chamber.

M. DE CAIX said it might be, but was not bound to be, owing to the powers accorded to the President of the Republic.

M. RAPPARD thought that, in all probability, directly the Chamber met, a deputy would propose the restoration of the parliamentary allowances.

M. DE CAIX agreed that this might happen, but the steps taken, to which he had referred, might prevent any such attempt.

M. RAPPARD confessed that he did not think it very wise of the President of the Council, in his letter of January 31st, simply to have informed the President of the Chamber of the cuts in the Parliamentary budget without adding that those reductions formed part of a general programme. It was quite understandable that Parliament should have interpreted that as an act of ill-will against it. Some other method might have been adopted.

M. DE CAIX observed that there might have been previous correspondence on this subject which he did not remember. The President, however, knew what was happening as a result of the adoption in the spring of the law authorising the Government greatly to reduce staff and consequently expenditure.

CLOSE OF THE HEARING OF THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN thanked M. de Caix for his collaboration and for the courtesy and competence with which he had assisted the Commission.

M. DE CAIX thanked the Chairman and the members of the Commission for the friendly welcome they had accorded him, as at all previous sessions.

M. de Caix withdrew.

Syria and the Lebanon : Petition, dated April 30th, 1934, from M. Réchid Mélouhi
(continuation).

M. RAPPARD said that he, personally, would be inclined to attach only limited belief to the petitioner's statements, but that, on the other hand, he had not received a very favourable impression of the way in which the whole matter appeared to have been handled. True, the dissolution of the Chamber had been ordered in virtue of a provision of the Syrian Constitution, but one could not help feeling, all the same, that that act had, in many respects, approximated to a *coup de force*. The existing Constitution did not, after all, appear to have provided for or authorised such interventions. The fact of promulgating a budget might, in itself, be questionable. Moreover, a letter like that of the President of the Council to the President of the Chamber, communicating only those provisions which related to cuts in the budget of the Chamber, was calculated to irritate those concerned.

M. ORTS said that, on the first point—the action of the mandatory authority in stopping the discussion—he had been satisfied by M. de Caix's explanations. Indeed, the President of the Chamber, in neglecting to stop the debate, had permitted a breach, not only of the rules of procedure, but of the Constitution itself. The Minister of Finance had attempted to suspend the debate, but had not succeeded, and it was only then that the representative of the mandatory Power had intervened. He could not be criticised for that.

As regards the second point, M. Orts was inclined to think that it would have been better, in the circumstances, not to have made any cuts in the budget of the Chamber and thus avoided damaging the latter's prestige. An additional reason for refraining from such cuts was that, in point of fact, they would not effect any very considerable saving. The action taken was such as might lead members of Parliament to think that it was an act of reprisal. It complicated matters quite unnecessarily. Lastly, the actual form of notification was rather unfortunate. M. de Caix had said that there had perhaps been some previous correspondence, but the Commission had not seen that correspondence. In short, it would seem that the Government had not displayed as much tact as might have been desirable in exercising general authority to cut down the budget, with which it had been invested by a vote of the Chamber.

Frontier between Syria and Palestine (Western Section) : Opinion of the Commission.

The Commission adopted the text of its opinion for submission to the Council (Annex 20).

FOURTEENTH MEETING.

Held on Thursday, June 7th, 1934, at 3.30 p.m.

Tanganyika Territory : Examination of the Annual Report for 1933.

Mr. J. A. Calder, 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 on behalf of the Commission and enquired whether he wished to make a general statement on the position of the territory.

STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Mr. CALDER.—It is a pleasure for me to have this early opportunity of coming to Geneva to assist the Permanent Mandates Commission in its examination of the report on Tanganyika for 1933. It is not quite a year since I became responsible for the department at the Colonial Office which includes Tanganyika. I have found it most interesting to revive my acquaintance with the affairs of a territory with which my previous contact was in 1924, when I visited it as secretary of the Parliamentary Commission of Enquiry under Mr. Ormsby-Gore. There has been substantial progress in the territory since 1924, and many of the recommendations made by the Ormsby-Gore Commission have been carried into effect.

The normal practice of His Majesty's Government is to send as its accredited representative a high official from Tanganyika, but, on this occasion, recent changes in the personnel of the Tanganyika Administration made an alteration desirable. Since the last report on Tanganyika was examined, both the Governor and the Chief Secretary have been changed. Lieutenant-Colonel Sir Stewart Symes has been appointed Governor-General of the Sudan, and has been succeeded in Tanganyika by Sir Harold MacMichael, who has had long and distinguished service in the Sudan. Mr. D. J. Jardine has been appointed Governor of British North Borneo, and has been succeeded by Mr. P. E. Mitchell, whose previous experience as Secretary for Native Affairs should be most valuable to him in his new post. Sir Harold MacMichael arrived in

Tanganyika in February, so, at this date, he has been only a few months in the territory. I know, however, that it is his wish to make the acquaintance of the Permanent Mandates Commission at the first suitable opportunity, and it is very probable that, when the 1934 report is being examined, Sir Harold will be accredited representative of His Majesty's Government.

I trust that the report for 1933 will be found clear and detailed. For the greater part of the year the financial position continued to give cause for anxiety, and every possible economy in administration had to be observed. Nevertheless it is possible to repeat with confidence the assurance, which was given by Sir Stewart Symes last year,¹ that the public services have been maintained, and that no vital organ of the administration has suffered unduly.

In many ways, 1933 was a year of substantial achievement in Tanganyika. Despite the world depression, the continuance of low prices for primary agricultural products, adverse weather conditions and some locust damage, the official efforts to increase production were remarkably successful. Record production figures were reached for sisal, coffee, cotton, gold, groundnuts, hides, rice and beeswax—eight of the nine main products of the territory. In the case of sisal, the export showed an increase of 15 per cent in volume and 26 per cent in value over 1932, which was itself a record year. In cotton the increase over 1932 was 58 per cent in quantity and nearly 51 per cent in value. Coffee showed an increase of 12 per cent in quantity, hides and skins an increase of 52 per cent in quantity and beeswax an increase of 74 per cent, as compared with 1932.

In the last few months of the year, the increased production which had resulted from the Government's efforts began to be reflected in the public revenues. Thus, under the two revenue heads of Customs and licences and taxes, the receipts for the year exceeded by £63,000 those for the twelve months ended December 31st, 1932. The actual revenue and expenditure figures for 1933, which are now available, show that the revenue was £1,564,538, and the expenditure, excluding loan expenditure, was £1,651,794. The actual deficit on the year was therefore £87,256 and it is hoped that, in the current year, the budget will be balanced.

The railway figures for 1933 are : Revenue, £532,092 ; expenditure, excluding loan expenditure, £644,728 ; deficit, £112,636. There are few possibilities of further economies in railway expenditure. The position can be improved only by increased traffic. One reason for loss of traffic is uneconomic competition by motor-lorries, and the Government has assisted the railways by enacting the Carriage of Goods by Motor (Prohibition) Ordinance, which prohibits motor traffic operating in competition with the railways. The Ordinance came into force on April 20th, 1934.

In accordance with the request made at the examination of the 1932 report,² papers giving details of the postal union between Kenya, Uganda and Tanganyika have been forwarded to the Commission. These papers show clearly the various advantages which were expected from the scheme of unification, and it will be observed, from page 109 of the 1933 report, that the results of the first year's working have justified the union. The actual expenditure on Posts and Telegraphs in 1933 was £80,973.

There has been an interesting development in connection with postal matters since the 1933 report was prepared. It will be seen from the notes of the discussion at Dar-es-Salaam on May 20th-25th, 1932, between the Postmaster-General, Kenya, and the Acting Postmaster-General, Tanganyika, that, although it appeared desirable to adopt a common stamp for all three territories, the two officials decided that, for the present, no change need be made. That decision was taken over two years ago, and the union has now been functioning with different stamps for a year and a half. It became clear that some of the advantages of the postal union were being sacrificed thereby, and, for other reasons, it became desirable to have a new stamp issued in Kenya and Uganda. In the circumstances, His Majesty's Government decided, after careful consideration, to approve of the issue of a common stamp for all three territories. The names of all three territories will appear on the new stamps. Prizes were offered for the best designs, and it is expected that the new stamps will be issued in the course of a few months. The decision to issue a common stamp has been based solely on considerations of public convenience.

As regards Customs policy, it will be noted from page 21 of the report that, in February 1933, the Governors were in agreement that a continuance of the present Customs union, which has now been in force since August 1927, was to the advantage of all three territories. Tanganyika finds a convenient market in Kenya and Uganda for her surplus production of rice, copra, manufactured tobacco, ghee and other products. It is estimated that, in 1933, products of Kenya and Uganda to the value of £180,160 were consumed in Tanganyika, and products of Tanganyika to the value of £153,055 were consumed in Kenya and Uganda. The detailed statistical memoranda on the general results of the Customs union, which were called for by the Governors' Conference in October 1933, were examined by the Governors' Conference in

¹ See Minutes of the Twenty-third Session of the Commission, page 44.

² See Minutes of the Twenty-third Session of the Commission, page 191.

May 1934, and the conclusion was reached that the division of inter-territorial trade between the three territories had reached substantial parity.

It is regretted that certain of the documents to which reference is made in the report—*e.g.*, the annual reports of the Provincial Commissioners for 1933 (page 20) and the Blue Book for 1933 (page 54)—are not yet available. Many of the departmental reports for 1933 are also not yet printed. These reports cannot be compiled until the full figures for 1933 are available. It is not possible for many of them to be printed and published within five months of the end of the calendar year.

Finally, attention may be called to the excellent map which is enclosed with the report. It is a map which had been prepared for the Tanganyika Education Department for use in schools in the territory. It is more elaborate (and incidentally more expensive) than it would normally be possible to include in an annual report. It was decided, however, that special arrangements should be made on this occasion in order to place such a useful map at the disposal of the Commission.

DEPARTURE OF SIR STEWART SYMES.

M. RAPPAUD enquired whether the transfer of Sir Stewart Symes, after so short a term of office as Governor of the territory, was due to accidental circumstances or whether it indicated a change of policy on the part of the mandatory Power. The Commission had noted in previous years the great advantage derived by the territories under British administration from the permanency of the regime.

Mr. CALDER replied that the transfer had been due to quite accidental circumstances, which had made promotion desirable.

MAP OF THE TERRITORY.

The CHAIRMAN observed that the Commission was particularly grateful to the mandatory Power for having appended to its annual report a new map of the mandated territory.

M. ORTS pointed out a slight inaccuracy in the map of the territory : the frontier line between Tanganyika Territory and Nyasaland, instead of following the eastern shore, should be equidistant from the eastern and western shores of Lake Nyasa.¹

DATE OF TRANSMISSION TO THE COMMISSION OF DEPARTMENTAL REPORTS AND OTHER DOCUMENTARY MATERIAL.

The CHAIRMAN observed that the mandatory Power had forwarded to the Commission, as in the past, reports on the work of the various Departments of the Tanganyika Government (Education, Posts and Telegraph, Mines, etc.), all referring to the period 1932. The Commission had always found such reports of great assistance in the examination of the annual report. Clearly, however, reports and publications were of less use if they reached the Commission after a year's delay. The Commission would be grateful if the mandatory Power could arrange for them to reach it in time to examine them with the annual report.

Mr. CALDER said that he would forward the request, but that it would be difficult for the Government to get out all the departmental reports within five months of the end of the year.

Lord LUGARD asked whether it would be possible for the Commission to receive Government ordinances as they were enacted (as was formerly the case), instead of waiting until they were collected in one volume.

ISSUE OF A COMMON STAMP : GOVERNORS' CONFERENCE.

M. RAPPAUD said that the Commission would like to be better informed on the subject of the Governors' Conference. The report was very discreet on the matter. The Commission would like to know what type of questions were discussed.

M. PALACIOS said that he would go even further ; he would like to have before him the Minutes of the meetings and any other documents that might enlighten the Commission on the subject. The Commission had received certain information when the Governors' Conference was first constituted. It was only right that it should continue to receive all sorts of official information when the competence of the Conference had been extended and the latter had become more important.

He would like to ask the following question :

It appeared from the *East-African Standard*, of January 27th, 1934, that the Dar-es-Salaam Chamber of Commerce was still in favour of the closer union scheme as set forth in the Wilson report. Did the closer union movement, which had been abandoned by the mandatory Power, still find supporters in the three territories, and in Tanganyika, in particular ?

¹ Mr. Calder, while revising the record of his interventions on the provisional Minutes, stated the following :

" The map is correct in showing the boundary following the shore of the lake " (see Article 2 of the Agreement between the British and German Governments of July 1st, 1890).

Mr. CALDER replied that the Commission's request concerning the Minutes of the Governors' Conference would be brought to the notice of the Tanganyika Government. The meetings were informal and the Minutes were brief and confidential. Nothing was published except a brief *communiqué*. When the Governors were unanimous that a certain course of action should be adopted, each Governor, on his return to his own country, took action to implement the decision reached.

He stated that, while parties still existed in the territory in favour of closer union, that fact had not affected the Government policy.

M. PALACIOS said that the Commission had, however, received from the mandatory Power an extract from the Minutes of the Conference of East-African Governors in April 1932, to the effect that "the Conference agreed that the Postmasters-General of Kenya, Uganda and Tanganyika should consult and report on" various questions relating to the amalgamation or further unification of Posts and Telegraphs.

Mr. CALDER replied that that extract confirmed what he had said. The Governors were in agreement, and the Postmasters-General would be instructed on the general lines agreed upon by their respective Governors. Whatever agreement was come to by the Conference, the final decision as to the action to be taken rested in every case with the Governor of each territory.

M. PALACIOS said that it was exactly that kind of information that he had asked for as being of the greatest interest to the Commission.

He commented on the accredited representative's statement that it had been decided to issue a common stamp for the three East-African territories. He doubted whether that was compatible with the status of the mandated territory. It was the Commission's duty to see that the separate identity of Tanganyika as a mandated territory was safeguarded.

Mr. CALDER replied that, in the opinion of His Majesty's Government, the fact of there being a common stamp was quite compatible with the status of Tanganyika. Since 1911, Kenya and Uganda had had a common stamp and no one had suggested that their separate identity was compromised thereby.

The CHAIRMAN pointed out that there was no analogy between the international status of Tanganyika and that of the other two territories.

M. PALACIOS emphasised his doubts as to whether a common stamp was compatible with Tanganyika's status as a mandated territory, and thought that its issue might perhaps be symbolic of a trend of affairs contrary to what the Commission had stipulated on several occasions, more particularly during the discussion on closer union.

NATURALISATION.

Lord LUGARD enquired when there was likely to be a final settlement of the question whether residence in mandated territories should qualify for naturalisation.¹ The matter had been under discussion for some six or seven years. The question had been raised in the House of Commons in April and in May 1933 and Mr. Thomas had stated that, while "agreement had been reached in principle at the last Imperial Conference that the power of granting certificates of naturalisation should be extended so as to cover persons resident in mandated territories, there were other minor points on which it was thought that amendment of the British nationality law might be desirable" and on which consultation with the Dominions would be necessary.

Mr. CALDER replied that those points were still under discussion between the Dominions Office and some of the Dominions.

QUESTION OF THE SETTLEMENT IN TANGANYIKA OF JEWISH FAMILIES FROM EASTERN AND CENTRAL EUROPE.

Lord LUGARD enquired whether there was any foundation for the Press report that a scheme had been submitted by the leaders of the Jewish community in Kenya for the settlement of 1,000 Eastern and Central European families in East Africa, some of them in the Usambara and Iringa areas of Tanganyika.

The telegram from Nairobi added that the scheme was now before the Resettlement Committee in London and the League Refugees Commission—from which it would be inferred that it was taken seriously.

Mr. CALDER replied that he had no detailed information on the subject, but said that any scheme for settlement in Tanganyika would have to be submitted to the Government of Tanganyika.

SECOND CONFERENCE OF CHIEFS IN THE LAKE PROVINCE.

M. ORTS, referring to the second conference of chiefs in the Lake Province, noted that the main resolutions concerned the "verification and consolidation" of native law and custom,

¹ See Minutes of the Twenty-third Session of the Commission, page 55.

particularly with regard to marriage with a view to the standardisation of the customs of the several tribes, that another important decision had been taken in connection with the maintenance and treatment of lepers and that it had been resolved that, in order to get the maximum results, Native Treasury funds should be pooled and one central leper settlement and treatment centre maintained for the whole area (annual report, paragraph 17).

He enquired whether effect had been given to those recommendations by the Administration, and whether such Conferences were held in any of the other provinces.

Mr. CALDER replied that, so far as matters related to native law and custom, there was no occasion for Government intervention. Native marriage laws and the segregation of lepers were dealt with by the native administrations. The latter, however, could take no action in regard to the pooling of native funds for leper treatment without Government sanction. It was an interesting symptom that the chiefs in the Lake Province should wish to meet and formulate a common policy to be followed in their chiefdoms. Fuller particulars would doubtless be found in the reports of the Provincial Commissioners for 1933.

FEDERATION OF NATIVE ADMINISTRATIONS AND TREASURIES.

Lord LUGARD enquired whether any further progress had been made in the matter of federation of "native administrations" and treasuries.

Mr. CALDER replied that there had been no big move in the direction of federating separate native administrations since the 1932 report. Occasionally, a small native unit was transferred for greater convenience of administration.

QUESTION OF THE CREATION OF A LOCAL CIVIL SERVICE.

M. VAN REES enquired whether anything further had been done with regard to Sir Stewart Symes's proposals for the creation of a local civil service for Tanganyika.

Mr. CALDER replied that the proposals had been approved by the Secretary of State and that full particulars would be given in the 1934 report.

AGREEMENT BETWEEN TANGANYIKA GOVERNMENT AND WILSON AIRWAYS, LTD.

M. ORTS desired further information concerning the agreement between the Tanganyika Government and Wilson Airways, Ltd. (annual report, Appendix V). The company in question was, it appeared, working on parallel lines with Imperial Airways. Article 15 of the agreement, he noted, provided that Government aeroplanes should not be employed for the transport of private individuals without the consent of the company. Had the company been granted a monopoly for the transport of passengers, or did it share some such privilege with Imperial Airways?

Mr. CALDER replied that no monopoly had been granted. Any other company was free to carry passengers and freight in Tanganyika and to use the Government aerodromes on payment of fees. The agreement referred to permitted of cutting down the number of Government planes and restricting their use to surveying, inspection of aerodromes, etc. The Wilson company was registered in Nairobi and operated in Kenya, Tanganyika and Zanzibar. Replying further to M. Orts, Mr. Calder stated that subsidies were granted under Article 2 in return for services rendered. It was estimated that the Government saving under the scheme in 1933-34 would be £2,700.

RAILWAYS : THE GIBB REPORT.

M. RAPPARD noted, both in the accredited representative's statement and in the annual report, references to the railway position, which appeared to be a source of serious worry. The poor receipts were attributed to lack of traffic and "uneconomic" lorry competition. The Administration had now regulated the position to safeguard the railways. Was it at the expense of the lorry-holders? What did road-users think of the measures? What exactly was meant by "uneconomic", used to define the character of the competition made by the lorries?

Mr. CALDER thought that it was generally agreed that competition between railways and motors was uneconomic when motors were allowed to pick and choose the best paying traffic, while leaving the bulky and unprofitable traffic to the railways. The 1933 Ordinance imposing heavy licence duties on motor vehicles had not worked satisfactorily, owing to the difficulty found by the licensing board in fixing rates. It had accordingly been decided to introduce the practice of prohibiting motor-lorries on certain routes. The Ordinance would expire in December 1935, unless it was renewed.

M. RAPPARD wondered whether the Government enactment was explained by the fact that the railways were owned by the Administration.

Mr. CALDER replied that the railways were an essential means of transport for the territory as a whole; he thought that Government would have been prepared in any case to take measures to prevent their running at a loss.

Lord LUGARD enquired whether the Mandates Commission had received copies of "Sessional Paper No. 4 of 1933—Memorandum setting out the Views and Conclusions arrived at by the Railway Advisory Council of the Tanganyika Territory on Certain Questions raised by Mr. Roger Gibb's Report". He asked also that the Commission might be given information concerning "the zone-rating system" on the Kenya railway and the "rate war" referred to at the November meeting of the Legislative Council.

He noted the remarks of the Chairman of the East-African Section of the London Chamber of Commerce (who, he believed, was himself an authority on railway matters) to the effect that "the Tanganyika railways were suffering severely from the loss to the Uganda Railway of much traffic originating in their territory which they had a natural right to carry". This opinion was expressed on the occasion of an address by an official of the Tanganyika railway in February 1933, and he would be glad to know whether it was shared by the Tanganyika Government.

Mr. CALDER replied that those requests would be duly noted.

M. RAPPARD enquired what had become of the Lindi Railway.

Mr. CALDER said that it had been sold some years previously to a sisal undertaking for use as a tramway; it was, he thought, no longer in use.

PUBLIC FINANCE : TAXATION.

M. RAPPARD observed that, but for the railway budget, the finances of the territory would be flourishing.

He noted the distinction between "recurrent and special" expenditure and "extraordinary" expenditure (annual report, page 34).

Mr. CALDER replied that "extraordinary" expenditure was on public works, while "special" expenditure was some unusual departmental expenditure.

M. RAPPARD noted (page 35) that the accumulated Railway surplus balance of £42,259 at March 31st, 1932, was reduced by the item "*Add* Railway share of guaranteed loan, 1952-1972" and the further item "*Less* deficit for the period April-December 1932"; he pointed out that there was a surplus balance at the end of the year but only thanks to the loan, which meant, of course, an increase in the debt.

Mr. CALDER said that the £77,443 representing the Railway share of the guaranteed loan was a refund of capital expenditure which had previously been defrayed from revenue.

M. RAPPARD, referring to pages 37 to 39 of the report, noted that, for Posts and Telegraphs, expenditure had always exceeded revenue since 1929-30. There seemed to be an indication that, since 1932, when it was £68,829, the expenditure on that item had been going up. He enquired how the expenditure on Posts and Telegraphs was allocated as between the several territories, and what proportion was borne by Tanganyika.

Mr. CALDER replied that local expenditure was borne by the various territories, each of which was responsible for a certain proportion of the expenditure at headquarters and on outside transport of mails.

M. RAPPARD directed attention to the statement in the annual report (page 41) that :

"An instalment of £500,000 on a further loan of £750,000 guaranteed by the Imperial Government under the Tanganyika and British Honduras Loans Act, 1932, was raised in June 1932 for the purpose of refunding to the accumulated surplus balances of the territory sums expended from revenue on capital works undertaken before the passing of that Act".

What was the purpose of that operation? The revenue had been sufficient to pay for the capital expenditure during the preceding period. The territory now incurred a debt, and increased its surplus balance—where was the profit to the territory?

He was not questioning the wisdom of the operation, but thought that a short-term bank overdraft would have been cheaper.

Mr. CALDER replied that, without the operation in question, there would not have been a sufficient balance for the working capital of the territory. It would have been necessary to borrow from the banks, possibly at a higher rate. The objects on which the loan was expended were recognised as being suitable for such expenditure.

M. RAPPARD noted that the Standard Bank of South Africa, Ltd., acted as bankers to the Government (paragraph 47), though most of the trade of the territory was with the United Kingdom.

Mr. CALDER pointed out that the Standard Bank had been established in the territory before any of the other banks ; Barclays Bank was a newcomer and was gradually extending its operations.

M. RAPPARD said that he was glad to see that, owing to a sound financial policy adopted, the position of the territory was not disquieting.

He added, further, that quite the most interesting features in the matter of finance were, in his view, the native treasuries and the poll tax. Tanganyika was unique in that the hut or poll tax constituted a very large part of its revenue (larger even than Customs), and that income was spent partly by the native treasuries. He enquired whether the native treasuries had any other source of income. He noted that in one district of the Northern Province they were engaging in agricultural credit operations (annual report, paragraph 28).

Mr. CALDER said that the native treasuries derived some additional income from court fees and local market fees. The District Officer in the Mbulu district of the Northern Province had sanctioned the desire expressed by the natives of that district that the native treasuries should advance small sums to responsible applicants. These sums were not so large as to endanger the credit of the treasuries, practically all of which were carrying forward more than one year's revenue.

M. RAPPARD noted that the Administration allowed natives to pay their taxes in instalments, by means of a special one-shilling and two-shilling stamp (paragraph 13). The money, he understood, was paid into the Post Office ; did the latter know whether the stamp was used for postal or for fiscal purposes ?

Mr. CALDER replied that the instalment system had been introduced in certain districts where the native taxpayers were wage-earners. One reason for the special stamp was to ensure that the taxes should not be credited to the postal revenue.

Lord LUGARD said that the Commission would be glad to know what exactly was the difference between an income tax and the graduated poll tax adopted by both Kenya and Tanganyika. Did commercial companies pay their fair share of tax under the latter system ? What reply had been received to the Acting Governor of Kenya's enquiries (reproduced in the *Times* of August 3rd, 1933) as to whether Tanganyika intended to adopt the other forms of non-native taxation introduced by Kenya ?

Mr. CALDER replied that Tanganyika had adopted a graduated non-native poll tax and also a package tax (page 56). The poll tax did not apply to companies—the real objection to the levying of income tax on companies in Tanganyika was that, if it were imposed, large numbers of companies might cross the border and establish themselves in Kenya, where it was not in force. The graduated poll tax was simpler to collect than income tax, as there were no complications in the matter of rebates, etc. It had brought in increased revenue from individuals.

Lord LUGARD asked that fuller details might be given in the next annual report. Referring next to the payment of taxes by non-officials and by officials, he observed that the total salary cut was estimated at £40,000 on the salaries of some 1,000 officials, whereas the 3,480 adult male non-officials paid only £29,400 by the poll tax (page 45). He asked when the Commission would receive Mr. Kitching's report on the native hut and poll tax (page 126).

Mr. CALDER replied that it was generally agreed that the levy on official salaries was high, and that tax would be discontinued as soon as the financial position permitted.

M. RAPPARD directed attention to the Salt Consumption Tax Ordinance enacted during the year (annual report, paragraph 79). One object of that ordinance, it was stated, was to legalise the tax on salt which had been collected previously without lawful authority, and to indemnify those responsible for such collection. Could the accredited representative state since when the tax had been collected and what were the sums involved ? It seemed strange that a tax should have been collected without lawful authority.

Mr. CALDER replied that a tax on salt had originally been imposed by the Germans and that the Salt Consumption Tax Ordinance had been judged necessary to regularise the position under the new Administration. The receipts from the tax were included under "Licences, Taxes, etc."

CUSTOMS POLICY.

Lord LUGARD desired information on Customs policy. The Governors' Conference had debated the question of Customs tariffs, etc., in October 1933, and decided to ask the various Governments in East Africa to submit detailed statistical memoranda. Could the Commission have copies of those memoranda or be informed of their contents ? He noted further that the May agenda of the Governors' Conference, as reported in a telegram to the *Times*, "included

examination of the incidence of the consumption tax, excise and trade licences and similar taxes coming within the orbit of the East-African Customs union, with a view to possible inequities affecting individual territories, particularly Tanganyika". What were those "inequities" affecting Tanganyika in particular? Were any further steps being taken in accord with the memoranda which Governors had been asked to submit (pages 21 and 22 of the annual report)?

Mr. CALDER replied that details had been given in the 1932 report of the reasons for the levy of a consumption tax on sugar. The Government was now assured a revenue from sugar manufactured in Kenya and Uganda and consumed in Tanganyika. It had been suggested that commodities other than sugar—wheat and butter, for instance—might be suitable objects for consumption duties. From Press reports of the Governors' Conference, however, it appeared that no adequate grounds existed for taking action in respect of such commodities. The request for copies of the statistical memoranda would be forwarded to the Tanganyika Government.

M. RAPPARD referred to the estimated commercial movement between the territories, of which mention had been made. He enquired on what that estimate was based. Was there any "inter-colonial" control of the movement, in the form of a check at the frontiers?

Mr. CALDER replied that the figures were set out in full in the trade report for 1933. Statistics of the trade between Tanganyika and Kenya and Uganda were based on shipping documents at the ports and, at the land frontiers, on railway documents; there was no doubt a check on such small quantities as were carried by motor.

The CHAIRMAN observed, as to the Customs, that the resolution adopted by the Commission at its twenty-third session¹ concerning closer union read as follows:

"The Mandates Commission asks the mandatory Power to continue to furnish complete and detailed information regarding the Customs system, and to supplement . . ."

The report for 1933 now stated (page 22) that, as regards the Customs service, the Governors' Conference had considered the expediency of "a fair inter-State division of revenue advantage".

The Commission would be interested to have fuller information and details, particularly as to the allocation of Customs receipts between the several territories. It would not be consistent with the mandate that the Customs revenue of Tanganyika should be used for the benefit of the Administrations of the other territories.

Mr. CALDER said that fuller information would be found in the trade report for 1933, which contained an analysis of imports, exports, re-exports and transit trade.

M. PALACIOS said that a question had been asked in the House of Commons concerning the Customs regime, and the Government had replied that the decision in the matter would depend on the conclusions of the Governors' Conference. The annual report now appeared to confirm the maintenance of the existing regime. The Governors' Conference, while accepting Sir Sidney Armitage-Smith's recommendations on other questions, had not endorsed his proposal for a revision of the Customs regime.

Mr. CALDER said that the Governor of Tanganyika had agreed with the other Governors in rejecting Sir Sidney Armitage-Smith's strictures on the Customs regime. Tanganyika had not accepted that part of the report but had, by means of the sugar consumption tax, taken action to remedy the loss of Customs revenue from sugar.

The CHAIRMAN asked whether the Tanganyika Customs revenue was kept in Tanganyika.

Mr. CALDER replied in the affirmative. Each Government kept the Customs duties collected at its ports, subject to a system of reciprocal duty credits in respect of inter-territorial transfers of imported goods.

The CHAIRMAN asked that figures might be given showing the distribution of Customs revenue as between Tanganyika and Kenya.

M. RAPPARD asked that figures might also be given showing the imports into Tanganyika through Kenya. That point, he said, had some bearing on the question of closer union.

Lord LUGARD, referring to Mr. Runciman's statement in the House of Commons last May that His Majesty's Government proposed to introduce quotas on certain imports in some British colonies and protectorates, enquired whether the proposal applied also to mandated territories.

Mr. CALDER stated that it did not apply to Tanganyika.

IMPORTS AND EXPORTS.

M. MERLIN noted that the total volume of trade in 1933 had exceeded that for the previous year by £444,000, or 10½ per cent, and that domestic exports had increased in value from £2,190,148 in 1932 to £2,543,162 in 1933 (annual report, paragraph 58). Record production figures had been reached for sisal, coffee, gold, etc.

In the case of sisal, he noted, the number of establishments had increased : in 1932, there were twenty-four establishments employing 4,521 persons, and, in 1933, there were eighty establishments employing 13,334 persons (page 51). That increase, he suggested, was excessive and might lead to disappointment in the future, as the present sisal rates did not justify such enthusiasm.

Mr. CALDER replied that the sisal industry was conducted by Europeans, and the increased sisal production was not directly due to Government action.

Lord LUGARD expressed his surprise that grain (including maize) should constitute a considerable item both in the territory's imports and in its exports (annual report, pages 47 and 48).

Mr. CALDER thought that the imports and exports probably applied to different regions of the territory.

M. RAPPARD referred to two statements in the annual report (paragraph 35) : (1) " The favourable trade balance of nearly half a million pounds allowed . . . the liquidation of part of the losses and liabilities of the two preceding years ", and (2) " On the whole year's trading, the balance available to redeem the economic overdraft was £780,000, representing a 40 per cent surplus over the value of the imports ". What exactly was meant by an " economic overdraft " ?

Mr. CALDER agreed that the wording was loose ; what was meant was that exports exceeded imports—a reversal of the trade position in 1929, 1930 and 1931.

AGRICULTURAL AND TRADE EXHIBITION.

M. RAPPARD, referring to the Agricultural and Trade Exhibition (paragraph 16), asked how that would tend to stimulate native production, as the annual report suggested.

Mr. CALDER replied that, on seeing the exhibition of goods, the natives were impelled to greater efforts in the matter of production, in order that they might have money to purchase.

JUDICIAL ORGANISATION : PRISONS.

The CHAIRMAN directed attention to the statement in the annual report (paragraph 68) that " the Commission appointed by the Secretary of State to enquire into the administration of justice in criminal matters in East Africa has concluded its enquiries and has reported to the Secretary of State ". He enquired whether the mandatory Power had taken any decision on that report, whether the document had been published and, if so, what were the conclusions in regard to the mandated territory. At the twenty-third session, the accredited representative (Minutes, page 61) had said that a report of that nature would be sent to the Commission, if desired.

Mr. CALDER replied that the Secretary of State had decided not to publish the report in question until the Governments had been consulted ; it would be published at an early date with their comments.

The CHAIRMAN referred to the statement in the 1932 report (page 50) that statistics of the number of civil cases heard by the High Court and subordinate courts during 1932 were not available in time for inclusion in that report, but that it was hoped to include them in the next one. The statistics for 1933 were given on page 54 of the 1933 report, but those for 1932 did not appear there.

Mr. CALDER replied that that was an omission in compiling the 1933 report.

The CHAIRMAN referred to the statement on page 54 of the annual report that copies of the Tanganyika Territory Blue Book for 1933, containing further criminal statistics, would be supplied to the Mandates Commission. Could the accredited representative say when they would be forwarded ?

Mr. CALDER replied that the Blue Book would probably not be available for two or three months.

The CHAIRMAN referred to a statement on page 55 of the annual report (paragraph 78) that the recommendations contained in the report on the question of imprisonment in the territory had received the consideration of the Government. It was added that those recommendations had been carried out where possible, but that the question of making special provision for juvenile offenders had been held over owing to lack of funds. He enquired what were the chief recommendations adopted by the Government, and whether the important question of young offenders would be settled in the near future.

Mr. CALDER replied that the chief recommendations adopted had been the introduction of prison camps and the system of employing convict leaders (paragraph 76). The question of juvenile offenders would, he added, be settled as soon as finances permitted.

Lord LUGARD directed attention to an extract from the *Times*, of November 23rd, 1933 :

“ The Tanganyika Government announces that seventy-three natives, imprisoned for rioting in the Mwanza Province, have been released before their sentences were completed. Influenza had broken out among them, owing to the overcrowded condition of the gaol.”

The overcrowding of the gaol appeared to be a serious reflection on the administration of the prisons.

Count DE PENHA GARCIA asked whether the native subordinate courts had been working satisfactorily.

He noted that, according to the report (page 54), there had been a substantial increase in criminal cases in 1933. He enquired whether there had actually been an increase in criminality or whether the laws had been more strictly enforced. Did the convicts placed in charge of others receive any remuneration ?

Mr. CALDER replied that the native courts had been working very satisfactorily. He was not aware of any increase in criminality. He thought that convict leaders probably received remission of sentence.

POLICE.

Count DE PENHA GARCIA reverted to the apparent increase in crime and asked whether that was due to a shortage of police, who, judging by the budget, should, he thought, be adequate for the territory. There were 1,600 constables in addition to officers.

The CHAIRMAN, referring to the annual report for 1932 (page 54), pointed out that, the previous year, the African police had been decreased by nineteen details—twelve railway and seven harbour police. In 1933 (annual report, paragraph 80), the harbour police had been further reduced by thirteen details. What was the reason for that further reduction ?

Mr. CALDER said that it formed part of the Administration's scheme to balance the budget. The economies in the police force were not such as to impair their efficiency.

The CHAIRMAN urged that, if the establishment of the police were not regarded as excessive, in view of the size of the territory, the Government might economise on some other item of the budget.

Mr. CALDER replied that the Government would probably not admit that there had been any serious increase in crime ; very likely the police had been displaying increased activity.

Count DE PENHA GARCIA pointed out that very satisfactory results were obtained in other native territories with fewer police. Large regions of the territory could be patrolled by motor and by mounted police, though a larger force was required in the towns.

M. SAKENOBÉ thought that the information given in the report (page 57) on the police was too brief and asked that fuller details might be given in the following report. The Commission wished to know how the police were recruited, instructed and trained, and the conditions of discipline. He enquired whether there were any Indian police.

Mr. CALDER stated that full details were given in the police reports each year. He would note M. Sakenobé's request. There were thirty-two Indian sub-inspectors in the force, and a number of Indian clerks.

M. SAKENOBÉ pointed out that the number of constables in the territory was actually much higher than 1,600, since that figure did not include the native police in the native administration.

MILITARY : EXPENSES FOR THE UPKEEP OF TROOPS.

M. SAKENOBÉ noted that the health of the Southern Brigade, King's African Rifles, had been excellent, except for an outbreak of measles at Tabora (paragraph 84). He enquired whether there had been any deaths.

Mr. CALDER replied in the affirmative ; there had been a number of deaths in the measles epidemic, chiefly of children of the soldiers.

M. SAKENOBÉ noted that the discipline of the units stationed in Tanganyika was stated to be very satisfactory. He observed that the previous year there had been sixty-nine cases of imprisonment.

The CHAIRMAN noted the statement on page 57 of the annual report that the defence of the Tanganyika Territory and Nyasaland was undertaken by the Southern Brigade, King's African Rifles. He enquired what was the total of those troops. It appeared from page 39 that the estimates for 1934 amounted to £85,763 for military expenditure. He enquired how much Tanganyika contributed towards the upkeep of the troops, and what was the proportion of troops used for Tanganyika only.

Mr. CALDER replied that the total expenditure on the Southern Brigade for 1933 was £102,585. The whole of that expenditure was borne by Tanganyika, one-sixth of the amount being subsequently repaid by Nyasaland. The figure of £85,000 shown on page 39 of the 1933 report represented Tanganyika's final expenditure after one-sixth of the cost had been deducted.

The CHAIRMAN enquired whether a proportion of the troops corresponding to that contribution were stationed in Tanganyika.

Mr. CALDER replied that the only detachment stationed outside Tanganyika—at Zomba in Nyasaland—did not amount to one-sixth of the total.

ARMS AND AMMUNITION.

M. SAKENOBÉ commented on the increase in the number of firearms registered (page 59). He enquired whether the figures included the rifles of the troops and police.

Mr. CALDER said that he could not answer that question without consulting the Arms Registration Ordinance.

SITUATION ON THE FRONTIERS.

M. SAKENOBÉ enquired whether calm reigned on all the frontiers of Tanganyika. He asked whether frontier disputes were settled by the Administration or by special courts.

Mr. CALDER said that when a case arose on the frontier of Kenya, Uganda or Northern Rhodesia, it was no doubt decided in consultation with the officers of those territories which officer should try it. When cases arose on the frontiers of the Belgian Congo and Portuguese East Africa, similar informal consultation between the respective district officers probably took place.

M. SAKENOBÉ asked that further details might be given in the next year's report.

FAMINE.

Mlle. DANNEVIG, referring to the organisation of famine relief, pointed out that, according to the annual report (page 18), "not more than about 7½ per cent of the population affected" had received relief and that "food distribution commenced a little before it was really necessary". She noted, further, that relief had been given by the native treasuries (page 20) and thought that no better use could be made of such money than to help to relieve famine conditions.

Mr. CALDER said that it had been necessary for both the Government and the native administration to organise relief. He agreed that it should not be implied that famine relief was necessary, only if the natives would otherwise die of starvation.

CAMPAIGN AGAINST SLEEPING-SICKNESS.

M. VAN REES referred to the energetic measures taken to combat sleeping-sickness in the west of the territory (annual report, paragraph 14). Whole tribes had been evacuated and transported to other regions. He enquired whether that evacuation was a permanent or a provisional measure.

Mr. CALDER replied that it was intended that it should be permanent, on the ground that the natives were better off in closer settlements, which afforded protection from the tse-tse fly.

M. ORTS enquired whether the inhabitants evacuated from the infested regions had been given any assistance, in order to facilitate their settlement elsewhere.

Mr. CALDER replied that a full description was given in Appendix VI of the report. The natives were given help in the form of motor transport, free distribution of seed and financial grants to their native treasuries. The Uha native treasury received a grant-in-aid of £400.

Count DE PENHA GARCIA thought that that was not a very large sum. He understood that the Government policy was to develop agriculture and clear the forest land, with the object of eliminating the tse-tse fly. Had the scheme proved satisfactory from that point of view? He enquired whether the new settlement land became tribal or individual property.

Mr. CALDER replied that the concentrations were in the Western Province, where the population was very small and scattered. The tse-tse fly had flourished there because the

land was not sufficiently cultivated, but more and more bush country was now being cleared and the natives were being encouraged to go in for a rotation of crops. He stated (in reply to Count de Penha Garcia), that the land employed for the concentrations became tribal land, (to M. Orts) that it was land over which no other tribes had any claim, and (to Lord Lugard) that, though the natives were unwilling to leave their own locality, they were perfectly happy once they got settled in the new one.

Lord LUGARD enquired whether all or any of the four solutions referred to in the annual report for dealing with the tse-tse fly had been successful (annual report, page 31).

Mr. CALDER replied that all the methods described on pages 31 and 32 had been successful in varying degrees in different areas. The Research Department was, he said, continually experimenting and was now assured of funds. He stated, in reply to Lord Lugard, that the tse-tse fly was only found in scrub areas and that it had not been necessary to sacrifice big forest trees.

M. SAKENOBÉ referred to the Lindi Province (annual report, page 16, paragraph 20), which contained more than half a million population and was described as infested with tse-tse fly throughout its extent, with the exception of Songea District, and wished to know what progress had been made with the programme of concentration of the natives.

WITCHCRAFT.

M. ORTS enquired whether the particular form of benevolent witchcraft reported in the Lindi Province was causing any agitation (annual report, paragraph 19).

Mr. CALDER replied that the only additional information besides what was given in the annual report would be found on page 31 of the Provincial Commissioners' reports for 1932.

Mlle. DANNEVIG noted that the Mchape medicine employed as a cure was believed by some natives to come from America. There must be very few natives who knew of the existence of that country.

Mr. CALDER said that the Nyasaland natives were more advanced in education than those in Tanganyika ; many of them had some knowledge of the American negroes.

POLYGAMY.

Mlle. DANNEVIG noted with reference to the native courts (annual report, paragraph 25) that there was an increasing desire among the tribal authorities to punish adultery by imprisonment. The same difficulties existed as in West Africa with regard to polygamy. She observed, at the same time, that " no plural-wives taxes were collected in the Western Province, except in the Ufipa District " (annual report, paragraph 50). Could the accredited representative give any information on the subject? Was the explanation that the older men were growing richer, so that the young men had more difficulty in finding wives and got themselves involved in adultery? She asked that fuller information might be given concerning the remission of plural-wives taxes.

Mr. CALDER said that it was a grievance with the tribal authorities that the Government would not allow offenders in the type of case mentioned by Mlle. Dannevig to be put in prison, and the young men concerned were not able to pay fines. He added that the Western District was very poor and that tse-tse fly was prevalent ; the tax on plural wives had accordingly been remitted for one year.

Mlle. DANNEVIG hoped that the Administration would decide to look into the question, and that further information would be made available for the Commission.

FIFTEENTH MEETING.

Held on Friday, June 8th, 1934, at 10.15 a.m.

Tanganyika Territory : Examination of the Annual Report for 1933 (continuation).

Mr. Calder came to the table of the Commission.

AGRICULTURE.

Lord LUGARD noted that the Administration was encouraging agricultural production. He feared lest the tax on cotton (page 56) would restrict production of an industry which the Government was specially anxious to foster.

Mr. CALDER replied that this tax had replaced the excise duty which had been levied previously. It was very small, and the proceeds were used exclusively for the benefit of the cotton-planting industry.

Lord LUGARD read on page 124 of the report that measures had been taken to facilitate the marketing of native produce. Had the produce rates on the railways complained of in the Gibb report been abolished?

Mr. CALDER replied that some changes had been made in railway rates, but that the main recommendations in the Gibb report were still under consideration.

ORGANISATION OF THE PROVINCIAL STAFF.

Lord LUGARD, referring to page 113 of the report, asked whether reductions in the provincial staff had had any adverse effect.

Mr. CALDER considered that the retrenchment had not had any seriously adverse effect. Provision had been made in the 1934 estimates for three new administrative posts.

AFRICAN CIVIL SERVICE.

M. SAKENOBÉ asked for further information regarding the constitution of the African Civil Service (paragraph 130, page 81) and the "efficiency bar" examination.

Mr. CALDER replied that the African Civil Service was in process of re-organisation. Details would be given in next year's report. The efficiency bar examination had to be passed before a prescribed salary limit could be exceeded.

LABOUR.

Mr. WEAVER thanked the mandatory Power for having provided much fuller details regarding labour conditions, particularly as set out in an excellent Appendix VII to the report. He noted that much had been done to clear up the situation with regard to the withholding of wages. It was stated, for instance, on page 61 of the report, that the total number of persons charged with this offence had been 175, and the total number of persons convicted sixty-seven. That proved that a serious situation certainly existed. He calculated that the amount of money thus lost to the natives must be over £1,000. The report said the situation was now better. Could the accredited representative say whether matters had still further improved?

Mr. CALDER said that nearly all the cases in which a fairly large sum of money had been lost to the labourers were sudden bankruptcies in which the assets were practically nil. As business conditions had considerably improved in the course of 1933, he had a definite impression that the number of such cases would be less.

Mr. WEAVER asked whether the Administration was satisfied that the supervision of labour conditions was adequate to ensure the discovery of such cases. He noted, for instance, on page 153 of the report, that "arrangements have been made for the appointment of a Secretary of Labour in the Secretariat, who will be under the supervision of the Secretary for Native Affairs". Had that appointment been made?

Mr. CALDER replied that it had not yet been found possible to appoint this officer. On the other hand, the Government was satisfied that most of the cases in which wages were not paid eventually came to its notice.

Mr. WEAVER said there seemed to be no mention in the report of the present low rates of wages, which must make the collecting of taxes difficult. He noticed that the prices of sisal were improving. Did the accredited representative think that wages would soon improve proportionately?

Mr. CALDER said that the Government was bearing this possibility in mind, though, as far as he knew, there had been no increase in wages yet.

Mr. WEAVER asked what wages were paid in the goldfields. The general statement in paragraph 9, page 146, of the report did not throw much light on this point. Was any of this labour contract labour? With regard to contract labour in general, he noted that the number of desertions was small. In Annex VII, a rough percentage was given of the number of contract labourers in the sisal industry. Would it be possible in future reports to give the total number of contract labourers in the territory?

Mr. CALDER said that he had no detailed information regarding Mr. Weaver's first question. With regard to his second question, there was practically no contract labour except in the sisal industry. It might be possible to supply the required information in the next report.

Mr. WEAVER, referring to the rapid development of the new goldfields, gathered that labour conditions there were practically uncontrolled. Was any labour officer stationed in this area and what arrangements were made for medical attention?

Mr. CALDER replied that an Acting District Officer was stationed at Mbeya, one of whose principal duties was to supervise the labour market. With regard to medical attendance, all the mining was at present alluvial, and was conducted by small prospectors with a few labourers.

Count DE PENHA GARCIA asked whether these prospectors had any obligation to provide medical attendance for the native labourers.

Mr. CALDER replied that prospecting was so sporadic at present that it had been impossible for the Administration to lay down special regulations. It was the intention of the Government, as soon as any large enterprise was formed, to settle all these questions.

Count DE PENHA GARCIA asked whether, under the law, there was any arrangement under which part of the natives' wages were paid to Government officers in trust for the natives, and whether the Government agents had had to intervene in wages questions.

Mr. CALDER replied that, if the labourer wished to draw his wages in his home country, he could arrange that the employer should pay his wages to the local officer, who arranged that the money should be payable to the labourer or to his family in his home village. Otherwise, the Government agents did not intervene in wages questions unless there was reason to suspect some abuse. There was no system of holding wages in trust for natives.

MISSIONS.

M. PALACIOS noted on page 64, paragraph 96, of the report that two new missions had been established in the territory during 1933 : the Eldaha Pentecostal Mission and the Salvation Army. Of how many members were these new missions composed, of what nationality were they, and what work did they do?

Mr. CALDER replied that he had no details at present. The details would be forthcoming in the 1933 Blue Book, which would be forwarded to the Mandates Commission as soon as published.

Mlle. DANNEVIG noted that eighty new missionaries had come to the country in 1933. Were these engaged mainly in religious or in teaching work?

Mr. CALDER replied that probably the majority were mainly engaged in teaching.

Lord LUGARD observed that, after the war, the only missions allowed to work in the territory were the so-called " recognised missions ". Was this still the case?

Mr. CALDER said that, in Tanganyika, all such restrictions had now been abolished. Missionaries were merely subject to the ordinary immigration restrictions.

EDUCATION.

Mlle. DANNEVIG said it appeared, from page 65 of the report, that there had again in 1933 been a reduction (£5,342) in the expenditure on education. Was this reduction mainly due to retrenchment of staff, to the closing down of central and industrial schools, and to the reduction in the grants to various missions? Would the education grant be increased when general conditions improved?

Mr. CALDER said that there had been reductions under all the three heads referred to by Mlle. Dannevig. The financial position of the Government was improving, but it could hope to do little more than balance its budget in the current year. There would hardly be any surplus. He was sure, however, that when conditions further improved, education would be one of the first beneficiaries. The central schools had been closed partly for economic reasons and partly because it had been found very difficult to obtain employment for pupils leaving these schools. He did not think the central schools would be re-opened until it was probable that all pupils leaving them would be in a position to obtain employment.

Mlle. DANNEVIG noted, from page 72, paragraph 108, of the report, that the long overdue inspectorate for native schools had been organised during the year. She also noted in the same paragraph that the Government was intending to appoint an inspector for Indian education. How would the inspection of schools be carried out?

Mr. CALDER replied that the inspector in charge of each area would go round inspecting the schools. Inspection would cover all circumstances : teaching, the upkeep of buildings, school gardens, hygiene, etc.

Mlle. DANNEVIG asked whether the amount spent per head of population (page 67 of the report) meant the amount spent per child frequenting the European, native or Indian schools, or per head of the total population.

Mr. CALDER said that the calculations were based on the census report for 1931 (see page 102 of the report). The percentage spent per head of the population with regard to the Indians and natives was based on the total population. The figures did not, however, seem clear with regard to the basis of calculation of the European population, and he would ask the Tanganyikan Government to furnish an explanation on this point.

Mlle. DANNEVIG noted that the expenditure of 0.26 cents, or about a farthing, on the education of each native child (page 67) was exceedingly small, and was even less than in the preceding year. On the other hand, the amount spent on the education of European and Indian children had increased.

Mr. CALDER said that Mlle. Dannevig should bear in mind that the percentage of 0.26 cents was a percentage for the total native population, while it was an admitted fact that the bulk of the children of that population were not in receipt of education.

In reply to a further request by Mlle. Dannevig, the accredited representative said that, in the next report, information would be given concerning the native administration schools.

Mlle. DANNEVIG asked whether 10.58 per cent of the hut and poll tax was considered a reasonable amount to be spent on native education (page 67).

Mr. CALDER replied that the Government would like to spend more on native education but could not at present do so, unless it made further cuts under other heads.

Lord LUGARD asked whether the Government made any contribution to native elementary rural education. Was any education rate levied on the natives ?

Mr. CALDER said that elementary vernacular education was paid for by (a) direct payments by the Government to government schools, (b) Government grants to mission schools and (c) native contribution to native administration schools. These grants were not shown separately in the estimates.

Lord LUGARD noted that the European education cess had been abolished and asked what was the net cost to the Revenue of the education of a European child.

Mr. CALDER replied that it varied. In some cases, the education was completed in the territory ; in others, scholarships were granted for the continuation of studies outside the territory.

Lord LUGARD noted the statement on page 130 that the separation of the inspectorate from the teaching staff had been complicated by the possibility of establishing a Colonial Education Service common to all dependencies, and asked for information about this new scheme, and in what way it involved delay in creating the inspectorate.

Mr. CALDER replied that the reference was to the desire to create greater unity in the Colonial Service as a whole and not particularly in regard to the Education Department.

Mlle. DANNEVIG understood that part of the money provided for the education of European children came from the natives' pockets.

Mr. CALDER replied that that could not be admitted, but, of a total education expenditure of £88,000, only £5,800 was spent on the education of European children.

Mlle. DANNEVIG, with reference to paragraph 102 of the report, was glad to note the progress achieved in the education of native girls. The total amount spent on education was decreasing ; did therefore the increased expenditure on girls' boarding-schools (paragraph 104) adversely affect the education of boys, in that less money could be spent on that education ?

Mr. CALDER replied that the saving in respect of boys' education had been obtained partly by closing the central schools which had been found to be in advance of present requirements.

Mlle. DANNEVIG noted (page 65 of the report) that an Inter-Territorial Language Committee had met and that a Conference of Directors of Education had taken place. Which were the territories represented at this conference and what conclusions had been reached ?

Mr. CALDER replied that the Inter-Territorial Language Committee, consisting of representatives from Kenya, Uganda and Tanganyika, met to consider the possibility of standardising Swahili for use in schools throughout the three territories.

Mlle. DANNEVIG noted (page 130 of the report) that the possibility of the establishment of a Colonial Educational Service was being considered and hoped that the next report would contain more information on that subject. She further asked that the special sessional paper on the aims and policy of the Education Department, mentioned on the same page, should be communicated to the Commission.

Lord LUGARD asked whether the experimental school organised by Mr. Mumford at Malagali for the education of natives on native lines was still in operation.

Mr. CALDER said that it was, but that the curriculum had been modified, as it had been found desirable to give the boys some general industrial training.

CINEMATOGRAPH.

Lord LUGARD asked whether films were shown in Tanganyika and whether there was any film censorship.

Mr. CALDER replied that a number of films were shown and that there was a censorship. Full details would be given in the next report.

ALCOHOLIC LIQUORS.

Count DE PENHA GARCIA noted that the number of persons convicted under the Native Liquor Ordinance had increased from 190 in 1932 to 316 in 1933 (page 76). Could the accredited representative explain this increase? It was also to be noted that the importation of spirituous liquors had decreased that year (page 78) both in quantity and value.

Mr. CALDER explained that the increase of convictions under the Native Liquor Ordinance was due partly to better supervision. The liquor consumed was mostly native. The increase in offences was also partly due to an increase of native brewing.

Count DE PENHA GARCIA said that at the twenty-third session of the Commission¹ he had asked that information should be included in the annual report concerning the degree of alcohol and the harmfulness of certain native drinks. In reply (page 154, Appendix IX), the mandatory Power informed the Commission that it was not possible to calculate the alcoholic content of these drinks because it varied according to the quantity of sugar added. It was nevertheless stated that millet beer on analysis had been found in certain cases to contain 7 per cent alcohol. Did the accredited representative think that it would be possible to have similar analyses made of other beverages?

Mr. CALDER replied that it was quite possible to analyse samples, but there could be no guarantee that these samples would be representative. Their alcoholic content might vary.

Count DE PENHA GARCIA suggested that it might therefore be desirable to take samples frequently and provide in the Ordinance what the maximum alcoholic content could be.

Mr. CALDER thought it would be very difficult to enforce such legislation when the content could be so easily altered by varying the amount of sugar. Still, he would willingly pass on the suggestion.

Lord LUGARD was glad to see that a local brewery had been established. He had always advocated this course as a means of counteracting the consumption of spirits and even perhaps of potent native beverages. Did the natives appreciate this beer and what was its strength?

Mr. CALDER said he had no information on the subject. The brewery had only just been set up. He would ask that full details should be given in the next report.

PUBLIC HEALTH.

The CHAIRMAN said that from Appendix X, page 154 of the report, it would seem that the total number of doctors in Tanganyika Territory in December 1933 was 205. Could the accredited representative state whether he thought this was sufficient for the territory?

Mr. CALDER said that the question was very difficult to answer. The Administration felt that the best way to ensure adequate medical attendance throughout the territory was to train native subordinates in health work and thus spread a knowledge of hygiene farther afield. In this way also, the cost of employing a larger staff of European doctors could be avoided.

The CHAIRMAN noted the statement in the report on page 80, paragraph 128, that the number of persons admitted to hospital had increased during the year 1933 by 35,823 persons. Could the accredited representative explain this great increase?

Mr. CALDER said that it showed the native's appreciation of European medicine. There had been an even larger increase in the previous year as compared with 1931.

M. SAKENOBE said that, according to the statistics published in the report on page 85, the number of new cases of sleeping-sickness reported during the last six years seemed to be very small in comparison with the whole population. Were these statistics reliable?

Mr. CALDER replied that, though a number of early cases might not be brought to light, most of the advanced cases were discovered.

Lord LUGARD had seen a report in the *Times* in November to the effect that a series of annual conferences had been held at Entebbe with a view to co-ordinating research work in connection with the tse-tse fly. There was no mention of this in the report.

Mr. CALDER pointed out that it was referred to on page 32. A fuller reference to any similar conference could be made in next year's report.

Lord LUGARD, referring to page 129 of the report, noted with regret that some medical officers were still allowed to engage in private practice. Was such practice not likely to curtail the time left to them for their duties with the natives?

¹ See page 64.

Mr. CALDER explained that health officers were not allowed to engage in private practice and were consequently granted a compensatory allowance. This did not apply to ordinary medical officers, whose private practice often consisted in the attendance on the wives and children of other Government officers with or without fees. It would be impossible, on financial grounds, for the Government at present to grant these doctors an allowance in lieu of private practice, even if it were considered desirable to do so.

LAND TENURE.

M. VAN REES referred to the statement (paragraph 114, page 86 of the report) that "of the twenty-four new agricultural farms . . . in the Oldeani area, . . . twenty-one were sold during the year". Were these all purchased by Europeans, and did the purchasers obtain merely a right of occupancy or full ownership?

Mr. CALDER said that there was nothing to prevent Indians or natives purchasing these farms, but he believed that they had all been purchased by Europeans. The owners obtained only a right of occupancy.

EX-ENEMY PROPERTY.

Lord LUGARD had seen an extract from a German paper of March 24th last, in which it was stated that the final statement of the liquidation of the accounts of the ex-enemy properties was now available. The total realised was stated to be £1,344,600, and the percentage bought by different nationalities was given. Were the figures accurate? Further, what was the explanation of the item of £9,000 (paragraph 41, page 36 of the report) "Surplus on commission account of the custodian of enemy property"?

Mr. CALDER said that all ex-enemy property had now been definitely liquidated apart from a small sum which had been retained to meet unforeseen liabilities. He would see that the information required by Lord Lugard was included in the next report. The explanation of the item in revenue and expenditure to which Lord Lugard had referred was that the custodian charged a fixed sum for his services. Any surplus left over after expenses had been paid was handed over to the Government.

DEMOGRAPHIC STATISTICS.

M. RAPPARD said that the tables on pages 102 and 103 of the report were very interesting. He noticed that the number of Swiss (220) came immediately after the number of Germans (2,149) and Greeks (918), and well ahead of the French (199) and Dutch (141). In what occupations were the Swiss engaged?

Mr. CALDER said that some were planters, while others were engaged in trade.

M. RAPPARD, referring to the native census (paragraph 192), noted that the results were gratifying since they showed an increase of 6 per cent in five years and 22 per cent in ten years. Such an enormous increase in the last ten years was almost alarming, in that one might wonder, if the increase continued at this rate, whether the territory would be capable of sustaining its population. He supposed, however, that the increase was largely due to improved demographic methods.

Mr. CALDER could assure M. Rappard that the native population was still very far from congestion point. The increase was, as M. Rappard supposed, partly due to improved statistical methods.

M. SAKENOBÉ said he could not understand the meaning of the whole of paragraph 136 on page 84 of the report.

Mr. CALDER explained that special investigations had been begun in a number of native communities with a view to obtaining exact population statistics. It was hoped that, thus, useful vital statistics would be obtained year by year. As sleeping-sickness had caused heavy mortality in the selected area, the enquiry had been discontinued because the vital statistics no longer furnished an adequate criterion. It was probable that, in the circumstances, it had not been thought necessary to print the statistics which had been collected, but enquiry would be made.

CLOSE OF THE HEARING.

The CHAIRMAN thanked Mr. Calder for his assistance and for his assurance that such information as he had not been in a position to supply would be included in the next report.

Mr. CALDER thanked the Commission and withdrew.

Palestine and Trans-Jordan : Observations of the Commission.

After an exchange of views, the Commission adopted the text of its observations concerning Palestine and Trans-Jordan (Annex 20).

SIXTEENTH MEETING.

Held on Saturday, June 9th, 1934, at 10.30 a.m.

Syria and the Lebanon : Special Observations of the Commission.

After an exchange of views, *the Commission adopted the text of its special observations* (Annex 20).

New Guinea : Observations of the Commission.

After an exchange of views, *the Commission adopted the text of its observations* (Annex 20).

Nauru : Observations of the Commission.

The Commission decided that it was not necessary this year to submit observations to the Council.

Petitions rejected in virtue of Article 3 of the Rules of Procedure in respect of Petitions : Report by the Chairman.

The Commission approved the Chairman's report (Annex 4).

Togoland under British Mandate : Petition, dated April 4th, 1933, from the Chief and Inhabitants of Woamé, Togoland under French Mandate.

M. PALACIOS observed that, at the meeting on November 2nd, 1933 (Minutes of the Twenty-fourth Session, page 104), he had proposed adjourning the examination of the petition submitted concerning a frontier question by the inhabitants of Woamé (Klouto district, Togoland under French mandate). He had pointed out that, on that date, the mandatory Power against which the petition was directed—namely, the United Kingdom—had not forwarded any observations. Since then, a reply had been received in a letter dated London, February 22nd, 1934. It would, however, be necessary to ask the accredited representative of the mandatory Power and the accredited representative of France for further information, in order that the Commission might come to a decision with a full knowledge of the facts. M. Palacios proposed accordingly that the examination of the petition be further adjourned to the next session, when the two representatives would certainly appear before the Commission for the examination of the annual reports of the mandatory Powers concerned.

M. Palacios's proposal was adopted.

Palestine : Memorandum on the Development of the Jewish National Home in Palestine in 1933, accompanied by a Letter, dated April 30th, 1934, from the President of the Jewish Agency for Palestine.

After an exchange of views, *the Commission adopted the conclusions of Count de Penha Garcia's report* (Annex 9).

Syria and the Lebanon : Petition, dated September 1st, 1933, from Dr. A. Keyali (continuation).

The following note by Count de Penha Garcia, Rapporteur (document C.P.M.1530), was communicated :

" On February 18th, 1933, the Syrian National Congress was held at Aleppo. It decided that Dr. A. Keyali, a former Member of Parliament and one of the leaders of the Nationalist Party, should draft a reply to the statement made by M. Ponsot, then High Commissioner of the French Republic in Syria and the Lebanon, to the Commission in 1932. This memorandum was drafted in Arabic, translated into French by Dr. Antaki, a professor at Aleppo, and forwarded to the High Commissariat for submission to the League of Nations.

" When it sent this document to the Secretary-General of the League, the French Government requested that it should be transmitted to the Mandates Commission, and added :

" ' The mandatory Government cannot, however, send observations at the same time, because the reply touches upon such a variety of subjects that observations could be formulated only after lengthy examination.'

" The pamphlet which constitutes the petition comprises nearly 200 printed pages, being an introduction, four chapters, and conclusions. Despite the somewhat forcible language employed, there can be no doubt that, quite apart from the discussion of political questions, it contains assertions of which the Commission cannot properly judge without the observations of the mandatory Power.

"In view of the importance of the subject with which it deals, I think we should intimate to the mandatory Power that the Commission is awaiting the observations mentioned in the covering letter of October 19th, 1933, before considering the petition in accordance with the rules of procedure in force."

After an exchange of views, *the Commission adopted Count de Penha Garcia's proposal.*

Syria and the Lebanon : Petition, consisting of a Telegram, dated January 17th, 1934, and of a Letter, dated February 1st, 1934, from M. Sami Slim (continuation).

The Commission adopted the conclusions of Count de Penha Garcia's report, with a few drafting amendments (Annex 13).

Togoland under French Mandate : Petitions, dated February 2nd, March 28th, November 23rd, 1931, and May 22nd, 1932, from the " Bund der Deutsch-Togoländer ".

After an exchange of views, *the Commission adopted the conclusions of M. Orts's report (Annex 19(b)).*

South West Africa : Petitions, dated March 29th and April 5th, 1933, from Certain Members of the Rehoboth Community.

Mlle. DANNEVIG, Rapporteur for these petitions, said that she was obliged to postpone, until the next session of the Commission, the submission of her conclusions. She considered it necessary to obtain additional information during the hearing of the accredited representative of the Government of the Union of South Africa.

Petitions : Procedure with regard to Petitions received without the Observations of the Mandatory Power at the Opening of the Session.

M. VAN REES pointed out that, at the twenty-third session (Minutes, page 132), the Commission had decided that, when a petition reached it during the session, the discussion should be adjourned till the following session. He was of opinion that the Commission ought not to examine any petition that reached it unaccompanied by the observations of the mandatory Power at the opening of the session.

The Commission adopted M. Van Rees's proposal.

SEVENTEENTH MEETING.

Held on Monday, June 11th, 1934, at 3.30 p.m.

Syria and the Lebanon : Petition, dated April 15th, 1934, from M. Abdul Hamid al Djabri and Other Inhabitants of Aleppo.

The Commission adopted the conclusions of M. Sakenobe's report (Annex 15).

Syria and the Lebanon : Petition, dated March 7th, 1934, from M. Adib Safadi, M. Mounir Ajlani, and Other Inhabitants of Damascus.

The Commission adopted the conclusions of M. Sakenobe's report (Annex 14).

Syria and the Lebanon : Petition, dated December 7th, 1933, from Dr. Ouagih Baroudi and Other Inhabitants of Hama.

The Commission adopted the conclusions of M. Rappard's report, with a few drafting amendments (Annex 17).

Syria and the Lebanon : Petition, dated March 23rd, 1934, from Certain Inhabitants of Hama.

The Commission adopted the conclusions of M. Rappard's report, with a few drafting amendments (Annex 18).

Syria and the Lebanon : Petitions (Five in Number), dated November 20th, 21st and 26th, 1933, relating to the Franco-Syrian Treaty (continuation).

The Commission adopted the conclusions of M. Rappard's report (Annex 11).

Syria and the Lebanon : Petition, dated December 4th, 1933, from the Emir Chéikib Arslan and M. Ihsan el Djabri.

The Commission adopted the conclusions of M. Rappard's report (Annex 10).

Syria and the Lebanon : Petition, dated April 30th, 1934, from M. Réchid Mélouhi (continuation).

After an exchange of views, the Commission adopted the conclusions of M. Rappard's report (Annex 16).

Palestine : Memorandum, dated May 1933, by the Executive of the General Council (Vaad Leumi) of the Jewish Community of Palestine; Memorandum, dated April 9th, 1933, by the Chief Rabbinate of Palestine; and Memorandum, dated May 11th, 1933, by the Central Agudath Israel (continuation).

After an exchange of views, the Commission adopted the conclusions of M. Rappard's report (Annex 5).

Date of the Next Session.

The opening date of the twenty-sixth session of the Permanent Mandates Commission was fixed for Thursday, October 18th, 1934.

EIGHTEENTH MEETING.

Held on Tuesday, June 12th, 1934, at 10.30 a.m.

Syria and the Lebanon : Petition, dated August 31st, 1933, from M. Mohammed Adib Haurani and Other Notables of Hama.

After an exchange of views, the Commission adopted the conclusions of M. Palacios's report (Annex 12).

Palestine : Petitions relating to the Incidents of October 1933 and to Jewish Immigration.

After an exchange of views, the Commission adopted the conclusions of M. Orts's report (Annex 8).

Palestine : Petition, dated May 25th, 1933, from M. Auni Abdul Hadi, Secretary-General of the Arab Independence Party, Jerusalem, communicating a Memorandum, dated January 8th, 1933 (continuation).

After an exchange of views, the Commission adopted the conclusions of M. Palacios's report (Annex 7).

Palestine : Petitions, dated June 12th and August 28th, 1933, from the Council Waad Adath Ashkenazim of Jerusalem.

The Commission adopted the conclusions of M. Rappard's report (Annex 6).

Tanganyika Territory : Observations of the Commission.

After an exchange of views, the Commission adopted its observations (Annex 20).

Syria and the Lebanon : General Observations of the Commission (continuation).

M. RAPPARD observed that the Commission had decided, quite rightly, not to express an opinion on the Franco-Syrian Treaty. There was, however, one important event, the suspension of the Syrian Chamber, which was mentioned in the annual report and which had been dealt with at length during the hearing of the accredited representative. That measure and the incidents preceding it had formed the subject of petitions on which the Commission had formulated conclusions after a full discussion.

In the circumstances, it would seem incomprehensible that the Commission's report should remain silent on the subject. He accordingly proposed, in agreement with several of his colleagues, whom he had consulted before the meeting, that the general observations adopted during the thirteenth meeting should be supplemented on that particular point.

After an exchange of views, *the Commission agreed upon the following additional text* (Annex 20) :

“ Further, the Commission has heard with interest the description given of the present political and parliamentary situation in Syria and the Lebanon. It regrets that the incidents which occurred in Parliament in connection with the publication of the Franco-Syrian Treaty obliged the mandatory Power to suspend the proceedings of the Syrian Chamber. The Commission hopes that the normal parliamentary regime—more particularly in the matter of the budget—will soon be restored.”

List of Works relating to the Mandates System and the Territories under Mandate.

The Secretariat distributed to members of the Commission the “ First Supplement of the List of Works relating to the Mandates System and the Territories under Mandate ” catalogued in the Library of the League of Nations.

Examination of the Draft Report to the Council.

The Commission adopted its draft report to the Council on the work of its twenty-fifth session, subject to a few drafting amendments (Annex 20).

Adoption of the List of Annexes to the Minutes of the Session.

The list of annexes was adopted.

During the exchange of views which took place, *the Commission, while deciding that it was not necessary this year to reproduce any texts of petitions as an annex to its Minutes, confirmed the principle which it has adopted from the outset—namely, that it reserves the right to publish as an annex to its Minutes any petition when it thinks fit.*

Representation of the Mandates Commission at the Council.

The Commission agreed that, in the event of the Chairman being unable to attend, it should be represented at the September session of the Council by M. Van Rees, Vice-Chairman, or, in the latter's absence, by M. Rappard.

Close of the Session.

After the usual thanks, the CHAIRMAN declared the session closed.

ANNEX 1.

LIST OF DOCUMENTS^{1 2} FORWARDED TO THE SECRETARIAT BY THE MANDATORY POWERS SINCE THE LAST EXAMINATION OF THE REPORTS RELATING TO THE FOLLOWING TERRITORIES :

- | | |
|---------------------------------------|-----------------------|
| A. <i>Palestine and Trans-Jordan.</i> | D. <i>Nauru.</i> |
| B. <i>Syria and the Lebanon.</i> | E. <i>New Guinea.</i> |
| C. <i>Tanganyika.</i> | |

A. PALESTINE AND TRANS-JORDAN.

Annual Report and Legislation.

1. Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of Palestine and Trans-Jordan for the Year 1933.
2. Ordinances, Annual Volume for 1933.
3. Proclamations, Regulations, Rules, Orders and Notices, Annual Volume for 1933.
4. Legislation enacted in Trans-Jordan during 1933 (English translation).

Various Official Publications.

1. Corrigenda to the Census Report, 1931.³
2. Reports on Agricultural Development and Land Settlement in Palestine, by Lewis French, C.I.E., C.B.E., Director of Development, Palestine.
3. Staff List of the Government of Palestine showing Appointments and Stations on September 30th, 1933, with an Appendix containing the Names of Officers of the Royal Air Force and Military Officers serving in Palestine and Trans-Jordan.
4. Report of a Commission appointed by the High Commissioner for Palestine to enquire into and report upon the Events immediately preceding the Disturbances which took place between October 13th and November 3rd, 1933, the Precise Sequence and Nature of Events within that Period, and the Resultant Casualties and Damage to Property.
5. Corrigendum to this Report.
6. *Palestine Official Gazette.*⁴

B. SYRIA AND THE LEBANON.

Annual Report and Legislation.

Report to the League of Nations on the Situation in Syria and the Lebanon, Year 1933.

Various Official Publications.

1. *Official Bulletin* of the Administrative Acts of the High Commissariat.⁴
2. *Official Journal* of the Syrian Republic.⁴
3. *Official Journal* of the Lebanese Republic.⁴
4. *Official Journal* of the Government of Latakia.⁴
5. *Quarterly Economic Bulletin* of the Countries under French Mandate (State of Syria, Lebanese Republic, Alaouite State, State of Jebel Druse).⁴
6. Map of Syria and the Lebanon prepared and published by the Topographical Bureau of the French troops stationed in the Levant ; Scale 1 : 1,000,000. Beirut, 1930 (2 sheets).

¹ Documents received by the Secretariat primarily for the use of any of the technical organisations (*e.g.*, Advisory Committee on Traffic in Opium and Other Dangerous Drugs) or other Sections of the Secretariat (*e.g.*, Treaty Registration) are not included in this list. Unless otherwise indicated, the members of the Permanent Mandates Commission should have received copies of all the documents mentioned in this list.

The annual reports and copies of laws, etc., are available only in the language in which they have been published by the mandatory Powers.

The communications forwarded in reply to the observations of the Permanent Mandates Commission and certain other documents have been translated by the Secretariat and are available in both official languages. The titles of these documents are followed by the official number under which they have been circulated.

² The petitions forwarded by the mandatory Powers, together with their observations on those petitions and on the petitions communicated to them by the Chairman of the Permanent Mandates Commission in accordance with the Rules of Procedure in force, are not mentioned in the present list. These documents are enumerated in the agenda of the Commission's session.

³ See Minutes of the Twenty-third Session, Annex I, page 161.

⁴ Kept in the archives of the Secretariat.

7. Geological Map of Syria and the Lebanon prepared by M. Louis Dubertret, Head of the Geological Section of the High Commissariat of Beirut, with the assistance of M. H. Vautrin, Assistant Geologist, and Mr. S. Blake, Head of the Geological Service of the Palestine Government ; Scale 1 : 1,000,000. 1933 (2 sheets).

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 1933.
2. Tables of Amendments to the Laws of the Territory as a Consequence of Legislation published during the Period January 1st to December 31st, 1932, and for the Quarter ending March 31st, 1933.
3. Tables of Amendments to the Laws of the Territory as a Consequence of Legislation published for the Quarter ending June 30th, 1933.
4. Table of Amendments to the Laws of the Territory as a Consequence of Legislation published during the Quarter ending September 30th, 1933.
5. Table of Amendments to the Laws of the Territory as a Consequence of Legislation published during the Quarter ending December 31st, 1933.
6. Ordinances enacted during the Year 1933.

Various Official Publications.

1. Annual Medical and Sanitary Report for the Year ending December 31st, 1931.
2. Land Development Survey, Fourth Report, 1930, Mbulu District.
3. Land Development Survey, Fifth Report, 1931, Eastern Province.
4. Department of Agriculture : Annual Report, 1932.
5. Twelfth Annual Report of the Forest Department, 1932.
6. Mines Department : Annual Report, 1932.
7. Geological Survey : Annual Report, 1932.
8. Annual Report of the Department of Veterinary Science and Animal Husbandry, 1932.
9. Game Preservation Department : Annual Report, 1932.
10. Annual Reports of the Provincial Commissioners on Native Administration for the Year 1932.
11. Annual Report on the Administration of the Tanganyika Railways and Port Services for the Nine Months ended December 31st, 1932.
12. Annual Report of the Posts and Telegraphs Department, 1932.
13. Notes of a Discussion between the Postmaster-General, Kenya, and the Acting Postmaster-General, Tanganyika, at Dar-es-Salaam on May 20th to 25th, 1932.
14. Extract from the Minutes of the Conference of East African Governors, held in April 1932, containing the Terms of Reference to the Postmasters-General.
15. Memorandum by the Postmaster-General, Kenya and Uganda, circulated by the Government of Kenya to the Conference of East African Governors, 1932.
16. Report by the Treasurer for the Period April 1st to December 31st, 1932.
17. Annual Report of the Education Department, 1932.
18. Annual Report of the Land Department, 1932.
19. Annual Report on the Administration of the Prisons, 1932.
20. Annual Report on the Administration of the Police, 1932.
21. Proceedings of the Indian Merchants' Conference, held at Dar-es-Salaam on October 29th, 30th and 31st, 1933 (document C.P.M. 1499) :
 - (a) Address by the Chairman of the Reception Committee (reprinted from *Tanganyika Opinion*, dated October 31st, 1933) ;
 - (b) Presidential Address by Seth Yusufali A. Karimjee Jivanjee ;
 - (c) Resolutions passed at the Conference.
22. Minutes of Meetings of the Legislative Council on Tanganyika Territory held on March 15th, June 19th, 20th, 23rd, 26th, October 31st, November 6th, 7th, 8th, 9th, 10th, 1933, April 10th, 1934.
23. *Tanganyika Official Gazette*.¹

D. NAURU.

Annual Report and Legislation.

Report to the Council of the League of Nations on the Administration of Nauru during the Year 1933 (Legislation annexed).

Various Official Publications.

Government Gazette of Nauru.¹

¹ Kept in the archives of the Secretariat.

E. 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, 1932, to June 30th, 1933.

Various Official Publications.

1. Memorandum on Native Education in New Guinea, communicated to the Commission by Mr. Chinnery, Accredited Representative, during the sixth meeting of its twenty-fifth session.¹
2. *New Guinea Gazette*.¹

C.P.M.1500(1).

ANNEX 2.

AGENDA OF THE TWENTY-FIFTH 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 1934-35.
- III. Examination of the Annual Reports of the Mandatory Powers :²
 - Palestine and Trans-Jordan, 1933.
 - Syria and the Lebanon, 1933.
 - Tanganyika Territory, 1933.
 - Nauru, 1933.
 - New Guinea, 1932-33.
- IV. Special Questions.
 - A. Transmission and Examination of the Report on the Administration of South West Africa for 1933 : Communication, dated March 15th, 1934, from the Government of the Union of South Africa (document C.P.M.1497).
 - B. Western Part of the Frontier between Syria and Palestine.
- V. Petitions.
 - A. Petitions rejected by the Chairman as not deserving the Commission's Attention : Report by the Chairman (document C.P.M.1520).
 - B. Petitions to be examined :
 1. Palestine.
 - (a) Memorandum, dated May 1933, by the Executive of the General Council (Vaad Leumi) of the Jewish Community of Palestine ; Memorandum, dated April 9th, 1933, by the Chief Rabbinate of Palestine ; and Memorandum, dated May 11th, 1933, by the Central Agudath Israel, forwarded on June 15th, 1933, by the United Kingdom Government (document C.P.M.1402).
Observations of the United Kingdom Government dated May 17th, 1934 (document C.P.M.1504).
(Rapporteur : M. Rappard.)
 - (b) Petitions, dated June 12th and August 28th, 1933, from the Council Waad Adath Ashkenazim of Jerusalem, forwarded on November 25th, 1933, by the United Kingdom Government, with its Observations (document C.P.M.1486).
(Rapporteur : M. Rappard.)
 - (c) Petition, dated May 25th, 1933, from M. Auni Abdul Hadi, Secretary-General of the Arab Independence Party, Jerusalem, communicating a Memorandum, dated January 8th, 1933, forwarded on July 14th, 1933, by the United Kingdom Government, with its Observations (document C.P.M.1434).
(Rapporteur : M. Palacios.)
 - (d) Petition, dated May 18th, 1933, from M. D. Warwar, President of the " Sociedad Palestino-Arabe " of Cuba (document C.P.M.1439).
Observations of the United Kingdom Government, dated November 9th, 1933 (document C.P.M.1485).
(Rapporteur : M. Orts.)

¹ Kept in the archives of the Secretariat.

² 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.

- (e) Petition, dated October 5th, 1933, from M. Ihsan el Djabri (document C.P.M.1470).
Observations of the United Kingdom Government, dated December 21st, 1933 (document C.P.M.1487).
(Rapporteur : M. Orts.)
 - (f) Petition, dated October 29th, 1933, from the " Comité exécutif syro-palestinien ", of Cairo (document C.P.M.1484).
Observations of the United Kingdom Government, dated December 20th, 1933 (document C.P.M.1488).
(Rapporteur : M. Orts.)
 - (g) Petition, dated November 29th, 1933, from the " Union régionale des Sionistes de l'Est de la France ", Strasburg (document C.P.M.1490).
Observations of the United Kingdom Government, dated February 23rd, 1934 (document C.P.M.1495).
(Rapporteur : M. Orts.)
 - (h) Petition, dated September 30th, 1933, from M. Taufik Hammad and other Arab Notables of Nablus, forwarded on March 13th, 1934, by the United Kingdom Government, with its Observations (document C.P.M.1496).
(Rapporteur : M. Orts.)
 - (i) Petition, dated November 2nd, 1933, from Certain Inhabitants of Qalqilia, forwarded on April 24th, 1934, by the United Kingdom Government, with its Observations (document C.P.M.1498).
(Rapporteur : M. Orts.)
 - (j) Memorandum on the Development of the Jewish National Home in Palestine in 1933, accompanied by a Letter, dated April 30th, 1934, from the President of the Jewish Agency for Palestine, forwarded on May 23rd, 1934, by the United Kingdom Government (document C.P.M.1513).
Observations of the United Kingdom Government, dated May 28th, 1934 (document C.P.M.1518).
(Rapporteur : Count de Penha Garcia.)
2. Syria and the Lebanon.
- (a) Petition, dated September 1st, 1933, from Dr. A. Keyali, Aleppo, forwarded on October 19th, 1933, by the French Government (document C.P.M.1521).¹
(Rapporteur : Count de Penha Garcia.)
 - (b) Petition, dated December 4th, 1933, from the Emir Chékib Arslan and M. Ihsan el Djabri (document C.P.M.1489).
Observations of the French Government, dated May 22nd, 1934 (document C.P.M.1505).
(Rapporteur : M. Rappard.)
 - (c) Petitions (five in number), dated November 20th, 21st and 26th, 1933, with regard to the Franco-Syrian Treaty, forwarded on May 19th, 1934, by the French Government, with its Observations (document C.P.M.1512).
(Rapporteur : M. Rappard.)
 - (d) Petition, dated August 31st, 1933, from M. Mohammed Adib Haurani and Other Notables of Hama, forwarded on May 15th, 1934, by the French Government, with its Observations (document C.P.M.1510).
(Rapporteur : M. Palacios.)
 - (e) Petition, consisting of a Telegram, dated January 17th, 1934, and of a Letter, dated February 1st, 1934, from M. Sami Slim, forwarded on May 15th, 1934, by the French Government, with its Observations (document C.P.M.1507).
(Rapporteur : Count de Penha Garcia.)
 - (f) Petition, dated March 7th, 1934, from M. Adib Safadi, M. Mounir Ajlani and Other Inhabitants of Damascus, forwarded on May 18th, 1934, by the French Government, with its Observations (document C.P.M.1511).
(Rapporteur : M. Sakenobe.)
 - (g) Petition, dated April 15th, 1934, from M. Abdul Hamid al Djabri and Other Inhabitants of Aleppo, forwarded on May 19th, 1934, by the French Government, with its Observations (document C.P.M.1509).
(Rapporteur : M. Sakenobe.)
 - (h) Petition, dated April 30th, 1934, from M. Réchid Mélouhi, forwarded on May 29th, 1934, by the French Government, with its Observations (document C.P.M.1526).
(Rapporteur : M. Rappard.)
 - (i) Petition, dated December 7th, 1933, from Dr. Ouagih Baroudi and Other Inhabitants of Hama, forwarded on May 15th, 1934, by the French Government, with its Observations (document C.P.M.1508).
(Rapporteur : M. Rappard.)

¹ This petition has been adjourned (see Minutes, of the sixteenth meeting).

- (j) Petition, dated March 23rd, 1934, from Certain Inhabitants of Hama, forwarded on May 18th, 1934, by the French Government, with its Observations (document C.P.M.1506).
(Rapporteur : M. Rappard.)
3. Togoland under French Mandate.
Petitions from the "Bund der Deutsch-Togoländer".¹
- (a) Petitions, dated February 2nd, March 28th and November 23rd, 1931, forwarded on February 19th, 1934, by the French Government, with its Observations (document C.P.M.1493).
(Rapporteur : M. Orts.)
- (b) Petition, dated May 22nd, 1932, forwarded on December 28th, 1933, by the French Government, with its Observations (document C.P.M.1492).
(Rapporteur : M. Orts.)
4. Togoland under British Mandate.
Petition, dated April 4th, 1933, from the Chief and Inhabitants of Woame, Togoland under French Mandate (document C.P.M.1386).²
Observations of the United Kingdom Government, dated February 22nd, 1934 (document C.P.M.1494).
(Rapporteur : M. Palacios.)
5. South West Africa.
Petitions, dated March 29th and April 5th, 1933, from Certain Members of the Rehoboth Community, forwarded on August 19th, 1933, by the Government of the Union of South Africa, with its Observations (document C.P.M.1436).²
(Rapporteur : Mlle. Dannevig.)

C.P.M.1497.

ANNEX 3.

SOUTH WEST AFRICA.

COMMUNICATION, DATED MARCH 15TH, 1934, FROM THE GOVERNMENT OF THE UNION OF SOUTH AFRICA WITH REGARD TO THE TRANSMISSION AND THE EXAMINATION OF THE REPORT FOR 1933.

NOTE BY THE DIRECTOR OF THE MANDATES SECTION DATED APRIL 5TH, 1934.

The Director of the Mandates Section has the honour to communicate herewith to the members of the Permanent Mandates Commission a letter, of March 15th, 1934, from the accredited representative of the Union of South Africa to the League of Nations, together with a letter, dated March 27th, 1934, from the Chairman of the Commission.

The subject of the above-mentioned correspondence will be included in the provisional agenda of the Commission's twenty-fifth session, which is to open on May 30th, 1934.

I. *Letter from the Accredited Representative of the Government of the Union of South Africa to the League of Nations.*

Geneva, March 15th, 1934.

I am desired by the Government of the Union of South Africa to express its sincere regret that, owing to the severe dislocation caused by heavy floods in South West Africa, it has unfortunately not been found possible for reports from the outlying districts to be submitted in time for the preparation of the annual report, and that in consequence the despatch of this report cannot be made in time to reach the members of the Permanent Mandates Commission before May 20th.

In the circumstances, the Union Government is reluctantly compelled to request to be absolved from complying with the terms of your communication to the Right Honourable the Minister of External Affairs for the Union of South Africa dated January 29th, 1934, No.6A/9063/1746, and to ask that permission be granted for the presentation of the report in time for examination at the October session or later.

(Signed) D. STEYN,
*Accredited Representative of
the Union of South Africa to
the League of Nations.*

¹ In response to the wishes expressed by the Commission at its twenty-fourth session (see Minutes, pages 54-55), the French Government, by a letter dated December 15th, 1933, forwarded a note from M. Besson, accredited representative, on the "Bund der Deutsch-Togoländer" (document C.P.M.1491) (Annex 19(a)).

² These petitions have been adjourned (see Minutes, of the sixteenth meeting).

II. *Letter from the Chairman of the Permanent Mandates Commission to the Mandates Section of the Secretariat of the League of Nations.*

Rome, March 27th, 1934.

[*Translation.*]

I have received your letter of March 24th, 1934, communicating to me a letter, dated March 15th, 1934, from the accredited representative of the Union of South Africa to the League of Nations, concerning the transmission for examination by the Permanent Mandates Commission of the annual report on the administration of South West Africa in 1933.

I would ask you kindly to communicate the above-mentioned letter to the members of the Permanent Mandates Commission, so that it may be considered at the Commission's twenty-fifth session, and to inform the accredited representative of the Union of South Africa accordingly.

(*Signed*) A. THEODOLI.

C.P.M.1520.

ANNEX 4.

PETITIONS REJECTED IN VIRTUE OF ARTICLE 3 OF THE RULES OF PROCEDURE IN RESPECT OF PETITIONS.

REPORT BY THE CHAIRMAN.

In accordance with the terms of Article 3 of the Rules of Procedure, I have the honour to submit the following report on the petitions received since our last ordinary session which I have not regarded as claiming the Commission's attention.

I. PALESTINE.

(a) *Petitions relating to the incidents of October 1933 from :*

1. M. Chichakli and other inhabitants of Hama, letter, October 29th, 1933.
2. Arab students at Geneva, telegram, October 31st, 1933.
3. Committee for Defence of Palestine, Baghdad, telegram, November 8th, 1933.
4. Arabic Society, Rio de Janeiro, telegram, November 10th, 1933.
5. Habib Bou Ketfa, on behalf of the "Jeunesse libre musulmane", Bizerta, telegram, November 15th, 1933.

(b) *Petitions relating to Jewish immigration into Palestine from :*

1. M. Chahuan, Chairman of the Committee for Palestinian National Rights, Santiago de Chile, telegram, November 1st, 1933.
2. Sociedad Sirio-arabe, San Rafael Mendoza, telegram, November 7th, 1933.
3. Alaouite Society, Rio de Janeiro, telegram, November 21st, 1933.
4. Secretary of Kerala Muslim Majlis, Tellicherry, letter, November 23rd, 1933.
5. Palestine Arab Society, Sao Paulo, telegram, December 7th, 1933.
6. Union des Etudiants sionistes, Grenoble, letter, December 9th, 1933.
7. M. A. J. Mallah, letter, December 24th, 1933, forwarding the resolutions adopted by the Conference of Representatives of all Jewish Organisations, Salonica, November 22nd, 1933.
8. M. Schechtmann, Secretary of the Executive Committee of the World Union of Revisionist Zionists, Paris, letter, January 14th, 1934, forwarding a declaration dated January 1st, 1934.

(c) *Petitions relating to Jewish immigration into Palestine and the incidents of October 1933 from :*

1. M. Akel Ally, President of the Young Men's Moslem Association, New York, telegram, October 30th, 1933.
2. M. Sami Maxnuk and M. Elias Cury, Rio de Janeiro, telegram, November 10th, 1933.
3. Palestine Arab Brotherhood, Tampico, Mexico, telegram, November 11th, 1933.
4. M. Mohamedally Allabux, General Secretary of the All-India Muslim Federation, Bombay, letter, November 17th, 1933, forwarding the text of a resolution.

Certain of the protests contained in these petitions are incompatible with the mandate for Palestine ((b) 2, 4 ; (c) 1, 3, 4).

Others deal with facts and questions which have already been covered by recent petitions and do not contain any new information of importance ((a) 1, 2, 3, 4, 5 ; (b) 1, 3, 5, 6, 7, 8 ; (c) 1, 2, 3, 4).

- (d) *Petition (undated, received December 27th, 1933) from Dr. Abdul Hamid Said, Chairman of the "Comité supérieur égyptien de secours aux victimes de Palestine", Cairo.*

Subject.—Criticises the attitude of the mandatory Power and asks that it be modified in consequence of the recent incidents.

The problems here raised have been dealt with in petitions which the Commission will have to consider at this session, and the petition does not contain any new information of importance.

- (e) *Petition (undated, received November 30th, 1933) from the Federation of Orthodox Rabbis of America, New York.*

Subject.—Amendment of the mandate for Palestine.

This protest is incompatible with the mandate for Palestine.

- (f) *Petition, dated May 28th, 1934, from the Union régionale des Sionistes de l'Est de la France.*

This communication, forwarding the text of a resolution adopted on May 26th, 1934, deals with Jewish immigration and the protection of Jewish labour—questions raised in recent petitions—and does not contain any new information.

II. SYRIA AND THE LEBANON.

Petitions, dated November 21st and 29th and December 29th, 1933, and January 15th and 22nd, February 21st, March 17th, April 5th and 18th, and May 1st and 14th, 1934, from M. Louis Ghaleb.

The author of these communications, who is of Lebanese origin, asks for compensation for damage alleged to have been sustained in Serbia during the war. So far as the substance of the petition is concerned, he merely reproduces, without contributing any new information, the claims he has previously made to the League, regarding which the Mandates Commission, at its thirteenth session, declared itself incompetent. Apart from this, he repeats the complaints contained in the petitions which I decided to reject in June and November 1933.¹

III. SOUTH WEST AFRICA.

Petition, dated December 3rd, 1933, from M. E. J. E. Lange.

This communication deals in part with questions outside the Commission's province, and in part with matters covered by M. Lange's previous petitions, and contains no new information of importance on those matters.

ANNEX 5.

C.P.M.1543(1).

PALESTINE.

MEMORANDUM, DATED MAY 1933, BY THE EXECUTIVE OF THE GENERAL COUNCIL (VAAD LEUMI) OF THE JEWISH COMMUNITY OF PALESTINE; MEMORANDUM, DATED APRIL 9TH, 1933, BY THE CHIEF RABBINATE OF PALESTINE; AND MEMORANDUM, DATED MAY 11TH, 1933, BY THE CENTRAL AGUDATH ISRAEL.

REPORT BY M. RAPPARD.

On June 15th, 1933, the Government of the United Kingdom transmitted, with its provisional observations, to the Secretary-General of the League of Nations the following four documents:

- (1) Letter, dated Jerusalem, May 1933, from the Executive of the General Council (Vaad Leumi) of the Jews of Palestine, to the Government of Palestine;
- (2) Memorandum from the same source on the following two questions:
 - (a) Discrimination against the Rabbinical courts of the Jewish Community;
 - (b) Claim of the Agudath Israel to be recognised as a separate community;
- (3) Memorandum, dated April 9th, 1933, from the Chief Rabbinate of Palestine, on the above-mentioned claim of the Agudath Israel;
- (4) Memorandum, dated May 11th, 1933, from the Agudath Israel on its claim to be recognised as a separate community.

¹ See Minutes of the Twenty-third Session, page 166, and Twenty-fourth Session, page 114.

In its letter dated June 15th, 1933, the United Kingdom Government informed the League that it was not yet in a position to furnish a final statement of its views on the matter dealt with in these various documents. Nearly twelve months later, on May 17th, 1934, the mandatory Power forwarded its observations to the Secretary-General.

The voluminous dossier consisting of the above-mentioned documents related to two distinct questions : (a) a complaint by the Rabbinical Courts of the Jewish Community in Palestine that they have not received equal treatment from the mandatory Power ; (b) the request of a portion of the Jewish Community in Palestine which wishes to be recognised as a separate community.

With regard to the first of these questions the main facts seem to be as follows :

The mandatory Power has continued to follow in Palestine the Ottoman Empire's traditional policy of subsidising Moslem religious courts. Where Rabbinical courts existed, these did not enjoy a similar position. The representatives of these courts therefore ask the Palestine Government to make to them such grants as would ensure them a position similar to that enjoyed by the Moslem courts.

The mandatory Power refuses this request, and has explained its reasons in the letter from the United Kingdom Government, dated May 17th, 1934, and in the statement made by the accredited representative at the meeting on June 1st, 1934.

In its written observations, the mandatory Power denies that the admittedly unequal treatment of the Moslem and Rabbinical courts respectively amounts to discrimination in the sense contemplated by the provisions of the mandate for Palestine. The mandatory Power explains that, in taking over, in favour of the Moslem religious courts, a function which the Ottoman Empire had always exercised, it did not thereby necessarily assume any financial obligation. It expressed the hope that the discrepancy between the expenditure and revenue of these courts would gradually disappear.

Moreover, the mandatory Power, drawing attention to the fact that, under the Ottoman regime, the religious courts of non-Moslem communities had never received Government aid, expresses the view that these courts have no right at equity to any official grant. In his verbal explanations, the accredited representative of the mandatory Power said that no Christian community enjoyed advantages similar to those of which the Rabbinical courts allege that they are deprived.

I must admit that I find it very difficult to judge of the merits of the Rabbinical courts' claim. The mandatory Power explicitly admits that a difference of treatment, which is explained by historical reasons, exists between the Rabbinical courts and the Moslem courts. Does this difference of treatment imply a departure from one of the principles of the mandate, as the petitioners allege, or is there no discrimination, as the mandatory Power maintains? This is open to question.

In support of their argument, the petitioners invoke Articles 9 and 15 of the mandate, which read as follows :

" *Article 9.*—The Mandatory shall be responsible for seeing that the judicial system established in Palestine shall assure to foreigners, as well as to natives, a complete guarantee of their rights.

" Respect for the personal status of the various peoples and communities and for their religious interests shall be fully guaranteed. In particular, the control and administration of Wakfs shall be exercised in accordance with religious law and the dispositions of the founders."

" *Article 15.*—The Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

" The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the Administration may impose, shall not be denied or impaired."

The only clause in the foregoing provisions which would seem to be immediately relevant is the one which lays down that " no discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language ".

The mandatory Power does not appear to have the slightest desire to favour one of the religions practised in Palestine at the expense of another. Furthermore, it should be noted that the Rabbinical courts do not ask to be treated in exactly the same way as the Moslem courts—the only manner in which the inequality of treatment of which they complain could be entirely eliminated. It should also be noted that, even if, contrary to their wishes and to its own intentions, the mandatory Power made itself responsible for the Rabbinical courts, there would still exist an inequality of treatment at the expense of the Christian communities.

The differences between these institutions are therefore due far more to their historical origin than to any deliberate intention on the part of the mandatory Power. It would seem that the Mandates Commission could not, without departing from its terms of reference, formulate any proposal for establishing formal equality which, as a matter of fact, nobody claims.

It might, however, perhaps be desirable to express in general terms the hope that the mandatory Power will endeavour to deprive the petitioners of such grounds for their complaints as could perhaps be held to be justified by establishing equality of treatment. Would it not be possible to organise the administration of the Moslem courts in such a way that they would

enjoy true financial autonomy—namely, by building up a reserve fund from money obtained exclusively from Islamic sources—in order to ensure that any temporary excess of expenditure over income should not be a charge on the Palestine budget? If this suggestion is found impracticable, might not the possibility be considered of according to the non-Moslem religious communities an annual grant proportionate to their numerical importance, as compensation for the advantages now enjoyed by the Moslem communities?

The other request concerns a question of the internal organisation of the Jewish communities. As the accredited representative of the mandatory Power has informed us, at the present session, that this matter now seemed to be on the point of settlement and that any outside intervention might compromise such settlement, I think that it would be preferable for the Commission to abstain from making any recommendation on this point. If my colleagues share these views, they might perhaps consider the adoption of a recommendation on the following lines:

“ The Commission,

“ Having taken note of the memorandum, dated May 1933, by the Executive of the General Council (Vaad Leumi) of the Jewish Community of Palestine, of the memorandum, dated April 9th, 1933, by the Chief Rabbinate of Palestine, of the memorandum, dated May 11th, 1933, by the Central Agudath Israel and of the observations of the mandatory Power thereon:

“ (1) With regard to the question of discrimination which the Jewish petitioners believe to exist to the detriment of the Rabbinical courts as compared with the Islamic courts:

“ Notes that there does in fact exist a statute of the Moslem courts, inherited from the Ottoman Empire, which is without equivalent for the religious courts of the other religions;

“ Notes that this situation, even if it does not amount to a definite infringement of any given clause of the mandate, does at least constitute an indisputable inequality of treatment;

“ Admits that it is not in a position to suggest any specific reform which would put an end to this inequality; but

“ Expresses the hope that the mandatory Power will be able to find appropriate means which will provide, if not a formal degree of equality, at least some parallel treatment in finance.

“ 2. With regard to the question of the Jewish communities,

“ Having noted with satisfaction the statements of the accredited representative to the effect that this question is in process of settlement by friendly agreement:

“ Considers it undesirable to express any opinion on the subject.”

ANNEX 6.

C.P.M.1547(1).

PALESTINE.

PETITIONS, DATED JUNE 12TH AND AUGUST 28TH, 1933, FROM THE COUNCIL WAAD ADATH ASHKENAZIM OF JERUSALEM.

REPORT BY M. RAPPARD.

Both petitions dealt with in the present report emanate from the same group of Orthodox Jews of Jerusalem and bear, in addition to the signature of Rabbi Schorr, who describes himself as Chief Rabbi and President, that of several of his co-religionists.

We shall therefore examine these two petitions together. Very detailed observations on the matter were sent by the mandatory Power on November 25th, 1933.

Before dealing with the requests of the petitioners, it is necessary to examine the position they occupy in the Jewish community of Palestine. In this connection, the information which they have furnished themselves hardly coincides with that of the mandatory Power.

Rabbi Schorr and his co-signatories state that the Waad Adath Ashkenazim, of which they are the chiefs, has always been a separate and independent community having its own Rabbinical courts, its own Shochtim, its own congregations and synagogues. They also state in their second petition that the Waad Adath Ashkenazim of Jerusalem has been in existence for twenty-three years and that this community officially enjoyed complete autonomy under the Ottoman regime. This community, the petitioners add, has to-day a membership of more than 10,000.

According to the information furnished by the mandatory Power, the importance of this group is very much smaller. It is a dissident group of the Agudath Israel which, under the leadership of Rabbi Schorr, seceded from the official community of Orthodox Jews. A dispute has now arisen between them over the management of a home for old people, which was removed

from the control of Rabbi Schorr. This group, the mandatory Power adds, had no separate existence before the war, and, though its numbers are not accurately known, at no time has its membership amounted to more than a few hundred persons and it is to-day confined to a few score.

The mandatory Power ascribes the divergence of views between it and the petitioners to the fact that the latter wrongly declare themselves to be the legitimate and sole successors of the General Committee of the Ashkenazic congregation of pre-war days. This claim, the High Commissioner asserts, is based solely on the similarity in the names of the two bodies.

In their two petitions, Rabbi Schorr and his co-signatories make the following requests :

(1) That the Chief Rabbinate of their community should have the same rights as the " Chief Rabbinate of the Zionist World Organisation " with regard to Jewish cases of personal status, Wakfs, successions, etc., and, in particular, should participate in the discussions regarding the supervision of the Wailing Wall ;

(2) That the Waad Adath Ashkenazim should be recognised as an independent community with the privileges due to such a community ;

(3) That this community should receive from the Government fifty visas a year for religious immigrants over the age of 55 years, to be distributed among members who wish to come to Palestine to spend their last days in prayer ; the community would take upon itself the responsibility of providing for such immigrants so that no burden would fall upon the Public Treasury on that account.

The mandatory Power, in its observations, concurs in the view of the High Commissioner for Palestine, who replies as follows to the above requests :

(1) The High Commissioner, in the investigations which he has carried out, can find no reason for granting special rights to Rabbi Schorr and the small congregation of which he styles himself the Chief Rabbi. As this group is merely the result of a secession from the Agudath Israel and the dissidents are in no way distinguished from the faithful by their religious belief, the claim to a special position cannot be admitted.

(2) For the same reasons—identity of faith and smallness of numbers—the recognition of the Waad Adath Ashkenazim as a separate community cannot be justified under the Religious Communities Ordinance of 1926.

(3) The High Commissioner, moreover, does not see on what grounds he could grant special privileges to this community in respect of immigration certificates. He points out in this connection that any institution in Palestine can obtain immigration authorisations in respect of persons whose maintenance is assured and who wish to proceed to Palestine for religious purposes.

The mandatory Power also points out that the Waad Adath Ashkenazim has the right, under the Jewish Community Regulations of 1927, to make its own arrangements for its religious organisation as regards public worship, celebration of marriages, burials, slaughtering of animals and the baking of unleavened bread.

In view of the above differences of opinion between the mandatory Power and the petitioners as to the character, the antecedents and the size of the community of the petitioners, and since we are unable to undertake an enquiry into the subject, my colleagues will no doubt agree with me in considering that we should maintain the utmost reserve. While we should take care that no group or no individual is deprived of the fundamental rights deriving from the mandate, it would hardly appear that we should set out opinions against those of the mandatory Power with regard to administrative claims put forward by religious groups, the particular character and size of which we are unable to determine with certainty.

While it is essential, on the one hand, that no legitimate right be violated in respect of religious liberty, it is also of importance for the maintenance of order that the number of autonomous religious communities should not be unnecessarily multiplied. It would appear that the petitioners claim to occupy a position which is not justified by history, a different faith or numerical size. The Ashkenazi faith, which Rabbi Schorr professes, is already represented by a chief rabbi in the Chief Rabbinate, and the Ashkenazi Jews, like the Sephardic Jews, may be represented in a council which, under the Jewish Community Regulations of 1927, became the Committee of the Jewish Community of Jerusalem. The Agudath Israel, an Ashkenazic body of orthodox Jews, has, it is true, refused to take part in this Committee and has set up the Committee of Ashkenazic Jews (Waad Hair Ha-Ashkenazi). Rabbi Schorr and his congregation, who separated from the Agudath Israel, are therefore a secession from a secession of the orthodox Jews of Jerusalem. Since, in addition, they enjoy entire religious liberty, I cannot believe in the legitimacy of the complaints and of the claims put forward in their petitions.

If my colleagues agree with me, I propose that they adopt the following resolution :

" The Commission,

" Having examined the petitions dated June 12th and August 28th, 1933, from the Council Waad Adath Ashkenazim of Jerusalem and the observations of the mandatory Power of November 25th, 1933 ;

“Noting, on the one hand, that the petitioners enjoy complete religious liberty and that there is nothing to prevent the immigration for religious purposes of Jews whose maintenance they will provide for ; and

“Recognising, on the other hand, 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 :

“Considers that there are no grounds for making a special recommendation to the Council on the subject of the petitioners’ requests.”

ANNEX 7.

C.P.M.1548(I).

PALESTINE.

PETITION, DATED MAY 25TH, 1933, FROM M. AUNI ABDUL HADI, SECRETARY-GENERAL OF THE ARAB INDEPENDENCE PARTY, JERUSALEM, COMMUNICATING A MEMORANDUM DATED JANUARY 8TH, 1933.

REPORT BY M. PALACIOS.

The petition is a reply from the Arab Independence Party to the statements made by Sir Arthur Wauchope, High Commissioner for Palestine, at the twenty-second session of the Permanent Mandates Commission, held in the autumn of 1932. It is signed by Auni Abdul Hadi, Secretary-General of the party, and is accompanied by a memorandum, dated the 10th of Ramadan, 1351 (January 8th, 1933). The covering letter of this petition to the League of Nations, signed on behalf of Sir John Simon, is dated London, July 14th, 1933. At its last session, the Permanent Mandates Commission decided to adjourn the consideration of this question until the present session, during which the administration of Palestine was to be examined in the presence of an accredited representative of the mandatory Power.

Both in the letter and in the memorandum, the Arab Independence Party protests against the mandate, against the Balfour Declaration, which it does not recognise, against the whole policy of the United Kingdom in Palestine, and even against the Permanent Mandates Commission, most members of which—some of them are mentioned by name—are, in its opinion, conspiring with the Zionist authorities to despoil the Arabs of their rights.

The memorandum in particular, in a long and sometimes well-documented account divided into chapters, reviews, with reference to the statements in question, the essential features of the policy of the mandatory Power. It declares that the Government, the authorities and the administration are British and are in no sense a Palestinian Government ; that the territory is treated as a colony ; and that that territory and its natural inhabitants have to bear the budgetary burden of its many officials, the latter being far more numerous and the charges far heavier than, for example, in Syria, although the area and the population of the latter are far larger. “The English officers are both the mandatory and the people who are under the mandate”, it declares. The defence and security forces account for one-third of the budget, which is paid for chiefly by the Arabs. These forces are necessary—the memorandum explains—owing to the absurdity of attempting, by means of Jewish immigration and the sale of land, to dispossess the Arabs of their country and to reduce them to poverty by creating another people whose numbers are increasing. The protection of the civil and religious rights of the non-Jewish population has been disregarded up to the present. This state of affairs was unknown under the Ottoman regime. The Turks did not require so large a force in the most peaceful country on earth, and the Palestinians had access both to the local and to the central Government, and were present as of right in all the representative institutions.

The memorandum expresses the view that Jewish immigration must end, for it has resulted simply in unemployment, spoliation, desperate strife and poverty ; similarly, the sale of land to the Jews must cease. A general law should be enacted strictly prohibiting such expropriation, since the lure of Jewish bankers’ gold is too strong for populations suffering from poverty and the economic depression.

In the circumstances, then, the memorandum continues, the authorities have failed in all their essential tasks. There cannot be good relations between Arabs and Jews. Still less can there be co-operation. The policy of joint participation in receptions and committees has failed. The collaboration of the Arabs—the true Arabs conscious of their dignity—with the British Government is also impossible. They will not be content with minor concessions. They cannot recognise the Moslem Supreme Council as being of decisive importance when they are despoiled of other essential rights. They will have nothing to do even with any Legislative Council. They claim their full national rights to independence and liberty in a union with the other Arab countries.

As regards detail, the memorandum states that the cuts effected in the budget owing to the economic depression by the O’Donnell Committee were quite small, and that, on the

contrary, there has even been an increase in the number of British officials' posts ; that the reduction of the tithes tax has not counterbalanced the increase of the property tax from 9 to 15 per cent, levied retrospectively during the economic depression, a fact which has also tended to aggravate the trouble ; and that the High Commissioner's estimate of 20 pounds as the annual average income of an Arab family is not correct. The figure the petitioners give is four Palestinian pounds—in other words, eleven mils a day for food, clothing and other expenditure for an average of five persons. They regard as insignificant the loan of £P33,000 advanced to the fellahin by the mandatory Power. To the physical misery of the dispossessed fellahin, for which the development plan will offer no remedy, is added their intellectual misery, aggravated by the lamentable poverty of teaching establishments, which is such that over 100,000 Arab children are prevented from attending school. It is not strange, the petitioners say, that they can see no serious purpose—in the sense that it might appear profitable to them—in the measures announced by the mandatory Power, and that they should continually boycott those measures, since, in their opinion, the mandatory Power is infringing what they regard as their natural rights.

The United Kingdom Government, in forwarding this petition to the Mandates Commission, offers no commentary either on the details or even on the substance of the petition. It simply invites reference to previous discussions that have taken place in the Commission and to the report for 1932 on the administration of the territory, pointing out at the same time that the Permanent Mandates Commission, in connection with a petition from the Palestine Arab Women's Congress, declared itself unable to consider petitions containing complaints against the essential provisions of the mandate.

The present petition is of that nature, whatever the value of its arguments, the accuracy or inaccuracy of its allegations, or the historical importance of the aspirations or protests which it contains. Certain points, however, raised by the petitions have been examined by the Commission at its present session.

In the circumstances, I venture to submit to my colleagues the following draft resolution :

“ The Commission, having examined the petition dated May 25th, 1933, from M. Auni Abdul Hadi, Secretary-General of the Arab Independence Party, Jerusalem, together with the observations of the mandatory Power thereon, considers that no action should be taken on this petition.”

C.P.M.1546(1).

ANNEX 8.

PALESTINE.

PETITIONS RELATING TO THE INCIDENTS OF OCTOBER 1933 AND TO JEWISH IMMIGRATION.

REPORT BY M. ORTS.

I have been asked to report on the following petitions :

1. Petition, dated May 18th, 1933, from M. D. Warwar, President of the “ Sociedad Palestino-arabe ” of Cuba, accompanied by the observations of the United Kingdom Government, dated November 9th, 1933 (document C.P.M.1439).
2. Petition, dated October 5th, 1933, from M. Ihsan el Djabri, together with the observations of the United Kingdom Government, dated December 21st, 1933 (documents C.P.M.1470 and 1487).
3. Petition, dated October 29th, 1933, from the “ Comité exécutif syro-palestinien ”, of Cairo, together with a note from the United Kingdom Government, dated December 20th, 1933 (documents C.P.M.1484 and 1488).
4. Petition, dated November 29th, 1933, from the “ Union régionale des Sionistes de l'Est de la France ”, Strasburg, together with a note from the United Kingdom Government, dated February 23rd, 1934 (documents C.P.M.1490 and 1495).
5. Petition, dated September 30th, 1933, from M. Taufik Hammad and other Arab Notables of Nablus, transmitted by the United Kingdom Government on March 13th, 1934 (document C.P.M.1496).
6. Petition, dated November 2nd, 1933, from certain inhabitants of Qalqilia, together with the observations of the United Kingdom Government, dated April 24th, 1934 (document C.P.M.1498).

These various petitions have one feature in common which makes it possible to deal with them in a single brief report—namely, they all relate to the policy followed by the mandatory Power in Palestine with regard to immigration.

The Arab petitioners denounce this policy as imperilling the very existence of the Arab population, since its effect has been to introduce into this essentially Arab country an

excessively large Jewish element which threatens to submerge the indigenous element. The Jewish petitioners, on the other hand, accuse the mandatory Power of issuing immigration permits with undue niggardliness and of failing to carry out the task assigned to it by the mandate—namely, to promote the creation of a Jewish National Home.

The conflicting points of view set forth in these petitions are accompanied by arguments to which the Commission's attention has been drawn on many occasions and by a recital of facts in regard to which explanations have been furnished in the reports of the mandatory Power and verbal statements made by its accredited representative.

These petitions, in short, evoke the whole problem which has arisen in Palestine since the institution of the mandate, and in order to reply to them it would be necessary to go back to the conclusions reached as the outcome of the discussions on the scope of the Palestinian mandate in the Commission for the last ten years and, as regards recent occurrences, to the examination of the matter at the present session.

The petitions now submitted to us do not appear to me to call for any other opinion than that briefly expressed hereunder ; otherwise I should have to repeat what has been stated over and over again on so many occasions or should lose myself in a maze of details which do not constitute the substance of the question.

As regards the Arab complaints : The mandate imposes on the mandatory Power the obligation to promote the creation in Palestine of a National Home for the Jewish people, and hence any request designed to put an end to Jewish immigration runs counter to the mandate and must be rejected. Moreover, the information supplied by the mandatory Power goes to show that Jewish immigration, at the rate hitherto authorised, is not of such a character that the "civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion", are no longer safeguarded. Finally, the mandatory Administration is determined to put an end to the clandestine immigration which is complained of by certain petitioners and to ensure the strict enforcement of the measures it has already adopted for this purpose.

As regards the Jewish complaints : The principle laid down by the mandatory Power that the number of immigration permits issued each year should be fixed with due regard to the possibilities of absorption of the country has been recognised to be sound by the Permanent Mandates Commission.

The mandatory Administration must be left free to judge of these possibilities and cannot be denied the right, which it intends to reserve to itself, to take into account for this purpose, not only existing conditions, but also future prospects.

Should the Commission accept the views set out in the present report, I would propose that it adopt the following conclusion :

"The Commission,

"Having noted the petitions :

"(1) From M. D. Warwar, President of the "Sociedad Palestino-arabe", of Cuba, dated May 18th, 1933 ;

"(2) From M. Ihsan el Djabri, dated October 5th, 1933 ;

"(3) From the "Comité exécutif syro-palestinien", of Cairo, dated October 29th, 1933 ;

"(4) From the "Union régionale des Sionistes de l'Est de la France", Strasburg, dated November 29th, 1933 ;

"(5) From M. Taufik Hammad and other Arab notables of Nablus, dated September 30th, 1933 ;

"(6) From certain inhabitants of Qalqilia, dated November 2nd, 1933 ;

and the correspondence thereon from the mandatory Power :

"Considers that these petitions do not call for any special recommendation to the Council."

ANNEX 9.

C.P.M.1532(1).

PALESTINE.

MEMORANDUM ON THE DEVELOPMENT OF THE JEWISH NATIONAL HOME IN PALESTINE IN 1933, ACCOMPANIED BY A LETTER, DATED APRIL 30TH, 1934, FROM THE PRESIDENT OF THE JEWISH AGENCY FOR PALESTINE.

REPORT BY COUNT DE PENHA GARCIA.

The Jewish Agency's memorandum for 1933 is a document full of interest for those who wish to form an idea of the Zionist expansion in Palestine. Its progress was considerable in 1933. The Jewish population increased by 22 %, but, despite this, it still only represents 22.4 % of the total population. The bulk of the Jewish population (60 %) is employed in agriculture and industry. Only 15 % is engaged in commerce and about 12 % in the liberal professions. The natural increase in the Jewish population is about 20 per thousand, but the remainder of the population has a bigger increase, amounting to 25 per thousand.

Jewish immigration in 1933 was considerable : 30,327 immigrants, including their families, settled in Palestine. The majority came from Poland and Germany. Of this figure, 64.5 % entered under the Labour Schedule. The number of capitalist immigrants was very high. This fact is probably due to the exodus of German Jews. Despite this increase in the number of entrance permits granted to Jews in 1933, the Jewish Agency complains of the shortage of Jewish labour for certain cultivations and in the building trades. The mandatory Power observes that account must be taken of the normal increase in the qualified labour of Jewish youths leaving the schools and of the temporary character of certain classes of employment, and considers that the Jewish Agency could better adapt the issue of the permit to the current requirements in any specific kind of labour.

Meanwhile, Jews throughout the world are supporting a movement in favour of their demand for the Jewish National Home promised by the mandate.

Jewish agricultural colonisation was carried on in 1933 on a remarkably sound scientific and economic basis and the co-operative organisations are developing successfully. In the towns, and particularly at Tel-Aviv and Haifa, building operations have increased enormously. Tel-Aviv has become a municipality with a population of about 80,000. The year 1933 also witnessed substantial industrial progress. The Jewish organisation is paying great attention to questions of medical assistance and education. Despite the depression, large sums have been devoted to these two objects. The mandatory Power has recognised the need of sharing in this expenditure, which must to a large extent be regarded as a public charge, and has granted a number of subsidies, which, are, however, still inadequate.

The financial situation of the country shows a budgetary surplus of £2,000,000 for the year 1933, but, as the mandatory Power judiciously points out, this does not mean that abundance and prosperity reign everywhere. Thus, for dry crops and breeding, the year 1933 was a difficult one. The total receipts of the Zionist institutions of the Jewish Agency amounted in September 1933 to £447,000, and the capitalist immigrants increased the capital of the country in 1933 by a sum which the Agency estimates at £7,000,000. Despite the undeniable benefits of the Jewish work in Palestine, the reactions of the Arabs, who constitute the majority in the country, should not be overlooked. The policy of the mandatory Power is not an easy one, for it has to reconcile the rights and interests of different racial groups, between which religion constitutes a further barrier. Every effort will have to be made to create between these elements "a spirit of mutual comprehension and co-operation within the national boundaries.

To sum up, the Jewish Agency's memorandum and the mandatory Power's observations show that the year 1933 was a good one for Palestine, notwithstanding the difficulties due to the drought and the slow progress of the administrative organisation and other institutions aimed at securing better co-operation between the racial elements in Palestine.

In these circumstances, I propose that the Commission adopt the following resolution :

" The Commission, having taken cognisance of the Jewish Agency's memorandum for 1933, and the mandatory Power's observations thereon, considers that no recommendation to the Council is called for in this connection."

ANNEX 10.

C.P.M.1542(1).

SYRIA AND THE LEBANON.

PETITION, DATED DECEMBER 4TH, 1933, FROM THE EMIR CHÉKIB ARSLAN
AND M. IHSAN EL DJABRI.

REPORT BY M. RAPPARD.

The petition, dated December 4th, 1933, from the Emir Chékib Arslan and M. Ihsan el Djabri was communicated to the Secretary-General by a letter from the French Government dated May 22nd, 1934.

In that letter, the mandatory Power states that it " does not consider it necessary to make any special observations with regard to this petition, since it relates to its whole policy, as to which it has given or will give explanations to the League of Nations in its annual reports or in the replies of its representative accredited to the Mandates Commission ".

As the mandatory Power indicates, this petition is simply an indictment of the mandatory Power, and more particularly of the Franco-Syrian Treaty and the incidents to which the negotiation and publication of the Treaty gave rise. Since the petitioners—who, moreover, expressed themselves in such violent terms that the Chairman of the Commission was obliged to delete six passages from their appeal—make no definite complaint or recommendation which has not been or will not be considered by the Commission elsewhere, I do not consider it necessary to spend much time over the examination of this petition.

The petitioners, who are hostile to the mandate, since they accuse the mandatory Power of a " third attempt to legalise an illegal tutelage ", are also opposed to the Treaty, upon which the Commission has intentionally refrained from expressing an opinion. They claim

that, in negotiating this treaty, the mandatory Power was animated by a desire "to secure approval for the political, economic and financial concessions which it wished to obtain from the country", and that, for this purpose, it was anxious to set up in the Chamber "a Government prepared to meet all its wishes, contrary to the interests of the country". Having, continue the petitioners, extorted from that Government and from the President of the Syrian Government—who, they say, has "always been the tool of France"—a treaty contrary to the desire of Syrian patriots for independence and unity, it arbitrarily prevented Parliament from considering the Treaty, after ascertaining that a majority was opposed to its plans.

To the anticipated reproach that the attitude of public opinion and of the Syrian Parliament might suggest a lack of maturity, the petitioners reply that "the unanimous refusal of such a treaty by the Syrian nation will always redound to the honour of Syria". They continue: "Syria will never submit either to force or to threats. Nothing will prevent the Syrian people from pursuing their real and complete emancipation."

I do not see what resolution the Mandates Commission could usefully submit to the Council with regard to a petition animated by such sentiments. If my colleagues share my views with regard to this petition, they might indicate their agreement by adopting the following resolution:

"The Commission, having examined the petition, dated December 4th, 1933, from the Emir Chékib Arslan and M. Ihsan el Djabri, and having decided, moreover, to refrain from expressing any opinion with regard to the Franco-Syrian Treaty, does not feel able to make any recommendation to the Council in connection with the protests against the whole policy of the mandatory Power in Syria."

C.P.M.1541.

ANNEX 11.

SYRIA AND THE LEBANON.

PETITIONS (FIVE IN NUMBER) DATED NOVEMBER 20TH, 21ST AND 26TH, 1933,
WITH REGARD TO THE FRANCO-SYRIAN TREATY.

REPORT BY M. RAPPARD.

As stated in the letter from the French Government, dated May 19th, 1934, these petitions are all connected with the campaign against the Franco-Syrian Treaty.

As the Mandates Commission has decided not to give an opinion on the Franco-Syrian Treaty during the present session, it would not be logical for it to take any definite action on these petitions.

I therefore propose that, in this connection, my colleagues should adopt some such resolution as the following:

"The Commission, having taken note of the five petitions, dated November 20th, 21st and 26th, 1933, protesting against the Franco-Syrian Treaty, and having deliberately refrained, for the reasons indicated in its observations to the Council, from giving an opinion on that treaty, does not consider it desirable to make any recommendation to the Council in connection with these petitions."

C.P.M.1544(1).

ANNEX 12.

SYRIA AND THE LEBANON.

PETITION, DATED AUGUST 31ST, 1933, FROM M. MOHAMMED ADIB HAURANI
AND OTHER NOTABLES OF HAMA.

REPORT BY M. PALACIOS.

If I were called upon to express my sympathies here, they would most certainly lie with Sheikh Mahmoud-el Osman, a religious Moudaress, who on August 25th, 1933, while he was exhorting the crowd at the Saâdié Café at Hama not to drink and gamble, was arrested by police forces commanded by the Secretary of the Director of the General Criminal Investigation Department. Mohammed Adib Haurani and other notables of the town have protested against this act in a petition to the League which contains nearly 300 signatures and ten seals, and in which they assert that the Moslems in their own country do not enjoy the freedom and prerogatives of the Christian missionaries.

In the letter transmitting this petition, the mandatory Power, while denying that the Sheikh was subjected to the ill-treatment alleged by the petitioners, does not dispute the moral purpose of the meeting, nor even the right to preach without interference. It merely states that circumstances make it essential to apply the law strictly, owing to the imperious necessity of maintaining order. The legislative enactment governing the matter in Syrian territory is the Ottoman Law of May 27th, 1325 of the Hejira, which provides, *inter alia*, that previous notification must be given of any public meeting. The preacher and his association had in fact failed to comply with this essential formality.

Consequently, however favourably impressed one may be by the moral mission of the petitioners and their work, I think that, since it appears to be an easy matter to comply beforehand with the formalities referred to above, the Permanent Mandates Commission will consider that no special action should be taken on this petition.

I therefore propose that the Commission should adopt the following resolution :

“ The Commission, having examined the petition, dated August 31st, 1933, from M. Mohammed Adib Haurani and other notables of Hama in the light of the mandatory Power's observations, considers that this petition does not call for any special recommendation on its part to the Council.”

C.P.M.1529(1).

ANNEX 13.

SYRIA AND THE LEBANON.

PETITION, CONSISTING OF A TELEGRAM, DATED JANUARY 17TH, 1934, AND OF A LETTER, DATED FEBRUARY 1ST, 1934, FROM M. SAMI SLIM.

REPORT BY COUNT DE PENHA GARCIA.

On May 15th, 1934, the French Government, mandatory for Syria and the Lebanon, forwarded to the Secretary-General of the League a telegram (dated January 17th, 1934) and a letter (dated February 1st) from an inhabitant of Beirut, M. Sami Slim, addressed to the League of Nations in care of the High Commissioner of the French Republic in Syria and the Lebanon. Enclosed in this letter were some articles from *Al Assifat*, a Beirut newspaper. The telegram, the letter, and the newspaper articles contain complaints of the intervention of the Mandatory in the elections to the Lebanese Parliament, which were held in January 1932.

In its observations on the documents which form M. Sami Slim's petition, the mandatory Power asserts that the Lebanese elections were conducted in a regular manner and in an atmosphere of calm and tranquillity. No complaint regarding them was lodged in accordance with the legal formalities at the Department of the Interior of the High Commissariat, and the validation of the results of the elections by the Chamber was particularly simple because none of them was disputed.

Moreover, in the articles from *Al Assifat*, side by side with accusations against the authorities or certain persons for having brought pressure to bear on the voters, we find the two following passages :

“ It is true that some of the new members of Parliament are satisfactory to the public.”

“ Had the elections been free, the same candidates, with very few exceptions, would have been elected.”

In these circumstances, I do not hesitate to propose that the Commission adopt the following resolution :

“ The Commission, having examined the petition, consisting of a telegram and a letter dated, respectively, January 17th and February 1st, 1934, from M. Sami Slim, together with the French Government's observations thereon, is of opinion that no action should be taken on the said petition.”

ANNEX 14.

SYRIA AND THE LEBANON.

PETITION, DATED MARCH 7TH, 1934, FROM M. ADIB SAFADI, M. MOUNIR AJLANI AND OTHER INHABITANTS OF DAMASCUS.

REPORT BY M. SAKENOBÉ.

By a letter dated May 18th, 1934, the French Government transmitted a petition, dated March 7th, 1934, from M. Adib Safadi and four other inhabitants of Damascus.

The petitioners protest against the refusal of the Government of Syria to permit the celebration of the " anniversary of the proclamation of Syria's independence ".

In its letter above referred to, the mandatory Government states that on previous occasions this celebration has always resulted in violent speeches and street demonstrations. Consequently, after consulting the Director of Public Safety, the Ministry of the Interior decided not to permit it this year. The Government adds that the signatories of the petition are young men of the advanced nationalist type who have already frequently been involved in political agitations in Damascus.

Such being the case, I would propose to the Commission the following conclusion :

" The Commission, having examined the petition, dated March 7th, 1934, from M. Adib Safadi, M. Mounir Ajlani and other inhabitants of Damascus, and the French Government's observations thereon, considers that it does not call for any recommendation to the Council."

C.P.M.1536.

ANNEX 15.

SYRIA AND THE LEBANON.

PETITION, DATED APRIL 15TH, 1934, FROM M. ABDUL HAMID AL DJABRI AND OTHER INHABITANTS OF ALEPPO.

REPORT BY M. SAKENOBÉ.

The League of Nations has received, through the mandatory Power in Syria, a letter signed by M. Abdul Hamid al Djabri and his associates, dated Aleppo, April 15th, 1934, transmitting a motion of protest passed by a meeting of inhabitants of Aleppo on April 13th.

In this motion, reference is made to the Press rumours that the High Commissioner authorised thousands of Zionist emigrants to settle down in Syria, and that he also authorised the sale of land to these emigrants. The petitioners protest against these measures alleged to have been taken by the High Commissioner, as prejudicial to the vital interests of Syria.

This document is accompanied by a letter from the French Government, dated May 19th, 1934, containing its observations.

According to these observations, the Zionist agents on several occasions attempted to purchase landed properties in many parts of the southern frontier districts of Syria. This gave rise to strong public feeling and a Press campaign. Such being the case, the High Commissioner, with a view to safeguarding public order and clearing up the situation, issued a *communiqué*, dated April 13th, 1934, in which he declared that he had never entered into any negotiations for Jewish colonisation in Syria and that there were in existence two decrees, promulgated early in 1934, by which any purchase of land or long-term lease in the southern frontier districts of Syria and the Lebanon was subject to the authorisation of each Government concerned. Copies of these decrees are appended to the French Government's above-mentioned letter.

From the observations of the mandatory Government thus summarised, and from the statement of the accredited representative of the mandatory Government in reply to my questions at the twenty-fifth session of the Commission, it is clear that the protest was based on entirely groundless rumours.

Under the circumstances, I would suggest that the Commission adopt the following conclusion :

" The Commission, having examined the petition, dated April 15th, 1934, from M. Abdul Hamid al Djabri and other inhabitants of Aleppo, and having taken note of the observations of the French Government and of the declaration of its accredited representative, considers that it does not call for any recommendation to the Council."

ANNEX 16.

SYRIA AND THE LEBANON.

PETITION, DATED APRIL 30TH, 1934, FROM M. RÉCHID MÉLOUHI.

REPORT BY M. RAPPARD.

M. Réchid Mélouhi's petition reached Geneva after the opening of the present session of the Permanent Mandates Commission. According to precedent and also in virtue of a formal decision of the Commission, dated June 28th, 1933, the examination of this petition should have been adjourned to a later session. In view, however, of its immediate importance, and, in particular, of the presence at Geneva of M. de Caix, accredited representative of the mandatory Power, who was quite prepared to supplement the Commission's information on the subject, it was decided, by way of exception, to examine the petition.

M. Réchid Mélouhi's petition, dated April 30th, 1934, was forwarded to the High Commissioner by a covering letter dated May 4th, 1934, and was communicated by the French Ministry for Foreign Affairs to the Secretary-General of the League by a letter, dated May 29th, 1934.

In that letter, the mandatory Power informs the Commission that the petitioner fled after a very violent speech which he delivered at Damascus on May 6th. The mandatory Power adds that "the Committee for the Defence of Parliamentary Institutions", on whose behalf M. Réchid Mélouhi—he describes himself as secretary—signs the petition, is not legally registered or even known under that name.

As regards the substance of the question, the mandatory Power in its observations simply invites reference to the annual report.

The petition, upwards of twenty pages in length, can obviously not be analysed in detail here. Its interest lies, not so much in the allegations contained in it, as in the texts and correspondence that are quoted—namely :

1. Complete text of the High Commissioner's Press *communiqué*, dated November 19th, 1933, an extract from which is reproduced on pages 5 and 6 of the annual report of the mandatory Power.
2. Text of the High Commissioner's decree, dated November 24th, 1933, suspending the deliberations of the Chamber of Deputies.
3. Text of a letter from the High Commissioner's delegate, addressed to the President of the Syrian Chamber, dated November 24th, 1933.
4. Text of the reply of the President of the Syrian Chamber to the High Commissioner's delegate, dated November 27th, 1933.
5. Text of a letter from the Syrian Prime Minister to the President of the Chamber of Deputies, dated January 31st, 1934.
6. Text of a letter from the President of the Chamber, dated February 1st, 1934, to the President of the Syrian Republic.
7. Copy of a telegram addressed, on May 1st, 1934, by the President of the Syrian Chamber to M. Doumergue, M. Barthou, M. Herriot and M. Tardieu.
8. Text of the High Commissioner's decree, dated March 10th, 1934, suspending the deliberations of the Chamber of Deputies.
9. Text of a letter from the President of the Chamber of Deputies to the High Commissioner's delegate, dated March 14th, 1934.
10. Manifesto published on March 20th, 1934, by the Parliamentary Committee for the Defence of the Constitution.

Although I have been given no opportunity, nor has it been possible for me, to verify the accuracy of all these texts, I think that the Commission may regard them as authentic, since the mandatory Power has made no observation on the subject either in its letter of May 29th, 1934, or through its accredited representative.

The above-mentioned documents are accompanied by a few very brief comments. The petitioner concludes his letter, addressed to the Chairman of the Mandates Commission, by expressing the hope that "you will be good enough to take the necessary action on this request".

What action can actually be taken on this petition? From the documents quoted, and more particularly the letters of the President of the Syrian Chamber and the few comments of the petitioner, it appears to be, in point of fact, simply a protest against the policy followed by the mandatory Power in Syria since the publication of the Treaty of Friendship and Alliance.

On examining the petition more closely, one is struck first by the fact that it comes from a man who obviously had access to the archives of the office of the President of the Syrian Chamber. As his complaints are, for the most part, submitted in the form of letters addressed by the President of the Chamber to the High Commissioner's delegate, to the President of the Syrian Republic and to M. Doumergue, M. Barthou, M. Herriot and M. Tardieu, it would seem that the President of the Chamber, who did not think fit to apply in person to the Mandates Commission, at all events authorised the petitioner to do so in his stead.

The principal complaints set forth in the petition are as follows :

- (1) The Treaty of Friendship and Alliance is deemed to be contrary to the independence and unity of the country ;
- (2) This Treaty was negotiated by the mandatory Power with a Government " having little regard for the country's wishes " ;
- (3) The text of the Treaty was published in the Press by order of the High Commissioner before its transmission to the Chamber of Deputies (this criticism is, by the way, merely incidental) ;
- (4) The attitude of the High Commissioner's delegate at the sitting of the Chamber on November 21st was not correct.

In this connection, one notes with some surprise that the President of the Chamber objects, not so much to the fact that the High Commissioner's delegate intervened to suspend the proceedings of the Chamber, as that his intervention was felt to be belated. The President of the Chamber expresses himself on this point as follows in his letter of November 27th, 1933, to the High Commissioner's delegate :

" If, then, the decree of suspension was prepared for the case . . . in which the Chamber was discussing some subject other than the budget, as you suggest in the fourth paragraph of your letter, it should have been read just when the Minister of Finance was opening the discussion on the Treaty on behalf of the Government. The responsibility in regard to its reading being delayed until the Chamber had decided to discuss that Treaty rests with Your Excellency, and should not therefore be placed upon others."

(5) The 1934 budget was promulgated by the Government without the previous approval of the Legislature ;

(6) The cuts made in this budget at the expense of the President of the Chamber of Deputies and of the members and secretariat of the Chamber are alleged to be an unconstitutional act of vengeance.

The letter from the President of the Council to the President of the Chamber referred to above actually relates only to the budgetary cuts and reductions imposed on the Chamber of Deputies. In this respect, the Government's action is criticised as being definitely contrary to the Constitution, which reserves the budgetary prerogative for the Legislature.

(7) In the manifesto of the Parliamentary Committee relating to alleged abuses, of which the Government is said to have been guilty by taking advantage of the suspension of the deliberations of the Chamber.

In this connection, though without specific statements or comments, the petitioner complains of " heavy concessions ", " concessions to be granted to French companies, to the country's detriment, like those granted to the Bank of Syria and the Lebanon, . . . the renewal of the concession of the Bank of Syria, the tobacco régime, the asphalt development scheme, the draining of the Omoux plain . . . vengeance on the deputies and the suspension of nationalist newspapers ".

As the Commission deliberately abstained from discussing the Franco-Syrian Treaty when examining the annual report, there is obviously no need to refer to it here.

The legality of the attitude adopted by the mandatory Power towards the Syrian Parliament would seem to be justified by the following considerations :

It seems clear that the Chamber, in deciding to open a debate on the Treaty without first referring that instrument to a parliamentary committee, was attempting to infringe the Constitution. Article 54 of the Constitution provides explicitly that :

" Every Bill must be examined by a parliamentary committee before being discussed in the Chamber."

Such an infringement, in connection with a legislative instrument of particular importance, appeared to the High Commissioner to be contrary to the maintenance of order. He therefore quoted the provisions of Article 116 as grounds for suspending the deliberations of the Chamber of Deputies.

The text of that article is as follows :

" *Article 116.*—No provision of the present Constitution is, or can be, in conflict with the obligations contracted by France in respect of Syria, more particularly in regard to the League of Nations.

" This reservation applies more especially to those articles affecting the maintenance of order, security and the defences of the country, and to those which concern foreign relations.

" So long as France shall continue to be under international obligations in respect of Syria, any provisions of the present Constitution which may affect those obligations shall only be applied in conformity with an agreement to be concluded between the French and Syrian Governments.

" Accordingly, whenever the application of the laws contemplated by any articles of the present Constitution might affect the said responsibilities, the discussion and promulgation of such laws in conformity with the present Constitution shall only be proceeded with in execution of the terms of the aforesaid agreement.

" Decisions, in the nature of laws or regulations, rendered by the representatives of the French Government may not be modified except in virtue of an agreement between the two countries."

The Mandates Commission cannot set itself up as a constitutional high court. Moreover, as I would again point out, it has received no explicit complaint of a violation of the Constitution by the President of the Chamber of Deputies. The Commission must accordingly examine the general complaints of the petitioner, in which constitutional considerations are referred to only incidentally.

While realising that the High Commissioner, who is responsible for public order, cannot always treat the Syrian Chamber of Deputies—which is itself so unmindful of the provisions of the Constitution governing its deliberations—with all the consideration due to the Legislature of a country that has reached complete political maturity, I cannot but deplore the circumstances which led to his intervention. Is not the fact that the mandatory Power considers such intervention indispensable a proof that Syria does not yet possess, in its eyes, the degree of maturity necessary for the regular functioning of a constitutional regime, even under the auspices of the mandate?

If, while regretting the necessity, one does not contest the constitutional legality of the suspension of the deliberations of the Chamber with the object of avoiding the premature and irregular discussion of the Treaty, it necessarily follows that one must admit also the constitutional legality of the promulgation of the budget without previous parliamentary authorisation. If, indeed, the Chamber, as it has shown on two occasions, persists in discussing the Treaty before entering on its budgetary duties; if, moreover, it decides to discuss the Treaty in violation of the Constitution; and if, lastly, as is obvious, the country cannot exist unless a budget is promulgated, it follows that the mandatory Power cannot be blamed for having authorised promulgation by the Syrian Government without previous legislative authorisation. But here again one must deplore the political circumstances which made such action incumbent upon the mandatory Power.

In a situation that had become so delicate by reason of these incidents, it is obvious that the Syrian Prime Minister, by writing to the President of the Chamber the letter of January 31st, 1934, concerning the budgetary cuts made in the Parliamentary Statute, was bound to create trouble. How, indeed, can one wonder that the Syrian Deputies should have seen in that communication not so much the expression of a general policy of economy as the manifestation of an intention to punish them? I am accordingly not surprised to find them writing of “revenge” and “vengeance” in this connection. This correspondence has given us fresh proof of the lack of political maturity of the Syrian leaders.

I do not think that I need dwell on the general complaints relating to abuses which are said to have occurred in consequence of the suspension of parliamentary proceedings. Certain of these complaints, more particularly those relating to concessions, are set forth without specific statements and without details, while others, such as those relating to Press censorship, appear to be ill-founded in view of the present condition of Syria. I do not think, then, that it is necessary to take any action on them.

If my colleagues share my views in general with regard to the facts alleged in this petition, I would venture to propose that they signify their agreement by adopting, for submission to the Council, a resolution on the following lines:

“The Commission,

“Having examined the petition, dated April 30th, 1934, from M. Réchid Mélouhi, Secretary of the ‘Committee for the Defence of Parliamentary Institutions in Syria’, together with the letter from the French Government, dated May 29th, 1934, and the accredited representative’s declarations, of June 7th, 1934:

“Regrets to note the irregularities that have occurred in the functioning of the Parliamentary system.

“It hopes to find in the next report information to the effect that a speedy improvement in the situation has permitted the resumption of the regular exercise of legislative power by Parliament, more particularly in regard to budgetary matters.”

ANNEX 17.

C.P.M.1539(1).

SYRIA AND THE LEBANON.

PETITION, DATED DECEMBER 7TH, 1933, FROM DR. OUAGIH BAROUDI AND OTHER INHABITANTS OF HAMA.

REPORT BY M. RAPPARD.

This petition, which was communicated by the mandatory Power in a letter from Paris, dated May 15th, 1934, protests against the maintenance in power of the Syrian Government and approves the decision of the Chamber of Deputies which is said to have requested its resignation.

As the events that occurred at Damascus in November 1933 have been examined in connection with another petition, I do not consider it necessary to revert to them in connection with the present petition.

If my colleagues share this point of view, they might indicate their agreement by adopting some such resolution as the following :

“ The Commission, having examined the petition, dated December 7th, 1933, from Dr. Ouagih Baroudi and other inhabitants of Hama with regard to the parliamentary incidents that occurred at Damascus in November 1933, and having considered these incidents in connection with another petition, does not think it necessary to make any recommendation to the Council in connection with the present petition.”

C.P.M.1540(1).

ANNEX 18.

SYRIA AND THE LEBANON.

PETITION, DATED MARCH 23RD, 1934, FROM CERTAIN INHABITANTS OF HAMA.

REPORT BY M. RAPPAUD.

This telegraphic petition protests against the suspension of the debates of the Chamber of the Syrian Republic during the spring session by a decree dated March 10th, 1934.

As this question is being examined in connection with another petition, I do not consider it necessary to make a special report to the Council.

If my colleagues should share this point of view, they might indicate their agreement by adopting some such resolution as the following :

“ The Commission, in view of the petition, dated March 23rd, 1934, from certain inhabitants of Hama with regard to the suspension, during the spring session, of the debates of the Syrian Chamber of Deputies, considers that there is no need to submit a special recommendation to the Council in this matter, which it is examining elsewhere.”

C.P.M.1491.

ANNEX 19.

TOGOLAND UNDER FRENCH MANDATE.

PETITIONS FROM THE “ BUND DER DEUTSCH-TOGOLÄNDER ”.

- (a) LETTER, DATED DECEMBER 15TH, 1933, FROM THE FRENCH GOVERNMENT, FORWARDING A NOTE BY M. BESSON, ACCREDITED REPRESENTATIVE, ON THE “ BUND DER DEUTSCH-TOGOLÄNDER ”.

I. *Letter from the French Government.*

[*Translation.*]

Paris, December 15th, 1933.

To the Secretary-General of the League of Nations.

At its last session,¹ the Permanent Mandates Commission requested the French accredited representative for Togoland and the Cameroons to furnish further information concerning the activities of the “ Bund der Deutsch-Togoländer ”.

In compliance with this request, I have the honour to communicate herewith, for transmission to the Chairman of the Permanent Mandates Commission, a note by M. Maurice Besson, giving the necessary information concerning the said association.

(Signed) R. MASSIGLI.

II. *Note on the “ Bund der Deutsch-Togoländer ”.*

For several years, the Permanent Mandates Commission has repeatedly been called upon to examine petitions concerning the French administration in Togoland, formulated on behalf of an association which styles itself the “ Bund der Deutsch-Togoländer ”.

¹ See Minutes of the Twenty-fourth Session, pages 52 to 55.

The Mandates Commission, in order to estimate at their true value the various complaints submitted by this association against the acts of the mandatory Power, requested¹ the accredited representative to supply it with any useful information concerning the association. Such is the object of the present note.

* * *

When and by whom was the "Bund der Deutsch-Togoländer" formed? It has never been possible to give details, owing to lack of information on this point. One fact is, however, established. The association was founded by the Germans when they were still in occupation of the Territory. It was re-organised, probably in 1922, at Accra, capital of the Gold Coast, and the headquarters of the association have not been changed since then, but are still in that town.

Who are the members? A certain mystery surrounds the composition of the association. One of its first presidents appears to have been a certain Johan Agboka, aged 41, a trader established at Accra. Johan Kany, a Togolander, was president of the association for several years. He was a nephew of Garber, one of the leading members of the Adigos clan. Kany was employed in the service of the German Government as a forwarding clerk, and then, during the Franco-British occupation, he entered the service of the British Government, being dismissed in 1915 for misconduct. Johan Agboka appears to have again held office as president some time ago. He was succeeded by Aklamake Ousah. Among other members of the Bund may be noted Alfred Lawrence, nephew and son-in-law of Garber, who kept a jeweller's shop at Lomé and fled from Togoland to the Gold Coast, where he took refuge after defrauding M. Hern Heuk, an agent of the "Bremer Factorei", of £12. After being employed by a commercial firm at Accra, he was dismissed, and left that town in 1928 for Liberia. Other members of the association included Johan Agboka's brother, Galmil (who, in 1928, was in the service of M. Charles Fink, German Consul at Accra), and individuals answering to the names of Michel (a cook by trade), Almeida (a tradesman) and Ange Olympio, of Dahomey (who has since gone to Portuguese Guinea).

The French Administration has never been able to identify the signatories of the petitions dated June 27th and August 9th, 1926,² Aloys G. Gagée and Karl Dugamey. There is one disturbing and significant fact, that these two names correspond to current expressions meaning "in the balance" and "in the big city". These are unquestionably pseudonyms, as is "Sossouvi", the signatory of a petition of April 1933.

The petitions forwarded to the League of Nations thus bear false signatures.

What are the objects pursued by the "Bund der Deutsch-Togoländer"? The views of this group may be ascertained simply by consulting the circular of December 19th, 1925, enclosed herewith, which was sent to members of the association:

"League of German Togoland (Bund der Deutsch-Togoländer)."

P. O. Box 230, Accra.

"Circular."

"Fellow compatriots,

"We have the honour to inform you herewith that, two years ago, we constituted at Accra a League of German Togoland, through which we claim, as native-born Togoland, the right to watch over the welfare of our country and to rescue it from the misery to which it is exposed by the present French Administration. The Bund aims at establishing close liaison with Germany and has undertaken to represent Togoland at the League of Nations, and to defend her interests. To fulfil the requirements of the Bund—requirements imposed on ourselves until the achievement of our purpose—the assistance of the Brothers of Togoland who have remained in their own country is indispensable, if not actively, at all events vocally. Brothers, you must not take for granted that we poor natives can do nothing from here to protest against the measures imposed by the nations of Europe or that we must abandon all hope and effort. The League of Nations has itself inscribed on its banner the right of the peoples to self-determination, and, if we give full and unanimous expression to our feelings and our will, we can achieve our purpose.

"Petitions have twice been addressed by us on behalf of the whole people of Togoland to the League of Nations at Geneva, demanding that Togoland be evacuated by the French and that the country be restored to the Germans.

"You will be doing a great service to the Bund if you will circulate this letter, with the attached list, in order that everyone may inscribe his name on it and that the completed list may then be returned to the Bund. We would ask you also to give the Bund the benefit of your advice. We, for our part, will make a point of duly informing you of the work of the Bund. Do not then, dear compatriots, depart from your spirit of sacrifice. Help the 'Bund der Deutsch-Togoländer', which is fighting for liberty, law and peace.

"Accra, 19/12/25.

AGBOKA,
Directorate of the Bund.

BLICON,
Secretary."

¹ See Minutes of the Twenty-fourth Session, page 54.

² Document C.P.M.467.

This "circular letter" reflects the state of mind of the members of the "Bund der Deutsch-Togoländer", while the details available concerning them reveal their very relative importance and their dubious past.

Financially, the Bund depends upon grants received from a few Europeans at Accra and upon occasional sums of money sent from the territory.

The Bund's activities are more or less secret. The *Afrika Nachrichten*, of December 1st, 1925, contains a report to the effect that the Bund addressed to Dr. Bell, President of the Inter-Party Committee of the Reich, a petition in which the German Togolandans claim the right, as members of the German *Kulturgemeinschaft*, to express their views when it comes to a future colonial settlement. On January 7th, 1926, the Bund forwarded another petition, which was reproduced in full in the *Afrika Nachrichten* of May 16th, 1926, repeating the terms of the appeal to Dr. Bell.

At the eleventh session of the Mandates Commission (1927), M. Orts pointed out¹ that the Commission had already received not less than four petitions of which it had been impossible to retain even one.

"The first, dated June 17th, 1925, had been stopped by the Chairman, acting in virtue of the right accorded to him under the Rules of Procedure, because its conclusions were incompatible with the mandate and because the complaints of the petitioners, which were conceived in very general terms, did not merit the attention of the Commission. The second petition from the same 'Deutsch-Togoländer' met with the same fate, for the same reasons.

"The third and fourth petitions, dated August 2nd and 9th, 1926, should, *a priori*, have been rejected if they had not contained, almost as a secondary matter, certain statements which were fairly definite. These had been examined by Mrs. Wicksell with her habitual care, and it had been noted that, apart from certain secondary points which required further elucidation, the allegations of the petitioners were without foundation.

"He wondered therefore whether, under these circumstances, the patience of the Commission was not being abused."

At its twenty-first session, the Mandates Commission again had to examine the activities of the "Bund der Deutsch-Togoländer"² and Dr. Ruppel stated that "this association did not interest him in any way and that he was not familiar either with its statutes or its aims". In deference to the Commission, the accredited representative of the French Government stated³ that he possessed information on the subject which he would prefer not to place before it. This information concerned certain persons unconnected with Togoland or, indeed, with Africa at all.

In 1931, the French Administration, in response to Lord Lugard's request,³ got into touch with the Accra authorities. The latter supplied information identical with the particulars given at the beginning of the present note.

Quite recently—in June last—the French Government was informed that the Secretariat of the League had received two telegrams, dated February 5th and February 13th, 1933,⁴ from Denu, a place on the Gold Coast, and referring to the incidents at Lomé in January of that year. These telegrams, as mentioned in the present note, are signed "Sossouvi", which is a common noun in the Dahomey tongue and has never been a proper name, so that the complaints in question may be regarded as anonymous. If the authors of the petitions in question had been able to adduce definite and real facts, it is doubtful whether they would have taken refuge in a form of anonymity.

The particulars requested of the French authorities in Togoland have thus confirmed the accredited representative's statement that no importance should be attached to complaints framed in foreign territory and signed with fictitious names.

(Signed) Maurice BESSON,
Accredited Representative.

C.P.M. 1531.

(b) PETITIONS, DATED FEBRUARY 2ND, MARCH 28TH, NOVEMBER 23RD, 1931, AND MAY 22ND, 1932, FROM THE "BUND DER DEUTSCH-TOGOLÄNDER".

Report by M. Orts.

The Commission has already received in the past, more particularly in 1927, 1931 and 1933, petitions from Accra (Gold Coast) bearing the signatures of various persons who stated that they were acting on behalf of an association known alternatively as the "Deutsch-Togobund" and the "Bund der Deutsch-Togoländer".

These petitions, which were directed against the administration of Togoland under French mandate, were invariably regarded as calling for no action, either because the Commission considered them too vague, or because the allegations they contained appeared to be unfounded.

¹ See Minutes, page 41.

² See Minutes, page 161.

³ See Minutes, page 162 (twenty-first Session.)

⁴ See Minutes of the Twenty-fourth Session, pages 122 to 129, 138 to 139, and document C.P.M. 1385.

Doubts having arisen in the Commission as to whether these petitions were serious, as to the status of their signatories, and even as to the very existence of the association they claimed to represent, the mandatory Power was asked, through its representative accredited to the Commission, for information on these points.

The information supplied seems to confirm the actual existence of a "Bund der Deutsch-Togoländer" at Accra, though nothing is known of its origin, its aims, or the number, identity or nationality of its members or their connections with the territory of Togoland under French mandate.

Furthermore, a note from the accredited representative of the mandatory Power for Togoland, forwarded by the French Government on December 15th, 1933, states that the French Administration has never been able to identify certain of the signatories of the petitions examined by the Commission in 1927 and 1933. "A disquieting and significant feature", says the note in question, is that their signatures are not proper names, but common nouns of a wide variety of meanings, so that "they are unquestionably pseudonyms".

In other words, the petitions previously examined by the Commission may have been signed with false names.

Now it happens that one of those names appears once more at the foot of the covering letters to the petitions with which we have to deal to-day, or at the foot of the petitions themselves.

Taking all these circumstances as a whole, I feel bound to recommend to the Commission to proceed with the utmost circumspection in this case. I therefore propose that it regard the petitions emanating from this source as non-receivable on the same grounds as in the case of anonymous petitions, until such time as the signatories have furnished evidence of their identity and such particulars of the association they claim to represent as will make it possible to judge of its aims and nature.

Should the Mandates Commission share this view, I would propose that the following conclusion be adopted :

"The Commission,

"Having before it the petitions, dated February 2nd, March 28th and November 23rd, 1931, and May 22nd, 1932, from the 'Bund der Deutsch-Togoländer', forwarded by the French Government on February 19th, 1934, and December 28th, 1933, respectively ;

"Considering that these should be assimilated to anonymous petitions :

"Thinks it proper to reject them without examination."

ANNEX 20.

I.

REPORT TO THE COUNCIL ON THE WORK OF THE SESSION.

The Permanent Mandates Commission met at Geneva from May 30th to June 12th, 1934, for its twenty-fifth session, and held eighteen 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 :

Palestine and Trans-Jordan, 1933.

Accredited Representatives :

Mr. J. H. HALL, D.S.O., O.B.E., M.C., Chief Secretary to the Government of Palestine ;
Mr. M. NUROCK, O.B.E., Assistant Secretary to the Government of Palestine.

New Guinea, 1932-33.

Accredited Representatives :

Mr. J. G. McLAREN, C.M.G., Acting High Commissioner of the Commonwealth of Australia in London ;
Mr. E. W. P. CHINNERY, Director of Native Affairs and District Services of New Guinea.

Nauru, 1933.

Accredited Representative :

Mr. J. G. McLAREN, C.M.G., Acting High Commissioner of the Commonwealth of Australia in London.

Syria and the Lebanon, 1933.

Accredited Representative :

M. R. DE CAIX, former Secretary-General of the High Commissariat of the French Republic in Syria and the Lebanon.

Tanganyika Territory, 1933.

Accredited Representative :

Mr. J. A. CALDER, Colonial Office.

A. SPECIAL QUESTIONS.¹

**I. TRANSMISSION AND EXAMINATION OF THE REPORT
ON THE ADMINISTRATION OF THE TERRITORY OF SOUTH WEST AFRICA
FOR 1933 (pages 10-11, 93, 128).**

The Permanent Mandates Commission has taken note of a letter, dated March 15th, 1934, sent to the Secretary-General of the League of Nations by the accredited representative of the Union of South Africa to the League. In this letter, the South African Government explains why it has been unable to send its annual report on the administration of South West Africa to the League at the proper time, and asks "that permission be granted for the presentation of the report in time for examination at the October session or later".

The Commission has therefore been obliged to postpone until its 1934 autumn session the examination of the annual report on the administration of South West Africa for 1933, which, for this purpose, must reach the League of Nations before September 1st.

The Commission is aware of the exceptional circumstances that have prevented the mandatory Power from drawing up and forwarding the annual report within the prescribed time-limit. It considers, however, that this case should not establish a precedent.

The Commission therefore requests the Council to instruct the Secretary-General of the League of Nations to communicate the foregoing to the representative of the Union of South Africa.

**II. WESTERN SECTION OF THE FRONTIER BETWEEN SYRIA AND PALESTINE
(pages 9, 11-12, 33-34, 86, 103).**

OPINION OF THE COMMISSION.

On May 14th, 1934, the Council adopted the following resolution :

" The Council,

" In response to the joint request of the Governments of France and the United Kingdom, the mandatory Powers for Syria and Palestine :

" Declares its willingness to examine, with a view to approval, the Franco-British Agreement of March 7th, 1923, which delimits the western section of the frontier defined by the Convention of December 23rd, 1920 ;

" Accordingly invites the Permanent Mandates Commission to inform it as soon as possible of its opinion on the line fixed by the said Agreement from the point of view of the execution of the mandates ;

" Therefore requests the Secretary-General to communicate to the Permanent Mandates Commission the documentation submitted by the French and United Kingdom Governments and the Minutes of the present meeting of the Council."

The Permanent Mandates Commission took note of the documentation submitted to it in conformity with this resolution.

It noted that the Agreement of March 7th, 1923, delimits, with slight changes, the western section of the frontier-line defined by the Convention of December 23rd, 1920.

During the eleven years which have elapsed since the coming into force of this Agreement, the Commission has had no occasion to note any disadvantages arising in connection with the present frontier-line from the standpoint of the administration of the mandated territories concerned, or from that of the interests of the local populations.

¹ The page numbers following each title are those of the Minutes of the session.

The Commission has accordingly the honour to inform the Council, in reply to the request contained in the resolution of May 14th, 1934, that the line fixed by the Franco-British Agreement of March 7th, 1923, does not call for any special observation on its part.

B. 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.¹

TERRITORIES UNDER "A" MANDATE.

Palestine and Trans-Jordan.

I. GENERAL OBSERVATION.

The Commission has noted with interest the measures taken by the mandatory Power in connection with settlement, agricultural development and co-operative societies.

At the same time, the Commission has also been glad to learn that Palestine has continued to enjoy favourable economic and financial conditions, and that the Administration is endeavouring to improve the condition of that part of the agricultural population which has suffered from bad harvests (pages 13-14, 15, 17, 18, 28-30, 32, 40, 119).

II. SPECIAL OBSERVATIONS.

1. *Incidents of October 1933.*

The Commission thanks the mandatory Power for the information supplied in writing and orally in regard to the incidents which occurred in Palestine in October 1933, the causes which gave rise to those incidents and the action taken.

It will be glad to have detailed information in the next report as to the final decisions arrived at in connection with these incidents.

It has further noted the statement of the accredited representative that the number of troops and police is sufficient to ensure the maintenance of public order (pages 17, 19-20, 22, 119).

2. *Frontiers.*

The Commission would welcome in the next report a statement concerning the frontier between Trans-Jordan and Sa'udi Arabia and also information as to the line of demarcation between the vilayet of the Hejaz and that of Syria in the time of the Ottoman Administration (pages 34-35, 119).

3. *Local Autonomy.*

The Commission took note of the ordinance concerning municipalities and the circumstances in which it was issued.

It would be glad to be kept informed of the measures taken in application of this ordinance and as to the activities of the municipal councils (pages 16, 21, 22, 23, 119).

4. *Immigration.*

The Commission will be glad to learn by what means the mandatory Power proposes to establish a closer relation between the number of new arrivals and the true economic absorptive capacity of the country on the long view (pages 24-28, 119).

5. *Education.*

The Commission recognises the efforts made by the mandatory Power to extend education and hopes that circumstances will enable it to make the benefits of education more generally available in the near future, especially to Arab children (pages 14, 15, 38-39, 119).

¹ The page numbers following each observation are those of the Minutes of the session

6. *Marriage of Children.*

With reference to the observations made at its twenty-second session (Minutes, page 363), the Commission notes with satisfaction that the minimum age of marriage for girls has been raised to 14 and that this decision has received the approval of the various heads of religious communities (pages 31, 119).

7. *Public Finances.*

The Commission will be interested to receive further information as to the use to be made of the £P2,000,000 loan for Palestine guaranteed by the mandatory Power (pages 14, 40, 119).

Syria and The Lebanon.

GENERAL OBSERVATIONS.

The Commission has taken note of the text of the Treaty of Friendship and Alliance between France and Syria and the Protocols and letters relative thereto, which are annexed to the report for 1933.

Being desirous of entirely reserving its opinion as to the political maturity of the populations under mandate, and therefore as to the date and manner of their emancipation, the Commission has deliberately refrained from any comment upon the treaty. This instrument, which is not yet finally binding upon the two parties, is intended only to regulate the relations between the mandatory Power and the Syrian community after the termination of the mandate, no proposal for which, the Commission observes, has yet been brought before it.

Further, the Commission has heard with interest the description given of the present political and parliamentary situation in Syria and the Lebanon. It regrets that the incidents which occurred in Parliament in connection with the publication of the Franco-Syrian Treaty obliged the mandatory Power to suspend the proceedings of the Syrian Chamber. The Commission hopes that the normal parliamentary regime—more particularly in the matter of the budget—will soon be restored.

SPECIAL OBSERVATIONS.

1. *Municipal Administration.*

The Commission has noted that in a number of places the elected members of the municipal council have been considered inefficient and have been replaced by officials or administrative boards appointed by the Government.

It would be glad to know the effects of this measure from the point of view of the administration of municipal affairs (pages 77, 120).

2. *Military Clauses.*

The Commission hopes to find in the next report a survey of the progress made by the Syrian and Lebanese officers and non-commissioned officers of the local troops and information as to the value of those troops for the maintenance of order and the defence of the territory, if necessary (pages 78, 120).

3. *Prisons.*

The Commission desires that, in spite of financial stringency, the competent authorities will be able to improve the prison system, more particularly as it affects juvenile offenders (pages 79-80, 120).

4. *Wakfs.*

The Commission would be glad to know the result of the enquiry that has been undertaken with a view to modifying the administration of the Moslem Wakfs (pages 81, 120).

5. *Economic Equality.*

The Commission concerned itself with certain clauses in the ordinances of November 24th and December 30th, 1933, and January 11th, 1934, regarding the import of oils.

It noted that the purpose of these regulations was to prevent the adulteration of local butter and oils, damaging to the reputation of these products, and to protect them from foreign competition.

It trusts that there is no danger of these new measures giving rise to infringements of the clauses of Article 11 of the mandate concerning economic equality, and hopes that it may be completely reassured on this point (pages 83-84, 120).

6. *Drugs.*

The Commission hopes that the steps taken to strengthen the supervision over the possession of and traffic in hashish will prove more effective than in the past (pages 89-90, 120).

7. *Education.*

The Commission has observed that the percentage of children of school age not attending school is still relatively high, owing to the insufficiency of school buildings and teaching staff. It trusts that, notwithstanding the financial difficulties, the Administration will gradually succeed in improving these conditions (pages 90, 120).

8. *Public Finance.*

The Commission is grateful to the mandatory Power for the very full particulars it has included in the report regarding the revenue and expenditure of the various administrative units of the mandated territory. It would like these details to be supplemented in future by a statement and synthetic tables to enable the Commission to form an opinion of the financial conditions in the mandated territory as a whole (pages 91-93, 120).

TERRITORY UNDER "B" MANDATE.

Tanganyika.

1. *Conference of East African Governors.*

The Commission would be glad to find in future reports as much information as possible on the work of the Conference of East African Governors, especially as to the reasons for any recommendation or agreement that concerns the mandated territory (pages 104, 105, 106, 122).

2. *Administrative Questions.*

The Commission learned from the accredited representative that the issue of a common postage-stamp for Tanganyika, Kenya and Uganda had been sanctioned. It has also taken note of the details supplied to it with regard to the amalgamation of the Tanganyika postal services with those of Kenya and Uganda. It has further noted the information contained in the report as to the Customs agreement between Tanganyika on the one hand and Kenya and Uganda on the other.

The Commission, wishing to safeguard the integrity of the mandate, attaches special importance to all that concerns the relations of Tanganyika with the two neighbouring British possessions and hopes to receive information as to the reasons for the issue of the common postage-stamp and as to the allocation of postal, telegraphic and Customs expenditure and revenue between the three territories (pages 104-105, 106, 108, 109-110, 122).

3. *Taxation.*

The Commission would be glad to have full information as to the incidence of taxation on non-natives (including commercial companies) (pages 109, 122).

4. *Administration of Justice.*

The Commission would be glad to know when it may expect to receive the report of the Commission of Enquiry, under the Chairmanship of Mr. Bushe, regarding the administration of Justice (pages 111, 122).

5. *Railways.*

The Commission would be glad to know which of the recommendations of the report by Mr. Gibb it is proposed to adopt (pages 108, 122).

6. *Military.*

The Commission would be glad to find in future reports detailed information as to the proportionate amount paid for the upkeep of the troops employed in the territory (pages 113, 122).

7. *Education.*

The Commission would be glad to find in future reports fuller information on the Native Administration schools and to know what proportion of the cost of the European children's education is borne by the European community (pages 116-117, 122).

8. *Traffic in Liquors.*

The Commission hopes that the next annual report will contain more complete information on the alcoholic content of all native beverages (pages 118, 122).

TERRITORIES UNDER "C" MANDATE.

Nauru.

No observations (page 120).

New Guinea.

1. *Native Customs.*

While paying its tribute to the work of civilisation that has been done by the missions, the Commission hopes that they will bear in mind the importance of preserving all the sound and valuable features of the native culture and customs (pages 44, 120).

2. *Education.*

The Commission hopes to find in the next report more detailed particulars on the mission schools.

The Commission has noted the information supplied by the mandatory Power regarding the proposal that the missions should be made solely responsible for native education in the territory. It trusts that the administration will maintain an effective control over the education in the territory (pages 48-49, 120).

C. OBSERVATIONS ON PETITIONS.¹

At its twenty-fifth session, the Commission considered the petitions mentioned below, together with the observations with regard thereto furnished by the mandatory Powers. Each of the petitions was reported on in writing by a member of the Commission. After discussion, the following conclusions were adopted by the Commission. The texts of the reports submitted to the Commission are attached to the Minutes.²

Palestine.

- (a) *Memorandum, dated May 1933, by the Executive of the General Council (Vaad Leumi) of the Jewish Community of Palestine; Memorandum, dated April 9th, 1933, by the Chief Rabbinate of Palestine; and Memorandum, dated May 11th, 1933, by the Central Agudath Israel (document C.P.M.1402) (pages 16, 22, 30-31, 122, 130-132).*

Observations of the United Kingdom Government, dated May 17th, 1934 (document C.P.M.1504).

Report (see Minutes, Annex 5).

CONCLUSIONS.

" The Commission,

" Having taken note of the memorandum, dated May 1933, by the Executive of the General Council (Vaad Leumi) of the Jewish Community of Palestine; of the memorandum, dated April 9th, 1933, by the Chief Rabbinate of Palestine; of the memorandum, dated May 11th, 1933, by the Central Agudath Israel, and of the observations of the mandatory Power thereon;

" (1) With regard to the question of discrimination which the Jewish petitioners believe to exist to the detriment of the Rabbinical courts, as compared with the Islamic courts:

" Notes that there does in fact exist a statute of the Moslem courts, inherited from the Ottoman Empire, which is without equivalent for the religious courts of the other religions;

" Notes that this situation, even if it does not amount to a definite infringement of any given clause of the mandate, does at least constitute an indisputable inequality of treatment;

" Admits that it is not in a position to suggest any specific reform which would put an end to this inequality; but

" Expresses the hope that the mandatory Power will be able to find appropriate means which will provide, if not a formal degree of equality, at least some parallel treatment in finance;

¹ The page numbers given at the end of each title are those of the Minutes of the session.

² As the Commission has not thought it necessary to annex the texts of the petitions and the mandatory Powers' observations thereon to the Minutes, and consequently to transmit them to the Council, it recommends that copies of those documents should be deposited in the League of Nations Library and thus placed at the disposal of persons wishing to consult them.

“(2) With regard to the question of the Jewish communities,
“ Having noted with satisfaction the statements of the accredited representative to the effect that this question is in process of settlement by friendly agreement :
“ Considers it undesirable to express any opinion on the subject.”

- (b) *Petitions, dated June 12th and August 28th, 1933, from the Council Waad Adath Ashkenazim of Jerusalem* (document C.P.M.1486) (pages 122, 132-134).

Observations of the United Kingdom Government, dated November 25th, 1933 (document C.P.M.1486).

Report (see Minutes, Annex 6).

CONCLUSIONS.

“ The Commission,

“ Having examined the petitions, dated June 12th and August 28th, 1933, from the Council Waad Adath Ashkenazim of Jerusalem and the observations of the mandatory Power of November 25th, 1933 ;

“ Noting, on the one hand, that the petitioners enjoy complete religious liberty and that there is nothing to prevent the immigration for religious purposes of Jews whose maintenance they will provide for ; and

“ Recognising, on the other hand, 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 :

“ Considers that there are no grounds for making a special recommendation to the Council on the subject of the petitioners' requests.”

- (c) *Petition, dated May 25th, 1933, from M. Auni Abdul Hadi, Secretary-General of the Arab Independence Party, Jerusalem, communicating a Memorandum, dated January 8th, 1933* (document C.P.M.1434) (pages 21, 22, 38-39, 122, 134-135).

Observations of the United Kingdom Government, dated July 14th, 1933 (document C.P.M.1434).

Report (see Minutes, Annex 7).

CONCLUSIONS.

“ The Commission, having examined the petition, dated May 25th, 1933, from M. Auni Abdul Hadi, Secretary-General of the Arab Independence Party of Jerusalem, together with the observations of the mandatory Power thereon, considers that no action should be taken on this petition.”

- (d) (1) *Petition, dated May 18th, 1933, from M. D. Warwar, President of the “ Sociedad Palestino-Arabe ” of Cuba* (document C.P.M.1439).

Observations of the United Kingdom Government, dated November 9th, 1933 (document C.P.M.1485).

- (2) *Petition, dated October 5th, 1933, from M. Ihsan el Djabri* (document C.P.M.1470).

Observations of the United Kingdom Government, dated December 21st, 1933 (document C.P.M.1487).

- (3) *Petition, dated October 29th, 1933, from the “ Comité exécutif syro-palestinien ” of Cairo* (document C.P.M.1484).

Observations of the United Kingdom Government, dated December 20th, 1933 (document C.P.M.1488).

- (4) *Petition, dated November 29th, 1933, from the “ Union régionale des Sionistes de l'Est de la France ”, Strasbourg* (document C.P.M.1490).

Observations of the United Kingdom Government, dated February 23rd, 1934 (document C.P.M.1495).

- (5) *Petition, dated September 30th, 1933, from M. Taufik Hammad and Other Arab Notables of Nablus* (document C.P.M.1496).

Observations of the United Kingdom Government, dated March 13th, 1934 (document C.P.M.1496).

- (6) *Petition, dated November 2nd, 1933, from Certain Inhabitants of Qalqilia* (document C.P.M.1498).

(Pages 17, 19-20, 22, 24-28, 119, 122, 135-136.)

Observations of the United Kingdom Government, dated April 24th, 1934 (document C.P.M.1498).

Report. See Minutes, Annex 8.

CONCLUSIONS.

“ The Commission, having noted the petitions :

“ (1) From M. D. Warwar, President of the ‘ Sociedad Palestino-Arabe ’ of Cuba, dated May 18th, 1933 ;

“ (2) From M. Ihsan el Djabri, dated October 5th, 1933 ;

“ (3) From the ‘ Comité exécutif syro-palestinien ’ of Cairo, dated October 29th, 1933 ;

“ (4) From the ‘ Union régionale des Sionistes de l’Est de la France ’, Strasburg, dated November 29th, 1933 ;

“ (5) From M. Taufik Hammad and other Arab notables of Nablus, dated September 30th, 1933 ;

“ (6) From certain inhabitants of Qalqilia, dated November 2nd, 1933 ;

and the correspondence thereon from the mandatory Power :

“ Considers that these petitions do not call for any special recommendation to the Council.”

- (e) *Memorandum on the Development of the Jewish National Home in Palestine in 1933, accompanied by a Letter, dated April 30th, 1934, from the President of the Jewish Agency for Palestine* (document C.P.M.1513) (pages 120, 136-137).

Observations of the United Kingdom Government, dated May 23rd and 28th, 1934 (documents C.P.M.1513 and 1518).

Report (see Minutes, Annex 9).

CONCLUSIONS.

“ The Commission, having taken cognisance of the Jewish Agency’s memorandum for 1933 and the mandatory Power’s observations thereon, considers that no recommendation to the Council is called for in this connection.”

Syria and the Lebanon.

- (a) *Petition, dated December 4th, 1933, from the Emir Chékib Arslan and M. Ihsan el Djabri* (document C.P.M.1489) (pages 101, 122, 137-138).

Observations of the French Government, dated May 22nd, 1934 (document C.P.M.1505).
Report (see Minutes, Annex 10).

CONCLUSIONS.

“ The Commission, having examined the petition, dated December 4th, 1933, from the Emir Chékib Arslan and M. Ihsan el Djabri, and having decided, moreover, to refrain from expressing any opinion with regard to the Franco-Syrian Treaty, does not feel able to make any recommendation to the Council in connection with the protests against the whole policy of the mandatory Power in Syria.”

- (b) *Petitions (five in number), dated November 20th, 21st and 26th, 1933, with regard to the Franco-Syrian Treaty* (document C.P.M.1512) (pages 101, 121, 138).

Observations of the French Government, dated May 19th, 1934 (document C.P.M.1512).
Report (see Minutes, Annex 11).

CONCLUSIONS.

“ The Commission, having taken note of the five petitions dated November 20th, 21st and 26th, 1933, protesting against the Franco-Syrian Treaty, and having deliberately refrained, for the reasons indicated in its observations to the Council, from giving an opinion on that treaty, does not consider it desirable to make any recommendation to the Council in connection with these petitions.”

- (c) *Petition, dated August 31st, 1933, from M. Mohammed Adib Haurani and Other Notables of Hama* (document C.P.M.1510) (pages 122, 138-139).

Observations of the French Government, dated May 15th, 1934 (document C.P.M.1510).
Report (see Minutes, Annex 12).

CONCLUSIONS.

“ The Commission, having examined the petition dated August 31st, 1933, from M. Mohammed Adib Haurani and other notables of Hama, in the light of the mandatory Power’s observations, considers that this petition does not call for any special recommendation on its part to the Council.”

- (d) *Petition, consisting of a Telegram, dated January 17th, 1934, and of a Letter, dated February 1st, 1934, from M. Sami Slim* (document C.P.M.1507) (pages 93, 121, 139).

Observations of the French Government, dated May 15th, 1934 (document C.P.M.1507).
Report (see Minutes, Annex 13).

CONCLUSIONS.

“ The Commission, having examined the petition, consisting of a telegram and a letter, dated respectively January 17th and February 1st, 1934, from M. Sami Slim, together with the French Government's observations thereon, is of opinion that no action should be taken on the said petition.”

- (e) *Petition, dated March 7th, 1934, from M. Adib Safadi, M. Mounir Ajlani and Other Inhabitants of Damascus* (document C.P.M.1511) (pages 121, 140).

Observations of the French Government, dated May 18th, 1934 (document C.P.M.1511).
Report (see Minutes, Annex 14).

CONCLUSIONS.

“ The Commission, having examined the petition, dated March 7th, 1934, from M. Adib Safadi, M. Mounir Ajlani and other inhabitants of Damascus, and the French Government's observations thereon, considers that it does not call for any recommendation to the Council.”

- (f) *Petition, dated April 15th, 1934, from M. Abdul Hamid al Djabri and Other Inhabitants of Aleppo* (document C.P.M.1509) (pages 76, 121, 140).

Observations of the French Government, dated May 19th, 1934 (document C.P.M.1509).
Report (see Minutes, Annex 15).

CONCLUSIONS.

“ The Commission, having examined the petition, dated April 15th, 1934, from M. Abdul Hamid al Djabri and other inhabitants of Aleppo, and having taken note of the observations of the French Government and of the declaration of its accredited representative, considers that it does not call for any recommendation to the Council.”

- (g) *Petition, dated April 30th, 1934, from M. Réchid Mélouhi* (document C.P.M.1526) (pages 101-102, 103, 122, 123, 141-143).

Observations of the French Government, dated May 29th, 1934 (document C.P.M.1526).
Report (see Minutes, Annex 16).

CONCLUSIONS.

“ The Commission, having examined the petition, dated April 30th, 1934, from M. Réchid Mélouhi, Secretary of the ‘ Committee for the Defence of Parliamentary Institutions in Syria ’, together with the letter from the French Government, dated May 29th, 1934, and the accredited representative's declarations of June 7th, 1934, regrets to note the irregularities that have occurred in the functioning of the parliamentary system.

“ It hopes to find in the next report information to the effect that a speedy improvement in the situation has permitted the resumption of the regular exercise of legislative power by Parliament, more particularly in regard to budgetary matters.”

- (h) *Petition, dated December 7th, 1933, from Dr. Ouagih Baroudi and Other Inhabitants of Hama* (document C.P.M.1508) (pages 121, 122-123, 141-143, 144).

Observations of the French Government, dated May 15th, 1934 (document C.P.M.1508).
Report (see Minutes, Annex 17).

CONCLUSIONS.

“ The Commission, having examined the petition, dated December 7th, 1933, from Dr. Ouagih Baroudi and other inhabitants of Hama, with regard to the parliamentary incidents that occurred at Damascus in November 1933, and having considered these incidents in connection with another petition, does not think it necessary to make any recommendation to the Council in connection with the present petition.”

- (i) *Petition, dated March 23rd, 1934, from Certain Inhabitants of Hama* (document C.P.M.1506) (pages 121, 122-123, 141-143, 144).

Observations of the French Government, dated May 18th, 1934 (document C.P.M.1506).
Report (see Minutes, Annex 18).

CONCLUSIONS.

"The Commission, in view of the petition, dated March 23rd, 1934, from certain inhabitants of Hama with regard to the suspension, during the spring session, of the debates of the Syrian Chamber of Deputies, considers that there is no need to submit a special recommendation to the Council in this matter, which it is examining elsewhere."

Togoland under French Mandate.

Petitions from the "Bund der Deutsch-Togoländer".¹

(a) *Dated February 2nd, March 28th and November 23rd, 1931* (document C.P.M.1493).
Observations of the French Government, dated February 19th, 1934 (document C.P.M.1493).

(b) *Dated May 22nd, 1932* (document C.P.M.1492).

(Pages 121, 144-147.)

Observations of the French Government, dated December 28th, 1933 (document C.P.M.1492).

Report. See Minutes, Annex 19b.

CONCLUSIONS.

"The Commission,

"Having before it the petitions, dated February 2nd, March 28th and November 23rd, 1931, and May 22nd, 1932, from the 'Bund der Deutsch-Togoländer', forwarded by the French Government on February 19th, 1934, and December 28th, 1933, respectively ;

"Considering that these should be assimilated to anonymous petitions :

"Thinks it proper to reject them without examination."

II.

COMMENTS OF THE ACCREDITED REPRESENTATIVES SUBMITTED
IN ACCORDANCE WITH SECTION (e) OF THE CONSTITUTION
OF THE PERMANENT MANDATES COMMISSION.

The accredited representatives for Palestine and Trans-Jordan, Syria and the Lebanon, Tanganyika and New Guinea have stated that they have no comments to make on the observations contained in the report of the Permanent Mandates Commission.

¹ In response to the wishes expressed by the Commission at its twenty-fourth session (Minutes, pages 54 and 55), the French Government, by a letter dated December 15th, 1933, forwarded a note from M. Besson, accredited representative, on the "Bund der Deutsch-Togoländer" (document C.P.M.1491, Annex 19a).

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Govt. : Government
P. M. C. : Permanent Mandates Commission

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