LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

MINUTES

of the

TWENTY-FIRST SESSION

Held at Geneva from October 26th to November 13th, 1931,

including the

REPORT OF THE COMMISSION TO THE COUNCIL

on the Ordinary Work of the Session,
the Comments by the Accredited Representatives of the Mandatory Powers,

and the

SPECIAL REPORT OF THE COMMISSION TO THE COUNCIL

on the Proposal of the British Government

with regard to

THE EMANCIPATION OF IRAQ.

GENEVA, 1931.

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Geneva, December 29th, 1931

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PERMANENT MANDATES COMMISSION

MINUTES OF THE TWENTY-FIRST SESSION

Held at Geneva from October 26th to November 13th, 1931.

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

Marquis Theodoli *(Chairman)* ;
M. Van Rees *(Vice-Chairman)* ;
Mlle. Dannevig ;
Lord Lugard ;
M. Merlin ;
M. Orts ;
M. Palacios ;
Count de Penha Garcia ;
M. Rappard ;
M. Ruppel ;
M. Sakenobe.

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

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

M. de Azcarate, Director of the Administrative Commissions and Minorities Questions Section, and Mr. McKinnon Wood, Member of the Legal Section, were, at the Commission's request, present at several meetings during the session.

The following members were unable to attend certain meetings : the Marquis Theodoli, the seventeenth meeting; M. Merlin, the first five and the last three meetings; M. Orts, the last eight meetings ; the Count de Penha Garcia the twenty-second, twenty-third, twenty-eighth and twenty-ninth meetings.

In the absence of the Marquis Theodoli, M. Van Rees *(Vice-Chairman)* acted as Chairman during the seventeenth meeting.

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

Lieutenant-Colonel Sir Francis H. Humphrys, G.C.V.O., K.C.M.G., K.B.E., C.I.E., High Commissioner for Iraq ;
Mr. J. H. Hall, D.S.O., M.C., O.B.E., of the Colonial Office ;
M. Marchand, Commissioner of the French Republic for the Cameroons ;
M. M. Besson, Chief of the First Bureau of the Political Department at the French Ministry for the Colonies ;
Mr. G. S. Browne, C.M.G., Senior Resident in Nigeria ;
Mr. H. W. Thomas, Provincial Commissioner, Gold Coast ;
Mr. D. J. Jardine, O.B.E., Chief Secretary to the Government of Tanganyika Territory ;
M. Halewyck de Heusch, Director-General in the Belgian Ministry for the Colonies ;
Sir Thomas Mason Wilford, K.C.M.G., High Commissioner for New Zealand in London ;
M. N. Ito, Deputy Director of the Imperial Japanese Bureau accredited to the League of Nations.

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

FIRST MEETING.

Held on Monday, October 26th, 1931, at 3 p.m.

Opening Speech by the Chairman.

THE CHAIRMAN spoke as follows :

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

As on previous occasions, I propose to give you a brief outline of the proceedings of the Council and the Assembly with regard to the mandates question, the records of which have been communicated to you by the Secretariat.

The Commission's report on its twentieth session was examined by the Council at its meeting on September 4th, 1931, at which our Vice-Chairman, M. Van Rees, was good enough to represent the Commission. The Council requested the Secretary-General to communicate the Commission's observations on the annual reports to the Governments of the mandatory Powers concerned, with the request that they should take action upon them as desired by the Commission. With regard to petitions, the conclusions of the Commission were approved by the Council.

The Council also took note of the observations of the Commission on the British Government's special report on the progress of Iraq during the period 1920-1931, and requested the Secretary-General to communicate those observations to the mandatory Power for Iraq. In connection with the agreements relating to the pipe-lines linking the Mosul area with the Mediterranean, the Council took note of the Commission's discussions and the statements made before the Commission by the accredited representatives of the mandatory Powers. It requested the Secretary-General to transmit this information to the Governments of the mandatory Powers for Syria and Lebanon and for Palestine for the necessary action. The Council further requested the Secretary-General to distribute and publish the tables of general international conventions applied in the territories under mandate, in accordance with the suggestions put forward by the Commission.

I should like to call special attention to the Council's resolution regarding the general conditions which must be fulfilled before the mandate regime can be brought to an end in respect of a country placed under that regime. After noting the conclusions at which the Mandates Commission had arrived on that question, the Council specifically stated that, in view of the responsibilities devolving upon the League, the degree of maturity of mandated territories which it might in future be proposed to emancipate should be determined in the light of the principles laid down in those conclusions, though only after a searching investigation of each particular case. The resolution further states that the Council will have to examine with the utmost care all undertakings given by the countries under mandate to the mandatory Power in order to satisfy itself that they are compatible with the status of an independent State, and more particularly that the principle of economic equality is safeguarded in accordance with the spirit of the Covenant and with the recommendation of the Mandates Commission. You will doubtless have read with the keenest interest the reports of the important discussions which preceded the adoption of this resolution by the Council and will have found therein useful indications as to its interpretation.

Lastly, in response to a request from the representative of Great Britain for the emancipation of Iraq, the Council passed a resolution requesting the Permanent Mandates Commission to submit its opinion on this request after consideration of the same in the light of the Council's resolution of September 4th, 1931, with regard to the general conditions to be fulfilled before a mandate can be brought to an end.

I now pass to the proceedings of the twelfth Assembly. In accordance with the precedent established for several years past, the Assembly referred to its Sixth Committee, on September 10th, 1931, the annual reports of the mandatory Powers, the reports of the Permanent Mandates Commisssion, and all other documents relating to the mandate question which had been distributed to the Members of the League since the Assembly's last session. The Sixth Committee discussed mandates questions at its meetings on September 17th, 18th, and 21st.

In the report adopted by the Assembly on the proposal of the Sixth Committee, it is noted that, thanks to the efforts of the Council, the Mandates Commission and the Mandatory Powers, the essentially humanitarian experiment instituted by Article 22 of the Covenant has, after only a short period, been crowned with indisputable success. It records the praises received by the Mandates Commission from several delegations. The Assembly approved the rules laid down in the Council's resolution of September 4th, 1931, with regard to the general conditions for the cessation of a mandate. It stated emphatically that the emancipation of the territories covered by Article 22 of the Covenant should be made dependent on the fulfilment of certain *de facto* conditions, and on the existence of certain guarantees stipulated in the interests both of the territories concerned and of the international community. The guarantees relating to the safeguarding of the rights of foreigners, the effective protection of racial, linguistic and religious minorities, and the maintenance of the principle of economic equality, were, in its opinion, of quite special importance.

In the resolution it adopted on September 23rd, 1931, the Assembly renewed the expression of its confidence in the mandatory Powers, the Mandates Commission and the Council, and again expressed its gratification at what had been achieved through co-operation between them.

The Sixth Committee's report to the Assembly also takes up recommendations of the Mandates Commission, which were endorsed by the Council, regarding the development of public health services as being likely to contribute largely to the success of the work of civilisation undertaken in the mandated territories. In conclusion, the Sixth Committee notes in its report that order has not been disturbed in Palestine since the regrettable incidents of 1929, and associates itself with the hope expressed by the Mandates Commission and the Council that the efforts made by the mandatory Power to facilitate Jewish immigration without infringing the rights of the Arab population may be crowned with success.

Statement by the Director of the Mandates Section.

M. Catastini made the following statement : — The work of the Mandates Section has proceeded normally since the last session of the Mandates Commission in June. The Minutes, together with the report of the Commission on its twentieth session, which closed on June 27th, 1931, were circulated and published on August 20th, 1931. Documents and information were communicated to the members of the Commission as in the past, except that the *Arab Press Review* was discontinued, in conformity with a decision of the Commission in June 1931. Records of the discussions which took place last month concerning mandates, both in the Council and in the Assembly, have been sent to each member of the Commission.

A list of the official documents (Annex 1) sent in by the mandatory Powers has, as usual, been drawn up for each of the territories the administration of which will be examined at the present session. This list will shortly be distributed to members of the Commission.

The annual reports reached the Secretariat in the following order :

Territory.	Administrative period.	Date of receipt.
Western Samoa	1930–31	August 14th, 1931
Islands under Japanese mandate	1930	August 27th, 1931
Ruanda-Urundi	1930	August 31st, 1931
Iraq	1930	September 2nd, 1931
Togoland under British mandate	1930	September 4th, 1931
Cameroons under British mandate	1930	September 4th, 1931
Togoland under French mandate	1930	September 4th, 1931
Cameroons under French mandate	1930	September 4th, 1931
Tanganyika	1930	September 14th, 1931

General Questions. — Present Position.

Liquor Traffic. — General Memorandum revised by the Mandatory Powers and Delimitation of Prohibition Zones in Central Africa.

On September 1st, 1928, the Council, on the Commission's recommendation, communicated to the Powers holding B and C mandates a memorandum, drawn up by the Secretariat, summarising various particulars on the liquor traffic in those territories, and requested them to revise the contents. A document containing the particulars, as revised by the mandatory Powers, was distributed in proof to the members of the Commission during the nineteenth session ; it was circulated to the Council and the Members of the League and published in January 1931. This memorandum reproduces, in tabular form, the statistical data for each of the territories under mandate. It also contains a summary of legislative measures and miscellaneous information regarding the liquor traffic in the territories under B and C mandates.

During its nineteenth session, the Commission, considering that the conclusions should be drawn from the particulars contained in the memorandum, which Lord Lugard had kindly undertaken to revise with the assistance of two experts, decided to examine it during the twentieth session. The same applies to the document containing the information given by the mandatory Powers on the subject of prohibition zones in Central Africa, in accordance with the Council's decision of September 1st, 1928.

In June last, the Commission adjourned the examination of this question until the present session.

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

During its nineteenth session, the Commission finished collecting the data which it considered necessary in order to supplement its findings on this question. In June last, the examination of the matter was adjourned until the present session.

Statistical Information regarding Mandated Territories.

Several additional communications have been made by the mandatory Powers regarding the tables of general statistics on the territories under mandate published in 1928 in accordance with the Council's resolution of March 5th, 1928. Further, with the help of the annual reports for the last few years, the Secretariat has been able to bring up to date certain of the particulars contained in these tables. The Secretariat proposes to submit to the Commission at its present session a revised version of the tables, which could be sent to the mandatory Powers for the purpose of being verified.

Adoption of the Agenda and of the Programme of Work.

The CHAIRMAN opened the discussion on the provisional revised agenda (Annex 2).

M. PALACIOS said that the question of closer administrative union between Tanganyika territory on the one hand and Kenya and Uganda on the other, which had been successively adjourned at the last three sessions of the Commission, had been included in the provisional agenda of the present session.

The discussions of the nineteenth session clearly showed that the Commission did not wish to take up this question again until the British Government had communicated to it the terms of its decision in conformity with its promise, which the Council had noted on September 6th, 1929.

As the decision of the British Government had not yet been communicated to the Commission, he proposed that the question should be struck off the agenda of the present session.

M. Palacios' proposal was adopted.

The revised provisional agenda was adopted with this modification.

The programme of work proposed by the Chairman was adopted.

Economies affecting the Budget of the Mandates Commission.

The CHAIRMAN assumed that all the members of the Commission had read the report which the twelfth Assembly had adopted on September 29th, 1931, on the proposal of its Fourth Committee, as the Secretariat had sent copies to them. His colleagues would note that, in the budget economies effected by the Assembly, the credits for the Mandates Commission had not been spared.

These measures of economy meant that, in addition to a reduction of the daily and annual allowances for members of the Commission, the Commission would only be able to hold one session in 1932. He did not ask his colleagues to fix the date of that session immediately, but desired to draw their attention to the fact that it could not take place before the beginning of October 1932. Some of the annual reports which the Commission would have to examine next year would not, under the Commission's rules of procedure, reach the Secretariat before September 1st, 1932. As the Commission could not possibly meet during the Assembly session, and as its printed report to the Council had to be distributed at the beginning of January 1933, the choice of dates for the twenty-second session was restricted to the months of October and November 1932.

The discussions of the Assembly showed that, if a deficit at the end of 1931 were to be avoided, the organs of the League would have to limit their expenditure as drastically as possible.

The Mandates Commission could only reduce its cost to the budget during the present year by reducing to a strict minimum the length of its discussions and consequently the printing of its Minutes. He therefore appealed to his colleagues to be very brief in their speeches and in the reports submitted on general questions and petitions. He was sure that, if a sincere effort were made, the members of the Commission would also be able to make fewer corrections in their speeches as set out in the provisional Minutes.

The discussion of the questions of principle involved by the budgetary economies effected by the Assembly was adjourned to a later meeting.

(The Commission went into private session.)

Ruanda-Urundi: Examination of the Annual Report for 1930.

M. Halewyck de Heusch, Director-General in the Belgian Ministry for the Colonies, accredited representative of the mandatory Power, took his seat at the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN welcomed the accredited representative of the mandatory Power.

Transfer of the Capital of the Territory.

The Chairman recalled the fact that, at its sixteenth session, the Mandates Commission had heard a very interesting statement from the Governor of Ruanda-Urundi on the general principles of the administrative policy of the mandatory Power. In this it was said, *inter alia*, that Usumbura was separated from the interior by a climatic barrier, and was therefore not capable of becoming a centre of civilising influence, and that it had been decided to abandon that town, the provisional capital of the territory, and that all necessary preparatory work had been done for constructing in the heart of the country the definitive capital in which would be centred all the scientific, charitable and educational institutions. This capital was to be Astrida. The Commission had heard with considerable interest the statement of the advantages for the territory which would follow from the moving of the capital from Usumbura to Astrida. In its observations, the Commission even took note of the mandatory Power's decision to form at Astrida a centre of civilising influence, and had expressed the hope that this proposal might soon be carried out.

During its nineteenth session, the Commission dealt with the transfer of the capital of the territory and asked the accredited representative if this proposal had been abandoned. The accredited representative had replied that it was rather a question of making a division between Usumbura and Astrida, the first of these towns remaining the administrative capital and the second becoming the important centre of civilising institutions. The maintenance of the administrative capital at Usumbura would be explained by the necessity for compulsory expropriation of 8,000 natives from Astrida.

According to declarations made by the Colonial Minister in the Belgian Senate, the proposed transfer of the capital to Astrida was practically abandoned – in the first place, according to him, owing to the bad situation of that town, which rendered relations with the local and European authorities difficult ; from the economic point of view, owing to the lack of water and the necessity that would arise for costly engineering work; and, lastly, from the social point of view, owing to the fundamental inconvenience involved in the forced expropriation of eight to ten thousand natives who would have to be removed in order to instal the administrative services.

According to Press commentaries, the local authority had abandoned the idea of making Astrida the capital at the request of the Chamber of Commerce of Usumbura. This assertion was even found in the report on the activities of the Chamber of Commerce in 1930. " Satisfaction " is there expressed " that the local Government had been induced to abandon the disadvantageous proposal to transfer the capital to Astrida, a proposal which was prejudicial to its interests ".

Could the accredited representative give the Commission any additional information on the subject ? It was to be noted that the report for 1930 entirely passed over this important question. Information would be all the more necessary, as the reasons given for stating that Astrida was badly situated from the point of view of its relations with the interior and exterior seemed to be somewhat in contradiction with previous declarations. Was so long a time necessary to realise that water was lacking at Astrida ? Was it true that the necessary daily supply for that place would be 2,000 cubic metres, whereas Elisabethville had only a daily supply of 1,500 cubic metres ? On the other hand, was it true that at Usumbura there was a high sickness and death rate, that consequently labour was very scarce, and that the natives of the interior refused to go there ? The Commission would be grateful if the accredited representative would give detailed information on the foregoing points so as to allay its anxieties, and inform it whether any schemes had been adopted with regard to the situation of the new capital.

M. Halewyck de Heusch replied that the Chamber of Commerce of Usumbura had been wrong in thinking that a decision taken some time previously had been the result of its own representations. Naturally, commercial interests had had to be taken into account ; but there were other very important interests to consider, and the officials of the mandated territory who had assumed the responsibility of suggesting the solution had given due weight, without discrimination, to every kind of interest. No final decision had yet been taken. The new Minister for the Colonies had wished to re-examine this question of the transfer of the capital, and he was still considering it. A final decision would only be taken when the Minister had obtained all the information he required regarding the grounds for the hesitancy which had been explained to the Commission in the previous year.

The Chairman was glad that the Belgian Colonial Minister was personally dealing with the matter.

Work of the Survey Commission.

The Chairman recalled that, during the examination of the report for 1929, he had observed that the work of the Survey Commission had been interrupted at the end of 1928 to permit the Commission to carry out in 1929 certain important work in the Congo. The accredited representative had informed the Mandates Commission that the work of the Survey Mission would be very shortly resumed in Ruanda-Urundi, and that it was hoped that it would be finished towards the end of 1931. [1]

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[1] See Minutes of the Nineteenth Session of the Permanent Mandates Commission, pages 124-125.

In the report for 1930 (page 7), it was said that the Survey Commission had been able to resume its work in the mandated territory. Had this work been resumed in 1931 and, if so, when could it be finished ?

M. Halewyck de Heusch stated that the work of the Survey Commission had, in fact, been delayed but had been resumed in Ruanda-Urundi at the beginning of 1931 and would end probably in 1932.

Programme drawn up by the Governor regarding the General Policy to be followed in the Territory.

The Chairman said that he had read with much interest the statement (page 5 of the report) of the " main outlines of general policy to be followed in Ruanda-Urundi ", which had been sent by the Governor to all officials of the territory. He desired particularly to emphasise the passages in that report relating to such subjects as means of remedying malnutrition in the natives by the intensification of traditional cultivation, research in experimental farms, the obligation on every native to cultivate and maintain a sufficient plantation of manioc, the means of improving sanitation, native medical aid schools, and the systematic afforestation of the territory.

M. Rappard asked at what moment " the programme of the main lines of general policy to be followed " was drafted. Was it a new programme or a codification based on past experience ?

M. Halewyck de Heusch stated that this programme must be regarded as a summary of experience gained. Successive Governors of Ruanda-Urundi had held the view that the activity of the Administration must be concentrated on certain definite questions, and it was these which had been brought out in the programme sent to all officials in the territory. There was, therefore, no question of a change of policy with regard to the population, but a codification, so to speak, of the views of the Government.

Mlle. Dannevig thought that the statement by the Belgian Government of the " main lines of general policy to be followed " in Ruanda-Urundi was full of interest, especially as regards the material well-being of the people. She referred to the passage in which it was said that it was desirable " to induce . . . the natives to improve their moral conditions of existence, to overcome superstition and to instruct them in the principles of Christian morality indispensable for ' adapting them to our civilisation ' ". This was no doubt a commendable policy, which must be favourable to native as well as European interests; but she was disappointed to find in this policy no thought of maintaining their own civilisation for the inhabitants of the territory. Was it solely proposed to lead them to European civilisation ?

The inhabitants of Ruanda-Urundi had developed very remarkable social institutions, an African civilisation in many respects different from and higher than that of any other native community, and she hoped it would be safeguarded when the natives were " adapted to our civilisation ". She remembered the photograph published one year of the old Kwam in his picturesque native clothes and the young Kwam in plain European dress.

M. Halewyck de Heusch replied that the Administration was extremely anxious to maintain native customs and traditions in so far as these were not contrary to the rules of public order and morality. Certain customs and traditions were opposed to the essential rules of civilisation. As regarded the dispensation of justice, in particular, many native chiefs had shown themselves to be venal, with a regrettable tendency to oppress the weak and spare the strong. In such cases, action had to be taken, and native civilisation had obviously to be brought into line with the healthy principles of European civilisation. That policy was beneficial both to Europeans and natives — whose interests, after all, were identical. It should not be imagined that the Administration was endeavouring to destroy native customs and Europeanise the natives. On the contrary, it was endeavouring to develop the natives within the framework of their own institutions and traditional groupings.

Count de Penha Garcia also expressed his satisfaction at seeing in the report the " programme summarising the guiding principles of the general policy to be followed in the future ". He understood that this was in no way a statement of new methods, but a document intended to ensure the continuity of the Administration's policy in the mandated territory.

He asked to what extent the effective occupation of the territories mentioned under Point V of this programme had been carried out.

M. Halewyck de Heusch replied that, at the present time, this occupation was ensured by nineteen posts established at the centre of nineteen territories. When it was realised that Ruanda-Urundi was not twice as large as Belgium, and that the latter only comprised nine provinces, this sub-division would certainly appear adequate. It enabled the authorities to take effective action. The officials attached to the posts visited the territories of the various chiefs at least two or three times a year for the purpose of giving instructions, supervising their execution, controlling the actions of the native authorities and putting down abuses.

In reply to another question by Count de Penha Garcia, M. Halewyck de Heusch explained that the civil occupation was not accompanied in the various territories by military occupation. The armed forces of Ruanda-Urundi only comprised about 600 men, stationed at Kigali (one company of infantry) and at Usumbura (one company of infantry and one machine-gun company). After Dungutse's rebellion, a post of twenty soldiers had been maintained in the north of the territory of Gatsibu. At the present moment this post was not used for keeping down the rebels, who had been completely overcome, but for preventing the possible dissemination of cattle plague, which had been raging on the other side of the frontier in the neighbourhood of the district where the soldiers were stationed.

Count de Penha Garcia expressed his satisfaction at learning that there was no intention of reinforcing the troops stationed in Ruanda-Urundi. Even at their present strength, this force represented a heavy charge upon the territory's budget.

M. Halewyck de Heusch intimated that this charge should really be regarded as a kind of insurance premium, which guaranteed the maintenance of order in the territory.

Afforestation.

Replying to a question by Count de Penha Garcia, M. Halewyck de Heusch said that the fact that the replanting of forests had not been begun in 1930 was to be attributed, not to climatic difficulties, but to administrative reasons.

Immigration.

M. Ruppel desired to know what provisions governed the entry of foreigners into Ruanda-Urundi at the present time. Did these provisions admit of any discrimination on the grounds of the nationality of persons desiring to settle in Ruanda-Urundi? Were they always applied in a spirit of perfect equality? It was sometimes stated in the Press that German nationals were regularly refused admission to the territory. M. Ruppel hastened to add that he had had no occasion to verify the truth of such assertions.

M. Halewyck de Heusch said that immigration into the mandated territory was governed by an ordinance-law of 1922 or 1923, originally signed for the Congo and subsequently extended to Ruanda-Urundi. According to the rules for the application of this ordinance-law, no foreigner could take up residence in the mandated territory unless he had a passport visaed by the competent Belgian authority, a certificate of good health and a certificate of good conduct. These three documents were generally required for admission into Ruanda-Urundi. But the applicant had also to comply with other requirements set out in the rules. The rules did not draw any distinction between various nationalities.

As regards the application of the provisions in question, M. Halewyck de Heusch had never heard that the local administration had made any distinction owing to the nationality of the immigrants; if there were abuses, the Belgian Government would be glad to have them pointed out and would not fail to enquire into them and take all necessary steps.

M. Ruppel said that M. Halewyck de Heusch's declarations gave him full satisfaction.

Deposition of Certain Chiefs and Policy adopted for replacing them: Regrouping of Certain "Chefferies".

M. Orts had noted (see pages 57 *et seq.* of the report) that native chiefs — who could only be petty chiefs in view of the number of the cases — had frequently been deposed. Was that a sign of resistance on the part of these chiefs to the application of measures laid down by the mandatory Administration, or of a certain degree of impatience on the part of the Administration? A chief should clearly not be deposed the first time he was guilty of negligence. That being so, what was the explanation of so many depositions?

M. Orts assumed that these petty chiefs were appointed by the native authorities. Were they selected on account of their social rank? Were their functions hereditary? Again, when a petty chief had to be replaced, did the European authorities endeavour to provide a successor of the same social rank who, having been chosen in conformity with tradition, stood a chance of being tacitly accepted by the population?

M. Halewyck de Heusch said that the reasons for these depositions were very serious. It was not merely that the chiefs in question had adopted a hostile attitude towards the Administration or had shown a certain degree of indolence in carrying out their administrative duties with regard to collecting taxes, police work, etc. They had been deposed because they refused openly or covertly, but in any case systematically, to apply the programme laid down by the European authorities for preventing food shortage and famine by developing the cultivation of foodstuffs. The sad experience of the famine in 1928-29 showed that the extension

and improvement of the crops were a question of life and death for Ruanda-Urundi. In its work in this connection the Belgian Administration had met with the opposition of certain chiefs who refused to carry out its orders, to authorise sowing, to co-operate in drainage work, etc. In such cases the authorities of the mandated territory could not and did not hesitate ; they exacted immediate punishment by deposing the chiefs who refused loyal assistance and covertly opposed their action. This was a question of public safety.

In reply to the second question, the accredited representative explained that the chiefs were generally Watutsi ; there were some Bahutu among them, but very few. The Watutsi were very capable in administrative work ; they had an open and progressive mind, much political experience, skill and sense of command. The functions of chief were not hereditary ; chiefs were appointed at the Mwami's will. As a matter of fact, Musinga had promoted to the rank of chief certain favourites, persons who had no other merit than that of having basely flattered him. They had carried out their work very badly and the Administration was endeavouring to remove them.

In reply to the third question, when a chief had to be replaced he was generally succeeded by a native of the same social rank and of the Watutsi race. The Administration often endeavoured to choose a member of the chief's family. Thus, the reports for previous years, including 1930, mentioned various cases in which chiefs had been succeeded by close relatives.

M. Orts thought that this question was very intimately connected with the system of administration adopted by the mandatory Power. He wondered whether the Administration was certain to be able to discover among the Watutsi alone a sufficient number of reliable persons to fill all the vacant chieftainships. Had it already been necessary to depose new chiefs appointed to replace others who had been found incompetent ? Had the co-operation of the populations with the mandatory administration come up to the expectations of the latter ?

M. Halewyck de Heusch replied that, in some cases, though very rarely, it had been necessary to depose chiefs belonging to the same family one after the other in the same district. He confirmed that the Watutsi had a very open mind and were accessible to civilising ideas.

With regard to the first question put by M. Orts, a distinction must be drawn between Ruanda and Urundi.

In Ruanda, Watutsi elements provided a sufficient number of men qualified to act as chiefs. There was at Nyanza a school in which sons of chiefs were prepared for these duties. When they left the school, these young men worked for a certain time as native secretaries of various chieftains' areas and thus acquired administrative experience. The new chiefs were selected, in particular, from among their numbers. The Nyanza school must have already trained more than two hundred chiefs sub-chiefs and native secretaries. There had only been two or three cases in which complaints had been made of chiefs trained by the Nyanza school.

In Urundi, the position was not so satisfactory. The school at Kitega was still in its initial stage and was not meeting with much success among the Watutsi. The native chiefs were showing unwillingness to send their sons to it. In this territory, and despite the fact that the Administration attempted to fill these posts with men of a thoroughly progressive turn of mind and willing to co-operate with it, the deposed chiefs had frequently had to be replaced by natives imbued with old-fashioned ideas.

Mlle. Dannevig said that she was surprised that such opposition was met with amongst the natives in regard to the fight against famine. She asked for information on the attitude of the young men educated in the schools at Nyanza and Kitega towards the native civilisation. She was more especially anxious to know whether the education these young men received stressed Western culture or taught them respect for that of the country itself.

M. Halewyck de Heusch explained that the opposition to which Mlle. Dannevig had referred grew out of the old-fashioned conception which many of the older chiefs kept alive. Their primary object was to take every advantage of their position, which gave them sufficient means so that they need never suffer from food shortage or famine, while they showed complete indifference and ferocious egoism in respect of the needs of their subjects. Dominated by these ideas, the chiefs of the former regime, of whom the Mwami Musinga was a typical example, scarcely gave a thought to the feeding of their people and to the privations by which they were threatened ; their cattle placed them beyond the reach of necessity. When the famine was at its height, Musinga asked the officials of the Belgian Administration to force the population, who were particularly affected and were literally dying of hunger, to supply the usual contributions of foodstuffs. When this permission was refused, he took offence and asked to what extent his powers were being reduced.

With regard to the second question, the accredited representative stated that it could not be said that, in the schools at Nyanza and Kitega, the future chiefs were too deeply imbued with European civilisation to the detriment of the maintenance of native customs and traditions. On the contrary, care was taken to make them understand the social interest and usefulness of native customs and the fact that different ways of life suited people of different development. But attempts were made to show them the harmful elements in their ancient customs, to divert them from everything that was contrary to the higher principles of civilisation and to acquaint them with ideas of justice and equity. The future chiefs were being educated with the greatest care.

Count DE PENHA GARCIA asked what means the Belgian Administration had at its disposal for bringing recalcitrant Mwami, such as Musinga, to reason.

M. HALEWYCK DE HEUSCH stated that the measures to be taken against Musinga formed a very difficult question, and one to which the Belgian Government was giving very close attention. He asked Count de Penha Garcia not to insist on his question for the moment, since he could only reply by describing proposals which it was essential not to disclose in advance to the party concerned.

Count DE PENHA GARCIA asked how the people received chiefs whose training had been to some extent influenced by Western civilisation, and who might perhaps have lost some of the habits of their tribes.

M. HALEWYCK DE HEUSCH replied that these chiefs, who had been brought up to respect native customs, had, nevertheless, acquired certain new ideas and had changed some of their habits. But they continued to be looked up to by the population, over which the Watutsi exercised very great influence. The Watutsi were regarded in Ruanda-Urundi as superior beings, and, even until recent times, their orders had to be obeyed without question, even when they were extremely unjust. At the beginning of the Belgian occupation, the authorities of the mandatory Power had observed that the natives submitted without complaint to all the exactions of certain Watutsi. In view of this mentality, it was not surprising that the Bahutu easily adopted the new ideas of their chiefs.

M. RAPPARD was not quite clear as to the manner in which native chiefs were appointed and deposed. The chiefs were appointed by the Mwami, but when they proved unsatisfactory it was the Administration which removed them from their positions. The Mwami, however, nominated their successors. Moreover, the Mwami attempted to find among the members of the deposed chief's family a person capable of taking his place. The office of chief, however, was not hereditary. The system, therefore, was rather a curious one, and apparently contradictory.

M. HALEWYCK DE HEUSCH explained that the system of appointments and depositions was based on the methods followed in countries under a Protectorate, in which the authority was exercised by the sovereign, who was directed by the advice of the protecting Power. In theory, and in the eyes of the population, the Mwami was responsible, not only for the appointments, but also for the depositions. In practice, he followed the instructions of the European administration.

In certain cases, Musinga had divided up the authority over the hill country of his own accord when such action was unnecessary from an administrative point of view, with the sole object of giving a command, and the advantages connected therewith, to one or other of his favourites. As this excessive sub-division imposed heavy burdens on the natives subject to forced levies, the Belgian authorities had intervened and put a check on such practices.

M. Halewyck de Heusch repeated that the rank of chief was not hereditary, but that, whenever circumstances permitted, the Belgian authorities endeavoured to appoint new chiefs from members of the families of their predecessors, in order to take advantage of the prestige enjoyed by these families among the population. This prestige was not lost when the former chief had been deposed.

M. RAPPARD considered that at one time Musinga had succeeded in shaking off the influence of the Administration, as he had proceeded to certain appointments which were not officially approved. Was this a case of insubordination or was it a mere administrative accident ?

M. HALEWYCK DE HEUSCH pointed out, in the first place, that the appointments in question were of small importance, and related to the grant of power over the small portions of the hill districts. He added that, in making these appointments, Musinga was really guilty of insubordination, as he was well aware of the Administration's wishes in the matter. Some of the small districts in the hill country handed over to favourites did not include more than thirty or forty taxpayers. The Administration considered that, if the customary levies were to be bearable, the district should include not less than one hundred natives subject to forced levies.

In reply to a further question by M. Rappard, M. Halewyck de Heusch intimated that a territorial administrator exercised his functions in the district where Musinga lived ; but, naturally, he could not be aware of every small resolution secretly adopted by the Mwami in his discussions with his courtiers.

M. RUPPEL saw an element of contradiction in the policy of the mandatory Power. The latter desired to abolish the feudal system in the territory and at the same time govern through the medium of the chiefs.

M. HALEWYCK DE HEUSCH stated that the mandatory Power's policy was not at all directed at the abolition of the feudal system of Ruanda-Urundi, which, with its hierarchy of chiefdoms and sub-chiefdoms, could quite well be adapted to the government of the territory. The aim of the mandatory Power was to regroup the territories dependent on one chiefdom, which had not previously been united. He explained that, when Musinga was free to follow his own inclinations, he scattered the fiefs allotted to each chief in every corner of the territory. This was to prevent the chiefs from concentrating their power so as to become a menace to the Mwami himself. This policy on the part of Musinga had, however, led to a sort of dismemberment of the communities, and was not at all in the interests of efficient administration. The Belgian authorities therefore aimed at maintaining the chiefdoms, while regrouping their lands through exchange and compensation, either by acting in accord with the chiefs concerned or by taking advantage

of deaths and depositions. It should be noted that the Mwami need no longer have recourse to the exaggerated subdivision mentioned by M. Halewyck de Heusch, as he was now supported by a strong administration.

M. Sakenobe remarked that this process of regrouping had been going on for some years, and asked whether its completion was not yet in sight.

M. Halewyck de Heusch said he could not give details, as too many different circumstances were involved. He could state that the mandatory Power would make every effort towards the concentration in question. Moreover, the hill districts would be joined together so as to include at least one hundred taxpayers, thus avoiding excessive burdens on the inhabitants. The ideal arrangement would be that the land of each Chief should include at least 300 taxpayers; it was hoped to reach this situation in due course.

In reply to a further question by M. Sakenobe, M. Halewyck de Heusch explained that, if the report made little reference to the regrouping of chiefs' lands in Urundi, this was because that territory was placed under the authority of the young Mwami Mwambutsa, who had just been emancipated, and because the Council of Regency which had exercised authority during his minority had not the same reasons as Musinga to divide up the influence of the chiefs.

Lord Lugard asked whether native laws and customs were taught in the schools in which the sons of chiefs were educated.

M. Halewyck de Heusch replied in the negative, and explained that the reason for this was that the members of chiefs' families were sufficiently instructed in native laws and customs in their traditional environment.

Lord Lugard pointed out that this might not be true, as the young men in question were educated far from their family homes.

M. Halewyck de Heusch replied that they visited their families at stated intervals.

Mlle. Dannevig found it difficult to understand these replies in the light of M. Halewyck de Heusch's statement that the schools scrupulously respected native customs and traditions.

M. Halewyck de Heusch replied that there was no contradiction between his two statements. When he had told Mlle. Dannevig that at the schools for the sons of chiefs the pupils were taught to respect and esteem the customs and traditions of the country, that did not imply that the rules underlying those customs and traditions were taught in detail, or that lessons were given on every single native custom or tradition.

Lord Lugard reminded the Commission that, in Tanganyika, such instruction had been given by native elders, selected for the purpose, with the greatest success.

Mlle. Dannevig pointed out that the sons of chiefs were sent to boarding schools at a very early age and did not leave before the age of 18 years. The influence of their families was thus almost reduced to nothing, and she did not understand when they were able to learn about native customs and traditions. The idea put forward by Lord Lugard might therefore be very advantageously adopted.

M. Halewyck de Heusch undertook to bring it to the notice of his Government.

In reply to M. Ruppel, he intimated that the Mwami Musinga received a yearly income of slightly more than 200,000 francs, one-half of which was paid in money and the other half in kind ; what he received in kind was the product of native contributions.

M. Ruppel suggested that this figure was rather low, especially in comparison with the allowances made in Tanganyika to chiefs of much lower rank. This fact might, perhaps, explain Musinga's discontent.

M. Halewyck de Heusch pointed out that, if the Mwami's cultural level were taken into account, the salary he received was amply sufficient for his requirements. That was clear from the Mwami's refusal to accept a good house made of durable materials which the Belgian authorities had proposed to build for him. Musinga had preferred to live in his native hut and did not know how to use his money, which he distributed to his favourites.

Replying to a further question, the accredited representative stated that the remuneration of chiefs other than the Mwami took the form of a percentage on taxes (see page 40 of report, Item 32 of the budget), and that they were also entitled to labour service.

Public Finance : Taxation.

M. Rappard asked the mandatory Power's opinion of the series of deficits in the territory's annual accounts.

M. Halewyck de Heusch replied that the mandatory Power was congratulating itself on the fact that, despite the further economic depression, the deficit had fallen from eight millions in 1929 to three and a half millions in 1930.

M. Rappard noted a statement on page 28 of the report that the head tax had been raised. He asked whether this increase was expedient at a time when the population was impoverished owing to the difficulty of disposing of colonial products.

M. Halewyck de Heusch explained that the rate of the tax had not been very considerably raised, except in the case of communities not performing labour services. In such communities, the tax had, indeed, been raised from 25 francs to 40.75 francs; the inhabitants in those settlements, however, were not peasants but qualified artisans, drawing monthly salaries of 400 francs and over. The population in those communities was fairly well off.

M. Rappard asked why the Waswahilis only were liable to the polygamy tax.

M. Halewyck de Heusch explained that the Waswahilis were originally immigrants and that they had introduced customs which the mandatory Power desired to discourage. In point of fact, it had been anxious also to abolish polygamy, which was practised to a certain extent in Ruanda-Urundi. The polygamous natives scattered throughout the territory were less easy to discover, however, than the Waswahilis, who were concentrated in the non-contributing centres *(centres extra-coutumiers)*. It had been thought wiser accordingly to refrain from imposing a special tax on polygamists born in the territory until the result of the systematic census was known.

The accredited representative then replied as follows to various other questions of M. Rappard :

The Decree of December 24th, 1929, mentioned on page 29 of the report, applied, not merely to Ruanda-Urundi, but also to the Congo, where certain private companies imported locomotives, carriages, trucks, etc., and were accordingly granted reduced tariff rates.

The difference noted (page 37 of the report, Item 21 of the budget) between the revenue estimates and the revenue actually received in respect of the various incidental products might be explained by the fact that, during the financial year 1930, Ruanda-Urundi's share in the profits of the Bank of the Belgian Congo (approximately 238,000 francs) and the value on inventory of the Usumbura pharmacy, under new management (over one million francs), had been taken into account.

No expenditure had been incurred and no revenue had been received in respect of the Dar-es-Salaam and Kigoma bases between the time when the budget was drawn up and the time when it was carried out. The building of the superstructures and the upkeep of the two ports had been entrusted to the *Agence belge de l'Est africain* which, in return for its services and expenditure, had been given the right to collect dues.

Expenditure in respect of public work appeared in the ordinary budget when it concerned the upkeep of roads, buildings, etc., and in the extraordinary budget when it related to undertakings constituting an addition to the wealth of the territory.

The white personnel on the public works service was paid out of the ordinary budget, it was true, and if it were employed on works paid for out of the extraordinary budget a transfer was made from the latter to the former.

Judicial Organisation.

M. Ruppel asked that, in the statistics, a distinction should be made between the trials of natives and of Europeans respectively.

M. Halewyck de Heusch promised to bring the suggestion to the notice of his Government.

M. Ruppel asked why, in the statistics of cases brought before the courts, crimes and other offences were not subdivided into categories, as the Commission had requested.[1]

M. Halewyck de Heusch promised to ask his Government to see that subsequent reports should, if possible, contain the classification suggested.

M. Ruppel drew attention to the fact that the number of cases dealt with by the police courts and the number of inmates in the prisons had greatly increased. Last year it had been explained that the scarcity of food had led to a recrudescence of crime. What was the reason for the increase of crime in 1930 ?

M. Halewyck de Heusch replied that there were two reasons. In the first place, the organisation of the territory was becoming daily more efficient and offenders found it more and more difficult to escape from justice. In the second place, the natives were becoming reassured by the firmness and fairness of the European authorities and were less afraid to complain and appeal to the courts for redress against improper proceedings.

M. Ruppel was gratified to learn that, thanks to the measures taken by the Administration, prison deaths were decreasing. He expressed the hope that the Administration would continue to give its attention to prison conditions.

M. Halewyck de Heusch informed the Commission that this decrease was due, not merely to the measures mentioned by M. Ruppel, but also to the improved general conditions after the famine period. He had received confirmation from Africa of the fact that, in 1929, many of the deaths had been due to the physical debility of the prisoners, who had been weakened by the famine.

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[1] See Minutes of the Nineteenth Session of the Permanent Mandates Commission, pages 131-132.

Police and Military Organisation.

In reply to a question by M. Ruppel, M. Halewyck de Heusch explained that the reduction in the numbers of the native police was to be attributed to the fact that a number of members of the Government police force had been seconded. It had been thought that the latter, with their good training and discipline, would make excellent instructors, and they had accordingly been sent to the various centres where there was a native police detachment. They were, however, still kept under military discipline.

Replying to further questions by M. Ruppel, the accredited representative agreed that the expenses arising out of the military occupation were heavy ; that was, however, in his view, an essential measure of security. The increase in expenditure in 1930 was due to the fact that the pay of the men, which had been found insufficient, had been considerably increased, and to the further fact that their rations cost more than in former years. At the present time, no unrest appeared to exist, and peace was established everywhere, the mere presence of military forces playing a part in public order and security, as was the case in any other country.

Disturbances in the Province of Bumbogo.

In reply to a question by M. Sakenobe, M. Halewyck de Heusch gave certain particulars regarding the incidents which occurred in the province of Bumbogo (report, page 57).

Acclimatisation and Colonisation Schemes in Katanga and Kivu.

Lord Lugard asked if the acclimatisation scheme in Katanga and the colonisation scheme in Kivu had been carried out.

M. Halewyck de Heusch replied that the scheme for Katanga had fallen through, as described on page 91 of the report. The Kivu scheme, for which the studies were not so advanced, had been abandoned on account of the failure of the other.

Labour.

Lord Lugard asked whether the Mandatory would consider the desirability of abolishing the forced labour exacted by chiefs and substituting a salary to the chiefs from which they would pay for labour for road-making, building chiefs' houses, etc.

M. Halewyck de Heusch explained that the number of days' compulsory labour that chiefs could claim had been reduced to thirteen per annum per healthy adult male inhabitant. On the other hand, the authorities were entirely opposed, for reasons concerning the maintenance of the prestige of the chiefs, to the substitution of monetary payments for compulsory labour.

Lord Lugard suggested that, if such labour were paid by the chief, the latter's authority, instead of being diminished, would be strengthened, as had been the case in Tanganyika.

M. Halewyck de Heusch pointed out that the inhabitants of Ruanda-Urundi and those of Tanganyika could scarcely be compared. The officials were unanimously of opinion that the substitution of monetary payments for compulsory labour would be fatal, at the present juncture, to the authority of the chiefs.

He stated, in reply to a question by Mr. Weaver, that labour requisitioned for making main roads was always fully paid. Only local roads might be made by forced labour.

Mr. Weaver pointed out that, at the bottom of page 84 of the report, it was stated that the daily wage varied from 1.50 to 2 francs, according to districts ; on the other hand, on page 89 it was said that the wages of workers recruited for Kivu was 1 franc a day. Did the accredited representative consider these wages sufficient ?

M. Halewyck de Heusch pointed out that page 84 of the report referred to the wages of day labourers in Ruanda-Urundi and page 89 to the wages of workers permanently employed at Kivu. The work there was agricultural work : as was stated in the report, when the natives were employed on the railways they received 2 or 2.75 francs a day. It must not be forgotten that both agricultural and industrial workers received, in addition, daily rations representing a very fair sum.

Mr. Weaver asked if the syndicate *(Seti)* now recruiting labour for Kivu was a commercial undertaking and whether it received fees for the labour recruited.

M. Halewyck de Heusch explained that the Enquiry Syndicate was a kind of labour exchange, which acted on behalf of the various companies established at Kivu. The latter had to recruit labour ; but, instead of dissipating their efforts, they had set up a single body which looked after their several interests.

Mr. WEAVER noted with satisfaction that the death rates of men employed at the Katanga mines had diminished. Infant mortality was, however, still very high. Had any consideration been given to the idea of abolishing the practice of recruiting labourers together with their families ?

M. HALEWYCK DE HEUSCH replied that infant mortality figures had risen in the families recruited for Katanga (329 per thousand) as the result of an epidemic of measles, which in its turn had been followed by many cases of bronchial pneumonia.

Was the high infant mortality rate a reason, as had just been suggested, for ceasing to recruit entire families for Katanga ? To do so would merely result in transferring to another place this centre of high mortality rate. According to the chief of the medical services in Ruanda-Urundi, who had carried out investigations among the population, the infant mortality rate was much higher in Ruanda-Urundi itself than among the families recruited therefrom by the Mining Union ; the proportion in the country of origin was 500 deaths per thousand children. The accredited representative hastened to add that the figures given both for the Mining Union establishments and for the territory of Ruanda-Urundi included still-births and children who had died within a few days or a few weeks of birth, those categories accounting for a large proportion. After the first year, the figures for deaths among children were much lower.

Mr. WEAVER asked what was the programme of work of the Commission set up by the order of May 24th, 1930, for investigating labour problems.

M. HALEWYCK DE HEUSCH explained that that Commission had not been set up for the purpose of making a scientific investigation of such problems ; it was merely an advisory body, which would give an opinion on specific cases referred to it by the Governor.

POSITION OF WOMEN IN THE TERRITORY.

Mlle. DANNEVIG observed that the report stated that the situation of women in Ruanda-Urundi, according to native custom, was unusually favourable ; but, particularly in view of the terrible infant mortality in the territory, she would be grateful to have in the next report some further information as to the conditions of the women — for instance, if they were changed by the incoming European civilisation, if circumcision rites were practised anywhere, etc.

M. HALEWYCK DE HEUSCH said that the situation of women had been explained in detail in a previous report, and it had hardly changed since.

Mlle. DANNEVIG insisted that additional information should be given to the Commission on the question she had just raised.

EDUCATION.

Mlle. DANNEVIG asked if the disorganisation caused by famine persisted in the schools, or if steps had been taken to remedy it. She was glad to notice that the subsidies to the missions had been raised and she hoped they could be kept up in spite of the financial difficulties.

M. HALEWYCK DE HEUSCH replied that no steps had been necessary ; once the famine had ended, the children had returned of their own accord.

He stated, in reply to a further question by Mlle. Dannevig, that the hesitation in regard to the choice of the capital had not involved any delay in the building of the schools at Astrida. As had been explained the previous year, [1] schools were to be established there in any case.

He explained, further, that the reason why the number of pupils leaving the Kitaga school was so low (see table, page 75 of the report) compared with the number enrolled was because the school had been founded comparatively recently, most of the boys had not yet completed their studies, and the figures for those leaving included only pupils who had gone right through the school.

ALCOHOL AND SPIRITUOUS LIQUORS.

Count DE PENHA GARCIA observed on page 45 of the report that the revenue from taxes on the consumption of spirits had increased since 1929, whereas, from figures on page 92, it appeared that imports of alcohol were diminishing. As there were no distilleries in the country, how was this to be explained ?

M. HALEWYCK DE HEUSCH explained that the tax on the consumption of alcoholic liquors, which had previously applied only to distilled liquors, would apply now to fermented liquors also, that the rate had been increased, and that those two changes naturally meant an increase in revenue.

Count DE PENHA GARCIA asked the mandatory Power kindly to investigate the question of native brewed beer, or other alcoholic drinks, owing to the interest of this question.

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[1] See Minutes of the Nineteenth Session of the Permanent Mandates Commission, page 137.

Public Health.

M. Ruppel observed that the mandatory Power had made great efforts in the field of medical assistance. Nevertheless, the health of the natives did not seem very satisfactory.

M. Ruppel then pointed out that, by an Order of June 21st, 1930, a decree on the practising of medicine had been put into force in the territory. The decree provided that persons who held a foreign diploma recognised by the Minister of the Colonies or by the Belgian Governor as the equivalent of the Belgian diploma might practise medicine in the territory. M. Ruppel supposed that foreign doctors might benefit by this provision. If so, the Commission would note with satisfaction the introduction of this rule, which took account of a recommendation made by the Commission in its report to the Council on the work of its nineteenth session, which recommendation was approved by the Council.

M. Ruppel would be very grateful to the mandatory Power if future reports could state the number and nationality of doctors admitted to the territory, either as part of the official medical service or as private practitioners.

Statistics of consultations of official doctors (page 67 of the report) showed a considerable decrease in certain posts. Might explanations be given on that subject ?

M. Halewyck de Heusch stated that he would ask his Government to give explanations in the next report.

M. Ruppel observed that numerous leprosy cases had been reported in recent years. He would like to know what steps had been taken to overcome this disease, which, owing to the density of the population, was a serious danger. Was the method of isolation employed, and did the missions deal with lepers ?

M. Halewyck de Heusch stated that he would ask that that point might also be dealt with in the next report.

M. Ruppel had the impression that the special mission dealing with sleeping-sickness had perhaps not sufficient personnel for its purpose. There existed in the territory one doctor and three medical assistants in three different places. The contaminated zone was about 200 kilometres long and the radius of activity of a dispensary was not greater than 10 kilometres (page 67 of the report).

M. Ruppel pointed out that, before the war, the personnel dealing with the campaign against sleeping-sickness in this territory alone was from seven to ten doctors and twenty medical assistants. The results obtained by the Belgian mission were not entirely satisfactory. It did not seem to have mastered the situation. Without entering into details of the measures to be taken in this field in which he was not an expert, M. Ruppel insisted that the mandatory Power should consider whether further efforts could not be made to overcome the disease and stamp it out within a reasonable time.

In conclusion, M. Ruppel observed that in the part of the report dealing specially with sleeping-sickness (pages 212 and 213) mention was made of a recrudescence of the disease in the sectors of Magara and Usumbura-Ruzizi.

M. Halewyck de Heusch stated that the competent medical service considered the number of specialists at its disposal for the purposes of the campaign against sleeping-sickness sufficient ; it was possible, for example, to carry out a medical inspection of the population in the infected area twice a year, and it was hardly desirable to carry out such inspections more often. Further, strict measures were still being taken, and the native settlements chiefly affected were being removed to higher ground ; flies capable of transmitting sleeping-sickness to man were rarely found above 1,000 metres.

Demographic Statistics.

M. Halewyck de Heusch explained, in reply to a question by M. Rappard, that the tables at the bottom of page 53 and on pages 54 and 55 of the report did not give the results of a true census carried out by means of slips and identity cards but only the results of a rather more summary investigation intended for fiscal purposes.

SECOND MEETING.

Held on Tuesday, October 27th, 1931, at 10.30 a.m.

Togoland under French Mandate: Petition, dated October 14th, 1930, from the "Bund der Deutsch-Togoländer" (Document C.P.M.1220).

The CHAIRMAN informed the Commission that, on July 29th, 1931, he had requested the Secretariat to distribute to the members the text of a communication from the French Government, dated July 8th, concerning a petition from the "Bund der Deutsch-Togoländer", dated Accra, October 14th, 1930. As he had explained in his covering letter, the French Government had raised a point in connection with the petition which he had felt should be examined by the Commission, in conformity with one of the Rules of Procedure which it had itself established and which the Council had approved. The French Government explained that, as the petition did not appear to it to comply with the rules governing the receivability of petitions, it had not felt it necessary to reply to the various points raised in the letter of the "Bund der Deutsch-Togoländer", but added that those points had been dealt with for the most part either in previous observations submitted to the League by the French Government or in verbal explanations given by the accredited representative to the Commission. The plea of non-receivability having been raised by the mandatory Power, it was for the Commission to express its views on this question of procedure in conformity with its rules. He proposed that M. Van Rees, the Vice-Chairman, be asked to examine the question and to submit a brief report to the Commission.

The Chairman's proposal was adopted.

Tanganyika: Examination of the Annual Report for 1930.

Mr. D. J. JARDINE, O.B.E., Chief Secretary to the Government of Tanganyika Territory, accredited representative of the mandatory Power, came to the table of the Commission.

WELCOME TO THE ACCREDITED REPRESENTATIVE.

The CHAIRMAN noted that, in its letter dated October 13th, 1931, to the Secretary-General, the British Government had explained that it had been the practice for some years past for the Permanent Liaison Officer between the Colonial Office and the Permanent Mandates Commission to be appointed as accredited representative to assist the accredited representatives from the mandated territories and to deal with any general matters affecting the administration of mandated territories which might arise. The Secretary of State for the Colonies attached much importance to that practice, since it had been found to be of great value in maintaining contact between the Colonial Office and the Commission. On the occasion of the present session it had, however, been found impossible to send Mr. Clauson to Geneva and Mr. Hall would be instructed to give such assistance as he might find possible to the other accredited representatives and to the Commission. That arrangement was adopted for the present session only and did not imply departure from the practice of past years.

The Commission was happy to observe that the British Government had thus confirmed its desire to continue a practice it had followed in the past, the advantages of which had always been fully appreciated by the Commission.

The Commission was glad to extend a cordial welcome to Mr. Jardine, and the Chairman invited him to make a statement, should he wish, before dealing with the annual report.

STATEMENT BY THE ACCREDITED REPRESENTATIVE.

Mr. JARDINE. — I am grateful to you, Mr. Chairman, for your kind words of welcome. I regard it as a great privilege to collaborate with the Commission once again.

In previous years, when the annual report on Tanganyika has been under examination, accredited representatives have been able to invite the Commission's attention to an ever-increasing trade, both export and import; to the growing prosperity of the native population and the consequent improvement in the standard of living; to Government finances that were so satisfactory that they were criticised only on the ground that too large a surplus balance was being maintained and that development was consequently being unduly retarded; and to the gratifying progress that was being made in those public social services designed to promote the moral, social and material welfare of the indigenous inhabitants of the territory and thus to implement the obligation imposed on the mandatory Power by Article 3 of the Mandate. Indeed, it may justly be claimed, I suggest, that it would be difficult, if not

impossible, to cite any parallel in the history of colonial enterprise with the rapid progress achieved in Tanganyika, which has been the subject of mutual congratulation here year after year.

But, to-day, the accredited representative must sing a very different song. Members of the Commission will have noted with regret that the effects of the worldwide economic blizzard on the trade and public finances of the territory began to be experienced in 1930. It is true that, to some extent, the decrease in trade in 1930 may be attributed to purely local conditions, such as the flooding of a section of the Central Railway during the first three months of the year and a disappointing crop season ; but, in the main, the setback in 1930 was caused by the worldwide depression in the prices for produce — a depression which still exists, but in so aggravated a form that it is true to say that the territory is faced to-day with an economic and financial situation of much gravity. In such melancholy circumstances it is inevitable that effort should be concentrated for the present on consolidating the progress already achieved rather than on further development.

The native administrations have pursued the even tenor of their ways, proving that their foundations have been well and truly laid. It is difficult to forecast the future, but further amalgamations of units on any extensive scale are unlikely to take place at present ; and it is anticipated that the task of the local Government during the next few years will be directed towards consolidating existing institutions on existing foundations, gradually purifying and strengthening them.

The native courts have continued to function very satisfactorily. In the course of the year they disposed of 80,901 cases, 57,072 being of a civil and 23,829 of a criminal nature.

The balances in the native treasuries on March 31st, 1931, were estimated to amount to £102,316. The finances of these treasuries have been conducted on very conservative lines, and they have consequently weathered the first shock of the economic storm well. But it would be idle to pretend that the future will not give cause for serious anxiety if the worldwide economic depression continues.

As the Commission is aware, the revenue of the native administrations is derived almost entirely from the rebate on the hut and poll tax which they receive from Government ; and in all native areas the greatest difficulty is being experienced in collecting the tax without causing hardship. In the Bukoba District, for example, coffee is now being sold at prices which a few years ago were paid for groundnuts ; and in the Mwanza and Tabora Provinces groundnuts and cotton have been unsaleable for cash and have been bartered for trade goods. In the cattle areas, the price of cattle has fallen by 50 per cent. In the plantation areas, employers have been compelled to make drastic reductions in the wages of all employees — reductions which have been accepted by the latter in a spirit which would do credit to far more civilised communities and is an eloquent testimony to the excellent relations existing between European employers and their native employees in Tanganyika. Many native employees have been thrown out of work ; but it is only in isolated and very exceptional cases that an African is dependent upon wage-earning employment for a livelihood. The wage-earning labourer, who loses his job, usually returns to his village to his normal agricultural pursuits.

During a recent tour of inspection of the Mwanza and Bukoba Provinces, I was much impressed by the intelligent interest taken by the chiefs in their Treasury budgets. In one case, where I had thought it prudent to reduce by 15 per cent the estimate of revenue from the hut and poll tax for this year, based as it was on the collections of more prosperous years in the past, the chief begged that his original estimate might be allowed to stand, as the 15 per cent reduction would, he averred, increase the difficulties of the collection, as his people would naturally wish to be counted among the 15 per cent, who were not expected to pay, rather than among the 85 per cent who were expected to pay. In another case, where I had thought it advisable in the interests of economy to reduce considerably the number of the subordinate employees of the Native Administration, the chiefs came to me in a body and begged that the economy might be effected by reducing their own salaries rather than by retrenchment of junior staff.

The Commission requested last year that further information should be furnished regarding the famine which occurred in the Bugufi District in 1929, [1] and a memorandum on the subject has accordingly been printed as an Appendix to the report now under review. Food shortages occurred during 1930 in the Tunduru District of the Lindi Province and in certain areas of the Tabora, Mahenge and Eastern Provinces. Relief was immediately afforded and it is believed that no loss of life occurred.

I take this opportunity to mention that it has been found necessary to appoint a special Commissioner to enquire into the circumstances in which certain natives are believed to have been seriously ill-treated in the Songea District by certain subordinate officials of the Central Government's Police Force and of the local Native Administration. Full information on this incident will be included in the report for 1931.

I have brought with me from London copies of the report of the Joint Committee of both Houses of Parliament on Closer Union in East Africa for the use of the Permanent Mandates Commission, and I have handed them to your Secretary to-day. As they are not to be published in England, or East Africa or India until the 2nd of November, I am to ask that the packet containing the report shall not be opened by your Secretary until that date. I myself am unaware of the recommendations contained in the report — recommendations which have not

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[1] See Minutes of the Eighteenth Session of the Permanent Mandates Commission, page 19.

yet received the consideration of His Britannic Majesty's Government — and in these circumstances the Commission will appreciate that I am not in a position to reply to questions on this subject.

The Chairman thanked Mr. Jardine for his interesting statement and invited members of the Commission to comment on any points arising out of it.

" Closer Union " : Question of the Publication of the Evidence given before the Joint Parliamentary Committee.

M. Ruppel, referring to the question of closer union with East Africa, enquired whether the evidence given before the Joint Parliamentary Committee was to be published and whether copies would be sent to the Commission.

Mr. Jardine replied that he had no information on the subject.

Effect of the General Economic Depression on the Development of the Territory and Possible Means of combating It.

Count de Penha Garcia observed that the accredited representative had spoken of financial difficulties from which the territory was suffering and had mentioned the decrease in value of the estimated revenue from the poll tax. The budget of the native organisations was derived from a percentage on those taxes. Their revenue therefore would be considerably decreased. Did the accredited representative think that there was any fear that the policy followed up to the present as regards these organisations would be adversely affected owing to inadequate financial resources ?

Mr. Jardine stated that up to the end of June 1931 — the date on which he had left the territory — it had not been found necessary to reduce or curtail the social services to the natives. In the meantime, very considerable economies had been effected in other spheres, although the Provincial Administration, Medical and Education Departments, which affected the natives most directly, had remained practically untouched. A large number of officials had been retrenched. The time might come when the question of financing the services to natives might arise, but that would be a question for a higher authority than the Tanganyika Government to consider.

M. Rappard observed, in connection with the reduction by 15 per cent of the estimate of the revenue from the hut and poll tax, that he would have imagined that any reduction would be spread equally over the whole population. He assumed, as regards the accredited representative's last statement, that any curtailing of the social services would have to be decided in London, but that point would only arise if local resources proved insufficient and if the territory were obliged to apply to London for the means whereby to meet its obligations.

Mr. Jardine, replying to M. Rappard's first point, explained that, in the case of the particular native budget quoted by him, it had seemed probable there would be a deficit of 15 per cent on the revenue previously collected, so that he had judged it desirable to reduce the estimated expenditure also in proportion. He said, further, as regards M. Rappard's second point, that should local resources prove insufficient to meet the native services, the question of a grant-in-aid from Imperial funds would then arise.

Lord Lugard enquired how the Tanganyika Government's schemes of economy would be likely to affect Asiatic and European immigration. He referred to a statement in the *African World* to the effect that a Committee had been formed in Tanganyika to assist immigrants. He enquired whether it was the policy of Tanganyika to encourage immigration.

Mr. Jardine said that Sir Donald Cameron had set up a committee in 1929 to examine the question of assistance to intending settlers. It had not been possible to take action on the Committee's recommendations, for financial and other reasons. There was no definite scheme in existence to encourage settlement.

M. Ruppel enquired whether the Tanganyika Government considered it appropriate to take measures to help planters and settlers, as their bad economic situation was bound to affect the whole country. Had anything been done to help them, for example, in the matter of railway tariffs or harbour dues or in obtaining credits ?

Mr. Jardine agreed that it would be a great misfortune for the country if settlers found themselves in financial difficulties. Some assistance had been given in the matter of railway charges, lighterage, harbour dues, etc. A reduction of rents in individual cases of hardship had also been considered, but no comprehensive scheme had been adopted.

M. Orts observed that, in certain African colonies, very energetic measures had been taken to reduce the effects of the crisis on the trade in vegetable products, both natural and cultivated, and on the industry for the transformation of these products. For example, internal transport rates for any distance had been reduced to 1 fr. per ton. The price for manipulation in the ports had been reduced in the same proportion.

Mr. Jardine replied that nothing had been done on such a big scale in Tanganyika and that no general measures of the kind had been taken.

M. Rappard observed that the Commission's insistance on this point did not necessarily mean that it recommended such a scheme. He was doubtful, indeed, whether the Commission would be unanimous in thinking it desirable to sacrifice the social services — for example, in order to assist transformation industries. It was undoubtedly a matter to be decided by the Governor, who was on the spot.

The Chairman stressed the intimate connection which existed between the interests of whites and natives.

M. Orts pointed out that the present situation did not affect only European interests, but those of the natives quite as directly. Cabbage trees and cotton, for example, were cultivated by the natives ; if the European industry could no longer treat them except at a loss, it would clearly cease buying the native products, with the result that the natives would give up harvesting and growing them. Such an eventuality would hamper social progress.

Mr. Jardine reminded the Commission that even in prosperous times the railways had always been run on the smallest conceivable margin of profit, and that there was no provision for a renewal fund. At present, indeed, they were running at a loss. He mentioned the point in order to show that the Government had always indirectly subsidised agriculture, native and non-native alike.

Native Policy and Administration.

M. Palacios endorsed the Chairman's view that the interests of whites and natives were of equal concern to the Commission. He pointed out, however, that in East Africa, the question of a white policy and a native policy was much debated. Reference was always being made to the influence of a movement known as the " Kenya School ", or at least, of a policy which was advocated there whereby the part played by the natives in the activity of the population and in the potential life of the territory in general would be restricted, the natives being confined to the reserves, etc.

The report stated, on page 19, that Sir Donald Cameron had been appointed Governor and Commander-in-Chief of Nigeria. Sir Donald Cameron had always — at the time of the discussion of the scheme for " Closer Union " and on other occasions — expressed himself as being in favour of a policy which was very favourable to the natives. He had put this principle into practice many times and with remarkable success. M. Palacios wondered whether there was not some reason to anticipate that the very clear line of conduct followed by Sir Donald Cameron would be changed by the new Governor.

Mr. Jardine replied that he had not been informed of any such possibility.

M. Orts referred to the following passage in the report (page 13) :

> " In general, it may be said that the experience of the last five years in Tanganyika had definitely proved that the age-old tribal system is still a living and powerful force which draws to itself all the strongest loyalties and aspirations of the people ... "

This expression of opinion and other passages in the report concerning the training of young chiefs and the institution of native courts afforded evidence that the policy adopted by the mandatory Power had given excellent results. He enquired whether that policy would be continued.

Mr. Jardine replied that so far as he knew that was the intention.

M. Orts observed that those members of the Commission who were most in favour of native administration by the natives themselves realised that the objection to the system lay in the possibility that arose of extortion, violence and other abuses on the part of the chiefs. An article in *East Africa* dated April 9th, 1931, referring to Sir Donald Cameron's evidence before the Joint Parliamentary Committee, stated that the local officials would be besieged by complaints, and that numerous cases of peculation, extortion, and even of torture would never be brought to the knowledge of the higher authorities. They would be settled on the spot and excessive indulgence shown towards the chiefs. M. Orts wished to give the accredited representative an opportunity to reply to that statement.

Mr. Jardine said that he did not himself believe it to be a fact that there were cases of oppression and peculation by native chiefs which were hidden by the local district staff and not brought to the notice of the central authorities, although, of course, isolated minor incidents, of insufficient importance to report, would occur.

M. Sakenobe asked for information concerning the local native administration in the Dar-es-Salaam district.

Mr. Jardine replied that the scheme had only been introduced comparatively recently, and that he was unable to give any information to supplement what was said in the report. The mandatory Power would be glad to comply with M. Sakenobe's request for fuller information next year.

Disposal of Funds in Native Treasuries.

M. Orts asked whether the funds belonging to the native treasuries at present amounting to £102,000 were on deposit in a bank and drawing interest, or paid into the district funds, or whether they were invested in public funds.

Mr. Jardine stated in reply that the native administrations would be obliged to draw on the sums in question. He explained that when the native treasury had a large surplus this was placed on deposit and bore interest, whereas if it was as low as £150 or £200 it remained in the native treasury. The item " Interest from Bank " (page 107 of the report) was in respect of the sort of surplus M. Orts had in mind.

Annual Reports of the Provincial Commissioners.

Mlle. Dannevig directed the Commission's attention to the annual reports of the Provincial Commissioners on Native Administration for the year 1930, a publication which, she thought, reflected the greatest credit on the mandatory Power.

The Chairman observed that the Commission associated itself with Mlle. Dannevig's remark.

Mr. Jardine expressed his gratification at this expression of appreciation.

The Chairman thanked Mr. Jardine for his replies to the questions arising out of his statement, and invited members of the Commission to proceed with their examination of the annual report.

Naturalisation.

M. Palacios observed that during the examination of the annual report for 1929, the question of the modification of the laws in force concerning naturalisation had been raised. [1] Mr. Clauson had stated on that occasion that he had very little doubt that the law would be altered ; the only thing was that it was desired to alter it everywhere at the same time and in the same way. Could the accredited representative inform the Commission what the position was and whether the law had been altered ?

Mr. Jardine replied that there had been no change in the law of Tanganyika, and that the local Government had not yet received final instructions from the Imperial Government on the subject.

Means of Communication between Tanganyika and the Congo.

Lord Lugard observed that various papers had been forwarded to the Commission referring to the proposed liaison and lines of communication between Tanganyika and the Congo. He would be interested to have information on the subject.

Mr. Jardine replied that nothing further had transpired with regard to this proposal up to the end of June, when he had left the territory.

Economic Equality.

Lord Lugard, reverting to a question raised the previous year, enquired whether the Customs Union between Tanganyika and Kenya, with the system of suspended duties, had proved satisfactory and fair in its incidence to all races.

M. Rappard asked for information on the same point. If Tanganyika were subjected to the principle of economic equality, if Kenya were subjected to that of Imperial preference, and if imports and exports between those two territories were free, a difficulty clearly arose. If goods had enjoyed Imperial preferential treatment in Kenya and then were exempt from duty in Tanganyika was not that a violation of the principle of economic equality ? Kenya, it appeared, had two Customs tariffs, and a lower rate was paid on exports from Great Britain, for example, than on exports from France.

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[1] See Minutes of the Eighteenth Session, page 23.

Mr. JARDINE replied that in virtue of the Congo Basin treaties there was no Imperial preference in Kenya or Uganda.

M. RAPPARD observed that in that case if the Kenya Customs regime was established in such a way as to protect special interests in Kenya, then Tanganyika might be prejudiced as the result of an interest which was foreign to it.

Mr. JARDINE agreed that that was, no doubt, a possibility. But in practice the shoe was probably on the other foot, and it was Tanganyika that actually benefited, thanks to her rice and ghee exports.

M. RAPPARD, summing up the situation, observed that although the revenue of Tanganyika might suffer, it appeared that from an economic standpoint the territory actually gained.

TRIBAL RELATIONS ON THE FRONTIER BETWEEN TANGANYIKA AND PORTUGUESE EAST AFRICA.

M. SAKENOBE enquired what were the tribal frontier relations between Tanganyika and Portuguese East Africa, and how disputes were settled.

Mr. JARDINE replied that, so far as he knew, there was no serious friction between the natives of the two territories. No doubt any slight incidents that might have occurred were settled on the spot.

FOOD SHORTAGE IN BUKOBA PROVINCE.

M. ORTS recalled that when examining the report for 1929 the Commission had asked for fuller information concerning the famine which had occurred in the province of Bukoba. In accordance with this request details were given on pages 112 *et seq.* of the report for 1930. There had been some negligence on the part of the local administrator, who had been slow to appreciate the situation. Since then measures had been taken similar to those taken in the neighbouring territory of Ruanda Urundi, with reference to the introduction and development of new crops which were less dependent on climatic conditions. The situation seemed now to be more satisfactory.

TRANSFER OF THE DEPARTMENT OF AGRICULTURE TO MOROGORO.

M. SAKENOBE noted that the Department of Agriculture had been transferred to Morogoro, where the Labour Department was already established. He enquired what was the importance of Morogoro from the point of view of agriculture.

Mr. JARDINE stated that Morogoro, which was situated about 120 miles from Dar-es-Salaam, was a very important centre for European, Asiatic and native agriculture.

EX-ENEMY PROPERTY.

M. RUPPEL, referring to the question of ex-enemy property (page 24 of report), observed that, under the special agreement concerning liquidation signed at The Hague in January 1930, several German nationals had claimed the restoration of property which had not been liquidated. They could not produce titles, because these had been lost during the war, but they had witnesses who were prepared to confirm the fact that they had possessed titles or that they had been in uncontested possession of the lands before the war. Was there any probability that these cases would be settled with some benevolence and in a satisfactory way ?

There was another case which, in his opinion, should be settled as soon as possible, namely that of the Protestant church in Dar-es-Salaam, which, although not belonging to a mission but to the Protestant community of the town, had been handed over to a board of trustees as if it were mission property. Could he know the intentions of the mandatory Power in regard to this case ?

As regards mission properties, these were administered by boards of trustees. The question of returning them to the several missionary societies which had taken up their work again in the territory had been under discussion for a long time. Could the accredited representatives inform him if the question would be settled favourably in the near future ?

Mr. JARDINE replied that the anticipated closing down of the Department of the Custodian of Enemy Property, owing to lack of work, would not interfere with the just settlement of any valid claim.

The intention was to hand over the Protestant church at Dar-es-Salaam to the Lutheran or German Protestant community as soon as possible. The Anglican community desired to use it until they had constructed a church of their own. The request of the German community to have it restored to them at once was, however, under the consideration of His Majesty's Government. He shared M. Ruppel's anxiety to see this question settled without further delay.

Game Reserves.

M. Van Rees referring to the measures taken for the protection of game (page 22 of the report), enquired what was the distinction between " Complete Reserves " and " Closed Reserves ".

Mr. Jardine explained that complete reserves were of a type which had always existed in East Africa : game was completely protected, except for persons holding a licence from the Governor granted for scientific or administrative purposes. Closed reserves were of a new type. The only such reserve was the Serengeti plain, where it was specially difficult to detect breaches of the game law. No one might enter such reserves, to shoot or photograph, without a permit. Permits were freely given to *bona fide* sportsmen and were only insisted on in order that officials might know who were shooting on the plain and so might be in a better position to detect offences.

Public Finance. Report of the Commission appointed to examine the Financial Situation of the Territory.

M. Rappard noted the big drop in 1930 as compared with the surplus balance of over one million pounds for 1929, and observed that the territory's indebtedness was increasing.

Referring to the guarantee loan which appeared to be practically exhausted (page 31 of report), he enquired the meaning of the term " pending the issue of the next instalment of the loan ".

Mr. Jardine stated that the original Imperial Act provided for a loan of ten millions. The first local ordinance had been for the raising of £2,070,000. At the beginning of the present year, a further local ordinance had authorised the raising of a further instalment. The amount voted by the Imperial Parliament was raised in instalments as occasion arose.

M. Rappard enquired whether the accredited representative could give any information in regard to the funding of this debt, and the general policy of the mandatory Power with respect to the amortisation of its debts.

Mr. Jardine replied that such a general question was rather a difficult one for him to answer. The Tanganyika Government estimated to pay £61,721 during the current financial year on account of its indebtedness. As regards the general policy, the Tanganyika Government naturally hoped for generous treatment and for patience on the part of the mandatory Power.

M. Rappard observed that everything was conditioned by finance. He enquired what were the conclusions of the Commission appointed to report on the financial position of the territory, on the reduction of expenditure, etc.

Mr. Jardine replied that the Commission appointed by the Acting Governor, which had sat in March, April and May, had reported in May, and that a copy of its report had been forwarded to the Colonial Office. Many of its conclusions had been accepted and action had been taken in many cases, though not in all. The constitution of the Commission had been partly official and partly non-official.

M. Rappard observed that in other African territories some attempt had been made to associate non-native elements with the burdens of the territory.

Mr. Jardine stated that recommendations to this end had also been made by the Commission in question.

M. Rappard expressed his appreciation of the information given in the report concerning native treasuries.

Lord Lugard enquired whether consideration of the question of agricultural banks and credits had been adjourned.

Mr. Jardine stated that just before he left the territory, a Mr. Strickland, late of the Indian Civil Service and an expert on co-operative banks, had visited Tanganyika. He had not yet seen his report.

Lord Lugard asked for some indication of the amount of revenue provided by natives and non-natives — a much discussed question. In the calculations which he had seen, certain sums were shown as from natives, the rest being shown as from non-natives in the territory. The amount accruing from tourists, for example, was accredited to non-natives.

Mr. Jardine replied that many estimates had been made of the native and non-native contributions. The Retrenchment Commission had calculated that 70 per cent of the revenue was contributed by natives and 30 per cent by non-natives. His own personal view was that it was quite impossible to arrive at any satisfactory conclusion which would be generally accepted as convincing.

Mlle. Dannevig enquired what was the explanation of the rule that non-natives did not pay taxes ; their position appeared to be like that of the privileged classes before the French Revolution.

Mr. Jardine said that as a non-native he must protest against the suggestion that non-natives did not pay taxes. They paid in the form of high Customs duties on practically every imported necessity, as well as on luxuries.

M. Van Rees, referring to the item " Land Sales " under the heading " Revenue from Government Property " (page 26 of report), enquired what land the Government had possessed and sold. He understood that the system of land tenure in force in Tanganyika excluded the granting of freehold property rights.

Mr. Jardine said that the item " Land Sales " was a colonial accounting term. In the case of Tanganyika, most of the sum collected represented rents on leasehold properties, while a small amount represented the conversion of old German leases into freehold properties.

M. Van Rees, referring to the same heading, enquired what was meant by " Royalties ".

Mr. Jardine replied that these royalties related to mining and timber cutting.

M. Rappard, referring to the item " Revenue from Government Property " (page 27 of report) enquired what this property was.

Mr. Jardine said that the revenue item in question would include some £3,000 from Government plantations.

M. Van Rees, noting the item " Sale of Ivory " (page 26 of the report) enquired how the Government came to possess ivory.

Mr. Jardine said that this was ivory obtained from elephants which had been illegally shot or had been shot by Government officers when protecting cultivation.

Tribute to Sir Donald Cameron.

M. Rappard observed that it was a well-known fact that native administration was the characteristic of Tanganyika territory, and that it constituted a very bold experiment and personal venture on the part of Sir Donald Cameron. The Commission had every confidence in the future of the territory ; Colonel Symes was known to them personally and Mr. Jardine was himself remaining in office. This was the last opportunity of paying a tribute to the unique and most successful experiment of Sir Donald Cameron. The Commission earnestly hoped that there would be no change in the traditions of the territory.

The Chairman concurred in M. Rappard's appreciation of Sir Donald Cameron's work, and asked that it might be taken as the collective view of the Commission.

THIRD MEETING.

Held on Tuesday, October 27th, 1931, at 3.30 p.m.

Tanganyika: Examination of the Annual Report for 1930 (continuation).

Mr. Jardine came to the table of the Commission.

Utilisation of the Pangani Falls for the Production of Electric Energy.

M. Orts referred to a question with which the Commission had already dealt on a previous occasion — namely, the utilisation of the Pangani Falls for the production of electric energy.[1] On February 23rd, 1931, the Under-Secretary of State for the Colonies had stated in the House of Commons that an agreement had been concluded between the Tanganyika Government and the Power Securities Corporation with a view to the exploitation of these falls. He would like to have some information on this point. Had the company in question been entrusted with the work of electrification and, if so, had it been open to public tender, or had the company

[1] See Minutes of the Eighteenth Session of the Permanent Mandates Commission, page 33.

received a concession with a view to the exploitation of the falls by the sale of electric energy and light ? In the latter case, what were the principle conditions of the concession ?

Mr. JARDINE replied that public tenders had been invited, but none had been received. The Government had subsequently negotiated with a company specially formed for the purpose, and had granted it a concession to develop the falls and to sell light and power.

M. ORTS asked whether the company had received financial assistance from the Administration — for example, a subsidy, and whether the company, in its turn, had assumed obligations such as that for the sale of light and power at a fixed price.

Mr. JARDINE replied that many obligations had been imposed on the company with a view to protecting the public. Speaking from memory, he thought the price of power and light was fixed by the agreement.

The agreement had been made by the Crown Agents for the Colonies and followed the usual form of such agreements.

M. RUPPEL asked whether the concession gave the company the right to prohibit the erection of power stations within a certain zone ; in other words, whether the company had received any sort of monopoly.

Mr. JARDINE proposed to supply the Commission with a copy of the concession. It was a long document, and he would prefer not to rely on his memory.

M. ORTS pointed out that, on page 91 of the report, the company was referred to as a " public private company ". He asked the meaning of this expression.

Mr. JARDINE said that a public private company was a private company in which the Government held shares. In this case the Government shares represented the value of various Government electric stations handed over to the company.

COAL.

M. VAN REES read an extract from *The Times* of September 1930 regarding coal deposits discovered near Tukuyu in the south of Tanganyika. It had been stated that mining leases were granted over an area of 40 square miles. He asked to whom these leases had been granted and whether they had been open to public tender.

Mr. JARDINE replied that there had been no new discovery of coal in the district, but that the existence of the deposit in question had been known since the German occupation. Prospecting rights over an area of 40 square miles had been granted to a local syndicate called the Dinimago Company, Ltd. The chief difficulty in exploiting the coalfields was that they were situated 400 miles from the nearest railway.

COMMUNICATIONS.

Lord LUGARD referred to his question in the previous year as to why the Tanganyika authorities had no steamers on Lake Victoria.[1] He thought the fact that the Uganda railways had a monopoly of transport on Lake Victoria must be a great handicap to the Tanganyika railways, since they collected produce for export from ports in Tanganyika territory for transport by the Kenya-Uganda railway.

Mr. JARDINE replied that the Kenya-Uganda railway had two or more excellent steamers on the lake which, he thought, were running at a loss. If the Tanganyika authorities also ran steamers, they would sustain a far heavier loss. He pointed out that the most economical route to the coast from the area in question was via the Kenya-Uganda railway.

Lord LUGARD did not understand how there could be a loss on running steamers on the lake, as they brought a good deal of freight to the railways. Moreover, he failed to understand how it could be more economical to collect produce from the south of the lake, transport it by steamer to the north of the lake, and thence by the high plateau by rail to Mombasa, instead of taking the more direct route from Mwanga to Dar-es-Salaam.

Mr. JARDINE said he had always understood that the Mombasa route was the shortest and most economical.

Lord LUGARD understood that the lighterage service in the Dar-es-Salaam and Tanga harbours had been placed under Government supervision. He asked whether the Tanganyika Government had taken measures to assure that the supervision would be maintained.

Mr. JARDINE replied that supervision was maintained by means of a wharf manager specially selected for the purpose.

M. RUPPEL noted the statement on page 91 of the report that the assimilation of goods rates on the Tanganyika and Kenya and Uganda railways was practically complete. He asked

[1] See Minutes of the Eighteenth Session of the Permanent Mandates Commission, page 32.

how this assimilation had affected the rates and the competition between the two railways, and whether it was to the advantage of Tanganyika.

Mr. JARDINE replied that the agreement was intended to eliminate competition between the two lines. He thought the results so far achieved were fair to the Tanganyika Government.

Lord LUGARD asked if any decision had been taken on the reports of Sir Sidney Henn's Railway Mission.

Mr. JARDINE replied that they were still under the consideration of His Majesty's Government.

DISTRIBUTION OF CATTLE ; VETERINARY DISEASES AND RESEARCH.

Lord LUGARD noted the remark in connection with East Coast fever, on page 86 of the report, that the introduction of a widespread dipping scheme applicable throughout the territory had to be postponed until a better system of stock distribution became operative. He asked what was the meaning of the latter expression.

Mr. JARDINE presumed this referred to efforts to distribute the stock more evenly in different parts of the country.

Lord LUGARD asked if it was possible to distribute the stock belonging to native tribes without moving the tribes also.

He noted that no mention was made of the Central Veterinary Research Station at Kidete, in Kenya. Did this mean that the laboratory was not used by the Tanganyika Government ?

Mr. JARDINE said he had no reason to suppose the Kidete laboratory was not being used.

ECONOMIC CONDITIONS AND DEVELOPMENT : COMMERCE.

M. ORTS, referring to the table on page 37 of the report, noted that almost all the exports were agricultural products. He asked whether the accredited representative could give an idea of the proportion of vegetable and animal produce raised by the natives included in these exports.

Mr. JARDINE replied that the sisal was non-native, the ground-nuts were native, the coffee was both native and European, the cotton was native and Asiatic, copra was also native and Asiatic, and hides and skins were native.

M. ORTS observed that 50 per cent of the trade of the territory was dependent on one product only — namely, sisal. That was clearly a weak point. On the other hand, the predominance, in the surplus of exports, of produce grown by the natives was a reassuring factor. While, in fact, the European producer — individual colonist or limited company — exhausted his reserves at a time of crisis and was ruined owing to his general expenses, which were no longer compensated by any profits, the native could discontinue production without any serious difficulty. If the crisis continued, numerous European enterprises would disappear, whereas the native producer would be ready to return to work as soon as the general economic situation improved. In these circumstances, it could be anticipated that those tropical countries in which native production was proportionally the most important would be the first to recover.

Mr. JARDINE agreed that a colony which encouraged native as well as non-native production would recover more quickly than a colony which encouraged non-native production only.

M. SAKENOBE said it was very unfortunate that the progress of agriculture and industry had suffered a check on account of the general depression. It was to be presumed that a considerable stock of products had been held over by the native producers in the hope of a rise in price. Naturally, there would be less inducement for new cultivation during the present year.

At the previous meeting, the accredited representative had stated, in respect of the agricultural products of Tanganyika, that the efforts of the Administration would be directed towards the consolidation of what existed in the territory rather than outward expansion. He asked what the Administration had in mind in consolidating the existing agricultural position, especially with regard to the native producers. In particular, he asked whether the latter were advised or instructed with regard to more economic production, so that they could cope with the existing low prices, and whether they were provided with any financial facilities. He asked whether there was no probability of a decrease in the area under cultivation and a subsequent decrease in the quantity of the products in 1931.

Mr. JARDINE pointed out that, when speaking of the necessity for consolidation rather than extension, he had been speaking of development in other directions — for example, the construction of roads and railways, the improvement of harbours, etc., and not of native

agricultural production. The policy of the Administration was to encourage the natives to increase their production, and it would be seen from the table on page 37 of the report that all kinds of native products had increased in quantity in spite of low prices. The Administration was constantly urging the natives to produce more, even when prices were low. It also constantly urged the growing of alternate crops, so that they should not be dependent on one product only.

M. SAKENOBE asked what were the present prospects for the cultivation of agricultural products.

Mr. JARDINE replied that, as regards price, the position was as bad as or worse than last year.

M. SAKENOBE said he had asked last year for information on the manufacturing industries of the territory [1] and was glad to see that, on the present occasion, a paragraph on the subject had been included in the report. He asked whether Mr. Jardine could give information as to the nationality of the undertakings and of the persons whom they employed.

Mr. JARDINE replied that the owners of such concerns would no doubt be Europeans or Asiatics in each case, but that the workers would be natives. He did not think there were any native owners.

M. SAKENOBE referred to the table on page 117 of the report, which had been given in compliance with a request by the Mandates Commission. He thought the table was not quite exact. For instance, it showed no exports to Canada, to which country coffee had, according to the report, been exported. The table showed that 31.5 per cent of the cotton had been exported to British India. He considered this unlikely, as cotton was one of the main products of British India. The footnote called attention to some defects in the table and he hoped that, in the following year, more exact details regarding the foreign markets of the territory would be given.

Mr. JARDINE replied that it was difficult to give the ultimate destination of the products. For instance, coffee was exported to the United Kingdom and thence re-exported to other countries and no doubt the coffee exported to Canada was included in the coffee exported to the United Kingdom.

M. SAKENOBE noted that there had been a great increase in the imports of cotton piece-goods from Japan. He asked by what route these imports had been carried, since there were no Japanese steamers calling at the ports of Tanganyika.

Mr. JARDINE referred to page 92 of the report, which showed that the steamers of the Osaka Shosen Kaisha Line called at Tanganyika ports, and that nineteen steamers had arrived in 1929, and seventeen in 1930.

M. SAKENOBE thanked the accredited representative and added that in that case there must be some mistake in the statistics on page 117 regarding cotton, as they showed no exports of raw cotton to Japan, which was a large purchaser of cotton.

JUDICIAL ORGANISATION AND LEGISLATION.

M. RUPPEL noted the statement on page 15 of the report that the native courts served a most important object by modifying tribal customary law. He asked how such new laws were made and if they were communicated to other courts.

Mr. JARDINE replied that the laws made by the native courts related to their own local conditions. They referred to such local matters as the cultivation of coffee, and were rather rules and regulations than laws. Such rules were for local application only, and were not communicated to other native courts.

M. RUPPEL asked whether these rules were subject to any supervision.

Mr. JARDINE replied that they required the approval, in the first place, of the principal administrative officer of the district and subsequently of the central Government.

M. RUPPEL referred to the Provincial Commissioners' reports for 1930 [2] which was of great interest. It would appear (page 89 of the said report) that 80,000 people had been tried during the year. This showed great activity on the part of the courts. He noted that, out of 2,700 appeals, only 700 had been allowed. He asked whether Mr. Jardine could give the reason for this small proportion.

Mr. JARDINE presumed that, in the majority of the cases, there were no good grounds for allowing the appeal, and the decision of the native court had been upheld. He regarded the number of allowed appeals as large rather than small.

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[1] See Minutes of the Eighteenth Session of the Permanent Mandates Commission, page 32.

[2] Kept in the archives of the Secretariat.

M. Ruppel referred to the introduction of a new penal code and criminal procedure code recorded on page 42 of the report. He asked whether they applied to the whole country and both to the British and native courts.

Mr. Jardine replied that the Indian codes had been originally adopted in the territory as a makeshift. As soon as it was possible, a new code, based on English law, had been prepared. This code was administered by non-native courts only.

M. Sakenobe asked what was the difference between native courts and native subordinate courts.

Mr. Jardine said the native courts were the courts of the native chiefs in their own tribal areas, whereas the subordinate courts functioned in townships or other areas under direct administration. In the latter courts, the magistrates were paid by the central Government.

M. Sakenobe noted that, in subordinate courts of the third class, imprisonment could be imposed for a term not exceeding three months. This had been changed from six months. He asked the reason for the change.

Mr. Jardine replied that the powers of the courts had been altered by a recent court ordinance.

M. Ruppel asked whether any change had been made in the regulations regarding juvenile offenders.

Mr. Jardine replied that the matter was still under consideration. He pointed out that the number of such offenders was very small.

Labour and Labour Legislation.

Lord Lugard asked whether the suggestion had been adopted that employers should give a voluntary bonus of tobacco or some similar article which could be withheld by the employer in case of bad work or petty faults, instead of having recourse to the courts.

Mr. Jardine said he had not heard of such a proposal.

Lord Lugard referred to the remodelling of the existing labour legislation mentioned on page 53 of the report and asked what was the present position.

Mr. Jardine said the draft legislation was now complete and was under consideration by His Majesty's Government.

Mr. Weaver asked what was the composition of the Committee appointed to consider the draft legislation (page 53 of the report). Were the non-official members mostly planters ?

Mr. Jardine replied in the affirmative. There was, however, a representation of African labour.

Mr. Weaver asked whether the Committee included any representatives of the new manufacturing industries mentioned on page 38. He asked whether the draft legislation dealt with workers' compensation and the employment of women and children.

Mr. Jardine said these subjects were considered by the Committee and some alterations in the legislation were proposed.

Mr. Weaver, referring to paragraph 85 of the report, asked whether children were employed on seasonal agricultural work and what wages and rations they received.

Mr. Jardine replied that children were only employed for coffee picking. As they worked near their homes, there was no question of rations. He could not reply regarding their wages. The chiefs were, however, keenly interested in the welfare of children so employed and they would see that no abuses were introduced.

Mr. Weaver asked whether the children's wages were given independently or included in the mothers' wages.

Mr. Jardine replied that the latter was probably the case.

Mr. Weaver was grateful for the instructions issued regarding Government labour, which formed a separate document not mentioned in the report.

He asked what rules applied to labour exacted from tax defaulters and if he could be supplied with a copy of the regulations.

Mr. JARDINE replied that Native Administration Memorandum No. 8, the document in question, was not intended for publication, but he would send a copy privately to Mr. Weaver on the understanding that it would not be quoted publicly.

Mr. WEAVER would be glad of some explanations regarding the sickness and mortality rates (pages 49 and 50 of the report). He understood that, in 1929, the rates had been high on account of the immigration of under-nourished natives from the neighbouring territory under Belgian mandate. He asked if those conditions were exceptional.

Mr. JARDINE replied that they were.

Mr. WEAVER felt some anxiety regarding the reduction in the staff of the Labour Department. Some reports had gone so far as to speak of the break-up of the department. He hoped this expression was an exaggeration.

The unfortunate incident recorded on page 50 of the report would seem to show that, at its 1930 strength, the Labour Department was hardly equipped to exercise adequate supervision. He noted also that it was mentioned on page 47 that a careful watch was kept for cases where bankruptcy might lead to defaults in wage payments. Nevertheless, according to the statistics, there had been an increase in the number of convictions of persons for failure to pay wages. These cases would seem to show that it would be unfortunate if the Labour Department staff were reduced.

Mr. JARDINE replied that the Labour Department had been recruited, in the first instance, from administrative officers seconded from their normal work for periods of two, three or five years. Latterly, since 1929, it had also been recruited from local planters and Government officials retiring from other departments serving on a temporary basis. When financial conditions became difficult it was decided to dispense with the latter type of official as a measure of economy. The future policy with regard to the Labour Department was, he believed, under consideration by His Majesty's Government.

Mr. WEAVER said he hoped that the fears concern ing a " break-up" of the labour inspection organisation would prove groundless.

Mr. JARDINE said he would make a note of this.

EDUCATION.

Mlle DANNEVIG said that the report on education was very full and clear, so that there were not many questions to ask. The amount spent on education was not very high as compared with other expenditure ; it amounted, in fact, to only 6.25 d. per head of population. The number of school-going children was 126,381, but of these 107,304 (page 55 of the report) frequented the unassisted mission schools which were, for the most part, staffed by uncertificated teachers qualified to give merely catechetical instruction (page 59). Nevertheless, the report showed that the mandatory authorities were keenly interested in the problem of providing sound and adequate education for the different sections of the population, native as well as non-native, although various difficulties, including that of language in the case of Europeans, had to be overcome. It was to be hoped that the authorities would find it possible to maintain these educational facilities in spite of financial difficulties.

She would like to ask the following questions : (1) Was it true that school fees were always paid in Government and assisted schools ? Would that create a difficulty for parents desirous of having their children educated ? (2) Did the boys generally stay on at school during the years provided for a full course ? She noted (page 61 of the report) that the proceeds from the European portion of the non-native education tax were expected to realise nearly £5,000 a year. (3) Did the education tax of 30 shillings paid by non-natives go far to cover the expense of the education of non-native children, Indian or European ? (4) Who were the children who were assisted to attend schools in Kenya ? (5) What were the " cess " funds mentioned on page 54 of the report ? (6) Were most of the boys frequenting Government schools sons of chiefs ? (7) As regards the education of girls (page 55), the seventy-seven girls at board-schools were, she supposed, at Tabora and Marangu schools. How was the work progressing at the Marangu school the curriculum of which had previously been said to be excessively severe ?

Mlle Dannevig noted that there were only three girls being trained as teachers — by the Seventh Day Adventists (pages 56 and 57).

Mr. JARDINE said that the authorities would do all they could to maintain existing educational facilities. He replied as follows to other questions asked by Mlle Dannevig : (1) In some cases children whose parents could not afford to pay for their schooling were assisted. (2) The reply to the second question was, " Unfortunately, no." (3) Yes, the tax in question practically covered the expense. (6) Most of the boys frequenting Government schools were sons of chiefs. (7) He had heard no further complaints regarding the curriculum of the school at Marangu.

In reply to Mlle Dannevig's remark that there seemed to be only seventy-seven girls attending Government schools, Mr. Jardine said that there were 42,630 attending schools of all types.

Lord LUGARD noted that, apparently only three girls were being trained as teachers. He had heard with regret that Miss Hake's appointment was to be cancelled. In that case her school at Tabora would be broken up, because the chiefs would not send their daughters to mission schools. Could not some steps be taken to maintain Miss Hake's school ?

Mr. JARDINE said he had not heard of the breaking-up of Miss Hake's school. It wa in full swing when he visited it in March last.

M. RUPPEL noted that, whereas assistance was given in the Dutch private schools, the grant of assistance from public funds to the four schools maintained by the German communities was still under consideration (page 61 of the report). He was told that the negotiations thereon had not yet resulted in a satisfactory agreement, because the Administration imposed conditions, particularly as to the language of instruction in the higher standards, which the communities could not be expected to accept. In his opinion, it was the duty of the mandatory Government which imposed a special education tax on all non-natives to give to all the different national communities assistance for the maintenance of their schools without such conditions. M. Ruppel further drew the attention of the accredited representative to the liberal school policy practised by the Administration of South West Africa.

Mr. JARDINE explained that no German schools received State assistance, because none of them had yet complied with the conditions precedent to such a grant. There was no objection to any nationals having their own school ; but that school could not expect State assistance unless it conformed to the State sytem of education.

M. RUPPEL hoped that the question would be reconsidered and a solution found in conformity with the desires of the German community.

LIQUOR TRAFFIC.

Count DE PENHA GARCIA, referring to the suggestion in the report (page 63) that there might be some illicit traffic in spirits on the border, asked whether any steps had been taken, and, if so, with what result.

Mr. JARDINE replied that some Greeks and Goanese had been caught whiskey-running. The punishment they had received in the Courts had been very light, and the law was being amended to ensure more appropriate punishments.

In reply to Count de Penha Garcia's enquiries regarding the manufacture of and trade in native alcoholic drinks, Mr. Jardine explained that, in townships, no natives could brew without a permit from the district officer, or in the villages without the permission of the chief. In practice, however, it would always be difficult to prevent natives brewing in their own houses.

Lord LUGARD said that, if denatured alcohol was locally distilled for commercial use, special precautions should be taken against the danger of natives learning to distil for themselves. He pointed out an apparent error in the entry of wines (page 65 of the report) as " proof gallons ", and asked the strength of the liquors (shown in gallons).

PUBLIC HEALTH.

M. RUPPEL asked whether a Bill had been accepted to amend the Medical Practitioners and Dentists Ordinance so as to allow doctors with non-British degrees to practise.

Mr. JARDINE replied in the affirmative, and added that, in the present year, two Germans, two Japanese, one Goanese, and one Indian had already been granted permission to practise under the new Act. M. Ruppel's request that complete figures should be given in the next report would be complied with.

In reply to M. Ruppel's question whether it might not be possible to establish a European ward in the Morogoro Hospital (as suggested in the last annual report of the Joint East African Board), Mr. Jardine explained that, in this and in other similar cases, it was the considered medical opinion that it was preferable for the patient to be transported to the nearest large centre where there was a fully equipped hospital with modern conveniences. As regarded complaints of inadequate medical facilities for the unofficial population in other parts of Tanganyika, the position did not differ from that in other British colonies.

In reply to a further question by M. Ruppel, Mr. Jardine explained that missions were only assisted financially for medical work when they were doing work which the Government might think it desirable to do itself if the mission were not in existence. Such grants were made quite irrespective of the denomination of the mission. He agreed that fuller detail should be given in the next report.

M. Ruppel, referring to the several epidemics of smallpox during 1930 (page 70 of the report) asked if and in which places lymph for vaccination was produced in the territory. Before the war, not less than sixteen lymph-producing establishments had been in existence throughout the whole colony.

Mr. Jardine said that the establishment at Mpwampwa was entirely engaged in manufacturing vaccine. The territory possessed a large army of trained vaccinators, and 800,000 persons were vaccinated in 1930.

Lord Lugard asked why a special research station for sleeping-sickness had been set up in Tanganyika (page 72 of the report), whereas no use seemed to have been made by the territory of the central station at Entebbe.

Mr. Jardine understood that Entebbe was engaged on long-time research. The station in Tanganyika was intended for short-time research on one spot, especially as regards the *Trypanosoma rhodesiense*, which did not exist around Entebbe.

Ex-Enemy Property.

Lord Lugard asked whether effect had been given to Sir Donald Cameron's scheme for buying up the German estates which were in the market and granting or selling these to natives, in view of the congestion which was said to be prevalent in the Arusha-Meru district.

Mr. Jardine replied that the Secretary of State and Legislative Council had given their approval for the purchase of the farms, but that the matter was being re-examined when he left Tanganyika in the light of the new financial situation which had arisen.

Demographic Statistics.

In reply to M. Rappard, Mr. Jardine explained that a census had been taken in the present year, but that figures were not yet available.

In reply to two questions raised by Lord Lugard, Mr. Jardine said that *(a)* the decrease in the population of Mahenge (page 89 of the report) was probably attributable to an alteration in the boundaries, and *(b)* neither Arabs nor Somalis were natives under the law.

Tanganyika: Petition dated October 20th, 1930, from the Indian Association of the Tanganyika Territory.

M. Palacios, speaking as Rapporteur on the petition of the " Indian Association of the Tanganyika Territory ", desired that the situation, in the mandated territory, of the Indian population might be examined. Two documents had been received through the regular channels — one bearing the character of a petition and accompanied by the mandatory Power's observations,[1] and another containing the resolutions adopted at a Conference held at the end of 1930.[2] The British Government had not replied to these resolutions, as they did not constitute a petition but pointed out that this did not imply acquiescence.

M. Palacios would like to ask the accredited representative the following question : What did the non-acquiescence of the mandatory Administration mean ? Did it imply that it did not admit the facts on which the resolutions of the Conference were based, or that it could not agree to the introduction of the measures advocated by the Indian Association in favour of the members of the Asiatic community ? Yet, both in the petition and in the Indian Association's resolutions, cases were cited and instances given to prove that Indians were treated in a way that did not take into account the importance of their work in the territory. They stated that they suffered from discriminations which were frequently unjustifiable and injurious and were, at any rate, always aggravating. They asked, therefore, for more adequate representation on the Legislative and Administrative Councils and to be associated with the Government in the senior services. They complained of the lack of a hospital and of being debarred from treatment in asylums. In tramways, railways and elsewhere they were segregated from Europeans ; passports for India were not issued to them as readily as to other subjects in the territory ; they were exposed to exceptional difficulties when they asked for a licence to carry arms ; they protested against " closer union ", etc.

Had the accredited representative anything to add to the mandatory Power's observations ? Could he tell the Mandates Commission what the Indian Association was, what weight it carried and what it really signified ? What was its reputation in the territory ? Had its conferences evoked public interest and exerted any influence ?

Mr. Jardine replied that he had not previously seen the written comments of the mandatory Power, but, from a hasty perusal, they appeared to him to be entirely in accordance with the

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[1] See document C.P.M.1164.

[2] See document C.P.M.1219.

facts and a complete answer to the allegations of the Indian community. He deeply regretted that anything he had said at Geneva last year [1] should have aroused resentment in the breasts of the Indian community, with whom he had always lived on terms of mutual friendliness — a relationship which he greatly valued. He sincerely believed that the Indian community had no just cause of complaint as regards their treatment by the local Government, which had always sedulously endeavoured to avoid unfair differentiation in its treatment of the Indian, as of every other community in the country, and to extend even-handed justice to all, irrespective of race, class and creed.

FOURTH MEETING.

Held on Wednesday, October 28th, 1931, at 10 a.m.

Togoland under British Mandate: Examination of the Annual Report for 1930.

Mr. H. W. Thomas, Provincial Commissioner, Gold Coast, accredited representative of the mandatory Power, came to the table of the Commission.

Welcome to the Accredited Representative.

The Chairman welcomed Mr. Thomas, Provincial Commissioner, Gold Coast, who had been appointed as accredited representative of the British Government for the examination of the report on Togoland under British Mandate. It was the first time that the Commission had had an opportunity of collaborating with Mr. Thomas as accredited representative of the mandatory Power. He was sure that his colleagues would appreciate the action of the British Government in sending to Geneva a high official of the mandated territory. He had already had occasion, when the Commission was examining the report on Tanganyika Territory, to inform his colleagues of the British Government's letter explaining why it had not found it possible to send Mr. Clauson to Geneva for the present session.

Communication to the Secretariat of the Minutes of the Legislative Council of the Gold Coast.

The Chairman noted that the Secretariat received regularly, for the information of the Permanent Mandates Commission, reports of the proceedings of the Legislative Council of practically all the mandated territories. Those documents were often a most valuable source of information. Could the accredited representative arrange for the proceedings of the Legislative Council of the Gold Coast to be forwarded to the Mandates Section?

Statement by the Accredited Representative.

Mr. Thomas made the following statement:

First of all I should like to thank you, Mr. Chairman, and the members of the Permanent Mandates Commission for your welcome this morning. I hope my presence may be of some service and assistance to the members of the Commission in elucidating points on which they have any doubts.

Since this report was written last April, the Commission will no doubt like to have any further information which is available in order that the report now submitted may be brought up to date so far as possible. First and foremost is the financial situation in the Gold Coast. As the territory is administered as an integral part of the Gold Coast in accordance with the provisions of the mandate, any measures taken by the Gold Coast Government to meet its obligations will also, unless specifically stated otherwise, be applied to the British sphere of Togoland. The Gold Coast, as is the case with other colonies, is passing through a time of great difficulty and stress. The economic crisis which has swept across the world to-day has not failed to affect the Gold Coast.

Our trade depression, however, was further aggravated by a "hold-up" of cacao, which is the principal and most important export from the Gold Coast and the British sphere of Togoland. The cacao farmers, led by a few literate, ill-informed and possibly evil-intentioned

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[1] See Minutes of the Eighteenth Session of the Permanent Mandates Commission, page 22.

Africans, banded themselves together into a Cacao Federation, and, as they appeared to be under the fond imagination that the low price paid for cacao by the European buyers was the result of their malicious manipulation of the European markets, they refused to sell their produce when the price was in the neighbourhood of 12*s.* a load of 60 lb. They demanded 25*s.* a load, and hoped by this hold-up to create a rise in prices. The Federation went farther, and endeavoured to put a boycott on European stores, prohibiting the purchase of any goods except flour and salt. Energetic measures by political officers in rebutting mischievous propaganda and putting before these people the real cause of the slump in prices, coupled with lack of organisation of the Federation, which was unable to control a vast section of the farmers who were in need of a little ready cash and had begun to believe that half a loaf was better than no bread at all, had the effect of forcing the Federation to release their cacao for sale ; but, alas ! too late, for prices dropped still farther. The result has been the consequent lessening of the purchasing power of the African, who cannot now afford things he has enjoyed as a matter of course for many years past.

At a meeting of the Legislative Council, held in Accra in September, the Governor reported that, in spite of the cautious view taken in framing the Gold Coast budget at the beginning of the year, he and his advisers had been too optimistic, and a deficit of over £1,000,000 was now excepted at the end of the financial year, instead of £484,000. Rigid economy is therefore the order of the day, and repercussions therefrom will naturally be felt in the mandated territory as well as in the Gold Coast. Further taxation has been introduced, and I will bring special items to the notice of the Commission under the appropriate heads.

With regard to general administration, the system of indirect rule has for some time been encouraged in the northern territories and the northern section of the British sphere. Political officers have given study and thought to native customs, laws and institutions, which will assist in paving the way for the re-establishment of the native authority, and the introduction of indirect administration in Dagomba. Mention is made in paragraph 23 of the report of the Conference held at Yendi, when most important information was obtained from the chiefs. As a result, several documents were drawn up and signed by the Na of Yendi and his principal chiefs. After a careful study of these documents and a thorough sifting of all the information obtained from political officers on native customary law, two ordinances for the northern territories and the northern section of the British sphere of Togoland have now been framed— namely, a Native Authority Ordinance and a Native Tribunal Ordinance. I am not in possession of the texts of these ordinances, nor am I able to state definitely whether they have actually been enacted by the Governor of the Gold Coast. I hope, however, that it will be possible for particulars to be given in the next report, and a copy of the ordinances will be supplied in the appendices to the report next year.

As regards information supplied in paragraphs 29 and 30, I am able to inform the Commission that, since this report was written, three other groups of chiefs have been formed besides that of Kpandu. These are : Awatimo, comprising ten head chiefs hitherto, with a population of 13,000 ; Buem, with two head chiefs, the population being 16,000 ; Ho, with nine head chiefs, population 11,600. Kpandu has seventeen head chiefs, the population being over 27,000.

There remain thirty divisions (I should point out that there is a misprint in paragraph 31 of the report ; the figures 63 should read 68) with a total population of 56,650. Some of these will undoubtedly join one or other of the groups mentioned above, while others — for example, the Twi-speaking people of the country and the divisions to the south of Ho will probably amalgamate into separate groups. It is confidently anticipated that, in the near future, the southern section will comprise seven States only instead of sixty-eight independent divisions. If you so require, I can give the names of the divisions which have already amalgamated. It will be admitted that this is a highly satisfactory state of affairs, for amalgamation to be permanent must be entered into voluntarily, and it is no easy matter for a chief who has enjoyed the privileges of independence to sink his prestige and swallow his pride, and hand over his rights of paramountcy to another stool. But it can with safety be assumed that such submissions are purely voluntary, for a chief, whose position is purely democratic and the period of his reign entirely at the will or whim of the people, would never be able to withstand the opposition of his subjects any more than he would be able to bend them to his will if they were out of sympathy with the amalgamation.

As regards public finance, the financial statistics given in Appendix II of the report are for the calendar year 1929. I have here a statement of revenue and expenditure for the calendar year 1930. This, I understand, is in accordance with the whis expressed at the time when the 1929 report was examined by the Commission. In future, the statistics for the calendar year will form the appendix.

With the figures now before me, it is possible to make a comparison with those given in Appendix II for the year 1929. The revenue for 1930 was £38,941 3*s.* 1*d.*, as compared with £59,707 19*s.* 3*d.*, for 1929 — a decrease of £20,766 16*s.* 2*d.* This decrease is attributed to the world trade depression, decreased purchasing power consequent on the lower price of cacao, and to the refusal by the Cacao Federation to sell cacao to merchants during the last few months of the calendar year.

The revenue derived from licences, £3,924 5*s.* 9*d.*, as compared with £8,475 5*s.* 9*d.*, has decreased for the same reasons.

The proportionate revenue from the West African Currency Board shows a decrease of £667 consequent on the 1929 total distribution of £179,869 having decreased to £172,481 in 1930.

The expenditure for 1930 was £94,036 3*s.* 6*d.*, as compared with £85,978 7*s.* 10*d.* for the previous year. A decrease of £2,001 under " Customs " is mainly due to the activity of the Preventive Service, and consequential reduction in the amount of the rewards for seizures of smuggled goods. The largest increases appear under :

Animal health : £2,946, due to a greater number of veterinary officers having veterinary inspection areas in the territory during the year.

Education : £1,912, consequent mainly on increasing grants to mission assisted schools.

Public works extraordinary : £2,159, for which Kpeve Leper Settlement, Kpandu and Kete-Krachi buildings, Roads 17 and 25 (Yendi and Kete-Krachi), and Kete-Krachi-Kpandu Road are mainly responsible.

Survey : £2,143, Anglo-French Boundary Commission.

There is an increase under all heads of expenditure except Customs, mentioned above, and a few odd pounds under Judiciary and Public Works Department annually recurrent.

The deficit on the year's working amounts to £55,095, as compared with £26,270 for 1929.

As regards taxation, the Commission will no doubt wish to be informed of the increased duties on commodities imported into the Gold Coast, which will also apply to the British sphere.

There is now, from September 24th, an *ad valorem* duty of 15 per cent on mineral waters, bicycles, butter and substitutes, cheese and confectionery. The duty on petrol has been raised from 8*d* to 10*d* per gallon. There is a further duty on manufactured tobacco, cigarettes and cigars. At the same meeting of the Legislative Council, the Governor intimated that he proposed further, in order to balance the budget, to levy an income-tax of 6*d.* in the pound on all salaries and incomes over £40 per annum. Increased duties have been placed on beer-ale, stout and porter, cider and perry, still wines and sparkling wines. The duty on spirits has not been increased since 1930. To-day that duty is 33*s.* 6*d.* per gallon. This is equivalent to £78 16*s.* 11*d.* paid to Government revenue out of every £100 spent on Geneva. The increased duty on beer now brings in £26 13*s.* 4*d.* revenue out of every £100.

These are the main points to which I wish to draw the attention of the Commission. Several photographs of subjects of varied interest in the British sphere were taken and incorporated in the report, and the Colonial Office has asked me to present a copy of these photographs to the Commission for record. [1]

(The photographs were laid on the table.)

Economic Depression : Possibility of Communist Influence.

M. Rappard, recalling that the accredited representative had shown that the discontent which had found expression in Togoland was due to economic causes, asked if he had noticed any political Communist agitation, any Bolshevist tendency among the Gold Coast natives.

Mr. Thomas replied that the Cacao Federation had originated with one man residing in Accra. The African was somewhat easily led away by statements made by his own countrymen and had failed to realise that, when the world was going through a period of economic depression, the local situation was bound to be affected. The Government had pointed out to the individual in question, and to the chiefs, that the few cacao companies operating in the Gold Coast and Togoland could have little or no influence on the European markets. The Government, which at first was suspected of siding with the merchants, had eventually persuaded the chiefs that it had no interest in the rise or fall in the price of cacao, beyond the fact that, the higher the price, the better it was for the colony, since the purchasing power of the African increased, and it had realised the Federation's sincerity in working for better prices. There had been no Bolshevist influence at all.

Movement for the Centralisation of Native Administration.

M. Rappard had been surprised to hear that the reduction in the number of chiefs and the native centralisation movement were generally welcomed. That was surprising, as closer contact with the chief generally made any measures he might take more bearable. Was the reason for the general satisfaction due to the fact that the power of the chief was now farther removed from the population ?

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[1] Kept in the archives of the Secretariat.

Mr. THOMAS pointed out that the fact that a subordinate chief agreed to accept another man as his chief did not indicate that the tie between the subordinate chief and his people was lessened — it was, if anything, increased. The small head chiefs (numbering some sixty-eight) were of so little standing that it was of little use any one of them putting forward suggestions or attempting improvements single-handed ; they realised, however, that, with seven, eight or ten amalgamated divisions, something might be achieved by combined effort.

LANGUAGES TO BE LEARNT BY GOVERNMENT OFFICIALS.

Lord LUGARD recalled that, during the examination of the previous report, [1] Mr. Jones had stated, in reply to a question concerning the learning of languages, that only one officer knew the Dagomba language. Did the Government decide what languages officials were to learn ?

Mr. THOMAS stated that the Government selected the languages which an officer was to learn, principally with reference to the place where he was to be stationed. Hitherto, few vacancies had occurred in the northern territory ; now that more vacancies were occurring, more officials were learning the languages used there, principally Mole and Dagomba.

ADMINISTRATIVE RE-ORGANISATION OF THE TERRITORY, IN PARTICULAR OF THE DAGOMBA AND MAMPRUSSI PROVINCES.

Lord LUGARD noted that the annual report referred (pages 7 to 10) at some length to the investigations undertaken concerning the Dagomba tribe. He enquired what the approximate figures were for the Dagomba and Mamprussi populations, and commented on the fact that it seemed rather a long time to wait, since the beginning of the mandate, before differentiating between the two for administrative purposes.

Mr. THOMAS understood that the political officers had spent many years trying to ascertain the laws and customs of those peoples. The latter had been prepared to say " yes " or " no " without enlarging on any question put to them ; but the Government, owing to the very fact that the political officers were learning their languages, had now gained the confidence of the head chiefs. The late Commissioner of the northern territory had been very emphatic in his view that, until the customs of the Mamprussi and Dagomba peoples were known, it was impossible to introduce indirect rule through native courts. The time had now come, and measures were accordingly being taken.

M. RUPPEL noted with satisfaction that account had been taken of the observations made during the nineteenth session [2] regarding the question of the alteration of the boundaries between Ashanti and the northern territories (page 5 of the report). On the other hand, the report stated (pages 6 and 7) that it was the intention of the mandatory Power to unite certain other parts of the territory under mandate (Eastern Dagomba) to a certain district of the Gold Coast Colony (Western Dagomba), in order that those districts might be amalgamated into one. The historical and ethnographical data given in the report about the Dagomba and their State were very interesting, and M. Ruppel had found nothing that would contradict them. He did not believe, however, that they would justify the proposed reunion of the old Dagomba Kingdom and the amalgamation of the two administrative districts. The Dagomba were a conquering race. They had invaded the country a century or more ago and subjugated the aboriginal tribes who lived there (the Konkomba and others). The Nanumbas were also a separate tribe, though speaking a dialect of the Dagbane. He could not see that it would be a measure of good government to restore the old domination of a conquering tribe over aboriginal natives.

There was another point. It seemed hardly compatible with the spirit of the mandate to split the territory into small pieces and to amalgamate one after another of those pieces with local districts of the neighbouring colony. Ultimately, there would remain no trace of a separate entity such as each mandated territory constituted. He desired, therefore, to ask the mandatory Government to reconsider the question in the light of his remarks. He would be very glad if the plan for amalgamation could be abandoned. A glance at the map showed that to amalgamate Eastern Dagomba with the rest of the territory would result in a very big district, which was not a good plan from the standpoint of administration.

Mr. THOMAS thought that the Gold Coast Government was of opinion that the change of headquarters to Yendi would benefit the administration of the Dagomba territory. It had thought that it would be best to have a single District Commissioner over the whole of the Dagombas. That was the reason for the proposed new scheme, which had not, however, yet taken effect.

M. RUPPEL pointed out that there were other tribes besides the Dagombas in the Dagomba territory. He asked that his objection might be brought before the mandatory Power and urged that things should be left as they were.

Count DE PENHA GARCIA noted the reference in the annual report (page 5, paragraphs 9 and 10) to the possibility of a change of frontier. Did the Togoland Administration suggest

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[1] See Minutes of the Nineteenth Session of the Permanent Mandates Commission, page 42.
[2] See Minutes of the Nineteenth Session of the Permanent Mandates Commission, page 41.

that the frontier of a mandated territory could be changed simply by administrative ordinance ?

Mr. THOMAS replied that that was certainly not the case and that reference would, of course, be made to the proper authorities.

Count DE PENHA GARCIA noted that the future policy of the territory provided for native re-organisation, the regrouping of the tribes, the re-establishment of old local administrative customs and the strengthening of the authority of the bigger chiefs. The results of such a policy might be excellent, but there might, on the other hand, be a risk of delaying thereby the social development of the people. A political system, the main object of which was to re-institute what had once existed but which no longer existed might be justified if the tribal organisation was in a state of confusion. It might, in certain cases, enable the Administration to approach the natives more effectively through the chiefs. It must, however, constitute a means of progress. He enquired what was the opinion of the accredited representative of the mandatory Power as regards the probable results of the present system from a political, economic and social standpoint.

Mr. THOMAS replied that he did not think that progress would be retarded. The native customs and institutions had existed all along ; nothing was being revived. The mandatory authorities were trying to codify those existing institutions, in order that legal effect might be given to them.

M. SAKENOBE reverted to the point that the Dagomba State was already very big, and referred to the long list of chiefs, beginning with the paramount chief, mentioned in the report (page 9, paragraph 23). He enquired which of the chiefs came into contact with the District Commissioner, and whether the existing system was satisfactory.

Mr. THOMAS stated that the District Commissioner resided at Yendi, which was also the residence of the Ya Na ; he travelled throughout the northern section and was in close contact with the district chiefs. When on tour he might take with him an elder of the Na's court,and any complaint would be made in the presence of that elder. Every subordinate chief, and, indeed, every African, had the right of access to the District Commissioner.

M. RAPPARD enquired whether the term " State " as used in the report represented the translation of a native word.

Mr. THOMAS replied that the use of the word was comparatively recent, the term " Division" having previously been used ; there was no particular significance in the use of the term. It represented, as Lord Lugard suggested, a native unit of administration.

FINANCIAL SITUATION OF THE TERRITORY.

M. RAPPARD observed that the description given in the annual report and in the accredited representative's statement of the financial situation was very alarming. The deficit was larger than the receipts, a condition of affairs that was abnormal. Deficits were, of course, borne by the Gold Coast Government, but the question might be asked whether the Gold Coast Government regarded a deficit merely as a loss to be borne, or whether, from an accounting point of view, it regarded it as an accumulating debt which might in certain circumstances be recoverable.

Mr. THOMAS stated that he was unable to reply without reference to His Majesty's Government.

M. RAPPARD said that he had noted with great interest that the Government had decided to impose an income tax of 6*d.* in the pound ; that was certainly a beginning in a situation that was desperate, and it was satisfactory to think that non-natives were thus called upon to assist.

Lord LUGARD assumed that the tax would fall on trading firms. He enquired whether firms registered in England would be affected as well as those registered in the territory — that was to say, whether the tax would apply to profits made in the colony, irrespective of residence.

Mr. THOMAS said that he had no information on that point. He would see that it was dealt with in the next annual report.

M. RAPPARD asked that the next report might also contain some statement of the financial policy of the territory. The position called for drastic action, in view of the drop in receipts and the increase in expenditure.

M. ORTS recalled that last year [1] it had been said that, on the common frontier of the territories, under French and British mandate the Customs duties amounted to little more than the costs of collection. At the present time, however, the receipts had decreased still further, and the maintenance of supervisors was now nothing but a charge on the budget. Why was it advisable to maintain this Customs frontier ?

Mr. THOMAS explained that otherwise an increase in smuggling, especially of spirits and tobacco, would occur ; the prevention of smuggling justified the maintenance of the barrier.

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[1] See Minutes of the Nineteenth Session of the Permanent Mandates Commission, page 43.

Economic Situation of the Territory ; Imports and Exports ; Cattle-Breeding.

M. Sakenobe supposed that, with the development of communications, the northern section would be opened up to the outside world. He asked what were the economic prospects.

Mr. Thomas agreed that the new road would facilitate the exchange of commodities. He remarked that it was only a dry-weather road and was not passable in the rainy season.

M. Sakenobe asked what were the prospects for the improvement of cattle-breeding.

Mr. Thomas replied that this matter was being taken up by the Veterinary Department, which operated throughout the northern section.

M. Rappard referred to the cocoa card system (page 21 of the report), under which the French authorities remitted certain import duties on cocoa beans imported into France. He understood that cocoa imported from the British mandated territory also benefited from this scheme. He did not understand for what motives the French authorities were willing to give this benefit to cocoa beans grown in the British mandated territory. He asked if it was perhaps the desire to attract traffic to the French railways and French shipping.

Mr. Thomas believed that the French Government offered this bonus on a certain quota. Since Togoland under French mandate could not supply the full amount, imports were allowed under the same scheme for cocoa beans from Togoland under British mandate. He presumed that the benefit would be withdrawn when the French territory could supply the entire quota.

M. Rappard did not understand this policy of the French Government in view of the present very low price of cocoa.

Lord Lugard asked whether the bonus received under the French card system was greater than the Imperial preference obtained on exporting the cocoa beans to England.

Mr. Thomas replied that there was an advantage of about £8 per ton in exporting to France after all expenses had heen paid.

M. Ruppel asked how much cocoa was exported last year. The table on page 17 gave the quantity as 3,808 tons. On the other hand, the table on page 22 gave the amount passing through the control posts as about 6,000 tons, and the amount sent to the Gold Coast as 354 tons.

Mr. Thomas could give no immediate reply.

Lord Lugard understood that there was a tendency on the Gold Coast for cocoa farms to get into the hands of native capitalists and that the small native holdings were disappearing. He asked if this was so in Togoland.

Mr. Thomas replied that this was exceptional; the natives avoided employing labour on their farms outside their own families unless they mere well off, or had such extensive farms that their families could not cope with the work entailed.

Police.

M. Sakenobe noted that reference was made to " illiterate " police. He thought no police should be illiterate.

Mr. Thomas replied that the police were of two kinds : the blue police and the escort police. The latter were more or less illiterate.

Social Conditions.

Mlle. Dannevig noted a statement in the report (page 29) to the effect that the people were happy and contented. She asked if this remark were true of the women who, it was stated, were still regarded as chattels by their husbands.

Mr. Thomas replied that, in spite of these conditions, both sexes of the population were fairly happy and contented.

M. Sakenobe asked if polygamy was universal in the country.

Mr. Thomas replied that it was and depended on the wealth of the husband.

In reply to a question regarding fetishes, Mr. Thomas stated that the influence of the fetish priests was declining, especially in the southern districts.

"Reaffirmation of the Abolition of Slavery Ordinance, 1930."

M. Palacios noted the reference in the report (page 31) to the Reaffirmation of the Abolition of Slavery Ordinance, 1930, which had been passed by the Legislative Council at Accra in December 1930. Since slavery had already been abolished before that date, he asked what *de facto* position had given rise to the new provisions.

Mr. Thomas replied that the Ordinance had been passed in 1930 in view of the fact that the Governor wished to make it quite clear to the Gold Coast and to Europe that slavery did not exist in the territory. Slavery had never been recognised on the Gold Coast since 1874; but, in view of the ruling of the High Court in Sierra Leone that slavery did exist, the Governor had been anxious to reaffirm the freedom of all Africans. From a *de facto* standpoint the Ordinance had not actually been necessary.

Labour.

Lord Lugard asked why wages were paid to the chiefs instead of direct to the labourers.

Mr. Thomas replied that this was the usual custom.

Lord Lugard asked what precautions were taken to see that the chief made the due payments to the men.

Mr. Thomas replied that payments were made in the presence of the villagers, who were in a position to claim their share. The Government took no steps to ensure payment, but there was no doubt that the payments were actually made, in many cases not in cash, but in kind.

Mr. Weaver pointed out that a similar statement had been made in the previous year, [1] but some doubt whether it was certain that payments were passed on to the workers had been raised in West Africa. He therefore hoped the mandatory Administration would give further consideration to the question of direct payment of wages.

Mr. Thomas stated that, in case of non-payment, complaints would no doubt be received by the District Commissioner.

Mr. Weaver was grateful for the information given under the heading "Communal Labour" (page 33) in reply to a request made last year. He noted that statement affirmed that it would be totally inaccurate to describe this labour as compulsory. There was, however, still some doubt whether the labour voluntarily offered by chiefs was not compulsory labour for the individual tribesmen. He asked whether tribesmen who failed to go to work were punished by the chief.

Mr. Thomas replied that they were usually fined.

Mr. Weaver said that in that case this was forced or compulsory labour.

Mr. Thomas did not agree. By native custom, every chief had the right to call out labour or road-making, etc. If tribesmen were unable to attend, they paid a sum of money.

Mr. Weaver realised that this was the custom, but maintained that the labour was, nevertheless, compulsory. The Forced Labour Convention had been ratified by the British Government and applied to the Togoland territory. He drew attention to instructions on the recruitment, employment and care of Government labour issued by Tanganyika territory. The passage in question stated that the people, through their chiefs, often wished to carry out some particular work of general interest. If the turn-out was voluntary, no statutory order was made under the Native Authority Ordinance, and failure to go to work could not be punished. In some districts, this course had been successful, and the Governor did not interfere, provided care was taken that abuses should be avoided and that the desire for the work was genuine and spontaneous; but, where evasion was possible, it was desirable that a statutory order should be made under the provisions of the Native Authority Ordinance.

The reference in this passage to a statutory order would mean an order under the Land Ordinance — that was to say, within the twenty-four days allotted. He suggested some similar measure should be adopted in Togoland.

List of International Conventions applied to the Territory.

Mr. Weaver pointed out that the list given on page 67 of the report contained a number of discrepancies. He trusted that this list would be examined and revised.

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[1] See Minutes of the Nineteenth Session of the Permanent Mandates Commission, page 44.

Education.

Mlle. Dannevig was glad to know that the average attendance at the schools in 1930 was 96.8 per cent (page 37). It was a proof of the great demand for education. She asked if the number of schools was considered sufficient by the mandatory Power.

Mr. Thomas replied that the number was sufficient in the southern section.

Mlle. Dannevig asked if all the schools were literary and if there were no agricultural schools. She observed that a few boys only were accepted each year for training in the agricultural college at Kumasi.

Mr. Thomas replied that there were no agricultural schools in the territory. There were some trade schools, principally in the neighbourhood of the northern section.

Mlle. Dannevig asked that in next year's report a distinction should be made between the numbers of white and native teachers and also between men and women teachers. She trusted that it would be possible to maintain the existing schools in spite of the present difficulties.

Liquor Traffic.

Count de Penha Garcia expressed his appreciation of the excellent report by the Commission of Enquiry [1] as a result of which various ordinances had been issued. The figures in the report showed a considerable reduction in the consumption of spirits. He asked whether this was due to the new ordinances in question or to the present depression in business.

Mr. Thomas thought it was due to both causes, but principally to the new ordinances. The tax on geneva was such as to make the price practically prohibitive.

Count de Penha Garcia asked whether there were cases of smuggling liquor in the prohibited zone.

Mr. Thomas said he had heard of no case.

Count de Penha Garcia had heard of cases of smuggling between the territories under French and British mandate, and asked whether any agreement had been reached between the two authorities in order to avoid this.

Mr. Thomas replied in the negative.

Count de Penha Garcia asked if there was any native beer in Togoland.

Mr. Thomas replied that peto was manufactured from fermented corn. The manufacture was not subject to any regulations.

Count de Penha Garcia noted that it had been proposed to regulate the sale of palm wine. He asked if the study of this question had been continued.

Mr. Thomas replied that the consumption of palm wine was not so serious as to justify its regulation. Moreover, it was difficult to restrict the consumption, as, in the palm belt, it was collected and drunk in nearly every village. Immediately after collection it was practically innocuous, but gained strength after fermentation.

Count de Penha Garcia remarked that this opinion was contrary to the conclusions of the report of the Commission of Enquiry, from which it appeared that the consumption was considerable and resulted in harmful effects.

Lord Lugard also testified to the excellent work done by the Commission of Enquiry. He noted Dr. Wilkie's proposal to increase still further the duty on spirits. He noted that it had been increased to 33*s*., but even so it was less than in East Africa, white the duty in England was 72*s*.

He also suggested that a further attempt should be made to equalise the French and English duties. When this question had been raised on previous occasions, the reply had been given that such equalisation was impossible, as the French franc was not stabilised. This could no longer be given as a reason.

He pointed out an apparent discrepancy in the report of the Commission. On page 12 it stated that a " great majority " of the native chiefs were opposed to total prohibition, whereas on page 11 it was stated that eleven out of twenty-six were in favour of it. He added that he was not himself in favour of total prohibition of imported intoxicants. It was impossible to prohibit native intoxicants.

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[1] Report of the Commission of Enquiry regarding the Consumption of Spirits in the Gold Coast.

Public Health.

M. Ruppel noted the statement on page 45 of the report that the proposed building of a new hospital at Kete-Krachi had been again delayed on account of financial difficulties. He quoted from a book by Mr. A. W. Cardinall showing that this district was in particular need of a hospital and of medical assistance.

Mr. Thomas replied that a medical officer visited the district twice a week.

M. Ruppel noted that splendid work had been done by the woman doctor at Ho and the Catholic sister at Kpandu. This would seem to indicate the necessity for increasing the number of women nurses.

He expressed his thanks for the full information on sleeping-sickness given on pages 48 and 49 of the report, which showed that the disease was of a milder type than in Central Africa. He hoped the Administration would devote its entire attention to this matter and continue to give information.

He was also glad that full information had been given regarding leper settlements. He asked if compulsory or voluntary segregation was in force.

Mr. Thomas replied that the segregation was voluntary.

Mines.

M. Ruppel noted the statement on page 65 that it was impossible to carry out any geological work in 1930. The *Gold Coast Gazette* mentioned a report on the geology of Togoland with a map. He asked if a copy could be supplied for the Mandates Section.

Mr. Thomas promised to supply a copy.

Demographic Statistics.

M. Rappard asked if any results were available of the census taken in April 1931.

Mr. Thomas said he had not yet received any figures, but he understood that there was a large increase in the population.

M. Rappard asked if the financial statistics could in future be supplied for the previous year instead of, as at present, for the year before last.

Mr. Thomas said this would be done.

Close of the Hearing.

The Chairman thanked Mr. Thomas for his interesting information, and hoped that he had noted the various requests for further details.

(Mr. Thomas withdrew.)

Emancipation of Iraq: Procedure to be followed: Statement by the Chairman.

The Chairman, in preparation for the discussion on this subject, read the following statement, which he thought might be taken as a basis for discussion by the Commission:

" On September 4th, 1931, the Council adopted the following resolution :

" ' The Council requests the Permanent Mandates Commission to submit its opinion on the proposal of the British Government for the emancipation of Iraq after consideration of the same in the light of the resolution of the Council of September 4th, 1931, with regard to the general conditions to be fulfilled before a mandate can be brought to an end.'

" The Council resolution regarding the general conditions for the termination of a mandate reads as follows :

" ' The Council notes the conclusions — appended to the present resolution — at which the Permanent Mandates Commission has arrived regarding the general conditions to be fulfilled before the mandate regime can be brought to an end in respect of a country placed under that regime. In view of the responsibilities devolving upon the League of Nations, the Council decides that the degree of maturity of mandated territories which it may in future be proposed to emancipate shall be determined in the light of the principles thus laid down, though only after a searching investigation of each particular case. The Council will naturally have to examine with the utmost care all undertakings given by the countries under mandate to the mandatory Power in order to satisfy itself that they are compatible with the status of an independent State, and, more particularly, that the principle of economic equality is safeguarded in accordance with the spirit of the Covenant and with the recommendation of the Mandates Commission.'

" The problem arising in connection with Iraq constitutes one of the ' particular cases ' referred to in the foregoing resolution. It must, therefore, form the subject of searching investigation in the light of the principles set forth in the annex to the Council resolution of September 4th, 1931. These principles are identical with the general conditions submitted to the Council by the Mandates Commission at the close of its twentieth session.

" Moreover, the Council resolution lays down that undertakings given by territories under mandate to the mandatory Power must be carefully examined for the purpose of ascertaining whether they are compatible with the status of an independent State.

" Finally, it is necessary under the terms of the Council resolution to make sure that the principle of economic equality is safeguarded in accordance with the spirit of the Covenant and with the recommendation of the Mandates Commission.

* * *

" An examination of the proposal for the emancipation of Iraq conducted in the light of the criterion laid down would seemingly have to deal with the following four points:

" 1. Ascertaining the existence in Iraq of the *de facto* conditions enumerated in the first part of the annex to the Council resolution.

" At its twentieth session, the Mandates Commission examined the special report submitted by the mandatory Power on the administration of Iraq during the period 1920-1931 and made the following statement in its report to the Council :

> " ' So far as its normal sources of information permit, the Commission is thus now in a position, to the extent compatible with the nature of its functions and its procedure, and subject to the information which has been promised to it, to express its views on the mandatory Power's proposal for the termination of the Iraq mandate. As soon as the Council has reached a decision as to the general conditions which must be fulfilled before a mandate can be brought to an end, the Commission will be ready to submit to the Council its opinion on the British proposal regarding Iraq, after examining that proposal in the light of the Council's resolution.' [1]

" Consequently, as regards the existence of the *de facto* conditions referred to above, the Commission, with the help of the supplementary information supplied by the mandatory Power at its request, must formulate its final conclusions during the present session after examining the British proposal in the light of the Council resolution.

" 2. Examination of the guarantees which Iraq must furnish to the satisfaction of the League of Nations regarding the various points set out in the second part of the annex to the Council resolution of September 4th, 1931, and of the form of the undertakings to which Iraq must subscribe for that purpose.

" Two methods may be considered here. One would consist in the Commission itself formulating, in as detailed a manner as possible, the terms of the undertaking to which Iraq must subscribe. If the other method is adopted, it would be for the mandatory Power to submit, on its own initiative or in reply to questions put to the accredited representative by the Mandates Commission, the substance of the undertakings to which Iraq proposes to subscribe. In that case, the task of the Commission would be confined to examining the proposed undertaking of Iraq as regards form and substance, and to communicating to the Council any modifications or additions thereto it might consider desirable.

" 3. Examination of all the undertakings given by Iraq to the British Government, for the purpose of determining whether they are compatible with the status of an independent State.

" With this object, the Commission should carry out a critical examination of the Anglo-Iraqi Treaty of Alliance of June 30th, 1930, and the instruments annexed thereto. The Commission has already had an opportunity, at its nineteenth and twentieth sessions, of putting a number of questions to the accredited representative of the mandatory Power regarding the meaning of certain provisions in the Treaty of Alliance. These discussions will, in view of the explicit instructions given to the Commission in this respect by the Council resolution of September 4th, 1931, have to be resumed with the accredited representative during its twenty-first session.

" 4. Examination of the provisions suggested for safeguarding the principle of economic equality, in accordance with the spirit of the Covenant and with the recommendation contained in the last paragraph of the opinion of the Commission on the general conditions which must be fulfilled before a mandate can be brought to an end.

" The Commission recommended that ' the new State, if hitherto subject to the Economic equality clause, should consent to secure to all States Members of the League of Nations the most-favoured-nation treatment as a transitory measure on condition of reciprocity '.

" Under the Council resolution, this recommendation of the Commission was converted into an obligation. The Commission will therefore, it would appear, have to satisfy itself that Iraq, which as a mandated territory is subject to the economic equality clause, undertakes to secure to all States Members of the League of Nations the most-favoured-nation treatment as a transitory measure on condition of reciprocity."

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[1] One member of the Commission was unable to agree to these considerations and set out his divergent point of view at the nineteenth and twenty-second meetings of the twentieth session (see Minutes, pages 142-144 and 157-160).

FIFTH MEETING.

Held on Wednesday, October 28th, 1931, at 3.30 p.m.

Cameroons under British Mandate: Examination of the Annual Report for 1930.

Mr. Browne, Senior Resident in Nigeria, accredited representative of the mandatory Power, came to the table of the Commission.

Welcome to the Accredited Representative.

Before opening the discussion on the annual report, the Chairman welcomed Mr. Browne, Senior Resident Officer in Nigeria, who had been appointed accredited representative of the British Government for the examination of the report on the Cameroons under British mandate. It was the first time that the Commission had had the assistance of Mr. Browne in this capacity, and the Chairman was sure that his colleagues would appreciate the action taken by the mandatory Power and would welcome the opportunity afforded them of examining the annual report with the collaboration of an official of the Administration of the territory under mandate.

Statement by the Accredited Representative.

The Commission is aware that the Cameroons under British mandate is divided into three spheres, each with widely different conditions and problems. These differences were stated by Mr. Hunt, the accredited representative for the 1928 report, on pages 84-85 of the Minutes of the sixteenth session.

There is no administrative officer who has had personal experience of all three spheres, and in recent years the accredited representative has been one who has had special knowledge of the Cameroons Province alone. On the present occasion, it has not been found possible for the Government of Nigeria to provide a representative from the Cameroons Province, and I fear that, as I have no personal knowledge of that province, I may not be able to supply information by verbal answer immediately. I have, however, been in charge of the Adamawa Province from 1926 to 1929, and am more familiar with local conditions there. It may be of interest to the Commission to know that in a few months I am to succeed Mr. Arnett in the Cameroons Province, and I hope that, if I appear again as accredited representative, I shall be better informed and able to answer more readily.

There are a few subjects on which the Commission may wish to have more recent information.

As regards the definition of the Anglo-French frontier (paragraph 16 of the report), details are now being arranged with the Governor of the French Cameroons.

With reference to paragraph 38 of the report, there has been a further enquiry into the causes of the quarrel between the Chief of Bande and Chief Ndesso and it is hoped that a peaceful solution has been found, but a full report will be made in 1931.

The construction of the Lafia-Chad Railway (paragraph 61) may be postponed to a later date owing to financial difficulties.

With reference to paragraph 74, the Non-Natives Income Tax (Protectorate) Ordinance, 1931, was passed on August 13th last, No. 21/1931, and it applies to the Cameroons under British mandate. I have it here should the Commission desire to see it.

It is doubtful whether the staff of engineers (paragraph 296) will now be posted to Adamawa in view of the present financial stringency.

Title applied to the Territory.

M. Palacios noted with satisfaction that the name "Cameroons under British mandate" had, by the terms of Ordinance No. 27 of 1930, been substituted for "British Cameroons", in accordance with the suggestion made by M. Ruppel in the previous year.[1] This new title had been used also for the postage stamps (pages 4 and 5 of the report).

Status of the Inhabitants of the Territory.

Lord Lugard asked whether any progress had been made in connection with the qualification for naturalisation of the inhabitants of the mandated territory, a question which, Mr. Arnett had said in the previous year,[1] was still under discussion with the Dominions.

Mr. Browne had nothing further to report.

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[1] See Minutes of the Nineteenth Session of the Permanent Mandates Commission, page 19.

Native Administration.

Count de Penha Garcia, noting the general tendency to group tribes into larger and sometimes quite considerable communities with chiefs at their head, asked whether this system really worked well. He observed, for instance, that the report mentioned trouble with a prophetess and rivalries between the different chiefs.

Mr. Browne replied that the case of the prophetess was an entirely isolated occurrence. On the whole, he thought the system of grouping worked well.

Count de Penha Garcia noted that there were only fourteen administrative officers (see paragraph 20) for a population of over 200,000. In view of the lack of roads, as admitted in the report, was this number sufficient to ensure proper administration, and above all supervision? For instance, there were 9,000 administrative officials in Tanganyika. He did not intend to criticise the system adopted by the mandatory Power, but wished for further information on its working.

Mr. Browne replied that this question had been thoroughly considered by the Government when the decision had been reached as to the number of administrative officers required. It depended on the efficiency of the native administration, for, if the paramount chiefs were capable, fewer administrators were necessary. In fact, one administrator in the early days of Northern Nigeria had deliberately employed a very small number of assistants in order to interfere with the local forms of administration as little as possible, and he had been very successful. The officers were instructed to travel as much as they could, though travelling had been somewhat curtailed of late for reasons of economy. The officers' travelling returns were very carefully scrutinised by the Residents of the Provinces, the Lieutenant-Governors and the Chief Secretary to the Government.

Count de Penha Garcia felt sure that constant travelling was essential to the success of this system.

M. Rappard pointed out that there were really forty-six officials in all.

M. Ruppel said that the figure given in paragraph 20 covered only Cameroons proper — that was to say, one-half of the territory. Were there any Europeans in Adamawa ?

Count de Penha Garcia maintained the figures he had given. He had referred to administrators and not officials. They were not the same thing.

Mr. Browne explained that the emirate of Adamawa was partly in mandated and partly in non-mandated territory, so that it was difficult to say exactly how many Europeans would, at any given time, be in the mandated territory, because Adamawa was treated as a whole. There would certainly, however, be two if not three. The whole area was really administered by the Lamido of Adamawa through his district heads. The European officers who toured in the territory were particularly instructed not to take any action without the knowledge of the Lamido. They were always accompanied by one of the Lamido's representatives, who reported to the Lamido in writing at frequent intervals.

M. Ruppel noted from paragraph 20 that not more than 10 per cent of the clerical and not more than 30 per cent of the non-clerical African pensionable staff were natives of the mandated territory, and asked for some explanation.

Mr. Browne replied that the number of clerks who were natives of the mandated territory did indeed appear small. He would enquire into the matter.

M. Ruppel said that, if the policy of amalgamating parts of the population in the Northern districts with emirates in Nigeria were pursued, the inhabitants would, in the long run, lose all idea that they belonged to a mandated territory. He quoted Gashaka as an instance, and thanked the accredited representative for the historical information given in paragraphs 40 and 41 of the report, which, in his opinion, confirmed his contention that Gashaka had never had *direct* relations with the Lamido of Adamawa.

Mr. Browne pointed out that Gashaka had really always belonged to the Lamido's territory, a fact which was not considered when the boundary had been fixed under the Anglo-German Treaty. The re-incorporation of Gashaka (which had had a bad chief) had taken place at the people's own wish. In fact, no step towards grouping was ever taken without consulting the desires of the people.

M. Ruppel asked what section of the people was consulted — only the Fulanis, or the people under the Fulanis as well ?

Mr. Browne replied that all persons whom it was possible usefully to consult were consulted.

Lord Lugard enquired, with reference to paragraph 263 of the report, whether progress had been made with the cession of certain lands for native settlement in the congested districts around the European plantations in the south.

Mr. Browne answered that considerable progress had been made, but that the details were very complicated. He felt that the transaction as a whole was a satisfactory one, at any rate from the native point of view.

Count de Penha Garcia wondered whether the administration of the Lamido was entirely satisfactory in view of the fact that various incidents were reported (on pages 12, 14 and 17 of the report) in the course of which administrators had been molested.

Mr. Browne explained that the three incidents had occurred in three entirely different parts of a very heterogeneous territory. The first case was a mere matter of factious behaviour — there had been no armed opposition. The second case had occurred in Adamawa and the third in Bornu. The latter were very minor incidents, and he did not think that anyone acquainted with the very difficult population of these territories would attach much importance thereto. The natives had been left rather to themselves because the administrators had had to proceed north to take part in the anti-locust campaign.

M. Rappard enquired why, if the Lamido's representatives were able to send written messages to their ruler, it was impossible to utilise this class as clerks.

Mr. Browne replied that they could not be utilised because they wrote only in Arabic characters.

Frontier between the Cameroons under French Mandate and the Cameroons under British Mandate.

M. Sakenobe asked whether the Boundary Commission referred to in paragraph 16 of the report had been appointed and was already on the spot.

Mr. Browne replied that the Governor of Nigeria was arranging details with the Governor of the French Cameroons.

M. Rappard asked whether, in view of the artificial character of the pre-war frontier, similar difficulties had been experienced on the Franco-British boundary.

Mr. Browne replied that there had been some slight errors, but nothing to compare with the case of Adamawa.

M. Ruppel opined that the new Franco-British frontier was as artificial as the former Cameroons frontiers. Large territories in the French sphere of Cameroons really formed part of the emirate of Adamawa.

Mr. Browne agreed. The land the Fulanis of Adamawa valued most was land to the east of the Anglo-French frontier.

Public Finance.

M. Rappard hoped that it would be possible to harmonise the accountancy systems in the Cameroons under British mandate and Togoland under British mandate, and to make them coincide with the financial year.

He asked Mr. Browne whether the policy adopted as regards the allocation of expenditure and receipts as between Nigeria and the mandated territory should be considered as fair, more than fair, or less than fair to the mandated territory.

Mr. Browne, in answer to M. Rappard's first question, said that an endeavour would be made as far as possible to bring the Cameroons accounts into line with the Togoland accounts.

In reply to the second question, when estimates came in they were considered entirely on their merits and no difference whatever was made between the Cameroons province and the other provinces of Nigeria.

M. Rappard noted that the deficit was very considerable, but as it was paid by Nigeria in the form of a grant to be written off, he would not dwell on the point. He wondered, however, whether the deficit for the mandated territory was proportionate to the deficit for the whole of Nigeria. He suggested, in fact, that Nigeria might be getting more revenue proportionately than the mandated area because the ports were in Nigeria.

Mr. Browne promised to go into this question.

M. Rappard observed that the native treasuries were in a better position than the provincial treasury — they all had surpluses. He was glad that the income tax Bill had now been finally passed.

Exports and Imports.

M. Ruppel noted from page 25 of the report that some of the export duties had been reduced or completely abolished during the last year. Had there been in the meantime any further remission of export duties-for instance, on cocoa ?

Mr. BROWNE replied that the Government had contemplated reducing the duty on cocoa a year previously, but no action was now being taken in the matter.

M. RAPPARD noted that Great Britain was not the principal caterer for the Cameroons. That fact was certainly a tribute to the impartiality of the mandatory Power in the application of economic equality.

M. RUPPEL noted that the figures for imports and exports only referred to trade through the ports of Victoria and Tiko. Would Mr. Browne, in the next report, give some estimates for the trade not passing through these ports ?

Mr. BROWNE agreed to enquire into the possibility of doing this.

M. SAKENOBE asked whether, as a result of the locust plague, there had been a shortage of food, and whether, consequently, the natives had eaten the kola nuts instead of exporting them, a fact which would account for the drop in the exports of this commodity.

Mr. BROWNE explained that there had been no food shortage. The fact was probably that the kola-nut plantations in Lagos had come to maturity, so that fewer nuts were exported from the Cameroons to Lagos. Moreover, he pointed out (paragraph 97 of the report) that the overland trade to the north was increasing. That trade would not be reflected in the movements of the ports.

JUSTICE.

M. RUPPEL asked that a distinction should be drawn in the next report between Europeans and natives in the statistics of the provincial courts. He noted, further, that there was still no Native Court of Appeal in the Victoria division.

Mlle. DANNEVIG again noted the frequency of flogging as a punishment in the northern territory (pages 38 and 39 of the report). She wished to know why this was so and for what offences flogging was inflicted. She had already raised this question in the previous year.

Mr. BROWNE pointed out that Mr. Arnett had replied to that question at the nineteenth session (page 21 of the minutes).

M. SAKENOBE enquired why there was no Native Administration prison in the Cameroons Province and no Government prison in the Northern Territory.

Mr. BROWNE explained that the Native Administrations were not sufficiently developed to provide prisons ; they therefore used the Government prison and paid for it, as was the case in the southern provinces. As regards the second point, there was a Government prison at Yola, in the non-mandated territory, which was used for Government prisoners.

SLAVERY.

Mr. WEAVER noted that there was no mention of pawning in the report, but pointed out that, during the enquiry into troubles in the neighbouring provinces, pawning had been alleged to exist. The question had again been raised in 1931 in the Nigerian Legislative Council. Was there likely to be any pawning in the mandated territory ? He took it that the Administration kept a good look-out.

Mr. BROWNE said that he would not like to exclude the possibility of pawning, and thought that it probably did exist.

LABOUR.

Mr. WEAVER expressed his appreciation of the summary of inspection reports given in the annual report (pages 128-133 of the report), and hoped that it might remain a feature of succeeding reports. He assumed that the plantations had undertaken to make the sanitary and housing improvements suggested in some cases.

He enquired whether the idea had been taken up of officially fixing the ration scale for labourers, a measure which had been instituted with success in other territories.

Referring to the question of health on plantations (page 67 of the report), he expressed his appreciation of the information given in the report, but enquired, as regards the statement that the full provisions of the regulations were not being enforced, whether that applied only to the number of medical officers.

Mr. BROWNE replied in the affirmative to the question concerning improvements on plantations. He thought that the Government would be in favour of fixing a ration scale, as Mr. Weaver suggested. Information as to the non-enforcement of certain provisions would be given later.

Mr. WEAVER, referring to the tables for death and sickness rates (pages 69-71 of the report) noted that, while the death-rate was not particularly high, the sickness rate appeared unusually so. The number of in-patients seemed very high in relation to the number of labourers employed, representing apparently more than one-half of the latter. He enquired whether that was normal

or whether there was any explanation of the situation. He commented on the high figures for wounds on the Bavo-Bonge plantation, the figures for in-patients and out patients being 85 and 397 respectively.

Mr. BROWNE explained that a good many of the labourers came from the highlands, and that they did not do well with the heavy rainfall in the lowlands ; many of them, he thought, suffered from rheumatism. As regards the question of wounds, he knew from his own experience how liable labourers were to injure themselves with their tools. He would, however, note the point, with a view to obtaining information.

Mr. WEAVER, referring to the question of communal labour (page 76 of the report), observed that last year he had raised the question of the increase in the number of convictions.[1] He enquired whether it was due to increased opposition to that particular form of labour and whether it would be possible to commute for payment.

Mr. BROWNE pointed to a statement in the report that the difficulty had arisen from strangers refusing to labour for the Native Administration. He would note the suggestion to commute for payment.

Lord LUGARD asked why the so-called " communal labour " exacted by chiefs was still enforced in the mandated territory. He had understood that, as in Nigeria, all compulsory labour for chiefs was abolished and all labour was paid for by the native treasuries or by salaried chiefs for their own use.

Mr. BROWNE agreed that it was contrary to the established rules in Nigeria. He would report next year.

Mlle. DANNEVIG referred to the statement made last year[2] that the employment of women in porterage caused them to neglect their children and asked whether any steps had been taken to remedy the situation if that were so.

Mr. BROWNE said he would go into the question and report in the following year.

MISSIONS.

M. PALACIOS noted the statement in the report (pages 78 and 79) to the effect that the dissensions between the Roman Catholic Mission and the chiefs and people of Mamfe and Bamenda divisions had continued in 1930. One of the sources of dissension was the efforts of the mission to remove converts from the authority of the chiefs and native courts and the encouragement given to women to leave their homes and follow the religious instruction provided by the mission. It was to be hoped that the Administration's efforts to put a stop to these dissensions would prove successful. Could the accredited representative give any later information than that given in the annual report ?

It was surprising that women who received instruction from the Catholic missions should frequently form irregular unions because they were far from the supervision of their parents. He noted also that the only schools which seemed to receive subsidies from the Administration (page 85) belonged to the Catholic Church.

Mr. BROWNE said that he was unable to add to the information given in the report.

M. RUPPEL commented on the big increase in the number of Christians in the Roman Catholic Mission (page 78 of the report), the figures for the previous year having only been 7,287 as compared with 20,683.

EDUCATION.

Mlle. DANNEVIG expressed her appreciation of the very full information given (pages 80-89 of the report) on the subject of education, more particularly in reply to questions raised in the previous year. She had noted a remark on page 21 indicating that education appeared to have had its influence even on the finances of the territory, the report stating that, owing to the progress made in administrative education, it had now been found possible to increase the flat rate of taxation for adult males from 1*s.* to 2*s.* She noted that there were very few European teachers in the schools and enquired whether the work of the African teachers was considered satisfactory.

She observed that only one girl had gone on as far as the sixth standard in the Government schools, though the figures for boys were much higher. She noted, as a proof of the demand for education, that one native administration spent 18 per cent of its revenue on education and enquired whether that high percentage was exceptional. The Government was apparently not entirely satisfied with the vernacular schools run by the Basel Mission. They had many pupils and she hoped there would soon be an improvement. The school at Jada in the Adamawa district, where there were very few schools, had had to be closed owing to lack of support from the local people. What was the reason of that ? The fees for schoolboys in the Dikwa division, she noted, were from 5*s.* for boarders to 2*d.* per month for day-boys. Did that prevent boys

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[1] See Minutes of the nineteenth session of the Permanent Mandates Commission, page 29.

[2] See Minutes of the nineteenth session of the Permanent Mandates Commission, page 30.

from going to school ? The standard of Arabic attained in the elementary schools was described as commendably high, but English was an extra subject in the Dikwa school. Was Arabic the spoken language in these districts ?

Mr. Browne stated, in reply to these various questions, that the work of the African teachers was considered very good. He explained that pupils went on from the sixth standard to the normal school. He agreed that the expenditure on education was high, but thought that that was normal in a territory where education was just beginning. With reference to the work of the Basel Mission schools, he said that the necessity had now been realised of reducing the work to more manageable proportions.

The closing of the school at Jada had been due to no defect on the part of the Administration ; there seemed to be something about the Fulanis of that area that objected to anything European. As regards school fees, parents were quite prepared to pay the small sum asked. The accredited representative explained that English was taught in the middle schools, the Dikwa school to which reference had been made being only an elementary school.

Public Health.

M. Ruppel enquired whether doctors holding foreign degrees were admitted to practise in the territory, as was now the case in practically all the territories under B mandate.

Mr. Browne said that, so far as he knew, there was no prohibition in regard to nationality, the only criterion being the nature of the degree ; he would enquire further and confirm that point.

M. Ruppel, commenting on the results of the special mission into sleeping-sickness in the Tiko district (page 93 of the report), observed that the disease appeared to constitute a rather grave danger for the territory, and suggested that measures for destroying the tsetse flies similar to those taken successfully in the Portuguese territory of Principe Island might be adopted. He would be interested to know what had happened to the seven Europeans who had been mentioned the previous year (page 88 of the annual report for 1929) as suffering from sleeping-sickness.

Mr. Browne replied that large sums were being spent on investigations and on the campaign against sleeping-sickness. He would note the enquiry concerning the European sufferers.

M. Ruppel, referring to the question of leprosy, expressed his surprise at the statement that there was no camp or settlement at Victoria owing to shortage of land (page 96 of the report). Under the German regime, there had been a settlement on an island off Victoria.

He had read in the papers that, some months ago, there had been a bad outbreak of yellow fever in the interior of the province. Could the accredited representative give any information on the subject ?

Mr. Browne replied that he would enquire into the question of a leper settlement. The outbreak of yellow fever had occurred at Mamfe ; there had been four European cases, three of which proved fatal. He could not give the figures for native cases. When he had left the territory in June, the outbreak was still the subject of investigation, and full information would be given in the next report.

Liquor Traffic.

Count de Penha Garcia noted that reference was made in the report (page 90) to " prohibited areas " where natives could not drink spirits, but that mention was made (page 14) at the same time to the minor disturbance at Sike, in the prohibition zone, due to youths who had become " excited with drink ".

Mr. Browne said that corn-beer had been to blame, that being undoubtedly the commonest cause of trouble during the past thirty years ; the effects of corn-beer could undoubtedly be deleterious.

Count de Penha Garcia noted this statement with interest. He asked whether the licensing system in the Victoria district had given good results. He thought that it was rather outside the ordinary scope of the missions' work to recommend persons for licences ; from a moral standpoint, that seemed undesirable.

The Commission had asked, the previous year,[1] for copies of the report on enquiries into the potency of certain drinks, but had not yet received them. He hoped that the studies in question would be continued.

Mr. Browne said that he would obtain the information asked for in connection with the Victoria district. With reference to the incident reported at Sike, he explained that the people there were at a different stage of civilisation from those at Victoria, who could drink with moderation. He thought that it was not unusual for religious authorities to vouch for the

[1] See Minutes of the Nineteenth Session of the Permanent Mandates Commission, pages 33 and 209.

character of persons to whom licences were to be granted, but agreed emphatically that it was regrettable that the missions should be involved in such a matter.

The accredited representative had understood from the Colonial Office that the request for information concerning alcoholic liquors referred to the Gold Coast ; that was why no information had been forthcoming with regard to the mandated territory.

Lord LUGARD thought that the Administration was to be congratulated on the big decrease in the imports of spirits.

DEMOGRAPHIC STATISTICS.

Mlle. DANNEVIG noted the small number of children as compared with the number of women (pages 102-103 of the report). In fact, in certain cases there were fewer children than women. What was the reason for this ? Was it perhaps that not all the children were registered ?

Mr. BROWNE replied that he had always heard that there was a great shortage of children, especially in Victoria, on account of high mortality. He did not believe that large numbers of children escaped registration.

Mlle. DANNEVIG recalled the reference that had been made last year [1] to the hard work that women had to do, and to its possible influence on the low percentage of children. It was stated in the present report that " the disproportionate increase in the number of children in Dikwa division was due to more accurate registration " (page 103); the increase did not seem to her at all disproportionate.

CLOSE OF THE HEARING.

The CHAIRMAN expressed the Commission's thanks to Mr. Browne and to the British Government for the information given, and hoped that the Commission might have the pleasure of seeing Mr. Browne again. Mr. Browne knew the territory thoroughly and would realise the interest taken in it by the Commission.

Mr. BROWNE thanked the Chairman for his kind remarks.

SIXTH MEETING.

Held on Thursday, October 29th, 1931, at 10.30 a.m.

Question of the Emancipation of Iraq *(continuation).*

The CHAIRMAN recalled that, in his note which he had read at the previous meeting he had already expressed his opinion as to the procedure for carrying out the Council's resolution of September 4th, 1931, regarding the British Government's proposal for the emancipation of Iraq. It was necessary, in the first place, to ascertain the existence in Iraq of the *de facto* conditions enumerated in the first part of the Annex to the Council's resolution, in order to be sure that the country had reached a degree of maturity which would permit of its being granted independence. The Commission had also to examine the guarantees which Iraq must furnish to the League of Nations regarding various points set out in the second part of the Annex to the Council's resolution of September 4th, 1931.

As regards those guarantees, the question arose of the form in which the Commission thought they should be presented.

Finally, the Commission must examine the various engagements which bound, or would bind, Iraq to the British Empire after the termination of the mandate.

He recognised that the annual report on Iraq by the mandatory Power might contain certain additional information requested by the Commission, and that the Commission could not ignore such information. Again, the present position of the Commission was not in contradiction with the conclusions embodied in its last report to the Council to the effect that " so far as its normal sources of information permit, the Commission is thus now in a position to the extent compatible with the nature of its functions and its procedure, and subject to the information which it has been promised, to express its views on the mandatory Power's proposal for the termination of the Iraq mandate ". The Commission had not, in fact, stated its views.

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[1] See Minutes of the Nineteenth Session of the Permanent Mandates Commission, page 30.

M. Palacios thought that the emancipation of Iraq raised for the Commission a whole series of grave problems which it would have to examine with great care. This was not an abnormal occurrence, since mandates were intended to lead sooner or later to similar results in all the other territories. It should not be possible for the very natural anxiety of the members of the Commission to lead to the idea that the Commission desired in any way to prevent the Arab nations from becoming self-governing without any guardianship or foreign influence. The difficulty of the problem was due to the mandatory system of the League of Nations to which Iraq was subject — a new system in modern international law — and to the part played by the Commission in that regime.

As a matter of fact, the Commission, which formed a sort of family council, had to take a decision regarding the stage of maturity reached by a ward, with which it was only acquainted through the reports of the guardian — in this case, the mandatory Power. That Power, moreover, would, after Iraq had been emancipated, still be connected with the country by a protective alliance under a treaty. That meant that Iraq would not reach her majority automatically, as was the case in civil law when minors attained a certain age and had not been expressly found to be under a disability. Iraq would have to be declared *sui juris* in the manner advocated by a well-known school of Roman lawyers, after a definite investigation of her capacity to manage her own affairs with full responsibility in the midst of the complications of modern life.

As the Commission had no direct cognisance of Iraq and had only heard of its progress through statements made by Great Britain, and as, moreover, the Commission had received petitions and reports which raised objections and gave rise to anxiety with regard to the termination of the mandate, he wondered whether the attitude adopted by M. Van Rees at the last session was not the right one when he said that the mandatory Power should be left full responsibility for the statement that Iraq was now capable of managing her own affairs.

M. Van Rees observed that, during the June session, he had frequently had occasion to state that he was not in favour of a declaration being made by the Mandates Commission to the effect that Iraq was now in a position to govern itself. He had always been of opinion that the Commission could merely say that it had no reason to oppose the statement made by the British Government as to the maturity of Iraq. He did not think the Commission could assume responsibility for a positive statement, seeing that it merely based its opinion on the reports and verbal explanations given by the accredited representative. It could therefore only state that it had found nothing in the information received contrary to the proposal made by the mandatory Power in favour of the emancipation of Iraq.

The Chairman agreed that the Commission should let the mandatory Power take full responsibility for the facts it had brought forward. At the last session, M. Orts, moreover, had laid stress on this when he had asked the accredited representative whether the British Government assumed the responsibility for its proposal that Iraq should become independent, and the accredited representative had said, on June 19th last, that, should Iraq prove herself unworthy of the confidence which had been placed in her, the moral responsibility must rest with His Majesty's Government. Nevertheless, the responsibility of the Commission still existed, in the first place towards its own conscience, and, in the second place, towards the public opinion of the world. It could not discharge itself of the responsibility for a decision which might have serious consequences for the future of territory under mandate by placing the responsibility on the mandatory Power. If the Commission desired that its decision should have all the weight that was necessary, it would be obliged, in his view, to make a detailed enquiry on the spot, utilising for this purpose all the most positive means available.

M. Palacios thought that the Commission ought not to shun its responsibilities ; it would, in any case, be responsible in the eyes of public opinion, even if it expressed no view. The difficulty, not to say the impossibility, of the situation lay precisely in the fact that the Commission was called upon to give an authoritative and almost decisive opinion of the highest importance to a certain nation, without possessing sufficient data.

It should be remembered that the Council had always asked the Commission to formulate its opinion on the basis of documentary data supplied to it in the ordinary way. The Council therefore had been more or less directly opposed to investigations on the spot and the hearing of petitioners. It was possible that the special importance of the present case might induce the Council to authorise the Commission to resort to other means of investigation. At any rate, at the Council meeting of September 4th, 1931, M. Grandi made the following statement :

> " No sure opinion as to the question whether a people had reached a sufficient degree of maturity to be capable of self-government could be formed without going farther and making a direct study of the actual working of the country's constitutional and administrative structure. It was not enough to note the existence of certain laws ; the Council must make sure that they could be applied, and, for *this purpose, no means of investigation should be excluded.* "

M. Orts noted that the members of the Commission were agreed as to the position to be adopted in this case, in which the Council had assigned to the Commission a task outside its usual duties.

Was it for the Commission to state categorically whether the actual situation in Iraq was such as to warrant the possibility of terminating the mandate ? He did not think it possible for the Commission to make such a statement, because it was only aware of the existing situation through the descriptions supplied by the mandatory Power.

Admittedly, it had always been the rule of the Commission to place confidence in the mandatory Powers. But mandatory Powers might be mistaken, particularly as regarded the public spirit prevailing in the territories under their mandate. In Palestine, for instance, the mandatory Power had been completely misled as to the feelings of the population. Four weeks before the 1929 massacres it was still declaring, through its accredited representative, that the country was quite calm and that it would be able to maintain order, if necessary. The Commission was aware how events had belied that assurance.

The Commission therefore could only note the declarations of the mandatory Power and, in so far as the discussions now commencing would permit, state that it had not observed anything contradictory to those declarations. The Commission could only assume direct responsibility with regard to the actual situation in Iraq if it possessed other means of investigation — for instance, if it were able to study the situation on the spot.

If the population of the country to be emancipated had been homogeneous, composed of individuals belonging to the same race and religion — in other words, if there had been no minorities — the Commission's task would have been far simpler. It might have contented itself with seeing that the rights of foreigners were safeguarded and it could then, without any misgivings, have recommended that the new State should be accorded that full and complete independence which it claimed. The population of the country, however, was heterogeneous and belonged to different religions. Moreover, whatever might be said to the contrary, tolerance had not always been a dominant virtue of these Levantine peoples. Formerly, a relative degree of tolerance had been maintained between the various elements of the population, owing to the presence of a common master who allowed no occasion for the manifestation of intolerance. It could hardly be denied, however, that, since this domination had come to an end, and since one of the elements of the population had begun to feel its strength (due to the fact that it was a majority), differences of race and religion had become more acute and minorities had begun to grow anxious. In these Near-Eastern countries, there always occurred a time at which it became necessary to take steps to protect racial and religious minorities.

With regard to the *de facto* situation in the country at the present time, the Commission could therefore only rely on the statements of the mandatory Power. In that connection, the declaration made by the accredited representative at the June session to the effect that the mandatory Power took the full moral responsibility implied in its affirmation that Iraq was incapable of misusing her freedom assumed great importance.

Nevertheless, it was the duty of the Commission to maintain its resolution to obtain effective guarantees for minorities. In that matter it was directly responsible and must bear its responsibility.

M. Rappard agreed in general with M. Orts, except on two points. Even if there were no minorities in the territory under mandate, the Commission, as the guardian of this territory, should maintain its guardianship, even against the will of the population, if it felt that the country was incapable of self-government.

On the other hand, he thought the Commission would be renouncing its rights if it merely stated, as M. Orts proposed, that it had found nothing in the mandatory Power's statements which was of a nature to justify opposition to the emancipation of Iraq. In fact, the proposal for emancipation would probably never be brought to the notice of the Commission except by the mandatory Power. If the Commission accepted M. Orts' formula, it would confine its duties to commenting on reports without assuming any responsibility. It should be noted that the Commission had other information than that transmitted to it by the mandatory Power, information in the light of which it took cognisance of the date supplied by the mandatory.

M. Palacios also thought that the Commission could not merely state that it had found nothing in the reports which could give rise to any objection.

Mlle. Dannevig shared the same opinion. If asked to make a statement, she would be obliged to say that, personally, she would not venture to express her conviction that it would be in the best interests of Iraq to remove the advice and support of the mandatory Power. This opinion was particularly due to her special study of the interests of women and children, who had benefited considerably, and would continue to benefit from the influence of the mandatory Power, especially in respect of education. On the other hand, consideration should be given to the statement made by the accredited representative of Great Britain that, if Iraq were capable of self-government, it was therefore entitled to be freed from the mandate, subject to guarantees which it would be asked to give, especially in respect of the rights of minorities.

M. Ruppel shared the opinion expressed by M. Orts, subject to the reservations made by M. Rappard.

Lord Lugard remarked that the Commission had attached much importance to the accredited representative's statement that the mandatory Power accepted " full moral responsibility " for its assurance that Iraq would fulfil all its obligations after emancipation. He thought the Commission ought to know exactly the implications of this assurance. Could responsibility for the actions of a free country really be assumed by another country ? Had the Commission any indication that Iraq was ready to agree to the rather special position which the British Government would thus assume ?

The Chairman thought that, when M. Orts had expressed the opinion that the Commission should adhere to the procedure it had hitherto followed, he had not taken into account the

fact that neither the Covenant nor the terms of the mandate fixed rules of procedure regarding the termination of the mandate. For ten years the Commission had been engaged in its normal work. It had supervised the way in which the mandatory Power had administered the territory confided to its care, and the procedure established by the Council was perhaps sufficient for this routine work. Nevertheless, even for this work the Commission had more than once considered that the procedure should have been completed by enquiries on the spot. If the desire of the Commission had not been taken into consideration, it was not its fault. The case of the termination of a mandate was very different in character and in scope from that of the supervision of the administration, and the Council itself, in its resolution of September 4th, had established the rule that a decision on the question of the maturity of a territory under mandate should only be taken after a detailed examination of each particular case. For an exceptional case, it was natural that the Commission should establish an exceptional procedure, and one that was most appropriate to each particular case.

M. Van Rees entirely agreed with Lord Lugard that the mandatory Power could not assume responsibilities in the name of Iraq for the future. Personally, he — and he thought that M. Orts would endorse his view — had only wished to speak of the mandatory Power's responsibility as regards the question of fact — namely, the assertion that the territory under mandate had reached maturity. The mandatory Power could not assume definite responsibilities regarding the future of an emancipated country.

Like M. Orts, he had only taken into account the sources of information at present available to the Commission, and the attention of the Council had been drawn to that point in the report submitted to it. But, if new means of investigation were placed at the Commission's disposal (an enquiry on the spot, for instance), the Commission would no longer be in the same position and should in that case assume the responsibility of expressing an opinion regarding the degree of maturity reached by the mandated territory. That was a particularly dangerous aspect of the enquiry on the spot, which, moreover, was not in question.

The Chairman thought that the Commission could not carry out a searching investigation of the situation with the means of information it at present possessed, and he did not see any difficulty in using other means of enquiry such as an investigation on the spot ; but he agreed that it was for the Council only to provide the Commission with the means of investigation it now lacked.

In any case, even if the moral responsibility regarding the termination of the mandate lay with the British Government, as Sir Francis Humphrys had said, the Commission would not, thereby, be discharged of all responsibility when the territory was emancipated.

M. Orts noted that there was no essential divergence between the views of the various members of the Commission. He agreed with the Chairman that the present case before the Commission lay outside the Commission's usual duties. Exceptional methods of investigation were necessary to meet an exceptional situation. Failing these, the Commission could only base its judgment on the information received from the mandatory Power. In those circumstances, the responsibility fell on the latter.

Mlle. Dannevig had also expressed regret at the termination of the mandate, at any rate from certain points of view. She feared that the progress of the country towards a more advanced state of civilisation, to which it was now proceeding so satisfactorily, might be arrested. Personally, he thought that the premature cessation of the mandate would be a misfortune for the country. Great Britain had done magnificent work in Iraq, and it was to be regretted that she should contemplate abandoning that work before it had been brought to its full fruition. The abandonment of the mandate connoted, in his view, a failure of the system itself.

The political staff on which the working of the constitutional regime in Iraq would depend still belonged to a generation which had reached manhood under the Turkish regime. Could it be said that its political formation was now complete ? As regarded the mass of the population, could it be hoped that, in the short space of nine years, its mentality would have been so transformed that a policy of progress and tolerance could rely on the constant support of the people ? The mandates system, which was difficult to justify in the case of the B mandates, was a system thoroughly suited to the condition of countries under A mandate. Possessing as they did an ancient civilisation, these countries could not be transformed into colonies, but were nevertheless still unable to govern themselves. The mandates system was intended to bring about in these countries a transformation of habits and traditions under the ægis of a great liberal Power. He was afraid they might later on regret having, for dominant reasons of policy, emancipated the territory of Iraq before the proper time. The termination of a mandate, before the real aims had been achieved, would amount to a failure of the system.

In connection with Lord Lugard's observation, he wondered whether the internal situation in Iraq, which was presented in so favourable a light, would really persist. Iraq possessed a parliament, a constitution and a system of ministerial responsibility, etc. But to what extent was the country adapted to those institutions ? Was the progress only apparent or did it repose on solid foundations ? Was there any reason to fear that, after the cessation of the British mandate, the country might retrogress ? Would it maintain its constitutional regime, the freedom of elections, respect for religious liberty, etc. ? To the questions addressed to him on this subject, the accredited representative had replied in most reassuring terms and recognised that his country was responsible for the future of Iraq. In this connection, Lord Lugard has asked how the mandatory Power could shoulder those responsibilities which the accredited representative claimed for it. M. Orts hoped that the conventions with Iraq and the moral influence which the British Government would maintain in that country would make it possible for the mandatory Power to shoulder its responsibilities to a certain extent.

Moreover, Lord Lugard had raised the question whether Iraq had agreed that the mandatory Power should assume such responsibility. He pointed out in this connection that Iraq had no opinion to express. At present, the British Government was leading the country by the hand ; it said that the country was now able to govern itself and made this statement on its own responsibility. The only action that Iraq could take would be to object that it did not feel itself capable of assuming the full responsibility of government — an objection which Iraq was very unlikely to make.

M. Merlin did not quite agree with some of his colleagues. Article 22 of the Covenant stated :

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

This was a definition of the Commission's duty, which consisted in receiving a report from the mandatory Power each year and making observations on the administration of the country, after an exchange of views with the accredited representative.

In such a serious case as the termination of a mandate, it was quite possible to conceive of the introduction of an exceptional procedure, the Commission being of the opinion that it was not provided with sufficient information through the usual channels to enable it to give a considered opinion at such a serious moment. M. Merlin personally did not agree with this point of view, and did not consider that the procedure of the Mandates Commission, as laid down in Article 22 of the Covenant, did not permit the Commission to carry out its duties with full knowledge of the facts.

The Commission, in the first place, formed its judgment on the basis of the reports received from the mandatory Power, but it had at its disposal other elements of appreciation — in particular, the petitions which it received from all quarters, and, in countries as highly developed as those of the Near East, the Press, accounts given by travellers, etc. It had often had recourse to these sources of information when questioning the accredited representatives.

It had been suggested that an enquiry might be made on the spot. M. Merlin did not think that the Commission would be able to add much to its information by this procedure, neither did he feel able to accept the proposal. He fully realised the theoretical value of such a suggestion, but was aware also, and that too clearly, of all the disadvantages. Any mission sent to the spot would immediately be surrounded by all the discontented elements in the territory. Moreover, it could not expect to be in a position, after a stay of a few weeks, to form a more definite opinion on the conditions in Iraq than it could do by an appreciation of all the numerous and customary elements available through its ordinary procedure.

He was disposed to regret that a country such as Great Britain should put an end to the mandate after accomplishing a remarkable work of civilisation in the territory, and should thus run the risk of checking the development of a country. Perhaps the mandatory Power was led to take this decision as the result of an irresistible desire on the part of the country to obtain its independence. Did the mandatory Power perhaps think it dangerous to oppose that desire, even if it were clearly to the interest of the country to remain under guardianship ? It was for the mandatory Power to judge that matter. It affirmed that the country was ripe for independence. It was for the Commission to consider whether the territory in question fulfilled the conditions necessary for the cessation of a mandate.

The Commission possessed sufficient information to express an opinion within the limits of the powers conferred on it by the Covenant.

The Chairman pointed out that the present discussion was not in contradiction with the statements which it had made at the end of its June session. It had, in fact, stated that it would be in a position to express its views on the mandatory Power's proposal " so far as its normal sources of information permit . . . . and subject to the information which it has been promised ". The Council, going further, had asked for a thorough study to be made of the " particular case " submitted to the Commission. M. Merlin, on the other hand, had urged that the Commission should not go beyond its normal procedure. The Chairman, however, wished to recall once again that neither the Covenant nor the terms of the mandate established rules for the termination of a mandate and that the normal procedure set up by the Council did not apply. The duty entrusted to the Commission by the Council on September 4th was not a normal one, and it was no longer a question for the Commission of carrying on its normal supervisory functions.

Count de Penha Garcia was glad that the Chairman had drawn up a kind of guide for the discussion of this question. It would be very useful. During the last two or three sessions the Commission had examined the general question of the termination of a mandate ; it was now faced with a definite case—namely, that of Iraq. This mandate had a very special character ; the State in question was sovereign, free and independent by the terms of its constitution and by the fact that it was recognised as such by several States. It had voluntarily given up a part of its freedom, as shown by the text of its Treaty with Great Britain ; but this territory had also been subjected, not at its own desire, to the mandate imposed on it by the League of Nations. This mandate had a political origin and was due to events arising out of the war. The termination of the mandate raised difficulties because, like its origin, it had a political aspect. As the question was a political one, it was within the province of the Council, while the Commission had merely to deal with the effects that this question might have on the mandated territory at the time of the cessation of the mandate.

The first question to be settled was whether the territory of Iraq was in such a position that it was able to stand alone "under the strenuous conditions of the modern world". This question offered no difficulty if the country was already able to govern itself with a minimum amount of assistance from the mandatory Power. But such was not the case in Iraq, and the difficulty arose from the fact that a judgment was being formed on future events with few means of forming that judgment and of foreseeing what might happen in the future.

On the other hand, the Council had asked the Commission to state whether, from the information in its possession, it considered that the conditions laid down for the termination of a mandate had been fulfilled in Iraq. That country at present possessed a King; this was an important point, as the question of the head of the State was essential in connection with the termination of a mandate; the continuity of government very largely depended on that question. It might be asked whether the King was popular, whether he represented all the elements of the population, etc. This was the reason why Count de Penha Garcia had asked the accredited representative if the King, who had recently come to the throne, had been able to obtain sufficient authority and was loved by his subjects.

A further condition was that of the existence of a Constitution. Such a Constitution existed in Iraq, and the Commission knew that its application had given rise to political difficulties. Moreover, it was noted that there was a general administration which carried on its activity under favourable conditions. Lastly, it was also possible to express an opinion on the legal system, etc. Was this sufficient ? He would not venture to reply to this question since, in his opinion, nine years' experience was not adequate. When England made her first proposal in favour of the termination of the mandate and the entry of Iraq into the League of Nations, in accordance with the Treaty between England and the territory, considerable agitation had been observed in the country in favour of removing English advisers. These events gave the impression that the territory was still too young, for precisely in those matters where it was particularly necessary to act prudently the Iraqis had shown themselves too anxious to get rid of the guides given them by the British Government.

If the mandatory Power was sure that its ward had reached its majority, it could merely state that it regarded the mandate as terminated and withdraw; but events had taken place which showed that the mandatory Power was not at all certain of this fact, and that it desired to maintain its influence in the country and to obtain certain guarantees by means of a treaty. Was it not imprudent on the part of the mandatory Power to take action in favour of the complete emancipation of Iraq, and was not this imprudence the result of the initial mistake it had made of binding itself by a treaty to press at successive intervals for the admission of Iraq into the League of Nations? It was possible that the mandatory Power anticipated even more serious consequences in the case of a refusal. In this connection, Count de Penha Garcia pointed out that the creation of the mandate resulted in the adoption of steps for the introduction of Western civilisation and brought about the abolition of certain guarantees, such as the capitulations, in a country where difficult conditions existed and which constituted, at the present time, a centre of uneasiness in the world. He therefore thought the Commission should be particularly cautious in giving its opinion to the Council, and that it was important to state that it could only take a decision on the question of the desirability of allowing the country its freedom within the limits of the information at its disposal, which was, moreover, somewhat limited.

M. Rappard thought it was impossible to draw up a resolution at the present time. He was, however, convinced that the opinions expressed might be set out in a text acceptable to all the members of the Commission. A certain uneasiness was caused by the fact that the information was insufficient and that no one was quite confident as to the future of the mandated territory. As M. Orts had suggested, the Commission should be very frank in its report to the Council. In June, the Commission had not reported favourably and had thought fit to express reservations. None of the members of the Commission, even the most optimistic, would be prepared to affirm their conviction that Iraq could be emancipated without disadvantage. He thought that the expression of this anxiety was the substance of the statement which, together with the relevant arguments, should be frankly made to the Council, and that, in making this statement, the Commission should express full reservations. It would be for the Council to draw its conclusions, especially in political matters, and to take the necessary steps.

M. Orts thought that, on the conclusion of this discussion, which had brought out the preliminary opinion of each member of the Commission, it would be advisable to draw up a provisional text of the draft report to be submitted to the Council. As the drafting of this text was a particularly delicate matter, it would have to be carried out with the greatest care. This draft outline might be prepared before the accredited representative was heard.

Lord Lugard wished to call attention to the two separate sets of conditions which should not be confused — namely, those relating to the termination of the mandate, and those relating to the entry of the former mandated territory into the League of Nations. Responsibility for the latter was no concern of the Mandates Commission.

M. Rappard wondered whether the Commission would be well advised to take a decision regarding the drafting of a text. It ran the risk of exposing itself to the reproach of having given an opinion *a priori* without having exhausted all the sources of information and, in particular, without waiting for the supplementary information, for which a request had been made, and the questioning of the accredited representative. The members of the Commission might confine themselves to drawing up personal notes on the question.

The CHAIRMAN noted that all the members of the Commission agreed with M. Rappard on this subject.

Lord LUGARD reminded the Commission of the suggestion made by the Under-Secretary in the House of Commons — that the conditions laid down for the admission of Albania to the League of Nations might serve as a model for the conditions for the surrender of the mandate.

SEVENTH MEETING.

Held on Thursday, October 29th, 1931, at 3.30 p.m.

Question of the Emancipation of Iraq (continuation).

The CHAIRMAN invited the Commission to discuss point 2 of his statement made at the fifth meeting : Examination of the guarantees which Iraq must furnish to the satisfaction of the League of Nations regarding the various points set out in the second part of the Annex to the Council resolution of September 4th, 1931, and of the form of the undertakings to which Iraq must subscribe for that purpose.

M. SAKENOBE pointed out that the Commission was dealing with a practical matter, and that the first question to which it had to reply was whether there existed in Iraq " *de facto* conditions which would justify the presumption that the country had reached the stage of development at which a people had become able to stand alone ". It must decide, in other terms, whether there existed in the country a settled Government and an administration capable of maintaining the regular operation of essential Government services, etc. Thus, unless the Commission replied to that question in the affirmative, it would be useless to examine the guarantees to be furnished by the Iraq Government, and that was why M. Sakenobe proposed that the Commission should first examine the *de facto* situation existing in Iraq.

Count DE PENHA GARCIA considered that the most important of the guarantees mentioned in Part II of the Commission's report to the Council was the one relating to the protection of racial, linguistic and religious minorities. If, however, the Commission examined the situation from an exclusively objective standpoint, the conditions applying to those minorities would become an element of the general *de facto* situation, and in those circumstances it would be for the Council to determine the nature of the guarantees to be required.

The CHAIRMAN pointed out that the Commission was discussing the question at the moment on the assumption that the *de facto* situation in Iraq justified the presumption that the country, in the terms of the Commission's report to the Council, had reached a stage of development at which the people had become able to stand alone. Obviously, if that were not the case, it was useless to discuss guarantees.

M. SAKENOBE said that he would not press his point.

M. VAN REES doubted whether it was for the Commission to define the form in which the guarantees should be given, whether in the form of a declaration, a treaty or a convention. That, in his view, was an essentially legal point which must be settled by the Council. So far as the Commission was concerned, it was quite enough for it to enumerate the guarantees in question.

The CHAIRMAN directed his colleagues' attention to the mandate which the Commission had received from the Council, as defined in the resolution of September 4th, 1931, and which, referring as it did to the conclusions of the Commission, included also the question of the form to be given to the guarantees.

M. RAPPARD said that, in the event of the Commission considering that the *de facto* situation in Iraq justified the presumption that the country was able to stand alone, it would be for the Commission to specify the conditions to be laid down concerning the protection of minorities and other points. At the same time, it would certainly not have to frame, for this purpose, draft treaties, declarations or conventions.

On examining the question closely, M. Rappard did not feel that, between the general statement of the guarantees to be required before the mandatory system could be brought to an end and a legal text framed in its final form, there was any place for a third formula, and he thought it would be sufficient for the Commission to review the various guarantees which it had enumerated in its report to the Council, and to examine the situation for the special case of Iraq, as regards each one of these guarantees. He wondered, moreover, whether the mandatory Power would not take the initiative of submitting a draft undertaking by Iraq. He was inclined to think that it might, as the Chairman had probably had some definite reason for considering that hypothesis in his note. Should that be the case, would the Commission, which would itself have prepared a text, have to inform the mandatory Power that it could not examine the latter's draft as it had prepared one itself ? He did not think so. All that

the Commission could do— since it was probable that a text would be submitted by the mandatory Power — was to wait till that text was submitted and take it as a basis for its discussions.

The CHAIRMAN did not agree. In any event, the Commission was perfectly free to do as it thought fit, and he considered that it should express its views on the question of whether the guarantees should, in its opinion, be in the form of a declaration, a treaty or a convention.

M. RAPPARD thought that that last point was outside the Commission's competence.

M. VAN REES observed that he could very well understand the Commission saying that a declaration by the Iraqi Government was only a unilateral undertaking, which did not carry the weight of an undertaking entered into towards one or more third countries. It might therefore prefer that the guarantees should be embodied in a convention ; but, in that case, who would be the parties to that convention ? Would they be Iraq of the one part and the League of Nations of the other ? Such a convention had never been heard of before.

M. ORTS pointed out that the Commission might also consider the possibility of a declaration which would be noted by the League of Nations, and the various clauses of which, having the value of a convention, would be placed under its guarantee.

The CHAIRMAN considered the hypothesis of the mandatory Power not submitting any proposal as regards the form of the undertaking. In that case, the Council would certainly refer the matter back to the Commission and the cycle would recommence.

M. VAN REES did not share that view. The form of the undertaking was not a mandatory but a purely legal question, and, as such, did not fall specially within the competence of the Commission.

M. MERLIN suggested that, in order to facilitate the task of the Commission, the Secretariat should assemble the *de facto* elements relating to the various points on which the Commission had to express its opinion.

Did Iraq possess a settled Government and an administration capable of maintaining the regular operation of the essential Government services ? Was she capable of maintaining her territorial integrity and political independence, etc. ? The Commission would then be able to see how far that *de facto* situation justifies the presumption that Iraq was able to stand alone.

As regards guarantees, it was simply a matter of applying the general principles established by the Commission to a special case. On that point the Commission would not have to frame or propose any diplomatic, legal or administrative act. It would be sufficient for it to direct the Council's attention to the necessity for ensuring the effective protection of minorities, the privileges and immunities of foreigners, the interests of foreigners in judicial, civil and criminal matters, etc.

It was not the duty of the Commission to legislate in the name of Iraq. It should merely indicate the essential guarantees which it considered it necessary to require of Iraq. It was for the Council to negotiate with Iraq on the matter before deciding on the cessation of the mandate.

M. RAPPARD, continuing his examination of the question on the hypothesis of the *de facto* situation in Iraq being found satisfactory by the Commission, pointed out that the latter would have *(a)* to ask Iraq to furnish the specific guarantees enumerated in Part II of the conclusions embodied in the Commission's report to the Council ; and *(b)* to state that those guarantees must be subscribed to in such a way that Iraq would be bound by an international act, and that the provisions of that act should be such that the Permanent Court of International justice would be able to pass an opinion thereon.

Was it expedient that the Commission should express a preference for any particular form of undertaking ? M. Rappard did not think so, for two reasons : firstly, because, as he had already pointed out, it was possible, and indeed probable, that the mandatory Power would make suggestions on that point ; and, secondly, because the question of guarantees would probably bring up that of the admission of Iraq to the League of Nations. In point of fact, of the various States which had been called upon to give guarantees in regard to minorities, all save one were Members of the League and had entered into undertakings in regard to the latter.

To sum up, the Commission should confine itself to enumerating the guarantees to be furnished by Iraq, and to stating that the act in which those guarantees were embodied should make it possible, if necessary, for any disputes that might arise regarding its interpretation or application to be brought before the Permanent Court of International Justice.

Count DE PENHA GARCIA was of opinion that the Commission should examine at once the question of how far the *de facto* situation in Iraq complied with the conditions enumerated by the Commission in its report to the Council.

The question of the form in which Iraq's undertakings were to be entered into might be discussed with the accredited representative. The admission of Iraq into the League did not concern the Commission, but there was undoubtedly a close connection between that question and the question of the termination of the mandate. In any case, when putting an end to the mandatory regime, obligations must be laid upon Iraq even in the event of that country not becoming a Member of the League, and it was with a view to determining those obligations that the Commission must set forth, in the report which it would have to draw up on the question, its findings and, if necessary, the points on which it felt some doubt.

The CHAIRMAN shared Count de Penha Garcia's view, but felt that the various points enumerated in Part II of the Commission's conclusions embodied in its last report to the Council were rather vague, and only established the principles which, in their application, must be adapted to a particular case. Mention was made, for example, of the effective protection of racial and religious minorities. How would that protection be assured in Iraq ? The Commission must make proposals on that point. Similarly, since the Judicial Agreement would expire at the same time as the mandate, it would be necessary to consider by what means the interests of foreigners in civil and penal matters would be safeguarded.

M. RAPPARD said that, if the Council wished to know what form was to be adopted for the act which would bind Iraq, it would not apply to the Commission for that information. The form, moreover, would depend on circumstances outside the competence of the Commission. In his view, the most important factor in that connection would be the admission or non-admission of Iraq into the League ; for, as he had pointed out, the formula adopted for the protection of minorities in Turkey, a country which was not a Member of the League, had proved somewhat ineffective. If, then, Iraq were admitted to the League, the effective value of the undertakings to which she might subscribe would be very much greater, although M. Rappard did not consider in any case that a mere declaration could be regarded as sufficient.

The CHAIRMAN did not think that it was for the Secretariat to carry out a study of the kind suggested by M. Merlin.

M. PALACIOS thought that the Commission should give an opinion on both the substance and the form of the undertakings to be entered into by Iraq. The form of the undertaking, moreover, could only be determined by the actual substance. It would be desirable to consider point by point the *de facto* situation and the guarantees to be given in the event of emancipation, and to determine in each case whether satisfaction could be given by means of a treaty or by some other act. It would probably be sufficient if, before Iraq became a Member of the League, she made a solemn declaration on the point, of which the Council would take note.

M. MERLIN thought that the Chairman had not quite understood him. He had not proposed that the Secretariat should be asked to state in each case what measures were to be taken, but simply that it should be asked to note briefly what was the *de facto* situation in Iraq as regards the protection of minorities (the Kurdish question and other questions), the privileges and immunities of foreigners (the question of the capitulations and the agreements which had taken the place of the latter), etc. The Commission would judge of the situation in the light of that statement, would bring to the notice of the Council those questions which it was important to settle, and would emphasise the point that the guarantees given by the new State must be irrevocable.

Lord LUGARD thought it essential that the right of appeal to the Minorities Committee of the Council should be assured to the Iraqi minorities. Without an effective right of petition there would be no means of ensuring the effective protection of those minorities, unless they could be given the right to apply to the Permanent Court of International Justice.

M. RAPPARD thought that the Minorities Committee to which Lord Lugard was referring must be the Committee of Three. He pointed out that individuals could not apply to the Permanent Court of International Justice.

It seemed to him that, as regards minorities in general, the Commission required two kinds of information which could be supplied by the Secretariat : *(a)* what were the different kinds of minorities, and *(b)* what was the legal practice in force. The Director of the Minorities Section might perhaps be able to state the most effective means for protecting minorities.

Count DE PENHA GARCIA supported M. Rappard's suggestion, since the Commission was bound to give the Council an objective reply, and a statement of the League's work in regard to minorities would be calculated to assist it in its task. At the same time, there was one point that must not be forgotten — the mandatory Power had asked that Iraq might be admitted to the League, and, in so doing, had asked for the abrogation of the mandatory regime over that country. Abrogation, however, would be pronounced before admission, and what would be the effect of abrogation if Iraq did not become a Member of the League ?

The CHAIRMAN pointed out also that, in that case, the Treaty between Great Britain and Iraq would not come into force, and that there would be absolutely no guarantee.

M. de Azcarate (Director of the Minorities and Administrative Commissions Section), invited by the Commission, came to the table.

M. DE AZCARATE explained the various systems in force for the protection of minorities.

The protection of minorities might be ensured : (1) under the general treaties of peace or special minorities treaties ; (2) under special conventions, the most important of which, from the point of view of the Mandates Commission, was the Convention relating to Upper Silesia ; (3) under declarations made before the Council by States at the time of their admission to the League.

The various agreements in question had one common feature — namely, that, in virtue of the guarantee clause contained therein, the members of the Council had the right to place on the Council agenda the question of any infraction, or any danger of infraction, of any stipulation contained therein or to bring before the Permanent Court of International Justice any differences of opinion as to questions of law or of fact arising out of their interpretation.

There was, however, one exception to that general rule, and that concerned Upper Silesia. Under the system of guarantees provided for that region, any member of the minority had the right to apply direct to the Council of the League. Anywhere else any person, not necessarily a member of a minority, had the right to forward a petition, which was not dealt with directly by the Council but was referred, together with the observations of the Government concerned in the matter, to a Minorities Committee. These Committees were composed of members of the Council and presided over by the President in Office of the Council.

The CHAIRMAN wished to know whether, in the case of Upper Silesia, a member of the minority had the right to apply direct to the Council, or if he could only do so through the intermediary of a representative. In the case of the mandated territories, a person living outside one of those territories was at liberty to send a petition to the League. For example, when one of the minorities in Iraq wished to forward a petition to the competent body and for certain reasons did not dare to send it himself, could he send it through the intermediary of someone living outside Iraq ?

M. DE AZCARATE explained that, in the case of Upper Silesia, the provisions in force were quite special in character. The right of petition was accorded individually to members of the minority, and he did not know whether, under the terms of the German-Polish Convention, a petition coming from a person situated outside Upper Silesia could be considered receivable ; that was a question that would have to be examined in each particular case.

In cases other than those concerning the minorities in Upper Silesia, it was sufficient for a petition to be considered receivable, and that its source should not be anonymous nor doubtful, but then, as he had already said, the petition was not examined directly by the Council ; it was first examined by a Minorities Committee.

M. RAPPARD said that all the members of the Commission desired to see instituted an effective system of protection for the minorities in Iraq. Whether the Kurds had the right to submit their petitions to the Council or to a Minorities Committee, such a measure would in any case be ineffective. What was wanted was that there should be in Iraq, as in Upper Silesia, an impartial representative on the spot.

Hitherto, the Mandates Commission had never thought of proposing that inspection should take place in Iraq, because it did not wish to prejudice the authority of the mandatory Power. Once the mandatory regime was withdrawn, however, that point would no longer apply, and might give place to the fear that the Iraqi Government would not ensure the effective protection of minorities. Did not M. de Azcarate think that the presence of a League representative in Iraq would be calculated to ease the situation as regards the position of minorities ?

M. DE AZCARATE thought that it would be well to define the nature of the organisation set up for Upper Silesia. When that territory was divided between Germany and Poland, the two countries had concluded a Convention consisting of no less than six hundred articles, in which provision was made for the settlement of disputes of every character — both economic and social — ranging from communications and transit to minorities. With a view to the execution of the Convention, a Mixed Commission was set up, consisting of two German members and two Polish members and presided over by a person belonging to a neutral country. At the end of each part of the Convention it was stipulated that any disputes that might arise out of the application or interpretation of that particular part should be submitted for examination to the Mixed Commission. It was intended that this machinery should remain in existence for a period of fifteen years.

The third part of the Convention concerned the protection of minorities, and one of the chapters dealt with means of recourse and procedure. One of the means of recourse was the right of members of the German minority in Polish territory and of the Polish minority in German territory to forward petitions respectively to the German or Polish minorities offices which had been specially instituted with a view to the examination of such petitions. If the minorities office concerned did not succeed in settling the affair to the satisfaction of the petitioner, it forwarded the petition to the President of the Mixed Commission, who, after having consulted his colleagues, formulated an opinion, which was communicated to the Government in question. If the petitioner was still not satisfied, he might appeal to the Council of the League.

M. de Azcarate added that it would hardly be possible for him to give an opinion on the last point raised by M. Rappard. That was a question, to which in any case, a general reply could not be given.

The CHAIRMAN thanked M. de Azcarate for the lucid and ample information which he had been good enough to give the Commission.

M. VAN REES felt sure that, if the Commission proposed, in the case of the Iraqi minorities, to take stricter measures than had been laid down for the other minorities with which the League was concerned, the States signatories to the Minorities Treaties would not fail to protest energetically.

He then submitted to M. de Azcarate the three following paragraphs quoted hereunder and asked him if he could express any opinion on their value :

> " The stipulations in the foregoing articles of this declaration, so far as they affect the persons belonging to racial, religious or linguistic minorities, are declared to constitute obligations of international concern, and will be placed under the guarantee of the League of Nations. No modification will be made in them without the assent of a majority of the Council of the League of Nations.

" Any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction or danger of infraction of any of these stipulations, and the Council may thereupon take such action and give such direction as it may deem proper and effective in the circumstances.

" Any difference of opinion as to questions of law or fact arising out of these articles between the Iraqi Government and any Power a Member of the Council of the League of Nations shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. Any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant."

M. Orts explained the economy of the scheme which M. Van Rees had just submitted to the Commission. It was based on the assumption that the guarantees provided for minorities in the Constitution and in the Code of Iraq were adequate, and that there was no question of transforming these minorities into privileged classes who were exempt from the general scheme, and hence still further to increase the differences of race and religion. In other words, care must be taken, when Iraq was being emancipated, not to prevent this people from achieving moral unity.

Admitting, however, that the Constitution and Code of Iraq were adequate, measures must still be taken *(a)* to ensure that the security accorded to minorities should not be withdrawn as the result of a revision of either of those instruments, and *(b)*, even in the event of no change being made in the Code and the Constitution, to ensure that both these instruments would be applied in the right spirit, and that the minorities were not subjected to annoyance or oppression.

The scheme provided, therefore, for a declaration by Iraq to the League, which would duly take note of that declaration and guarantee its enforcement. Under the declaration, all the clauses or stipulations of the Constitution or Code concerning the protection of minorities would be regarded by Iraq as so many international undertakings, and any dispute that might arise as regards their application or interpretation might be brought by any Member of the League before the Permanent Court of International Justice at The Hague. Moreover, the procedure as regards minorities established the right of any member of a minority or of any association of minorities to petition.

M. Rappard said that he had listened with great interest to M. Orts' statement. The scheme in question was, in substance, as good as any other, but he persisted in thinking that the Iraqi minorities would still be in a very exposed position so long as they only had the distant influence of the League of Nations to protect them. Recourse to The Hague was a heavy and cumbersome procedure. What State would undertake to bring an action against Iraq in a minority question ? If the Commission wished to support the emancipation of Iraq and still to protect her minorities, it must consider the establishment in that country of a League representative. There was no question of creating a mechanism such as had been instituted for Upper Silesia, but simply of sending to Iraq a High Commissioner or representative of the League ; and, if that plan still seemed too ambitious, of entrusting the protection of minorities to the British Ambassador.

Under the terms of the draft Treaty submitted to the Commission, the British Ambassador to Iraq would enjoy a special and privileged position. It would thus be easier for the ex-mandatory Power to intervene effectively through its diplomatic representative in minority questions, and it would be its duty, as the ex-guardian which had applied for the emancipation of its ward, not to wash its hands entirely of the latter. The British Government might perhaps have objections to entrusting its Ambassador to Iraq with so delicate a task. Nevertheless, the Commission would be entitled to reply that that was the least that could be asked of the British Government, since it was that Government that was proposing the emancipation of Iraq.

That was only a suggestion. One point, however, seemed quite certain — any agreement based exclusively on the system of petitions would be ineffective in Iraq. Members of a minority would probably have more to lose than to gain by forwarding petitions to Geneva.

M. Orts pointed out that the difficulty in the system conceived by M. Rappard lay in the fact that the British Ambassador still remained primarily the agent of his Government and the representative of his sovereign. He would, however, be drawn at any moment into difficult discussions concerning interests which were not purely British in character, so that his mission of protector of the minorities would be prejudicial to his principal mission.

M. Rappard thought it was merely a question of finding a suitable formula. The British Government might, for example, be invited to accept responsibility *vis-à-vis* the League for the protection of minorities in Iraq.

M. Palacios drew attention to the recommendations [1] of the Committee set up by the Council on September 30th, 1924, to examine on the spot the question of the frontier between Turkey and Iraq. The Committee had expressed itself as follows :

" Since the disputed territory will in any case be under the sovereignty of a Moslem State, it is essential, in order to satisfy the aspirations of the minorities — notably the Christians, but also the Jews and Yezidi — that measures should be taken for their protection.

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[1] See document C.400.M.147.1925.VII, page 90.

" It is not within our competence to enumerate all the conditions which would have to be imposed on the sovereign State for the protection of these minorities. We feel it our duty, however, to point out that the Assyrians should be guaranteed the re-establishment of the ancient privileges which they possessed in practice, if not officially, before the war. Whichever may be the sovereign State, it ought to grant these Assyrians a certain local autonomy, recognising their right to appoint their own officials and contenting itself with a tribute from them, paid through the agency of their Patriarch.

" All the Christians and the Yezidi should be assured of religious freedom and the right of opening schools.

" The status of minorities would necessarily have to be adapted to the special conditions of the country ; we think, however, that the arrangements made for the benefit of minorities might remain a dead letter if no effective supervision were exercised locally.

" The League of Nations representative on the spot might be entrusted with this supervision. "

These recommendations had been examined by the Council, [1] and a precedent therefore existed as regards the proposal to send to the spot a representative of the League of Nations to supervise the protection of minorities, so that the protection would not be a mere illusion. The direct intervention of the League appeared to M. Palacios to be more likely to satisfy the natural exigencies of emancipated Iraq rather than the mission, no doubt effective, noble and just, of the Ambassador of an ex-mandatory Power. This was a very delicate question.

Count DE PENHA GARCIA felt that M. Rappard's remarks really reflected the hesitation felt by all the members of the Commission. The Commission had the impression — it would be idle to deny it — that the emancipation of Iraq was premature, and it was anxious that guarantees should be found which should permit of swift action. From that standpoint quite the most satisfactory solution, in his view, so far as the minorities were concerned, was to entrust their protection to the British Ambassador.

The question might arise, obviously, as to whether the British Ambassador was better fitted than any other to undertake that duty, and also whether it was possible to entrust to the diplomatic agent of one particular country the safeguarding of interests entrusted to the League. That was indeed a delicate point ; but, if it could be settled gracefully, the guarantee suggested by M. Rappard would be quite the most effective. Failing that, recourse might be had to the system to which M. Palacios had just referred.

M. MERLIN thought that it would be an excellent idea to confer on the British Ambassador the rôle of counsellor to the Iraqi Government for minority questions. The British Ambassador would be specially suited for the task, for it was Great Britain which, after having achieved such successful results in Iraq, had asked for the emancipation of the country. Any organisation contemplated for the future State of Iraq justified the assumption that that State would be capable of self-administration. At the same time, the Commission was considering the case of a young and inexperienced people, and was entitled to ask how the institutions that might be established would actually function amidst the passions of the East.

M. Merlin did not think that the League Council would agree to an arrangement which involved sending a representative of the League to Iraq. It was quite natural, however, that Great Britain, which had assumed responsibility for saying that Iraq was ready for emancipation, should be asked to ensure the protection of minorities in that country. While no longer acting as guardian, Great Britain would keep an eye on the country, at all events as regards the fulfilment of promises and guarantees relating to certain specific points. Some such formula was certainly least likely to offend the new State, and it would at the same time be the most effective, seeing which nation it was that would have to exercise the right of supervision in question.

The British Ambassador would obviously not have to settle the cases submitted to him ; he would simply have to advise the Iraqi Government, on the understanding that, if his advice was not followed, the minority would still have the right of recourse to the League or to the British Government itself.

M. Merlin realised that it would be difficult for the British Ambassador to represent in Iraq the League's interests and those of his own Government at the same time. But was it not natural that the rôle of protector should be entrusted to Great Britain ? The latter had obtained various advantages under the treaty with Iraq ; it would be only logical that, by way of compensation, Great Britain should assume certain obligations *vis-à-vis* the League.

The CHAIRMAN observed that, in entrusting the supervision of the protection of minorities in Iraq to the representative of a particular Power at Bagdad, that Power would be obliged, in spite of itself, to intervene in the internal affairs of Iraq, which would be contrary to the independence of that State.

M. RUPPEL would be prepared to support M. Rappard's proposal, but he feared, after what Sir Francis Humphrys had said, that it could not be accepted by the British Government. In that case, could not the Iraqi Government be asked to set up a special tribunal consisting of three British judges to deal with minority cases ? The tribunal would have to examine petitions, but the petitioner might still have the right to apply to the Council of the League if he were not satisfied with the result of his application to the tribunal.

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[1] See *Official Journal*, Sixth Year, No. 10, October 1925, pages 1307-1316.

Mlle. DANNEVIG endorsed M. Merlin's views. She noted further that, in the Judicial Agreement concluded between Great Britain and Iraq, provision was made for a special tribunal. The greater part of the minorities in Iraq were in the Mosul vilayet. Would it not be possible to set up in that vilayet a college of judges for the purpose of examining petitions ?

If the British Ambassador were made responsible for the protection of minorities, he would immediately become unpopular, and it would be better, accordingly, to entrust the work to judges such as were provided for in the Anglo-Iraqi Treaty.

M. RAPPARD, replying to an observation of the Chairman, explained that his proposal would not have the effect of prolonging the authority of the mandatory Power over Iraq as much as it would prolong its responsibility. The Commission, which had been asked whether Iraq could be emancipated, had answered : " Yes, but subject to certain conditions ". Further, there were other countries — countries, moreover, with a European civilisation — which had accepted agreements to ensure the protection of minorities in their territory. As regards the usual systems for the protection of minorities, it was practically certain that those would be ineffective in a country like Iraq, and it was for that reason that, in the present case, some special arrangement should be considered.

M. VAN REES thought that there was nothing to prevent the Commission from submitting to Sir Francis Humphrys the suggestions which had just been put forward. On the other hand, the Commission's discussion with the accredited representative of the British Government might point the way to further possibilities, and it would be premature to settle the question before hearing Sir Francis Humphrys.

Had not Sir Francis already declared that the British Government would use its influence in order that the principles laid down by the Commission might be duly respected ? He had not stated what means the British Government proposed to employ with that object, but M. Van Rees did not think that an ambassador could be made responsible for ensuring the protection of minorities, as such a duty would entirely alter the nature of his functions. He could, however, exert his influence in the direction suggested without being formally invested with a special duty. Lastly, there was a limit to the guarantees to be required — Iraq could not be asked for more than had been agreed to by the States signatories to the Minorities Treaties, for the reasons which M. Van Rees had already given.

M. DE AZCARATE observed that the text submitted by M. Van Rees, and commented on by M. Orts, was an exact reproduction of the guarantee clauses embodied in the Minorities Treaties.

M. ORTS pointed out that the discussion had shown that, in any case, the members of the Commission appear to have very little confidence as to the way in which the Iraqi Government would treat the minorities. It must not be forgotten that, in this matter, Iraq was the applicant. Nobody was urging the territory to obtain its independence. In the last resort, it was for Iraq to propose a formula which would completely satisfy the League as regards the protection of minorities.

The CHAIRMAN directed the Commission's attention to a second important question arising out of the scheme for the emancipation of Iraq — namely, the question of the capitulations. When the mandate came to an end, the Judicial Agreement would lapse, and it was very unlikely that States Members of the League would agree that the treaty at present in force should replace it.

M. RUPPEL observed that, in the previous year,[1] the accredited representative had stated that the Iraqi Government would be prepared to enter into undertakings *vis-à-vis* the League of Nations similar to those embodied in the Judicial Agreement to be abrogated when emancipation took place.

The CHAIRMAN thought that it would be well to ask Sir Francis Humphrys if he had any proposals to submit as regards the judicial organisation of Iraq.

EIGHTH MEETING.

Held on Friday, October 30th, 1931, at 10.30 a. m.

Question of the Emancipation of Iraq (continuation).

The CHAIRMAN recalled the conclusions reached by the Commission after discussing the situation which would exist in Iraq, from the legal point of view, when the mandate came to an end. He explained that the capitulation Powers had temporarily abandoned their capitulation rights for the duration of the mandate, accepting in the interval the regime of the Anglo-Iraqi Judicial Agreement. When this agreement lapsed, the capitulations should *ipso jure* be re-established.

[1] See Minutes of the Nineteenth Session of the Permanent Mandates Commission, page 86.

In reply to a question by M. Rappard, M. Catastini recalled the contents of Article VII of the Council's decision, dated September 27th, 1924, relative to the application to Iraq of the principles of Article 22 of the Covenant, which read as follows :

" The Council of the League of Nations . . .

" Decides that the privileges and immunities, including the benefits of consular jurisdiction and protection formerly enjoyed by capitulation or usage in the Ottoman Empire, will not be required for the protection of foreigners in Iraq so long as the Treaty of Alliance is in force."

M. Rappard pointed out, in this connection, that the Treaty of Alliance between Iraq and Great Britain provided for the termination of this Agreement on the date when Iraq was admitted to the League of Nations. The British authorities had always anticipated that these two events would be simultaneous. The present Treaty therefore remained in force, not until the country's emancipation, but until its admission to the League of Nations, and it followed that Iraq would not have enjoyed full independence meanwhile.

M. Catastini read Article XVIII of the Treaty of 1922 :

" This Treaty shall come into force as soon as it has been ratified by the High Contracting Parties after its acceptance by the Constituent Assembly, and shall remain in force for twenty years, at the end of which period the situation shall be examined, and if the High Contracting Parties are of opinion that the Treaty is no longer required it shall be terminated. Termination shall be subject to confirmation by the League of Nations, unless before that date Article VI of this Treaty has come into effect, in which case notice of termination shall be communicated to the Council of the League of Nations."

The Chairman thought that the present Treaty of Alliance lapsed on the date of the cessation of the mandate. It was theoretically possible that Iraq, after being declared independent by the Council, might decide not to enter the League of Nations. The Council, however, would probably make the admission of the territory to the League of Nations the condition of the termination of the mandate.

M. Rappard thought that a country could be a candidate for admission to the League of Nations without enjoying independence, but that it could not be admitted to the League without being independent.

Reverting to the question of capitulations, he agreed that, in the absence of a fresh agreement on this matter, these capitulations would be revived automatically on the expiration of the Judicial Agreement with Great Britain.

The Chairman agreed with M. Rappard's remarks on capitulations. Nevertheless, it was possible that the capitulation Powers would prefer that the capitulations should not be re-established, but that they should be replaced by a new judicial agreement.

M. Palacios accepted the interpretation given by the Chairman. The Council's decision, together with all the decisions and negotiations on this question, provided for the re-establishment in Iraq of the privileges accorded to foreigners in matters of jurisdiction. The juridical position seemed to be similar to that provided for in the second paragraphs of Articles 5 and 8 of the Mandates for Syria and Palestine, which was worded as follows :

" Unless the Powers whose nationals enjoyed the afore-mentioned privileges and immunities on August 1st, 1914, shall have previously renounced the right to their re-establishment, or shall have agreed to their non-application during a specified period, these privileges and immunities shall, at the expiration of the mandate, be immediately re-established in their entirety or with such modifications as may have been agreed upon between the Powers concerned."

It was, moreover, a fact that the capitulations and consular jurisdictions tended to disappear in proportion as Western civilisation penetrated into the East and the Oriental countries formed themselves into States on the European type. The settlement of this question had assumed special importance in Article 28 of the Treaty of Lausanne of 1923. The Commission, in discussing the replacement of the regime, should take into account the judicial position of the problem, but without losing sight of the movement which entrusted to the sovereignty of the States the exercise of equal justice for all. The mixed courts already involved a certain restriction of that sovereignty.

M. Van Rees shared M. Palacios' opinion on this point.

M. Ruppel emphasised the necessity, in any case, of providing a system ensuring the protection of all foreigners. The capitulation Powers only numbered about fourteen, but there were fifty-four States Members of the League of Nations whose nationals must benefit from the protection guaranteed them by the mandate.

M. Palacios thought that, with a view to replacing the judicial system provided by the Anglo-Iraqi Agreement, so far as capitulations were concerned, the Commission might consider a solution on the lines of the judicial system in force in Egypt, which, as was well known, was a system of mixed courts with judges of different nationalities. He did not offer this suggestion as a solution but only as a matter for discussion.

M. Ruppel said that, if he had to choose between the Egyptian system and the present Anglo-Iraqi system, he would prefer the second, since the Egyptian system had serious drawbacks. It was very cumbersome and involved considerable expense for the country. In Egypt, forty-four foreign judges were maintained ; they did not have to deal with the cases arising between natives, and only judged disputes between foreigners or between foreigners and natives. The Anglo-Iraqi system, on the other hand, also gave satisfaction to the natives, the English judges being called upon to settle all disputes. This system, therefore, gave both general guarantees for all the inhabitants of the country and special guarantees in the case of minorities.

M. Rappard thought that a proposal would probably be laid before the Commission by the British Government. It would therefore be preferable to await this proposal before discussing the question, instead of embarking upon the creation of all the elements of a judicial system.

M. Catastini said that, according to information he had received, Great Britain would be prepared to prolong the present Judicial Agreement. The only question that remained, therefore, was whether the present Agreement in its integrity could or could not continue after the termination of the mandate.

The Chairman said that it would be possible to take into consideration the maintenance of the present judicial system in Iraq ; but, in that case, Great Britain would retain a position of superiority in the territory, and he wondered whether there was not some drawback in entrusting to a single country the task of defending as judge the interests of the fifty-four nations belonging to the League. He thought it desirable to point out that the situation in Iraq and Egypt was not quite the same, and that it was not the system as applied in Egypt the application of which M. Palacios had suggested, but a system based on the principle of mixed courts.

Count de Penha Garcia was also convinced that the capitulations had been suspended in Iraq only for the duration of the mandate. The Anglo-Iraqi Judicial Agreement at present provided for the good administration of justice in Iraq. At the time of the expiration of the mandate, the Judicial Agreement would also come to an end. The new Treaty did not deal with this matter. The mandatory Power had already considered the question of how the capitulations system should be replaced at the time when the mandate came to an end, since it had established courts resembling to a certain extent the mixed tribunals, and the judges were appointed for a period considerably longer than the year 1932. Moreover, the very recent Judicial Agreement showed clearly that the mandatory Power believed it necessary to maintain in the Iraqi courts judges representing the civilisation and the law of other countries than Iraq.

At the time of the cessation of the mandate, these judges could perhaps be chosen from among magistrates who were nationals of the various countries Members of the League of Nations, in such a way as to ensure the most complete independence in the Iraqi courts. It was nevertheless certain that, in view of certain requirements which were necessary for these judges, the greater number of the Members of the League would not possess magistrates who would be suitable for the purpose.

M. Van Rees was also in favour of awaiting the statement of the accredited representative before seeking a solution, as he was sure that the British Government would have suggestions to make. The Commission could ask Sir Francis Humphrys what were the mandatory Power's intentions and, if necessary, could ask him to make suggestions. For the moment, the Commission could not discuss the question with a full knowledge of the facts.

M. Merlin was convinced that capitulations should be legally re-established at the expiration of the mandate, seeing that the legal system established in virtue of the agreements of 1924 and 1930 would come to an end at the same time. The discussion, moreover, was not of any great interest, seeing that, on the day when the mandate expired, Iraq would be required to become a Member of the League, and it would have been called upon previously to give special guarantees.

M. Merlin wished to point out that these guarantees were to be granted not only to foreigners, but also to the original population itself. It was for this purpose that the mandatory Power had set up the tribunals in which there were British magistrates and for which provision was made under the terms of the Judicial Agreement of 1930, tribunals which were required to settle all differences, including those arising between the original inhabitants themselves. The establishment of mixed tribunals would not serve the same purpose, since their competence was limited to the disputes between foreigners and the original inhabitants.

He would also point out that all the judges had been appointed for ten years and that the appointments had been made at the very moment when England was contemplating asking for the emancipation of Iraq. It seemed, therefore, that England was indeed anticipating the *de facto* or *de jure* prolongation of the Judicial Agreement.

M. Merlin also preferred not to pronounce himself before the accredited representative should have made suggestions.

M. Rappard considered that the Commission was entitled to ask whether a territory was really worthy of emancipation, if everyone agreed that it was incapable of ensuring the respect of foreigners' rights by its own resources, and if it was desired to know whether it would be the mandatory Power or other Powers who would be responsible for ensuring the respect of these rights. As a matter of fact, none of the members of the Commission seemed disposed to place confidence in the native judicial organisation of Iraq.

Another question was whether the Commission agreed in recognising to the ex-mandatory Power a monopoly for the protection of foreigners, or whether this responsibility should be

shared between the States Members of the League of Nations. Would it be admissible for the mandatory Power to conclude with its ward, during the period of guardianship, arrangements conferring on it exclusive advantages after emancipation ?

M. MERLIN pointed out that the mandatory Power had asked for the admission to the League of Nations of the State which had been entrusted to it as a ward, while recognising that its evolution was not yet complete. It had therefore envisaged the prolongation of institutions which it had itself created, so as not to incur the responsibility for events which might give rise to doubts as to the expediency of such emancipation. Should other nations or organs intervene, the mandatory Power could regard itself as free from all responsibility with regard to these events. It was therefore particularly important to leave it to the mandatory Power to make suggestions.

M. RUPPEL hoped that, in any case, the guarantees offered to the natives by the present Judicial Agreement would be maintained. He did not particularly desire that all the foreign judges should be British.

As a matter of fact, however, the question did not arise, for all the judges had been appointed for ten years, and the exchange of notes which had accompanied the drafting of the Treaty of Alliance between the Iraqi and British Governments showed that the Iraqi Government had undertaken to employ only British subjects as foreign officials.

M. VAN REES had no preference for any particular system. Theoretically, it would be an advantage to have in Iraq judges other than British. He found it difficult to pronounce an opinion, however, as he did not know the drawbacks which such a system might offer, and he preferred to await the replies of the accredited representative.

The CHAIRMAN pointed out that the examination of the mandatory Power's agreements with Iraq would come later.

M. SAKENOBE noted that the Commission had entered upon a discussion of the guarantees which the Iraqi Government could offer ; but the discussion on guarantees should be based on the assumption that Iraq was a State which could stand alone ; a State which possessed "laws and a judicial organisation which will afford equal and regular justice to all". Otherwise, the whole discussion came to nothing. It must be assumed that Iraq fully intended to observe her engagement and was capable of doing so. The discussion should be based on that assumption. As regards the system to be proposed, M. Sakenobe, like M. Van Rees, preferred to reserve his opinion until he had heard what the accredited representative had to say.

M. RAPPARD drew attention to the danger of the Commission contradicting itself. It had agreed that one of the factors in estimating a State's ability to govern itself was the possession of a judicial system applicable to all, including foreigners. But the Commission was now discussing a system of special guarantees for foreigners in Iraq. He feared that this was a flagrant contradiction.

The CHAIRMAN concluded from the discussion that one of the important questions to be put to the accredited representative was how the mandatory Power envisaged the organisation of justice in Iraq after the cessation of the mandate.

M. VAN REES reminded the Commission of the contents of the note he had drafted to serve as a basis for the examination of the conditions for admitting Iraq to the League of Nations published as an annex to the Minutes of the eighteenth session. He read the part of this note which dealt with the interests of foreigners in religious matters. [1]

Freedom of conscience was at present guaranteed by the Iraqi Constitution, but the latter might subsequently be modified. He thought that the Commission should insist on the maintenance of the present situation, which appeared to be satisfactory.

M. RAPPARD was also of the opinion that the Commission should remind the accredited representative that the mandatory Power had deemed it expedient to adopt certain measures to guarantee freedom of conscience in the country, and draw his attention to the fact that, now that its authority in the country was about to terminate, the British Government should obtain from the Government of Iraq an undertaking that these guarantees would be maintained.

The CHAIRMAN observed that, in the particular case of Iraq, the principles set forth under letters *(d)*, *(e)*, *(f)* and *(g)* of Part II of the Commission's conclusions did not call for any special consideration.

ECONOMIC EQUALITY.

The CHAIRMAN reminded his colleagues that, though this condition had only been tentatively suggested by the Commission itself, the Council had insisted upon it.

M. RAPPARD thought that, at a time when the force of the most-favoured-nation clause was being weakened on every hand, it was desirable that guarantees for the maintenance of economic equality in the emancipated territory should be as detailed as possible.

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[1] Document C.366.M.154.1930.VI, page 172.

M. Palacios emphasised the special interest of this question to the Members of the League of Nations, which was a difficult one to ask and even to define. It was not a question of a preferential tariff for certain goods, but of the economic system of the open door for States Members of the League of Nations that is to say, of a new community whose members should always, in their mutual relations, show that they belonged to a higher organisation. If that were true, and if this community, which was in process of formation, caused its rules to be applied in the various States, there would be no objection to imposing these principles on the State under tutelage which had been brought up by the community and was on the point of being emancipated.

The difficulty was that, in this respect, the community of nations was still an ideal to be striven for, and that Iraq had hastened her emancipation. Consequently, it might unfortunately be necessary to aim solely at a transitory and restricted system of reciprocity. Nevertheless, it should not be forgotten that Article 11 of the Treaty of 1922 between Great Britain and Iraq gave no privilege to the mandatory Power, and enabled the other Members of the League of Nations to compete with Great Britain in Iraq in all economic spheres on the same legal conditions.

M. Merlin expressed the view that, in the long run, the safeguarding of economic equality was a question of commercial treaties and Customs tariffs. He pointed out in this connection that Iraq, like the majority of countries in the Near East, applied a special Customs regime to neighbouring countries ; nothing could justify the extension of such privileges to other more distant countries.

M. Van Rees thought that it would be desirable, in the first place, to define the scope of the Council's resolution. That resolution, without going into further detail, demanded that the principle of economic equality should be safeguarded, and added, " in accordance with the recommendation of the Commission ". In point of fact, the Commission's recommendation had been that, as a transitory measure, the new State should grant most-favoured-nation treatment to the States Members of the League of Nations, subject to reciprocity. The Commission had merely been thinking of equality in respect of commerce. Its recommendation did not refer to equality in the matter of concessions and other matters. It was important that the Commission should define its attitude on this point, as the principle of economic equality might be applied in a variety of quite different ways, according to the point of view from which it was regarded.

M. Rappard was unwilling to believe that M. Van Rees was championing a regime of discrimination, and he hoped that Iraq, when emancipated, would remain open to the trade of all States Members of the League of Nations on conditions of equality and reciprocity. He himself would never favour the limitation of the scope of the principle of economic equality.

Count de Penha Garcia drew attention to the fact that there was an apparent contradiction in the Council resolution, if this principle of economic equality were carried too far. After the termination of the mandate, this servitude should be of a different kind. Economic equality had been required during the period of the mandate because it had been feared that the mandatory Power, occupying as it did a predominant position in the country, might use it to the detriment of other Members of the League. This reason disappeared with the cessation of the mandate, and it was difficult to justify this servitude, which must in any case be subject to the condition of reciprocity and without prejudice to special conventions concluded with the neighbouring countries and relating to exceptional conditions.

M. Rappard admitted the logic of the argument put forward by Count de Penha Garcia, provided that the complete emancipation of the country were contemplated. He nevertheless wished to point out that it would be possible, in respect of economic questions, to raise objections similar to those which had been put forward on judicial grounds in regard to the protection of minorities, etc. This undoubtedly revealed a certain lack of confidence in the country desirous of emancipation, and M. Rappard saw no reason for ruling out the possibility of an intermediate stage between the mandatory regime and a state of complete independence. At present, indeed, it was impossible to say how the Government of Iraq would use its liberty, and it was for that reason that an attempt was being made to obtain guarantees to ensure its living on terms of neighbourly co-operation with the countries concerned.

M. Merlin stressed the difference between the various guarantees which it had been thought desirable to require. The object was to ensure protection of foreign interests in a new State, but what was being demanded now amounted to a veritable privilege. It was true that the Council had limited the duration of this privilege by declaring that it should only be valid during a "reasonable" period. On the other hand, the privilege in question had been introduced subject to reciprocity. It was, indeed, impossible to contemplate imposing on a country a regime of economic equality which it would not itself be able to enjoy in other countries. It was, in short, being stated that Iraq should not apply a regime of preferential Customs tariffs. M. Merlin considered, however, that no country could accept conditions which went further, and in any case this question could only be settled by means of individual agreements between Iraq and the countries concerned.

In reply to a remark by Count de Penha Garcia, the Chairman expressed the opinion that it was not necessary for the Commission to interpret the Council's resolution. He would prefer to leave to the Council the responsibility of indicating the scope of the principle of most-favoured-nation treatment.

Lord LUGARD said that Iraq owed its independence to the action of the allied and associated Powers in the war. The League of Nations — *viz.*, the Council — was the agent or representative of those Powers, and it has insisted that the emancipated territory should be obliged to adopt a regime of economic equality. The Mandates Commission was bound to accept that decision, even though recognising that it implied a limitation of sovereignty imposed by the representative of the allied Powers as a modification of the independence which it was granting to the country. This limitation, moreover, was subject to two important conditions — in the first place, it was provisional ; and, in the second place, in was dependent on reciprocity.

M. ORTS shared Lord Lugard's opinion. The Commission was dealing with a resolution of the Council and was bound to abide by it. At first sight this resolution appeared contradictory. It spoke of safeguarding the principle of economic equality in accordance with the spirit of the Covenant and with the recommendation embodied in the opinion of the Mandates Commission. Economic equality was one thing and the conclusion of commercial treaties containing the most-favoured-nation clause, subject to reciprocity, was another. M. Orts had no doubt, judging from the Council Minutes, that it was the latter regime which the Council had desired to maintain. It was not desirable, therefore, to go beyond reciprocity in respect of commercial exchanges, and the Commission should, in his view, put aside the idea of setting up, in contractual form, a system of concessions, for example. All that it was necessary to consider, therefore, were the advantages provided in current commercial treaties — freedom of commerce, of navigation, etc.

The CHAIRMAN was of the opinion that it was clear that the Council could not accept for the Member States of the League of Nations less than the Government of Iraq was granting to the United States of America in Article 7 of the Convention [1] which it had signed in London on January 9th, 1930, with that Power :

> " . . . . . .
>
> " The present Convention shall take effect on the date of the exchange of ratifications, and shall cease to have effect on the termination of the special relations existing between His Britannic Majesty and His Majesty the King of Iraq in accordance with the Treaty of Alliance and the Treaty of 1926.
>
> " On the termination of the said special relations, negotiations shall be entered into between the United States and Iraq for the conclusion of a treaty in regard to their future relations and the rights of the nationals of each country in the territories of the other. Pending the conclusion of such an agreement, the nationals, vessels, goods and aircraft of the United States and all goods in transit across Iraq, originating in or destined for the United States, shall receive in Iraq the most-favoured-nation treatment ; provided that the benefit of this provision cannot be claimed in respect of any matter in regard to which the nationals, vessels, goods and aircraft of Iraq, and all goods in transit across the United States, originating in or destined for Iraq, do not receive in the United States the most-favoured-nation treatment, it being understood that Iraq shall not be entitled to claim the treatment which is accorded by the United States to the commerce of Cuba under the provisions of the Commercial Convention concluded by the United States and Cuba on the 11th day of December, 1902, or any other commercial convention which may hereafter be concluded by the United States with Cuba or to the commerce of the United States with any of its dependencies and the Panama Canal Zone under existing or future laws, and that the United States shall not be entitled to claim any special treatment which may be accorded by Iraq to the nationals or commerce of neighbouring States exclusively ".

M. VAN REES pointed out that, under this treaty, the United States of America had reserved to themselves the rights and privileges enjoyed by Member States of the League of Nations during the period of the mandate. He did not think it possible to use this text as a basis for interpreting the Council's resolution. Like M. Orts, he was of opinion that the recommendation of the Mandates Commission should be interpreted as referring only to commercial questions. If interpreted in the light of such limitations, the obligation which it was proposed to impose upon Iraq became acceptable. It would, on the other hand, be entirely inacceptable if the principle of economic equality were more broadly interpreted.

The CHAIRMAN observed that the agreement between Iraq and the United States of America provided for most-favoured-nation treatment, not only for the period of the mandate, but also for a period subsequent to the mandate, during which negotiations would take place for the conclusion of a treaty. If that were so, it was easy to foresee that this treatment would thus be assured by the treaty to be concluded.

M. ORTS added that, if the principle of economic equality were strictly applied with a reciprocity clause in the widest sense of the term, the States Members of the League of Nations would have no use for the privilege which it was desired to grant them.

The CHAIRMAN pointed out that the principle of the most-favoured-nation clause had never been defined with sufficient clarity. Several theories were current, and each State acted upon its own.

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[1] Convention between His Britannic Majesty and His Majesty the King of Iraq and the President of the United States of America regarding the Rights of the United States and of its Nationals in Iraq, registered in the Secretariat of the League of Nations under number 2696.

M. Merlin added that the fact that economic equality was imposed upon Iraq subject to reciprocity robbed the discussion of much of its interest. It was, indeed, impossible to impose anything whatsoever upon the countries which might conclude agreements with Iraq. It would therefore be logical to restrict the scope of this expression to the implications usually given it in Customs and commercial agreements.

The Chairman concluded from the discussion that it would be preferable to leave the Council to take such decisions as might be necessary "according to the spirit of the Covenant", as it was obvious that the interests of the Powers concerned would be defended by their representatives on the League of Nations.

M. Catastini recalled that the Commission had defined the scope of the formula whereby the principle of most favoured treatment would be safeguarded during the post-mandate period. That was to say, there would no longer be economic equality, but *(a)* most-favoured-nation treatment, *(b)* as a transitory measure and *(c)*, more important still, on condition of reciprocity. This last condition required the conclusion of a treaty, necessarily preceded by negotiations, during which Iraq would safeguard her own interests.

Count de Penha Garcia was anxious that the length of the "temporary" period of application should be specified. Was it to be ten or fifteen years ? In such cases he preferred explicit statements.

Examination of the Anglo Iraqi Treaty of Alliance June 30th, 1930, and Annexes thereto.

Count de Penha Garcia could not see why the Commission need examine this Treaty of Alliance, seeing that it had been revised by the two signatory States and would only enter into force after Iraq had acquired its independence. At that time, the Mandates Commission would not be competent to form a judgment. If it was proposed to look for clauses incompatible with the position of an independent State, this question was not within the competence of the Commission, as it referred to the admission of Iraq into the League of Nations.

The Chairman drew the Commission's attention to the fact that, in its resolution of September 4th, 1931, the Council decided that "it will naturally have to examine with the utmost care all undertakings given by the countries under mandate to the mandatory Power in order to satisfy itself that they are compatible with the status of an independent State".

M. Rappard pointed out that, in theory, the situation was difficult on account of the fact that the mandated territory could only be granted independence on the proposal of the mandatory Power. The mandatory Power might compel the territory at the time of its request for independence to accept conditions contrary to its interests, and it was only reasonable that the Council should request the Commission to satisfy itself that such an agreement contained no clauses of this nature.

M. Merlin was also of the opinion that the Commission should ascertain whether, under the influence of its position of dependence on the mandatory Power, the future independent State had concluded agreements with that Power which were incompatible with the exercise of the sovereign powers of an independent State.

M. Palacios observed that in point of fact the termination of the Mandate and Iraq's admission to the League would automatically coincide. The 1930 treaty said, in so many words : "The mandatory responsibilities accepted by His Britannic Majesty in respect of Iraq will automatically terminate upon the admission of Iraq to the League of Nations". Moreover, he had maintained this point of view during the examination of the texts which had been used, during previous sessions of the Commission, for the whole question of Iraq.

M. Van Rees reminded the Commission that the question had been defined in M. Grandi's speech before the Council. M. Grandi had been anxious that the mandated territory should not be indirectly converted into a protectorate. That was why the Commission should satisfy itself that the undertakings given by Iraq to Great Britain would not lead to the transformation which it desired to avoid, and, in M. Van Rees' opinion, the Commission's enquiry should bear more particularly upon the Treaty of June 30th, 1930, on the assumption that this Treaty would actually come into force.

The Chairman and M. Rappard concurred.

Count de Penha Garcia considered that the question was a purely political one, and that the Commission would exceed its duties if it were to pronounce upon questions which were political in character.

The result of the enquiry would be that the Treaty between Iraq and Great Britain did not in any way prevent Iraq from entering the League of Nations. Any other solution would throw blame on the mandatory Power, which would have serious consequences. The Treaty had been accepted by the constitutional organs of Iraq. To deny the competence of Iraq would be equivalent to pronouncing against the cessation of the mandate and the entry of Iraq into the League.

The Chairman pointed out that the Commission could not evade the duties which the Council had entrusted to it, even if it might overstep the limits of its normal activities.

M. Orts added that the Commission was no longer limited by its normal terms of reference. An exceptional task had been entrusted to it, and, since it had been asked by the Council to pronounce on a purely political question, it could not refuse to do so. Moreover, this was not the first time the Commission had been in this position.

In reply to Count de Penha Garcia, who had reminded his colleagues that the League of Nations possessed special organs for dealing with political questions, M. Orts explained that the Council had referred the matter to the Mandates Commission because the latter was better acquainted than any other organ of the League with the country in question.

The Chairman added that this objection should have been raised a year previously, when the Commission had submitted to the Council its statement on the conditions to which it considered that the termination of a mandate should be subordinated.

M. Rappard shared the opinion of M. Orts and of the Chairman.

M. Van Rees admitted that the Commission had a non-political character when performing its normal duties as defined under Article 22 of the Covenant and by the terms of its own constitution ; but the Council which had defined its terms of reference might extend them, and it would not be the first time it had done so. The Commission, for example, had been invited to deal with a political question and to formulate an opinion with regard to the desirability of increasing its membership at the time when Germany had become a Member of the League of Nations. At that time, the Council had seen no objection to the Commission's being asked to deal with the matter, which did not come within the ordinary scope of its activities, and the Commission need not be surprised that the Council had adopted a similar attitude on the present occasion.

M. Palacios also shared the opinion expressed by M. Orts and the Chairman that the Commission should examine the Anglo-Iraqi Treaty of 1930. He did not, however, think that so-called political discussions such as the present went beyond the ordinary duties and powers of the Commission.

Count de Penha Garcia defined his position. The Commission as such should decide, in the first place, whether Iraq was capable of standing alone. The examination of the Treaty of Alliance would only be of interest if the Commission refused to agree to the cessation of the mandate. In that case, Iraq, liberated from the mandate, could ratify the Treaty a second time. Indeed, it would be obliged to do so in order to honour its institutions.

NINTH MEETING.

Held on Friday, October 30th, 1931, at 3.15 p.m.

Question of the Emancipation of Iraq (continuation).

Examination of the Anglo-Iraqi, Treaty of Alliance, June 30th, 1930 *(continuation)*.

Count de Penha Garcia said that there was nothing outstanding in the Preamble to the Treaty which showed that the Treaty was the logical continuation of the series of treaties previously concluded by the United Kingdom and Iraq. In virtue of this Preamble, the United Kingdom and Iraq, as independent States, drew up a system of alliance.

M. Van Rees saw nothing in the second paragraph of Article 1 calling for attention on the part of the Commission. The only question which the Commission could ask itself in this connection was whether the clause affected the independence and integrity of the territory. For his part he did not think so.

The Chairman said that the third paragraph of Article 1, in which each of the contracting parties undertook not to adopt in foreign countries an attitude which was inconsistent with the alliance, did not in itself affect Iraq's independence. It was based on the general principle that every international undertaking must be executed in good faith. Nevertheless, the expression " an attitude which is inconsistent with the alliance or might create difficulties for the other party thereto " was so vague that, in practice, it might allow one of the parties to interfere in the other's policy on any occasion. While the idea of " an attitude inconsistent with the alliance " was clear, that of " an attitude which might create difficulties for the other party " was a matter for the judgment of the parties; and, if one of them wished to be strict, it could take this as a pretext for a daily control reducing the freedom of action of the other party.

The undertaking was a mutual one, and, as such, could not be regarded as restricting Iraq's independence ; but it was necessary to bear in mind the respective importance of the

two contracting parties, one of whom possessed means of intervention and control which the other did not. While the United Kingdom could easily keep watch over Iraq's policy, it was impossible for the latter to know whether British policy, which was worldwide in scope, could create difficulties for it.

It would be interesting if the accredited representative could explain how a fairer balance could be established on this point, so as to safeguard Iraq's independence more adequately.

M. Rappard thought that this was an extremely delicate matter. Two questions must be distinguished. The Commission might be tempted to ask itself whether the Treaty, and particularly Article 1, was in keeping with its ideas, with sound policy and even with the ideal of the League of Nations. But what it was asked to say was simply whether the Treaty was compatible with Iraq's independence. If the Commission showed a disposition to answer this question in the negative, it should realise that other treaties might be quoted giving rise to the same observations and the same fears as regards the unequal balance between the two parties. M. Rappard referred here more particularly to the treaty concluded between Italy and Albania, of which the reciprocal character was equally evident and the legality of which had not been contested.

To revert to the question put to the Commission, M. Rappard said that, from this point of view, Article 5 would seem to him much more serious than Article 1 were it not for the existence of Article 9, which said :

> " Nothing in the present Treaty is intended to or shall in any way prejudice the rights and obligations which devolve or may devolve upon either of the High Contracting Parties under the Covenant of the League of Nations or the Treaty for the Renunciation of War signed at Paris on August 27th, 1928."

The Chairman drew M. Rappard's attention to the fact that Albania had not been under a mandate when she had signed a treaty with Italy.

Count de Penha Garcia pointed out that the Treaty of Alliance had been ratified by the Iraqi Parliament, that Iraq therefore intended to pursue a policy in conformity with its provisions, and that, if the Treaty were declared null and void while Iraq was still under a mandate, it was probable that, as soon as she was independent, she would sign the same or a similar text, and on that occasion her signature would be valid. It might be asked whether in such a case Iraq, which by hypothesis would be a Member of the League of Nations, should not be prevented from doing so. Count de Penha Garcia had reflected on this point and had come to a negative conclusion. What, then, was the use of pursuing the present discussion ?

The Chairman recognised that the views put forward by Count de Penha Garcia were justified, but considered that, as the Council had entrusted a task to the Commission, the latter would have to fulfil it.

M. Van Rees pointed out that the whole of the task entrusted to the Commission consisted in saying whether the stipulations of the treaty were compatible with an independent status or not. Personally, he did not think they were not.

M. Rappard said that the wording of Articles 3 and 4 would cause him serious disquiet if the Treaty did not contain Article 9, to which he had already referred.

He had the impression that Article 5 of the Treaty gave one of the contracting parties a hold over the other. Personally, he would not like to see his country enter into an obligation like that accepted by Iraq in Article 5. But whether these provisions were compatible or not with independent status was another matter. M. Rappard did not think that, as regards this point, any exact precedent existed, and simply observed that the stipulations in question were very far-reaching.

The Chairman noted that Article 5 stated that security of communications between the different parts of the British Empire was essential to Great Britain, and was in the common interest of both contracting parties, and that it granted Great Britain the right to have air bases in Iraq while the Treaty lasted — that was to say, for twenty-five years. Furthermore, it was stated in Article 1 of the Annex to the Treaty that His Britannic Majesty could maintain armed forces for a period of five years from the entry into force of the Treaty either at Mosul or elsewhere. The Treaty declared that these provisions in no way prejudiced the sovereign rights of Iraq. The Chairman doubted whether this contention could be maintained in theory, and considered that the very fact that Iraq agreed to the presence of foreign troops in her territory was not calculated to remove this doubt. It might as well be admitted that the essential factors of the independence and sovereignty of States might vary according to the will of the latter.

The Chairman recognised the great importance to the British Empire of maintaining the security of communications between its component parts, but he thought that, in the clauses just mentioned, the extreme limit of what could be done without infringing the independence of a State, as conceived by the Covenant, had been reached and perhaps oven passed.

M. Orts did not think that exception should be taken to this provision or that it could be considered as restricting e the independence of Iraq. Iraq was a weak country from the military point of view, and was in a very exposed position, and, in accordance with the very principles laid down by the Mandates Commission for the emancipation of a country, Iraq must be capable of maintaining its territorial integrity and its independence. M. Orts recalled,

in this connection, that the first version prepared by the Commission when it had enunciated this principle was as follows :

> " Either by its own strength or by its alliances or by the support it may receive from without — in particular, from the former mandatory Power — the territory must be capable of upholding its independence . . . "

In these circumstances there was no reason to insist on the point that Great Britain was maintaining troops in the territory of Iraq. Was Great Britain herself suspected of threatening Iraq's independence ? M. Orts considered that the dangers which might threaten Iraq were elsewhere, and that the presence of British troops in the territory would be a valuable guarantee for the new State.

Count de Penha Garcia was of opinion that one could argue from the fact that the security of British communications was an essential element of world peace. After the war, moreover, there were numerous cases in which troops occupied parts of a country without that country having thereby been considered as having lost its independence. In the case of Iraq, the Parliament had accepted the presence of British troops, under the terms of the Treaty of Alliance, and its sovereignty could not therefore be regarded as being at stake.

M. Merlin drew the Commission's attention to the cases of Egypt and Panama, where the Suez and Panama Canals were protected by foreign troops without the national sovereignty of these two countries being in any way affected.

M. Rappard referred M. Orts to Article 7 of the Annex, which contained provisions that were not apparently inspired by an excessive anxiety to ensure the independence of Iraq.

M. Orts remarked that, in compensation for the concession made under Article 7 of the Annex, Iraq had been able to obtain certain advantages which increased its security.

M. Rappard suggested that, if a State saw its territory occupied in spite of its protests, it could be said that the independence of that State was affected. If the occupation were accepted, it might, on the other hand, be argued that its sovereignty did not suffer thereby. The case of Iraq was different. This country had consented to sign and ratify a treaty with Great Britain at a time when it had not been emancipated, and when, therefore, it was not in complete possession of its sovereign rights. M. Rappard was therefore doubtful whether the Commission was justified in expressing the opinion that the treaty submitted to it could be legitimately concluded between the mandatory Power and the mandated territory for a very long period subsequent to the latter's emancipation.

M. Orts was anxious to make it clear that in his previous remarks he had not been putting forward a paradox. Though in Western countries the presence of a foreign garrison would be regarded as an infringement of a nation's independence, and would deeply offend public opinion, the matter presented itself from quite a different aspect in the Levant. These new countries did not live in fear of the mandatory Power, and the presence in the territory of its troops was calculated, on the contrary, to reassure them and strengthen their independence.

M. Rappard thought that, after examination, one practical conclusion at least might be drawn from the Treaty — namely, that the Mandates Commission could not but hesitate to approve of such a treaty's being signed for a period of twenty-five years.

The Chairman referred to the exchange of notes annexed to the Treaty which had taken place on June 30th, 1930, and in which the British High Commissioner informed the Iraqi Government that the British diplomatic representative at the Court of His Majesty the King of Iraq would have the status of ambassador. Nuri Pasha, when taking note of this communication, stated that the British Ambassador at Baghdad and his successors should have precedence over the diplomatic representatives of other Powers.

The Chairman wondered whether it had not been desired, even by an agreement which was only formal in character, to ensure for the British Empire a privileged position, which, as a rule, only existed between protected and protector States.

Count de Penha Garcia and M. Van Rees saw no objection at all to such precedence being recognised.

M. Rappard considered that, if Iraq were to need the presence of British troops after its emancipation, the mandate might just as well be prolonged.

M. Merlin did not share the views of the Chairman and M. Rappard. The country in question was one which, for some considerable time, had derived great benefit from the tutelage of a foreign Power, while at the same time being surrounded by neighbours which might, in certain cases, give rise to dangers vis-à-vis the territory. What was there abnormal in the situation if, at the moment when the guardianship came to an end, Iraq should approach the mandatory Power and conclude with it agreements of such a nature as to assure its security ? This was the most certain guarantee of peace that existed.

M. Rappard suggested that, before replying to the question submitted by the Council, it would be necessary to agree upon the exact significance of the word " independence ". In any event, the cases to which M. Rappard had referred during the discussion as being such as to cause the Commission to hesitate before giving a negative reply were not those of countries which were being emancipated from a mandate.

M. Palacios agreed in general with the view expressed by M. Rappard and the Chairman. He had always been one of those idealists who had doubtless too high a conception of the

mandatory regime under the auspices of the League of Nations and who regarded it as superior to the regime of colonies and protectorates hitherto in force. Obviously, the basic idea of this system was the disinterestedness imposed on the mandatory Power. This was so true that this tutelage exercised under international control was considered as a burden, and the wealth of the colonies had not been taken into account in the German reparations (Article 257 of the Treaty of Versailles) or in the compensation claimed at that time by Italy under the Treaty of London. This was at any rate the view of eminent writers.

On examining the provisions in question in the Anglo-Iraqi Treaty, it was difficult not to share the apprehension of those who thought that a new regime in international life was about to be replaced, not by independence, but by an ordinary protectorate similar to many others. While such a protectorate represented a step forward on the road of civilisation on account of the high degree of culture imposed by the Power exercising this regime, it also involved considerable advantages for that Power. Naturally, attention should be paid not only, or not to any great extent, to the presence of foreign troops in the territory and the granting, for a number of years, of certain privileges or rights there, since the same state of affairs also existed in other independent States Members of the League of Nations. The point to be considered was development as a whole in relation to the idea of the mandate.

M. Ruppel was not prepared to assert that the presence of foreign troops in the territory of a country was incompatible with its independence. At the same time, the continued presence of British troops in the territory of Iraq after its emancipation would have advantages and disadvantages which should be carefully weighed. Among the advantages would be : (1) those concerning the maintenance of the independence of the country in the case of aggression to which M. Orts had referred ; (2) an additional possibility of safeguarding the rights of minorities ; (3) an additional possibility also of protecting the air lines of all nations which crossed the territory of Iraq. It was common knowledge that four such lines were already in operation. Among the disadvantages would be those mentioned by the Chairman, the most serious of which arose out of Articles 1, 5 and 6 of the Annex.

Lord Lugard remarked that some members of the Commission apparently feared that the effect of the Treaty would be to transform Iraq into a protectorate. It was therefore desirable to form a clear idea of the essential characteristics of a protectorate. In his view, its distinguishing characteristic was that the protecting Power controlled the legislation of the country protected. As no provision was made for such control in the treaty between Iraq and Great Britain, Lord Lugard considered that it could not be said that it constituted a protectorate. On the contrary, Iraq had a parliament of its own, which the British representative could not control.

M. Rappard drew M. Ruppel's attention to the fact that, under Article 5, the British forces could not contribute to the protection of the minorities.

M. Ruppel replied that the very presence of British air forces seemed to him to give the minorities yet one more guarantee.

In reply to Lord Lugard, M. Palacios observed that a Power which had acquired control of the principle sources of a country's economic life and of its forces and defensive bases could be sure of its dominant position, without having any need to exercise legal supervision over its parliament or its Government, in addition.

Mlle. Dannevig saw nothing in the Treaty capable of threatening the independence of Iraq. It was obvious that, at the present time, Great Britain and other countries had great economic interests in the country, but the only comment which need be made on that situation was that it was to be hoped that, in twenty-five years, which was a short period in the life of a nation, the economic organisation of Iraq would have made such progress as to ensure its independence in this respect.

M. Ruppel considered that the Commission ought to put certain questions to the accredited representative with a view to ascertaining what would be the exact financial position of Iraq at the time of the territory's emancipation.

The Chairman agreed. The Commission had always been of the opinion that, on the termination of a mandate, the mandatory Power should give an account of its financial administration and above all clearly indicate the territory's debts. From this point of view it was necessary to make a distinction between debts arising out of the expenses of occupation and those which had originated in the new requirements of the territory. A territory's debts might be an important factor in judging the degree of independence which it was capable of acquiring.

The Chairman reserved the right to ask the accredited representative questions on Articles 5 and 6 of the Annex to the Treaty.

Ruanda-Urundi : Observations of the Commission.

M. Orts noted that the draft observations contained a passage relating to leprosy. He knew that the health service in the Belgian Congo, far from dissipating its efforts by dealing indiscriminately with all endemic diseases, was concentrating primarily on that which presented

the greatest danger — namely, sleeping-sickness. This was infinitely more serious than leprosy. It was therefore to sleeping-sickness that the Belgian Government had turned its attention and was employing means in keeping with the seriousness of the disease. In M. Orts' view, the policy of the Belgian Government appeared extremely judicious, especially as, in dealing with sleeping-sickness, the results obtained were in proportion to the means employed.

The mandates Commission should not seem to criticise this policy, which was undoubtedly that which was being applied also in Ruanda-Urundi.

After an exchange of views, *the Commission decided to delete the paragraph of the draft text relating to leprosy and adopted its observations concerning Ruanda-Urundi* (see Annex 20).

Tanganyika: Observations of the Commission.

After an exchange of views, *the Commission adopted its observations with regard to Tanganyika* (see Annex 20).

Statistical information concerning the Territories under Mandate.

M. Catastini reminded the Commission that, in the statement which he made at the opening of the present session, he had announced that the Secretariat proposed to submit to the Commission a revised version of the statistical tables relating to the territories under madate. These tables had been distributed on October 26th 1931. M. Catastani would be grateful if the members of the Commission would be good enough to inform him of any suggestions which they might like to make in regard to these tables.

If none of the members had any remarks to make, he would suggest that the Commission should request the Council to forward the document in question to the mandatory Powers for verification.

After consulting his colleagues, the Chairman stated that the only remark which the Commission wished to make in regard to these tables was that it greatly appreciated the extreme care with which they had been prepared.

TENTH MEETING

Held on Saturday, October 31st, 1931, at 10.15 a.m.

Islands under Japanese Mandate: Examination of the Annual Report for 1930.

M. Ito, Deputy Director of the Imperial Japanese Bureau accredited to the League of Nations, accredited representative of the mandatory Power, came to the table of the Commission.

Welcome to the Accredited Representative.

The Chairman welcomed M. Ito, whom the Commission had known for a long time.

Statement by the Accredited Representative.

M. Ito desired merely to point out that, in the 1930 report, the Japanese Government had endeavoured to reply to the observations submitted by the Commission and to the questions raised by certain of its members to which he had been unable to give an immediate reply.

He then enumerated these questions and observations and gave the references to the part of the report containing the replies to them. The questions were the following :

1. Considerable increase in the consumption of alcohol and in the number of offences against the regulations for the consumption of alcohol since 1926 (observation by Count de Penha Garcia). See page 17, list, and page 18, N.B.(3).

2. Distinction drawn between natives and Japanese in the tables referring to offences (especially as regards offences against the rules for control of alcoholic liquors) (observation by M. Ruppel). See pages 17 and 18 and N.B.

3. Number, views and publishers of newspapers in the islands and measure of Government support (observation by M. Sakenobe). See page 19 (2).

4. Meaning of " other purposes " for which molasses alcohol was consumed (observation by Count de Penha Garcia). See page 23, second list, N.B. (2).

5. Divergencies between the statistics on page 19 and those recorded on page 29 of the last annual report (observation by Count de Penha Garcia). See page 50, N.B.(3).

6. Explanation of the percentage of 91 for the number of pupils attending the school at Palau (observation by Mlle. Dannevig). See page 62 (6), second list, N.B.(2).

7. Standard adopted by the Administration for the subsidies to be granted to missions (observation by M. Palacios). See page 75, IV, N.B.

8. Indication of the total exports and imports representing the whole movement of trade (observation by M. Merlin). See page 118, I.

9. Basing of statistics relating to economic development not only on *value* but also on *quantity* (observation by M. Merlin). See pages 119 *et seq.*, II-VII.

10. Danger of the extinction of the natives in the islands under mandate, in particular, in Yap Island (observation by M. Van Rees). See pages 139 and 140, Chapter XIII.

M. Ito said that there was only one observation to which no reply had been given in the report [1] — that made by Count de Penha Garcia concerning the general policy of the Japanese Government with regard to questions of alcohol in general. The consumption of alcoholic beverages was, in the main, governed by the " Rules for Control of Liquors in the South Sea Islands ". In practice, it was the suppliers of liquor who were controlled, and those who for profit infringed these rules were the ones who were most severely punished. As regards manufacture of alcoholic beverages, this was authorised up to the limit necessary to meet the justifiable requirements of the locality. In the opinion of the Japanese Government, regulation should depend, not only on laws and decrees, but also on the influence of religion and education on the population. Special attention was devoted to that point by missionaries and schoolteachers.

He added that this year a petition from M. Cabrera, would be again before the Commission. As, however, that petition had only been received quite recently, he would communicate it to the Commission at a later date, together with the observations of the Japanese Government.

Form and Date of Presentation of Annual Reports.

M. Van Rees asked that the Japanese Government might be good enough to insert in its annual report a small table similar to that which appeared at the beginning of several reports submitted by mandatory Powers and, in particular, that relating to the Cameroons under British mandate, enumerating the questions raised the previous year and indicating the part of the report in which the replies to them were to be found.

M. Ito took note of this request.

Replying to a question by M. Orts, he stated that the Japanese financial year ended on March 31st, but that the report on the islands under mandate was for the calendar year.

M. Orts said he would like to know, as a matter of information, whether the annual report could be prepared and communicated to the Mandates Commission in time to be examined at its summer session, either in June or July.

M. Ito replied that this would probably be difficult. It took about a month after the end of the calendar year to collect the statistics. The officials of the islands under mandate then went to Tokio, which took about four weeks, and there drew up their report in Japanese. The report was ready about the end of April, and had then to be translated and printed, so that it could hardly be despatched before July. It would therefore be somewhat difficult to shorten this period.

Status of the Territory and its Inhabitants, and International Relations.

M. Palacios thanked the mandatory Power for having annexed to the annual report a list of the laws and regulations applicable to the territory under mandate, and asked if it would be possible in future to incorporate in the annual report information with regard to the status of the territory and its inhabitants and with regard to its international relations.

M. Ito said he would inform his Government of the request and endeavour to see that it was met.

Topographical Survey.

M Palacios said that the Japanese Government had undertaken a topographical survey of the numerous islands for which it was the Mandatory; he would like to know the position with regard to that work. Was it possible to use aeroplanes in these islands for this purpose ?

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[1] See Minutes of the Nineteenth Session of the Permanent Mandates Commission, page 68.

M. Ito replied that progress was being made with the investigations, but that, owing to the considerable expenditure entailed, it was necessary to go slowly. He hoped, however, that the work would soon be finished. It had not been possible to use aeroplanes.

Ministry for Oversea Territories.

M. Orts stated that, according to a Press report, the Japanese Government intended to abolish the Ministry for Oversea Territories under which the South Seas Bureau came. He desired to know whether that report was correct, and, if so, whether the accredited representative could state the effects which such a change was likely to have on the future relations between the Administration of the territory under mandate and the Government of the mandatory Power.

M. Ito stated that, in view of the general depression which had affected Japan, like many other countries, the Japanese Government was trying to economise and had contemplated doing away with certain Ministries, including the one mentioned by M. Orts. That proposal had, however, given rise to considerable opposition, and no decision had yet been taken. In his opinion, if the Ministry for Oversea Territories were abolished, the Administration of the islands under mandate would continue to come under the Presidency of the Council.

Maintenance of Public Order. — Press.

M. Ruppel pointed out that, in the third paragraph of page 19 of the report, it was stated that the new " Police Rules for the Maintenance of the Public Peace " contained regulations relating to meetings and associations and strictly forbade secret associations. Those regulations seemed to apply exclusively to Japanese residents. He would like to know if there was any Soviet propaganda in the country ; five Soviet Russians were reported to be residing in the islands.

M. Ito replied that the regulations in question had been necessitated by the increase in the number of Japanese residents. It was a preventive measure, and no political movement had been observed among the natives. As for the Russians residing in the islands, he was unable to give any information immediately. He would ask his Government for information.

M. Sakenobe stressed the importance of supervising all political movements in the islands, as any agitation could not fail to be a calamity for the natives. He asked if the promulgation of the rules in question had something to do with the recent publication of the daily papers in the island.

M. Ito stated that the rules applied indirectly, if not directly, to the newspapers, and to public manifestations of opinion generally.

Public Finances.

M. Rappard observed that the budget included an annual subsidy by the Imperial Government and a surplus carried forward at the end of the year to the following financial year, and asked if that subsidy was a non-recoverable one — that was to say, a gift — and if it were granted automatically or only to cover a deficit.

M. Ito replied that the Japanese Government considered that there was every advantage in including in the budget the subsidy for the islands under mandate. It was a fixed sum on which they could count and was always voted by Parliament without opposition.

As regards the utilisation of the surplus, he stated that the administration of the islands came under the general administration and that the surplus could, if necessary, be utilised, by means of transfers, to meet other expenditure of the Ministry for Oversea Territories, or it could be carried forward to the following financial year.

M. Rappard observed that M. Ito's reply might cause the Mandates Commission some uneasiness. The Commission had always aimed at the fiscal autonomy of the territories under mandate and, if a Minister could use the surplus for other expenditure of the same Ministry, it would be impossible for the Commission to know exactly what sums had been expended for the territory under mandate.

M. Ito pointed out that he had only spoken of a possibility. As far as he knew, no transfers had ever been requested, and any transfers made would have to be sanctioned by Parliament, as was the rule for transfers as between chapters or sections of the budget.

M. Rappard said that he was satisfied, but that it was important to avoid any confusion between the finances of the territory under mandate and the Imperial finances.

He noted that, in the chapter of the report relating to the budget, the Japanese Government had indicated, opposite general expenditure, expenses incurred for the direct benefit of the natives. He thanked the Japanese Government for having done this, especially as the figures

supplied were not particularly satisfactory. It would have been possible to increase the sums regarded as expended for the direct benefit of the natives, but they represented, in fact, less than a quarter of the total expenses. He desired to knew on what principles that expenditure was allocated.

M. Ito replied that the standards adopted for establishing the figures in the fourth column of the table referred to by M. Rappard were not very definite. An attempt had been made to establish the figures as fairly as possible, but they were only approximate calculations.

M. Rappard admitted that it was very difficult and often impossible exactly to distribute the expenses, especially in the matter of roads or the upkeep of a police office. Nevertheless, he could not but think that the proportion of a quarter was small, particularly in view of the fact that the Administration had certainly not endeavoured to reduce the share of expenses regarded as incurred for the direct benefit of the natives.

M. Rappard observed that, generally speaking, the financial position of the territory was good, as the last financial year had yielded a surplus. He wished to know if the position was still as satisfactory, in spite of the world depression.

M. Ito stated that the islands under mandate were not affected by the world economic depression. If the Japanese Government continued to accord an annual subsidy, there would be no change in the situation. The price of phosphates had fallen slightly, but it must not be forgotten that the sales in question had been concluded by means of long-term contracts and that, in any case, the effects of the slump would not be felt this year.

M. Rappard said that the subsidies granted during successive years by the Imperial Government to the Administration of the South Sea Islands represented nearly 21,000,000 yen. That sum constituted a sort of debt from the territory under mandate to the Imperial Government, and he hoped that the Japanese Government would not, in view of the position of the natives, insist on the reimbursement of that sum.

Economic Development and Movement of Trade.

M. Merlin thanked M. Ito and the Japanese Government for having acceded to his request for economic statistics based, not only on value, but also on quantity (pages 119 to 124 of the report). He would be glad if future reports could be amplified by the inclusion of figures relating to previous years. Comparative figures were more useful than absolute figures when studying the progress made by a country.

As regards the export and import statistics (page 118 of the report), M. Merlin said that, in 1928, exports had exceeded imports by 3,396,000 yen, while in 1929 the position had considerably changed and the difference in favour of exports was only 516,000 yen. Finally, for the first quarter of 1930, a fresh important change was to be noted, the difference in favour of exports amounting, for the first six months only, to 5,502,000 yen. It was possible, however, that the movement of imports and exports was affected by seasonal factors and that the statistics for the second half-year would considerably modify those figures. The fact remained, nevertheless, that there was a great difference between 1928 and 1929, and he would be glad if some comments on those tables could be added to future reports.

M. Ito noted M. Merlin's wishes and said he would communicate them to the Japanese Government.

With regard to the change which had taken place in the relation between imports and exports, M. Ito said that he would like to explain the nature of the trade between the islands under mandate on the one hand, and Japan and other countries on the other. The exports from the islands were mostly phosphates, the annual output of which hardly varied at all and the yield of which would be exhausted, and sugar, the production of which increased every year. To that should be added the alcohol which was beginning to be extracted from sugar. Exports tended to increase in proportion to the increase in production.

As regards imports, it should be pointed out that very small quantities of goods were imported for the use of the natives, for whom the products of the country were adequate. At the beginning of the mandate, the imports consisted mainly of material for the Administration and, in particular, building materials for the dwellings of the administrators and officials. At present, imports were developing slightly with the increase in the number of Japanese residents, and goods needed to meet the requirements of the latter were now being imported. As far as the natives were concerned, imports varied very little.

Those explanations might perhaps help to clear up the somewhat abnormal situation with regard to the trade balance of the islands.

M. Merlin said that he was struck by the fact that the area of the arable land was only 70,000 hectares. As the population was about 70,000, the proportion of arable land per head amounted to only one hectare, which was very little and could not materially assist the development of the population unless there were other means of livelihood, and, in particular, considerable trade.

M. Ito admitted that the proportion of arable land would be too small in the case of a civilised country, but, in the islands, the position was somewhat different. The requirements

of the natives were very small and food consisted for the most part of fish, bananas, tapioca, sweet potatoes and cocoanut milk. The natives did not wear clothes and for dwellings they built huts of materials which they found in the islands. The present position was thus tolerable, in view of the conditions of life of the natives.

M. MERLIN said that his remark had really been made with an eye to the future and the possibility that the native mode of living might change. At any rate, it was obvious that the production of phosphates and sugar would create sufficient trade to make up for the small amount of arable land.

M. SAKENOBE observed (page 82 of the report) that the number of persons to whom the subsidy in respect of the cultivation of coffee was accorded had fallen considerably in 1929. He would like to know the reason.

M. ITO replied that a great many planters had given up the production of coffee for that of sugar, which was more profitable.

JUDICIAL ORGANISATION.

M. RUPPEL pointed out that, on page 30 of the report, it was stated that, in some districts, village chiefs had been entrusted with the cognisance of police offences, while, on page 31, reference was made to the necessity of modifying to a certain extent the delegation of the punitive power. He desired to know whether the policy of the Japanese Government was to increase or to restrict the powers of the chiefs.

M. ITO replied that the Japanese Government was endeavouring to develop the participation of the natives in public life. Nevertheless, the delegation of powers to which M. Ruppel had referred had to be governed by local conditions. Naturally, if a chief abused his power, his authority had to be curtailed.

M. RUPPEL also pointed out that, while the Japanese Government signified its intention of respecting native customs, it was stated on page 32 of the report that " there was no necessity for instituting a system of native courts ". How could those two points of view be reconciled ?

M. ITO said there was no contradiction. As cases between natives were very rare, there was no necessity, for the moment, to have courts dealing exclusively with native affairs. The Japanese Government was carrying out an investigation into social customs and conditions, and an item of 23,000 yen had been included in the budget for that purpose. The results of the enquiry would enable the courts, in deciding disputes between natives, to take full account of the traditions of the people.

SOCIAL CONDITIONS OF THE NATIVES : ANTHROPOLOGICAL SURVEY.

Mlle. DANNEVIG observed that the number of Chamorros was still very small. If was stated on page 5 that that portion of the population had reached a higher degree of civilisation. Did they on that account find it more difficult to adapt themselves to new conditions of life ?

M. ITO replied that, on the contrary, the higher degree of civilisation of the Chamorros enabled them to adapt themselves more easily. The Chamorro population had not only not decreased but had actually increased.

Mlle. DANNEVIG pointed out that, according to a statement on page 7, the natives did not need to work, as nature supplied them with the fruit, vegetables, fish and meat which they needed for food. Did that abundance of food last all through the year, and was it easy to preserve provisions during the hot season ? She asked that question, because it was stated on page 67 that children at public schools were generally poorly nourished.

M. ITO replied that food was abundant throughout the year, and that the observation referred to by Mlle. Dannevig related to the kind of food and not to the quantity. The Japanese Government was making every effort to improve the position, particularly with regard to the children's nutrition.

M. PALACIOS, referring to the anthropological investigation by Professor Hasebe (page 5 of the report), asked that, until the results of the investigation were known, the chapters of the annual report relating to races and customs should contain more information based on the data obtained during the investigations. Perhaps the Commission could even be given a summary of the work which had already appeared in Japanese.

Count DE PENHA GARCIA observed that the races which lived in the territory under mandate were very primitive. In the chapter on the measures taken for promoting the well-being of natives, various measures were enumerated on which the Commission could only congratulate the Japanese Government.

Nevertheless, he would like to know whether the native population was in a position to derive benefit from some of those measures, which are the same as those that might be taken in civilised countries. Without desiring to criticise in any way, he would like to have some information as to the results obtained.

He asked if the tours made by natives to Japan were confined to the chiefs. Further, as regards the honours (page 130 of the report), he would like to know whether they were reserved for natives or for the Japanese who rendered good service to the natives.

M. Ito replied that it would be necessary to wait for some years before the results of the various measures taken could be known.

As regards the tours to Japan, these were not limited to the chiefs. Natives whose conduct was particularly satisfactory were also sent to Japan.

The honours mentioned were reserved for the natives.

Lord Lugard referred to M. Rappard's observations on the proportion of the general expenditure incurred for the direct benefit of the natives, and pointed out that that sum scarcely exceeded the yield of the direct taxes — it was, in fact, small. He asked whether, in view of the fact that the budget for the year showed a surplus of over 3,000,000 yen, making an aggregate of over seven millions surplus, it would not be possible somewhat to increase the sums expended for the benefit of the natives.

He noted (page 129 of the report) that what were called the " vulgar dances " of the natives were being suppressed, and that " gramophones, magic lanterns and moving pictures " were being substituted for " the improvement of native manners and customs ". Native dances provided physical exercise and great enjoyment to the people, and he trusted that the Japanese Government would not abolish them altogether.

With regard to honours. In some British colonies the bestowal of such honours involved exemption from taxation. He ventured to make the suggestion to the accredited representative.

M. Ito noted Lord Lugard's valuable suggestions and said that he would communicate them to this Government.

Decrease in the Native Population. Immigration.

M. Sakenobe pointed out that the mandatory Power had supplied the Commission with a long account (page 139 of the report) of the enquiry into the causes of the decrease in the native population in Yap. That question interested the Commission as much as the mandatory Power. The Commission had nothing but praise for the efforts made by the mandatory Power to solve that difficult problem, and it was glad that at least one of the factors contributing towards a rise in the death rate had been determined and that efforts were being made to reduce the rate. The Commission hoped that appreciable results would be obtained.

M. Sakenobe emphasised the need of studying the causes of mortality, not only from a medical, but also from a social point of view. The report already contained certain results obtained from the investigations carried out with regard to those native customs which might affect the birth and death rates. Could M. Ito, who had already given the Commission so much information at the nineteenth session,[1] amplify the annual report on that point?

M. Ruppel observed that the most interesting part of the report was that concerning the investigation into the causes of the decrease of the native population. Some results could now be registered : (1) decrease only on the Yap Islands, whereas in the other districts the population was increasing ; (2) absence of any factors arising from the contact of the islanders with advanced people ; (3) causes of the decrease were a very low birth rate coupled with an extraordinarily high death rate ; (4) the principal cause of the death rate was tuberculosis. It had not yet been possible to establish fundamental counter-measures, as the investigation into the causes was not yet completed. M. Ruppel hoped that the further investigations would be conducted with the same conscientiousness and that ultimately the decrease in the population in the Yap Islands would be stopped.

M. Ito agreed as to the importance of this question, and said that he could not for the moment give any additional information, but would recommend his Government to study the matter and to concentrate on social considerations.

M. Rappard was struck by the tendency of the native population to remain stationary or even to decline, while the number of Japanese residents had increased considerably especially in the Island of Saipan — that was to say, from 1,758 in 1920 to 15,656 in 1930. He asked whether the Japanese Government was already dealing with the political problems which must necessarily arise as a result of the increase in the number of Japanese residing in the territory under mandate. It was improbable that the Japanese residents would for long be content with the mandate regime, and they might endeavour to obtain a certain measure of local autonomy.

M. Ito admitted the pertinence of M. Rappard's observation. The number of Japanese residents had, indeed, considerably increased — above all, in Saipan. That was due to the increase in the production of sugar. He pointed out, however, that the Japanese who had established themselves in the territory under mandate came for the most part from the Japanese islands situated between Formosa and Kejushiu, where the standard of living was very different from that in Japan proper. Those emigrants were adapting themselves very well to the conditions of life in the islands under mandate.

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[1] See Minutes of the Nineteenth Session of the Permanent Mandates Commission, page 65.

Mlle. Dannevig noted that the Japanese were allowed to enter the mandated territory without restriction. In view of the fact that the proportion of arable land to the population was already so small, was it not to be feared that such an increase in the number of Japanese might in the end give rise to diffiulties ?

M. Ito replied that it was true that the Japanese Government placed no restrictions on Japanese going to the mandated territory ; the increase in the Japanese population, however, did not seem to have had any unfortunate results. The Japanese Government would consider that question, as soon as the need for doing so should arise.

Labour.

Mr. Weaver pointed out that natives of Yap were recruited for work in the Angaur mines, and asked if it would be possible to indicate separately the number of workers recruited in that island.

M. Ito said he would inform his Government of this request.

Mr. Weaver asked whether, in view of the considerable profits from phosphate mining, it would not be possible to extend the " Ordinance concerning Aid to Employees ", so as to include illnesses not directly due to their work.

M. Ito said that there was a voluntary mutual relief fund to which the Administration contributed a considerable sum, but, naturally, the benefits accrued only to its members. In any case, he would point out to those concerned how desirable the welfare of the natives was from the point of view of the mine itself.

Lord Lugard asked whether some small percentage of the profits from the phosphate mines could be set aside for the natives as in Nauru.

Mr. Weaver said that no provision seemed to have been made for accidents which were not the direct result of the work.

Missions.

M. Palacios thanked the mandatory Power for the note inserted on page 75 of the report concerning the subsidies to the missions.

He would like to know the reason for the very considerable variations in the figures relating to the numbers of the followers of the various religious beliefs as compared with those given in the previous year. He had been particularly struck by the fact that, in the Island of Saipan, the number of Japanese Buddhists had increased from 350 in 1929 to 9,189 in 1930. Perhaps the explanation could be given in the next report.

Education.

Mlle. Dannevig said that a report on laws and regulations had been forwarded in which very interesting information was given as to education and school hygiene in the islands. Were the pupils of good intelligence, so that they were able satisfactorily to assimilate the instruction given during the three years' course ? Practical lessons — for instance, in house-keeping — were given out of school hours and by unqualified teachers (page 57 of the annual report). Would the children be able to profit by this instruction after 28 to 30 hours of lessons per week in the mornings ?

M. Ito replied that the children seemed to be fairly intelligent, especiallly among the Chamorros. He had received information to this effect, not only from Japanese teachers, but also from the teaching staff of the Catholic missions. Nevertheless, it would not be possible to judge of the results of those efforts for a certain number of years.

Alcohol, Spirits and Drugs.

Count de Penha Garcia said that he only desired to put four questions to the accredited representative, with the request that he should be good enough to reply to them in next year's report.

1. Who accords permission to the natives to drink at festivals (page 7 of the report) ? Who supplies them with the drinks, and what are the drinks ?

2. Would it be possible to obtain additional information on the composition and effects of the drink distilled from sakao (page 7) ?

3. Have the rules for the control of liquors of November 29th, 1921, been modified ?

4. Have there been any offences against the regulations prohibiting the use of drugs ?

M. Ito noted these questions and said he would reply to them in the next report.

Lord Lugard hoped that precautions were being taken at the distilleries in the sugar factories against the natives learning the process of distillation. It was a very simple process, and it would be disastrous if the natives adopted it.

Public Health.

M. Ruppel thanked the accredited representative for the very complete information on public health. He noted with satisfaction the good results already obtained in this matter in the territory. The doctors were doing good work, and he hoped that their efforts would be continued under the same conditions.

As regards leprosy, he pointed out that, while there were leper asylums at Saipan, Palau and Jaluit, none as yet existed in the island of Yap, although most of the cases of leprosy had been reported there. He desired to draw the attention of the mandatory Power to that fact.

M. Ito noted M. Ruppel's observation.

Close of the Hearing.

The Chairman thanked M. Ito and the Japanese Government for the careful way in which they had drafted the annual report and for the extremely interesting additional information furnished by M. Ito.

M. Ito thanked the Chairman and the Commission.

ELEVENTH MEETING.

Held on Monday, November 2nd, 1931 at 10.30 a. m.

Petitions rejected in accordance with Article 3 of the Rules of Procedure in respect of Petitions : Report by the Clairman.

The Commission approved the Chairman's report. (Annexe 4).

raq : Examination of the Annual Report for 1930.

Sir Francis Humphrys, High Commissioner for Iraq, and Mr. J. H. Hall, of the Colonial Office, accredited representatives of the mandatory Power, came to the table of the Commission.

Welcome to the Accredited Representatives.

The Chairman welcomed the accredited representatives in the name of the Commission

Statement by the Accredited Representative.

Sir Francis Humphrys made the following statement :

It is only a little over four months since I last had the pleasure of meeting the Mandates Commission, and during this period few events of importance have occurred in Iraq, where the general situation remains much as it was described in the special report which was before the Commission at its last session. There are, however, a few recent happenings and developments to which I should perhaps draw the Commission's attention.

To take the darker side of the picture first. There have been two occurrences closely affecting the life of the community which, had they not been handled well and successfully by the Government, might have led to more serious consequences. Both these events deserve a passing reference.

On July 5th, during the absence from Iraq of His Majesty King Faisal and the Prime Minister, a " hartal ", or general strike, was declared in Baghdad. The initial cause appears to have been resentment at the revised scale of taxes upon tradesmen, etc., laid down in the recently enacted Municipal Fees Law. It was generally believed — although quite erroneously — that the effect of this would be to impose severe additional burdens upon the trading community. Actually, the intention was to make possible some relief from municipal taxation. Reassuring statements in explanation of the law were issued by the Government, but the full effect of these was not felt at first. The strike spread to outlying towns and to Basra, and, in places, was accompanied by a certain amount of rowdyism and disorder, which were, however, promptly suppressed.

Although described as a general strike, it was that in name only. It is true that, for several days, most of the shops and the bazaars in the towns affected remained closed; but domestic inconvenience was far less than would have been imagined. All the public services were maintained without interruption, and food supplies, ice, etc., were throughout easily obtainable by going to the tradesmen's houses instead of to their shops. The situation was well handled by the Government, who wisely tempered firmness with conciliation and the promise of redress of genuine grievances, with the result that, three days after the return of the Prime Minister to Iraq on July 15th, the strike collapsed and normal conditions were restored.

The other event to which I referred was the cholera epidemic which visited Iraq in August last. This at one time promised to be one of the worst epidemics of this disease from which it is this country's misfortune from time to time to suffer. Prompt and stringent measures put in action at the time of the discovery of the first case have, however, had the effect of limiting to a comparatively small area what might otherwise have become a pandemic. Three ship-borne cases of cholera were discovered at Basra on July 27th, and stringent measures of control were at once introduced by the public health authorities. The ship was placed in quarantine, the persons on board and the dock labourers were inoculated, and, by August 1st, 7,500 inoculations had already been carried out. Measures were also put into force requiring all persons arriving at Basra from the south by land, sea or air to be in possession of anti-cholera inoculation certificates or to be inoculated on landing and isolated for not more than five days. Similar prophylactic measures were applied to passengers arriving from the Persian Gulf by air.

Nevertheless, on August 8th, non-imported cases of cholera were discovered in Basra. The restrictions imposed on traffic entering the country were then tightened up, and similar restrictions were imposed on traffic leaving the infected area. In addition, a police cordon was spread around Basra, and all railway and river traffic was strictly inspected. Inoculation was made compulsory, and the export from the infected area of fresh produce liable to carry infection was prohibited.

In spite of these stringent measures, the disease spread rapidly towards the north and north-west of Basra. The area affected was the marsh land around the Shatt-el-Arab and the Hammar Lake. The great fear was that the epidemic would spread northwards up the Tigris to Baghdad and westwards along the Euphrates, and the most drastic measures were taken to prevent this. Up to August 21st, 200,000 persons had been inoculated. On August 22nd, the Amara province became infected. On August 27th, the disease spread to the Muntafiq province, north of the Hammar Lake, so that the southern extremity of the vast marshes, which extend to 160 kilometres from north to south and 80 kilometres from east to west, situated west of the Tigris and south of Amara, became infected. Those who know this district will realise the difficulties of controlling the movements of the tribal Arabs between the marshes and the outlying settlements.

The total number of cases and deaths up to the end of August was 818 cases and 453 deaths. Mass inoculations were carried out in all the infected provinces, and by August 31st, some 320,000 inoculations had been made.

The epidemic is now definitely diminishing, and the latest reports show that there is every reason to anticipate its complete disappearance in the near future with the approach of the cooler season ; meanwhile, Baghdad and the north-west provinces continue to remain entirely free from the disease. There is, I submit, every cause to congratulate the health authorities of Iraq on the efficient and energetic manner in which they have dealt with this epidemic, which might well have embraced the whole of Iraq and spread to surrounding countries.

I turn now to the brighter side of the picture. First, as this is a matter to which both the League and my Government attach particular importance, I should like to say a few words about the minorities. The Prime Minister, after his return to Iraq from his visit to Geneva last summer, spent most of the month of August touring in the three northern liwas and making special enquiries into minority questions. In his public and private speeches and conversations, continuing the work to which the King and the Minister for the Interior in their previous visits to the same areas had already set their hands, he strove to allay the misgivings of the minorities regarding their future and sought to reassure them as to the intentions of the Iraqi Government towards them. Amongst other matters he enquired closely into the question of the steps which it would be necessary to take to give full effect to the Local Languages Law, and the following is a summary of the action which, under the Prime Minister's direction, has been taken with this object :

Committees have been set up *ad hoc* in the liwas of Kirkuk, Arbil and Sulaimaniya, and have made recommendations as to the language of instruction to be used in the schools in each district.

Machinery has been set in motion to enable the Government to ascertain the wishes of the people of the five qadhas of the Mosul liwa regarding the form of Kurdish which they desire should be used.

Detailed lists have been prepared of officials of all grades holding posts in the Kurdish areas who cannot speak Kurdish, and the Ministries concerned have been directed to arrange for their replacement by Kurdish-speaking officials, or, if this cannot at present be done, to see that they acquire an adequate knowledge of Kurdish within three months.

As evidence of the keen personal interest taken in this matter by the Iraqi Prime Minister and of his determination to see that the Local Languages Law is observed in the spirit as well as in the letter, I would ask the Commission to glance at his circular instructions to the Iraqi Ministries, copies of which have been distributed.

To turn now to the Christians, the Mandates Commission has before it some new petitions and letters from Mr. Rassam, together with the observations of His Majesty's Government thereon. It will have been noticed that His Majesty's Government questions the validity of Mr. Rassam's claim to voice the views of the Christian minorities in Iraq, with the possible exception of a section of the Assyrian community, and the Commission has been referred to the public pronouncements which some of the spiritual heads of these communities have made concerning the position of their congregations at this juncture. I should like now to lay before the Commission copies of two other documents which provide further evidence of the satisfaction which the policy of the Iraqi Government has given. They are, as will be seen, a letter from the Apostolic Delegate in Iraq to the Minister for the Interior dated August 4th, and the text of a short speech made by the Apostolic Delegate on September 22nd on the occasion of the presentation of a Papal medal to the Minister.

It is unnecessary, I think, for me to comment on the significance of this independent and spontaneous approbation of the Iraqi Government's attitude towards the Christian minorities of the country.

As regards the further settlement of the Assyrians, the proposal to establish an Assyrian settlement in the Baradost area, in the north of the Arbil liwa, has been revived, and on August 24th the Council of Ministers passed a resolution instructing the Ministry for the Interior to take all necessary steps to settle landless Assyrians on vacant lands in this area and to inform them that the Government would grant all persons settled under the terms of this resolution remissions from taxation under the provisions of certain specified laws.

The effect will be that they will be excused the greater part of their land taxes for the first four years of the settlement. At the request of the Iraqi Government, a company of levies was moved to the Baradost country in August. The intention is that the company, which is composed entirely of Assyrians, will be withdrawn for the winter and will return to Baradost in the spring in order to afford protection to settlers and to reassure them generally as to the prospects of the settlement. It is confidently hoped that these measures will be successful in establishing the Assyrians in this area.

The affairs of the Yazidis have also continued to engage the attention of the Iraqi Government. The chief cause of the recent dissatisfaction among this tribe is internal dissension regarding the collection and control of the funds which are given by the Yazidis for the upkeep of their holy shrines and places of pilgrimage. The jealousy with which they guard their secrets and their age-old fear of any form of official interference in their religious affairs make it difficult for the Government to intervene effectively in their internal disputes. Gradually, however, confidence is being inspired in the goodwill of the Government, and on October 15th a meeting of the religious sheikhs of the Yazidis was held under official auspices to make recommendations as to the setting up of a properly constituted Communal Council to control the affairs of the tribe. If the Yazidis can be persuaded to agree to the setting up of a Council similar to those which already exist in other religious minorities, I think that a big step forward will have been taken in regulating their affairs.

At the last session[1] I was able to inform the Commission of a resolution of the Iraqi Council of Ministers, taken in May last, setting up a special committee to report on the extent to which existing international labour conventions could be adhered to or followed by the Iraqi Government. The Commission has probably heard already that, as the result of this resolution, the Iraqi Minister in London, Ja'Far Pasha el Askeri, and Mr. Lloyd, the British legal adviser to the special committee, have recently been in Geneva to consult the International Labour Organisation on this question. They spoke to me in the warmest terms of the assistance and advice which they had received, and I have just learned from Baghdad that the Iraqi Government has decided to accept in principle the suggestions made to its delegates by the International Labour Office and are preparing draft legislation embodying those suggestions for submission to Parliament.

Since the compilation of the list on pages 37 and 38 of the special report on the progress of Iraq, the Iraqi Government has notified accession to the following international conventions :

The International Opium Convention and Protocol of 1925 ;
The Protocol for the Prohibition of the Use in war of Asphyxiating, Poisonous Gases and other Bacteriological Methods of Warfare ;
The Convention relating to the Regulation of Aerial Navigation :
The International Sanitary Convention ;
The International Radiotelegraph Convention ; and
The International Convention relating to Road Traffic.

The accession of Iraq to the International Sanitary Convention is, I think, of particular importance. It confirms the Iraqi Government's recognition of the great responsibility imposed

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[1] See Minutes of the Twentieth Session of the Permanent Mandates Commission (document C.422.M.176.1931.VI), pages 118 and 119.

upon it by virtue of Iraq's geographical position. It must be remembered that Iraq links up the great land and air routes between East and West, along which cholera epidemics, in particular, have frequently spread in the past. Iraq's accession, moreover, will provide an additional and welcome safeguard in connection with the international system of sanitary control of the pilgrimages, which is based on the provisions of the International Sanitary Convention.

The Commission may be interested to learn that I have just received a telegram from Baghdad reporting that the Council of Ministers has passed a resolution approving of the accession of Iraq to the Paris Peace Pact. The necessary constitutional authority will be obtained when Parliament meets.

At the Commission's nineteenth session, [1] Count de Penha Garcia asked that the next annual report should contain full information in regard to the consumption and smuggling of opium. He also asked why, in spite of the high selling price fixed by the Iraqi Government, the yield from the monopoly system was less than from the former system of licences, and whether the measures for repressing the smuggling of opium into Iraq were adequate to frustrate the efforts of the smugglers. I have here, and will hand to Count de Penha Garcia, a copy of the report of the Iraqi Government for the calendar year 1930 on the traffic in opium and dangerous drugs, which has been submitted to the Opium Advisory Committee. This report proved too lengthy to be included in the annual report on Iraq. I think that it will be found to contain the information desired. From this report it seems evident that the decrease in the consumption of opium, and consequently in revenue yield to the Government, has not been influenced to any appreciable extent by the introduction of the State monopoly system. The explanation is to be found in the general economic depression.

Smuggling of opium into Iraq still persists. It is undoubtedly stimulated by the high price at which opium is necessarily retailed in Iraq. This allows a big margin of profit to dealers in illicit opium from Persia, who avoid payment of the Persian export tax which is charged on licit importations into Iraq. It is suggested in the report that, if the Persian Government were to agree to waive the export tax in the case of purchases by the Iraqi Government, then the retail price within Iraq could be reduced to an extent that would render smuggling unprofitable. The great length of the frontier between Persia and Iraq renders preventive measures peculiarly difficult and, in spite of the activities of the police and the Excise and Customs Department, which, as will be seen from the report, led in 1930 to a number of important seizures, it is well-nigh impossible altogether to eliminate smuggling so long as the financial incentive remains.

At the last session [2] of the Commission I undertook, at the request of Count de Penha Garcia, to supply, if possible, statistics of the population of Iraq. The figures of a preliminary census of the population of Iraq taken in 1919 were published in May 1928, in the League of Nations document entitled " Statistical Information concerning Territories under Mandate " (document C.143.M.34.1928.VI (C.P.M.698)), and showed totals for the principal races and religions. Since last June, in order to meet the wishes of the Commission, a new estimate of the population has been made, the result of which is shown in the tables and maps which I am now laying before you.

It is not necessary for me, I am sure, to remind the Commission how difficult it is in a country such as Iraq to make a really accurate and fully informative census. Eastern peoples have always resented and suspected the inquisitiveness of Governments about their personal status and beliefs. These new figures have been compiled from general data, such as the number of houses in villages and the estimated strength of tribes, and are not based on a closely checked count of individuals, such as is possible in some other countries. They must not, therefore, be regarded as offering more than a broad estimate of the totals and distribution of the races and religions to be found in Iraq, and are not sufficiently accurate to enable any definite conclusions to be drawn regarding the decrease or increase of the population. The medical authorities of the Public Health Service estimate a probable total increase of 20 per cent in the population during the last ten years. This, again, is only an estimate based on general data, observation and such demographic statistics as are available in the larger towns. The Iraqi Government has, however, done its best, within the short time which was available, to provide the Commission with the information requested.

Another question raised at the twentieth session [3] of the Mandates Commission was that of the fitness of the Iraqi army to defend the country. At the suggestion of the Chairman, discussion was postponed until the October session, and I should like to offer a few observations on this point. At the sixty-fourth session of the Council Lord Cecil (the British representative) referring to 1 *(b)* of the *de facto* conditions for the emancipation of a mandated State which had been proposed by the Mandates Commission, said :

> " It is impossible to say that any country, great or small, is capable of maintaining eternally its territorial integrity and political independence, but the general meaning

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[1] See Minutes of the Nineteenth Session of the Permanent Mandates Commission (document C.643.M.262.1930.VI), page 78.

[2] See Minutes of the Twentieth Session of the Permanent Mandates Commission (document C.422.M.176.1931.VI), page 125.

[3] See Minutes of the Twentieth Session of the Permanent Mandates Commission (document C.422.M.176.1931.VI), pages 135 and 136.

is quite clear. The country must be capable of living independently, and the various guarantees which, through the Covenant of the League of Nations and otherwise, safeguard the territorial integrity and political independence of all countries must be secured. "

The Council's Rapporteur accepted this interpretation and agreed that the new State was not required to be sufficiently powerful to defend itself successfully against any other State or any combination of States. It was sufficient that the new State should be what was generally described as a duly constituted State and that it was not a " no man's land ". I think there need be no doubt that the defence forces of the Iraqi Government, the army and the police, are quite adequate to prevent Iraq from becoming a " no man's land ".

Iraq has already established on a firm basis most friendly relations with all her neighbours, and, during the current year, events have occurred which show that these good relations are continuing to strengthen and develop. Treaties of " *bon voisinage* " and extradition have been concluded with the Government of Nejd and the Hejaz. His Majesty King Faisal has paid an official visit to the President of the Turkish Republic, and Persian and Iraqi forces have twice co-operated in maintaining order on their mutual frontier.

As regards the efficiency of the Iraqi fighting forces themselves, I should like to read the following extract from a report which has been prepared by a general officer serving with the British Military Mission in Iraq :

" The strength of the army is now over 9,000, and the proposed additions in the near future will bring the strength to approximately 10,000. Although the actual numbers in personnel have not yet reached the total of 15,000 decided on in March 1921, the striking power of the army has been greatly strengthened by the formation of motor machine-gun units and an air unit. Arrangements have been made to add one flight to the air force in 1932.

" The experience gained in the operations recently concluded successfully in Southern Kurdistan tested every department of the army. Initial faults were rectified, and at the end of the campaign the army had gained in *morale* and *esprit de corps* and had proved itself a fighting force of considerable value. "

I should like to make a brief reference to the resolution regarding Iraq which was adopted by the Council of the League at its sixty-fourth session in September. This was as follows :

" The Council requests the Permanent Mandates Commission to submit its opinion on the proposal of the British Government for the emancipation of Iraq after consideration of the same in the light of the resolution of the Council of September 4th, 1931, with regard to the general conditions to be fulfilled before a mandate can be brought to an end. "

I am confident that, when the Commission applies these conditions to Iraq and, in the light of them, comes to determine the degree of maturity which Iraq has achieved, it will be found that this young kingdom has shown itself already well fitted for admission into the comity of the progressive and civilised nations of the world, and that no further guarantees than those specified by the Commission in its report to the Council are required in her case.

My Government hopes that the Commission will be able to report in this sense to the Council at its next meeting. It is now nearly two years since the British representative, at the fiftieth session of the Council of the League, announced the intention of His Majesty's Government to recommend the admission of Iraq into the League of Nations in 1932, and, during this time, continuous efforts have been made by my Government to furnish the Mandates Commission with all the information which forethought and close examination of the Minutes of each of the sessions of the Commission could suggest as being necessary in order to enable an opinion to be reached regarding the fitness of Iraq to be freed from further mandatory control. It is now my privilege and pleasure once more to attend the deliberations of the Mandates Commission, and I shall do my utmost to furnish any further information which may still be required.

In conclusion, I would beg leave to trespass on the time of the Commission to say a few words on the question of the guarantees to be furnished by Iraq to the Council, if she is judged fit for release from mandatory control. Here I am on uncertain ground, because I do not know whether the Commission intends to concern itself further with this matter, in regard to which the general guiding principles have already been laid down in its report to the Council ; or whether the intention is that, in accordance with the procedure hitherto followed in the case of the admission of new States to the League of Nations, the guarantees should be settled in negotiation between the Council and the State concerned. Any remarks that I make may, therefore, be supererogatory. Nevertheless, I would ask the indulgence of the Commission to hear me.

In the first place, I would remind the Commission of the words used by the German representative on the Council last September. After recognising the desirability of obtaining adequate guarantees for the protection of minorities before the mandate came to an end, he added : " Such guarantees, however, must not form an insuperable obstacle to the termination of the mandates in due course, since their termination is the final goal and must be kept in view by the Council ".

I would also ask permission to mention certain considerations which, I venture to think, have an important bearing on the question of minority guarantees. The surer approach to this vexed problem, I submit, is by the road of psychology rather than that of strict logic. According to logic, I imagine, the conclusion reached would be that, the more numerous the safeguards, the greater the security. That may be a perfectly sound syllogism ; but as a

practical conclusion it appears to me to be misleading and wrong. Let us consider for a moment the psychological factors involved — or rather the racial characteristics of the Iraqi Arabs with whom we have to deal. As I informed the Commission during my evidence last June,[1] the Arabs of Iraq are an essentially tolerant race, tolerant of other races and other religions. But they are an intensely sensitive race, as swift to resent implied insult and imputed bad faith as I have found them quick and generous in their response to confidence placed in them. With such a race, encouragement and trust are, I firmly believe, much more likely to produce the results we all desire than the assumption of ill-will or the most ingeniously devised safeguards against future bad faith.

What grounds have we in the case of Iraq for assuming ill-will or bad faith ? So far as I am aware, there have been no instances of religious persecution in Iraq. The history of the country has been one of religious tolerance ; Moslems, Jews and Christians have lived together amicably in the same villages for centuries. Why should we assume that this situation should necessarily now alter for the worse ? I am confident that, if the League will now show its trust in the good faith of the Iraqi Government by requiring it to enter into only such guarantees as have in the past been assumed by sovereign and independent States, it will not find that trust misplaced. In so doing it would be following existing and well-tried models which have successfully stood the test of experience ; whereas, any departure from these precedents would be in the nature of experiment, and to that extent dangerous. It would be a venture in uncharted seas. Moreover, the imposition of fresh guarantees and specially contrived safeguards could not fail to humiliate and wound, and by creating lasting resentment would defeat the very object it was designed to serve.

Seven years ago was the first occasion on which a report on Iraq was examined by the Mandates Commission. Some of the members of the Commission may recollect that, on that occasion, the British accredited representative, Sir Henry Dobbs, sought to illustrate the evolution of the State of Iraq, and the method adopted by His Majesty's Government in the discharge of its mandatory responsibilities, by means of an analogy based upon opposing theories for the upbringing of the young. I will not now follow him into this domestic disquisition. It will be enough to remind the Commission that, in developing this analogy, Sir Henry Dobbs informed the Commission that the more modern theory — that of reducing the evidence of parental control to a minimum and allowing youth to learn wisdom at the school of experience — was that which His Majesty's Government had sought to apply in Iraq. This has been its guiding principle in Iraq during the last ten years. The outward manifestations of mandatory control have been avoided so far as possible, and the actuality of control has been progressively reduced as the need for it has diminished. There has been little or nothing of compulsion. The young Iraqi Government has been freely allowed to learn from experience lessons which precept or prevention would never have impressed upon it so firmly. I hope that the Commission will agree with me that this method has been justified in the result.

In the execution of its difficult task in Iraq, my Government has throughout been sustained and encouraged by the wise counsels and sympathetic co-operation of the Mandates Commission. It is no exaggeration to say that, without this happy spirit of concord and collaboration, it would have been impossible to give such rapid and full effect to the intention and spirit of Article 22 of the Covenant. In it the mandatory principle has found ample justification.

In little more than a decade, and from disparate material, a new nation has been fashioned, self-reliant, stable, imbued with a high spirit of patriotism and with enthusiasm to justify itself in the eyes of its peers ; that, I submit, is an achievement of which the League of Nations and my Government have just cause for pride.

You, gentlemen, hold the key to the door through which this young State must pass to full manhood and emancipation. I ask you to open that door.

Procedure to be adopted in considering the Annual Report and the Question of the Emancipation of Iraq.

The Chairman proposed that the Commission should first deal with the annual report on Iraq for the year 1930. This examination on the part of the members of the Commission should, in his view, aim, above all, at enabling them to form a considered and final opinion on the question submitted to the Commission by the Council — namely, the maturity of Iraq.

M. Orts had listened with very special interest to Sir Francis Humphry's statement as to the manner in which the minorities question presented itself. The accredited representative had thus provided the answer awaited by the Commission, which regarded this question as the most difficult element of the problem on which the Council had asked it to give an opinion.

He wished, however, to point out that it was not so much the present position of these minorities as their future which caused the Commission anxiety. As Rapporteur, he had had occasion to examine closely several petitions from those acting as mouthpieces of these minorities. The petitions revealed facts, which might cause a certain shock to Europeans but which were usual and perhaps inevitable incidents in a country like Iraq. The present situation of the

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[1] See Minutes of the Twentieth Session of the Permanent Mandates Commission (document C.422.M.176.1931.VI) page 140.

minorities was not bad, as the letter from the Apostolic Delegate seemed to prove. Although there had recently been a tendency to depart from the attitude adopted with regard to the Assyrians, the Iraqi Government seemed sincerely desirous of ensuring fair treatment for all its nationals.

The petitions as a whole, however, showed grave anxiety for the future. That feeling was common to both racial and religious minorities. In the annual report [1] it was noted that this anxiety had arisen as soon as the early termination of the mandate could be foreseen, and when it was ascertained that the Anglo-Iraqi treaty contained no guarantees for the minorities.

Sir Francis Humphrys had appealed to the political sense of the Commission when emphasising the psychological factors that should be taken into account in considering the guarantees to be accorded to minorities. Certainly it would be doing no service to the minorities to place them in a privileged situation within the State. That procedure would accentuate divisions and would make it more difficult for the country to attain moral unity. The guarantees to be provided should be effective without giving either the Arabs or the minorities the impression that the latter were enjoying any exceptional regime.

With regard to the suggested Council for the Yazidis, he asked whether it was one of those " spiritual councils " for which provision was made in the Constitution of Iraq. Did such councils already exist among other non-Moslem communities, and had a law been passed defining their powers and duties ?

The Chairman observed that there was a risk that the questions raised by M. Orts would carry the discussion far outside the general lines which, in the Chairman's view, the Commission had fixed.

M. Orts replied that the object of these questions was to enable Sir Francis Humphrys to complete the statement he had made.

M. Rappard suggested with regard to procedure that it would be better to examine each chapter of the report, not only as part of the annual report, but taking into account the decisions which would have to be ultimately reached by the Commission regarding the termination of the mandate. If the two questions were taken separately, the Commission might have to go over the same ground twice or even three times. The report provided an excellent basis for discussing all the aspects of the problem.

M. Van Rees was strongly in favour of examining the report first and passing rapidly over the administrative and other details. If the Commission tried to combine that examination with its consideration of the very important question of guarantees, etc., it might lose itself in details to the great disadvantage of the discussion. A clear distinction should be drawn between the ordinary work of the Commission and the special task allotted to it. Moreover, the report did not deal with the two special questions the Commission had to consider — namely, the conditions for the termination of the mandate and the series of guarantees for minorities, etc., which the Iraqi Government might be asked to provide.

M. Rappard pointed out that the principal means by which the Commission could form an opinion as to the maturity of Iraq were certain documents — first and foremost the report. Unless, when discussing the question of the degree of maturity reached by the territory, the Commission referred back frequently to the report, how could it form an opinion ?

The Chairman said that two proposals as regards procedure had been made, both excellent in their way. He still thought, however, that it would be better to go rapidly through the report and then come back to the questions to be asked on the basis of the discussion which had taken place in the Council.

Lord Lugard suggested that the Commission should leave the first three or four subjects on its list to the end, since they referred to matters such as " General Administration " and were bound to lead to prolonged discussion. He proposed that the Commission should begin with the technical subjects, such as foreign relations, health, finance, etc., and then revert to the general subjects.

M. Merlin supported this suggestion.

This procedure was adopted.

Question of the Emancipation of Iraq *(continuation)*.

In reply to a question by Count de Penha Garcia, Sir Francis Humphrys stated that the mandatory Power had always followed the same principle which was first explained to the Commission by Sir Henry Dobbs in 1924. That principle was to consider, at intervals of four years, whether the mandatory Power could conscientiously recommend Iraq for admission to membership of the League. Obviously, as the period which had been suggested as long ago as 1927 drew to its conclusion, further opportunities were given to Iraq to develop self-government in order that the transition (provided that the League accepted the Mandatory's recommendation) should not be excessively abrupt. It was impossible to keep a 100 per cent control over a mandated territory and then suddenly tell that territory that it was free. The policy pursued had been discussed in considerable detail on pages 10 to 24 of the special report ; it was only the natural consequence of what the mandatory Power had had in mind from the start.

[1] See annual report 1930, page 28.

Count de Penha Garcia thought Sir Francis Humphrys had not quite understood the scope of his original question — namely, whether the mandatory Power when, in 1930, it had decided to recommend the admission of Iraq into the League, had not been too much influenced by the fact that Iraq had refused to accept the draft Treaty of 1927. On the other hand, had not the Iraqi Government believed that this decision on the part of the mandatory Power must liberate it from the intervention of British advisers during the period until the entry of Iraq into the League ? The corollary of the declaration made by the mandatory Power must, in fact, be the reduction to a strict minimum of the British officials. Difficulties on this subject had arisen between the Iraqi Government and the mandatory Power. In particular, the Iraqi Government had refused to supply the funds for the payment of salaries to the British officials. Had not this spirit of resistance to, or dislike of, the mandate — and this was the cardinal point in the question asked by Count de Penha Garcia — led the mandatory Power to recommend the emancipation of Iraq rather too soon ?

Sir Francis Humphrys said he had never heard that funds were refused for the salaries of British officials. There had been a difference of opinion as to the manner in which the British staff should be reduced.

There had been no question of reducing the salaries of those officials whom it was decided to retain.

TWELFTH MEETING.

Held on Monday, November 2nd, 1931, at 3.30 p. m.

Iraq : Examination of the Annual Report for 1930 (continuation).

Sir Francis Humphrys and Mr. Hall came to the table of the Commission.

Foreign Relations of Iraq : Frontier between Syria and Iraq.

M. Orts noted that, according to the report (page 32), a difference of opinion had arisen concerning the delimitation of the frontier between Syria and Iraq ; the matter was still under consideration by the British and French Governments. He assumed that the difference of opinion had not arisen on any essential point.

Sir Francis Humphrys said that he had just been discussing the question in Paris, and that the French and British Governments had agreed to invite the League Council to determine the frontier between Syria and Iraq after — they hoped — sending a Commission to investigate the meaning of the 1920 Convention line and to decide how it should be modified, with reference to tribal, administrative, geographical and other considerations, in the interests of both countries. He hoped that the League might see its way to sending a Commission, and that it might be possible for the report to be before the Council in May.

He explained, in reply to a further question, that steps had also been taken for the delimitation of the frontier between Syria and Trans-Jordan.

Public Health.

M. Ruppel noted that there were still thirty-seven British officials employed in the Health Service. He enquired whether the British medical officers had long-term contracts or whether they would have to leave the country on the conclusion of the mandate.

Sir Francis Humphrys said that Iraq would have the right to terminate such contracts. He thought, however, that the Iraqi Government would wish to retain some British medical officers.

Public Finance. — Currency Board.

M. Rappard stated that he had a number of questions to ask on the annual report, with the idea that the replies would be of some help in judging of the future.

He enquired whether the frequent ministerial changes in the Ministry for Finance were significant of a lack of personnel and whether the accredited representative had grounds for hoping for greater stability in the future.

Sir Francis Humphrys stated in reply that the changes in question had not had any serious consequences, since, apart from routine work, the really important period was from November to the end of March, when the budget was framed and the Finance Bill came before

Parliament. The permanent officials in the Ministry for Finance were capable of doing much of the routine work, and the changes of Ministers had not, in fact, impaired the efficiency of the department. It was most unlikely that such frequent changes would occur again.

M. RAPPARD enquired what was the significance of the passage in the report (page 62) stating that the fall in commodity values had administered a severe and possibly permanent blow to agricultural production in Iraq on the pre-1930 basis.

Sir Francis HUMPHRYS replied that there was, for example, the possibility of permanence in the fall in the commodity value for grain, though he hoped that this would not occur.

M. RAPPARD, referring to the proposals for the establishment of a national currency, observed that, from the figures given, specie exports appeared to be in excess of imports, and enquired how Iraq proposed to fund the note issue of the Currency Board.

Sir Francis HUMPHRYS explained that the present currency of Iraq was the Indian rupee, which was linked to sterling. Consequently, the value of the currency in Iraq was unaffected by specie exports from that country. The proposed new Currency Board was intended to function as from January 1st, 1932. The new currency would be based on sterling and would fluctuate with the value of sterling. There would be an Iraq Government nominee, a representative of the Bank of England and two representatives of the three local Iraqi Banks (Imperial Bank of Persia, Eastern Bank and Ottoman Bank), while the Iraqi Government had nominated Sir Edward Hilton Young as Chairman of the Board.

Replying to a further question, Sir Francis Humphrys said he understood that the new notes would be printed in London and the coins struck by the Royal Mint ; all decisions as to issue would be taken by the Board, and, under the Currency Law, inflation was impossible.

M. ORTS enquired what were the duties of the Currency Board.

Sir Francis HUMPHRYS said that its duty would be to convert the existing rupee currency into sterling, to issue dinars in exchange, and to invest the assets accruing from the profits on coinage and notes and to form a currency reserve.

M. RAPPARD enquired what the position was as regards the draft Civil Service Law which had been submitted to Parliament at the beginning of the year. Was it not regrettable, that on the eve of the proposed emancipation of Iraq, so important a law had not yet been adopted ?

Sir Francis HUMPHRYS said that the draft had still been at the Committee stage when Parliament rose. It was very complicated, representing as it did an attempt to codify and improve the existing practice. He hoped that this measure would be passed during the coming session of Parliament.

M. RAPPARD had the impression, on several points, that steps were being taken at the last moment to make the State appear more independent than it actually could be. He felt that it was a pity that these various proposals should be at the point of maturity just when the British influence was about to be withdrawn and would have been most fruitful.

Commenting on Sir Edward Hilton Young's reports, which he had found very illuminating, he noted that the recommendations contained in those reports were based on the hypothesis, put forward in June 1930, that the crisis would only be temporary and that the measures recommended, though painful, were only intended to be temporary. Since June 1930, however, the crisis had become intensified, the only gleam of hope being the dead rents on oil concessions. He would be interested to know what was the present financial situation.

Sir Francis HUMPHRYS stated that it so happened that the financial position in Iraq was very rosy. The previous year's actual deficit had been restricted to 22 lakhs, owing to the Iraqi Government's prompt realisation of the urgent necessity of accommodating its financial operations to the dictates of the economic depression and the firm manner in which remedial measures had been applied. Those 22 lakhs had been more than wiped out by payments on account of oil revenues. The budget for the year ending March 1932 disclosed an estimated surplus of just over 3 lakhs. This took no account of oil receipts.

M. RAPPARD thought that Sir Edward Hilton Young must have been unduly pessimistic, to judge from his summary (page 162 of the annual report), seeing that his recommendations were based on the assumption that the crisis was only temporary.

Sir Francis HUMPHRYS explained that Sir Edward Hilton Young could not count on the oil royalties as an asset. The point was that the Iraqi Government had retrenched at once ; the quick fall in commodity prices had so impressed itself on the Government that the latter had even gone beyond its recommendations.

M. RAPPARD expressed his gratification at the soundness of the financial position, a point which he considered most important. He hoped that this result had not been obtained at the cost of the Government services.

Sir Francis Humphrys said that large reductions had been made in the capital works programmes in regard to roads, bridges and irrigation, but that there was a new five-year development scheme, which showed how the Government was preparing to spend its oil royalties, the intention being to spend practically the whole amount on public works, hospitals, etc. It was the oil that had saved the Government and enabled it, in point of fact, to increase its expenditure on public works.

He explained, in reply to a question by M. Rappard, that the suggestion to call in Sir Edward Hilton Young had come spontaneously from the Iraqi Government. The latter wanted an experienced financial expert and had been greatly impressed on the occasion of Sir Edward's first mission to the country in 1925. On his last visit he had only spent six weeks in the country.

M. Rappard said that he had one general question to ask. Had the accredited representative no misgivings as regards Iraq's ability to manage her finances without the help that she had hitherto had ?

Sir Francis Humphrys said that the Iraqi Government had just appointed a new Financial Adviser in addition to the existing financial experts. The appointment was for a period of two years, in the first place. He had every confidence in the Government's financial caution. It had shown itself most anxious to preserve financial stability. Indeed, in the matter of debt redemption, it had perhaps gone beyond what was necessary. The wisdom of saddling the present generation with the full burden of extinguishing Iraq's share of the previous Ottoman Debt was at least open to question. This operation had involved the country in the expenditure of £1,228,000 on capital account and the payment of seven annuities of £63,000, three of which still remained to be paid. So far, he had observed no signs of extravagance. The Iraqi Government spent what it felt it could afford. He did not think it would spend entirely up to its income, but would wish to build up a liquid reserve.

Lord Lugard enquired whether there was any idea of establishing a national bank in Iraq.

Sir Francis Humphrys thought that, after the Currency Board had been in existence for fifteen years or so, there might be a demand in some quarters for a bank with the sole right of note issue in Baghdad.

He explained, in reply to a further question of Lord Lugard, that British officials would not come under the new Civil Service Law.

Judicial Organisation.

M. Ruppel noted that the new judicial agreement was signed on March 4th, and entered into force on May 29th, 1931, the date on which ratifications were exchanged ; he noted further that the Pact relating to the amendment of the Code on Criminal Procedure was promulgated on April 15th, 1931. He understood that this new judicial system would only apply until Iraq entered the League. He enquired whether any agreement existed between Iraq and Great Britain as regards the division of the country into six districts for purposes of judicial administration, or whether that had been a spontaneous act on the part of the Iraqi Government which it could revoke later.

Sir Francis Humphrys replied in the affirmative to M. Ruppel's first question. As regards the six districts, there was no mention of that point in the Judicial Agreement ; in practice, the senior judge — the British Judge of Appeal — was responsible for the distribution of cases and for appointing the judges to the different places. It was unlikely that the Iraqi Government would interfere in such matters.

The accredited representative said, in reply to M. Ruppel's question as to whether the Presidents of the six courts of first instance would always be British, that it had been thought probable that the League would ask Iraq to guarantee that the existing judicial system would continue for a term of *x* years after Iraq's admission as a Member of the League. Personally, he hoped that the period would be ten years. He explained that the appointment of additional judges was now proceeding ; these would bring the number of judges, which was given in the report as five, up to nine, as provided in the Agreement.

M. Ruppel enquired whether the supervisory powers of the Presidents over the courts in their districts had yet been defined (page 94 of the report).

Sir Francis Humphrys replied in the negative, but thought that the matter would be settled during the coming winter. The intention was that systematic inspections should be carried out regularly, now that the numbers had been brought up to strength.

Lord Lugard, quoting an extract from the Baghdad *Times* of June 27th, 1931, with reference to Mr. Stern's murder, noted the statement that " when a decision is reversed by the Court of Appeal on certain grounds, the junior criminal court is not, according to the law in force . . . bound to abide by the Appeal Court's decision. In this case, the Hillah Criminal Court, which

passed the sentence of life imprisonment upon the murderer, has the option of (1) carrying out the decision of the Appeal Court by passing sentence of death; or (2) it can adhere to the punishment which it has already imposed on the murderer. " Lord Lugard enquired whether the Appeal Courts were presided over by British judges and whether it was, as here asserted, optional to the lower court to accept or reject their judgment.

Sir Francis HUMPHRYS said that he was unable to answer the question without notice. He thought that the situation referred to applied only to cases in which the court had power to inflict a death sentence or alternative sentence. The appellate court had held, in that particular case, that there were no extenuating circumstances. The death penalty had, in fact, been enforced.

Lord LUGARD enquired what was the law in Iraq regarding deportation, and whether foreigners could be deported without a trial or appeal.

Sir Francis HUMPHRYS replied that, in the case of a foreigner, the Minister for the Interior had power to order deportation, and that there was no appeal. In practice the Minister, though not compelled to do so, would, as a matter of courtesy, consult the representative of the country of which the deportee was a national. This had been done in a recent case, to which Lord Lugard was probably referring.

ECONOMIC RÉGIME.

M. MERLIN, referring to the statement in the report (page 77) to the effect that two important tariff revisions had been effected during the year, enquired, in view of the doubts expressed in that same paragraph, what the results of those Customs measures had been.

Sir Francis HUMPHRYS replied that he was not in a position to give a final answer to the question. The Customs experts had been doubtful whether the tariff revisions would produce increased revenue but had thought that the experiment was justified.

M. MERLIN noted that there had been over-production of cereals and that export duties had accordingly been abolished. He enquired what were the results of that measure, and whether the new harvest had remained in stock or had been marketed. Was there any proposal to reduce the areas sown for the next harvest ?

Sir Francis HUMPHRYS said that, although a great deal had been left on hand, the lowering of the freight charges had resulted in more grain getting out of the country than would otherwise have been the case. There had been a decrease in barley exports but a corresponding increase in wheat exports. Growers had been left to decide for themselves what to sow and the Government had not intervened.

Lord LUGARD asked whether any final decision had been taken as regards the railway along the pipe-line.

Sir Francis HUMPHRYS replied in the negative.

LABOUR.

Mr. WEAVER thanked the accredited representative for the information he had given the Commission, in his general statement, regarding the consideration now being given by the Iraqi Government to the suggestion for labour legislation, which the International Labour Office had had the advantage of discussing with Ja'far Pasha el Askeri and Mr. Lloyd. Their visit had been very much appreciated by the International Labour Office, which saw in it an earnest of the intention of the Iraqi Government to provide Iraq with labour legislation based on the principles of International Labour Conventions, appropriate to the needs of a young State in evolution and which could be adequately applied. He enquired whether there was any question of setting up a small Labour Bureau to follow labour questions systematically.

Referring to the general strike in Iraq, he asked whether there had been any evidence of trade union activities, or whether it had simply been a strike of the commercial community.

Sir Francis HUMPHRYS thought that it was probable that a Labour Bureau would be established.

He was informed that the general strike had been a strike of the commercial community, which had misunderstood the recently enacted regulations, and the movement had been fanned by disaffected political elements.

EDUCATION.

Mlle. DANNEVIG enquired whether the commercial school, which was mentioned on page 123 of the report, had been founded in Baghdad. She thought it regrettable that the Agricultural College should have been closed (pages 125 and 140). It seemed more necessary than ever in a crisis that it should be kept open in an essentially agricultural country like Iraq.

Referring to the public demonstration which took place in Baghdad in March last (page II) as a protest against " the hated political situation ", she thought that schoolboys were rather young to take part in such manifestations, as they had apparently done. Had they been punished ?

Sir Francis Humphrys was unable to say whether the commercial school had actually been started, though he knew it had been the intention to do so. The reason for closing the Agricultural College was that the kind of employment which educated young Iraqis hoped for was not obtainable as a result of their studies at that school. They liked what they called a " political " appointment and thought that manual labour was an undignified pursuit for those who had enjoyed a modern education. The school had accordingly been closed down until a different spirit could be introduced.

The public demonstration at Baghdad had been a very harmless affair and very good-humoured throughout. The Iraqi Government had, however, taken steps, through the teachers, to prevent schoolboys from taking part in such manifestations.

Lord Lugard suggested that the present state of affairs might be largely due to the uncensored Press. He enquired whether Press articles were much read by and had much effect on schoolboys.

Sir Francis Humphrys replied that they had a great influence on young minds, and said that a new Press Law had been enacted, providing for the forfeit of the legal deposit in the event of any article published being prejudicial to public security. No provision was made, however, for censorship.

The Bahai Case.

M. Orts wished to know whether the question raised by the Bahais' petition had at last been settled. The Mandates Commission had examined this petition in November 1928, [1] and, on the basis of its report, the Council of the League [2] had, in March 1929, invited the British Government to remedy the wrong done to those people.

At the twentieth session of the Mandates Commission [3] the accredited representative had said that no steps had yet been taken. As the accredited representative was now perhaps before the Commission for the last time, M. Orts wished to ask him whether effect had been given to the Council's resolution. It might be argued that, as so much time had elapsed, the affair was of no further interest. It was, however, characteristic of the Moslem spirit of intolerance and the fears that spirit caused the Iraqi Government. Those fears seemed to be stronger than the Government's desire, particularly at the present time, to avoid any appearance of disregarding the opinion of the League Council.

Sir Francis Humphrys repeated the explanations which he had given at the June session. There was, unhappily, no doubt in the mind of His Majesty's Government that a miscarriage of justice had taken place, and he explained at length the various difficulties, legal and otherwise, which stood in the way of a revised settlement. The Iraqi Government had, however, accepted in principle a solution of the problem which he regarded as satisfactory, and was determined to carry it out.

If the case had been cognisable by the Permanent Court of International Justice, it would no doubt have been settled by now, and he reminded the Commission that occasional miscarriages of justice were not peculiar to Iraq. He much regretted the delay which had occurred and hoped the matter would be disposed of before next summer.

M. Orts fully appreciated the difficulties of the situation. It should not be forgotten, however, that the Iraqi courts had created that situation by their partiality and the Iraqi Government by its weakness. He noted that no progress had been made in the matter. Religious passion was at the bottom of this injustice and it was clear that the delays in righting the wrong were due to the same cause ; the Iraqi Government was not strong enough to make a majority respect the right of a minority. That was a point which should not be forgotten.

M. Orts thought that the Commission would have to report to the Council that its 1929 resolution had remained without effect.

M. Rappard concluded from the explanations given that the case would have been settled if it had been subject to the jurisdiction of a supreme court. This would seem to denote, therefore, that there was merely a legal difficulty. He asked whether it would have been possible to overcome the legal difficulty if there had been no question of any religious fanaticism.

Sir Francis Humphrys replied that the legal difficulty was that the highest court in the country had awarded the property to the people who were now in possession, and there was no appeal against that judgment. Up to now, it had not been found possible to settle the matter by negotiation out of court.

M. Orts observed that the effect of the denial of justice had been to deprive the lawful owners — namely, the Bahais — of their property. The solution of expropriating that property could hardly be accepted as a reparation for the denial of justice. The present holders, who

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[1] See Minutes of the Fourteenth Session of the Permanent Mandates Commission (document C.568.M.179.1928.VI), pages 189 and 190, 221 and 222, 261 to 264, 276.

[2] See *Official Journal*, April 1929, Minutes of the Fifty-fourth Session of the Council, page 506.

[3] See Minutes of the Twentieth Session of the Permanent Mandates Commission (document C.422.M.176. 1931.VI), pages 127 to 129.

had no right to the property, would receive the compensation for expropriation, whereas the despoiled Bahais would obtain no other satisfaction than being, like every other inhabitant of Baghdad, allowed to enter the public garden and apply to the dispensary. At the very least, a decree might have been issued (as had already been suggested) that no change should ever be made in the arrangement of the places to which they attached a sentimental value.

Lord LUGARD asked whether it would be possible for the Iraqi Government to make restitution by an Act of Parliament without reversing the judgment.

Sir Francis HUMPHRYS replied that a majority would not be obtained in Parliament.

M. RAPPARD asked whether the mandatory Power had had any hope of redressing the legal judgment when it enquired into the matter. Had there been any subsequent occurrence to destroy that hope ?

Sir Francis HUMPHRYS said there must have been, he thought, over a hundred consultations with the King, the Prime Minister, legal advisers, etc., with a view to finding a solution, but without success. He referred to his remark at the previous session [1] that this was the only case in eleven years in which the justice of a decision by the Iraqi courts had been questioned by His Majesty's Government. He would do his best to see that the proposed solution was put into effect next summer.

RELATIONS BETWEEN THE SHIAHS AND THE SUNNIS.

M. PALACIOS noted that the King and Prime Minister were Sunnis. He asked whether the Shiahs had free access to Parliament and what was the political effect of the antagonism between the two sects. The Commission had dealt with the question at previous sessions.

Sir Francis HUMPHRYS replied that the Cabinet always included one Shiah, and that there were several Shiah members of Parliament. In Iraq, the two sects were fairly evenly divided.

TRAFFIC IN DRUGS AND TRAFFIC IN WOMEN AND CHILDREN.

Lord LUGARD noted that the report contained no information on drugs and on the traffic in women and children. Moreover, in the detailed list of offences tried by the courts (page 45 of the report), no persons had been convicted for offences connected with these subjects.

Sir Francis HUMPHRYS said he had given a full report on drugs to Count de Penha Garcia at the latter's request, and a special report on women and children had been sent to the League.

Count DE PENHA GARCIA thanked the accredited representative for the replies given to questions which he had put at the previous session. He noted that the system for controlling the traffic in drugs was based on a State monopoly, and that it had not given all the results expected. The decrease that year in the consumption of drugs had not even been anticipated by the Government, which had purchased large stocks. It was due either to the crisis or to an increase in illicit traffic. The report showed that, during the year, considerable smuggling had been carried on and that the quantity of opium seized represented one-third of the Government's imports. This was a very high proportion.

The Iraqi Government had suggested that, if the export duties in Persia were decreased, this would reduce the price of opium in the legal trade and would remove one of the principal incentives to smuggling. Count de Penha Garcia thought, on the contrary, that the result would be to encourage consumption. He thought that consumption could be restricted by means of direct control, not only by limiting retailers, but by preparing a list of authorised consumers who would also be subject to control. A monopoly often became a source of income, the size of which caused the general principle of the obligation to reduce and do away with the use of opium to be forgotten. That was not the case in Iraq; the receipts were fairly small, but the question should be borne in mind.

SPIRITUAL COUNCILS.

M. ORTS asked the accredited representative to be good enough to explain the reference he had made to the proposed establishment of a spiritual council of the Yazidis similar to those established for other non-Moslem communities. He asked what were the powers of such councils.

Sir Francis HUMPHRYS replied that, in accordance with Articles 75, 78, 79, 80 and 112 of the Constitution, communal laws had been passed in respect of the Jewish and Armenian communities. These laws had been drawn up in consultation with the lay and spiritual advisers of the parties and had given general satisfaction. It was proposed to enact similar laws for

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[1] See Minutes of the Twentieth Session of the Permanent Mandates Commission (document C.422.M.176.1931.VI), page 129.

other Christian sects and for the Yazidis. The spiritual councils referred to in Articles 75 to 80 of the Constitution were already in existence and functioning in the case of all the Christian sects. At present, they were operating under the old Ottoman law. The councils settled questions concerning the personal status of members of the communities. An account of their functions was given on page 281 of the special report on the progress of Iraq from 1920 to 1931.

M. Orts asked whether these councils constituted a regular channel whereby the communities could bring their grievances before the Government.

Sir Francis Humphrys replied that they were only competent to deal with matters relating to marriage, dowry, divorce, separation, alimony, etc., and any other matter of personal status relating to members of the communities. They could not deal with ordinary civil and criminal matters.

In reply to a question by the Chairman, he stated that, if a community wished to make a complaint to the Government, it would do so, not through the council, but through the head of the community.

He quoted passages from the law of the Armenian Orthodox community establishing in the capital of Iraq the Head of the community, a Spiritual Council, a Lay Council and a General Council. The Head of the community was to be President of these Councils and cause their decisions to be carried out. He would also represent the community before the Government. The Spiritual Council was to supervise the spiritual affairs of the community, safeguard its doctrines, train ecclesiastics and solve religious questions. It was also to confirm the elections of church representatives in the towns of Iraq. It had jurisdiction in matters relating to marriage, divorce, etc. The functions of the Lay Council were the administration of Waqf buildings and properties, the collection of their revenue, the supervision of orphans' properties and the administration of charitable institutions. The General Council elected the Head of the community and the members of the Lay and Spiritual Councils. It also elected persons to represent the community at the election of the Head of the Armenian Orthodox Church. It further examined and approved the yearly estimates of revenue and expenditure prepared by the Lay Council and the Church Assemblies.

Question of the Emancipation of Iraq (continuation).

Question whether Iraq had a Settled Government and an Administration capable of maintaining the Regular Operation of Essential Government Services.

The Chairman pointed out that, by the Council resolution of September 4th, 1931, the Commission had been requested to submit its opinion on the proposal of the British Government for the emancipation of Iraq after consideration of the actual conditions in the territory, the guarantees to be demanded, and, finally, the undertakings given by Iraq to the British Empire.

The first question to be considered was whether Iraq had a settled Government and an administration capable of maintaining the regular operation of essential Government services.

M. Palacios noted that, when the new Treaty of Alliance between the United Kingdom and Iraq had been published, it had been subject to newspaper criticism in Iraq. He did not understand this criticism, since the object of the Treaty was to grant independence to the territory. He would be glad to know the reason for this unenthusiastic and even—according to the report (page 14) — cold reception. Was there a party in Iraq which desired to go even further than the provisions of the Treaty ? Moreover, he noted on page 11 of the report that a public demonstration had taken place in Baghdad in favour of independence. The idea of the Treaty, already published or in preparation, had possibly some connection with that demonstration.

Sir Francis Humphrys replied that the organs of the Press that supported the Government gave the Treaty their blessing. The opposite newspapers were critical. The demonstration referred to had no connection with the Treaty and had taken place before the negotiations began. At the time of the demonstration, it was not known what conditions were suggested, except that the Treaty would be based on the Anglo-Egyptian proposals.

The Chairman said it was well known that the Press and the public had protested against the Treaty. He reserved his right to refer at a suitable moment to the Treaty ; in the meantime, he asked whether there was not a feeling in Iraq that the Treaty had too much the appearance of establishing a protectorate over the country. He asked if there was any basis for this discontent.

Sir Francis Humphrys replied that, when the ratification of the Treaty was discussed in the Chamber, sixty-nine votes had been cast in favour and thirteen against. The thirteen adverse votes were given mainly, if not entirely, by those who were known to be in political opposition to the Government of the day. There were, naturally, people in Iraq who were extreme nationalists, and who would like their country to be without an ally and without any foreign assistance. But he was satisfied that the immense majority of the population would be glad of an alliance with a European Power.

The CHAIRMAN asked the accredited representative whether the first condition mentioned in the Annex to the Council resolution could be considered as fulfilled — that was to say, whether the territory had a settled Government and an administration capable of maintaining the regular operation of essential Government services.

Sir Francis HUMPHRYS, while he did not claim that the administration was perfect, held that both these conditions were fulfilled.

The CHAIRMAN asked if this was his personal belief, or if he was speaking on behalf of his Government.

Sir Francis HUMPHRYS replied that he was speaking on behalf of His Majesty's Government.

CAPACITY OF IRAQ TO MAINTAIN ITS TERRITORIAL INTEGRITY AND POLITICAL INDEPENDENCE.

The CHAIRMAN recalled that, at the twentieth session,[1] Sir Francis Humphrys had referred to the fact that the Persian Government refused access to its territory to certain nomadic Kurds. He had added that these tribes would either have to acquiesce in starvation or would force their way through to Persia, unless the Persian Government reversed its decision.

The Chairman asked whether the position had been changed, and, if not, whether trouble might be expected on the Persian frontier.

Sir Francis HUMPHRYS replied that a report had been received that the majority of the nomads had remained in Iraq, and had, in consequence, suffered severe hardships. These nomads were ordinarily resident in Iraq, and crossed over into Persia in the spring for pasturage. He hoped that by next spring the matter would be settled with the Persian Government.

The CHAIRMAN referred to the accredited representative's statement at the twentieth session [2] that representations had been made with a view to inducing the Turkish Government to re-establish its frontier posts on account of the danger to which Iraqi subjects were exposed. He asked if these representations had brought about a satisfactory result.

Sir Francis HUMPHRYS replied that the position was unchanged, as the Turkish authorities doubtless felt that it was inadvisable to re-establish the garrisons until the Kurdish question in Turkey was definitely settled.

M. ORTS considered that its alliance with Great Britain enabled Iraq to satisfy the condition that it was capable of maintaining its territorial integrity and political independence. He asked whether in the event of war Article 4 of the Treaty of Alliance would come into play, irrespective of the circumstances in which that war might break out.

Sir Francis HUMPHRYS replied that the article in question would apply in all circumstances subject to the provisions of Article 9, according to which nothing in the Treaty should prejudice rights and obligations devolving upon either of the contracting parties under the Covenant of the League or the Briand-Kellogg Pact.

M. ORTS asked whether Great Britain would protect Iraq if the latter was involved in a war which it might have provoked either directly or indirectly as a result of the adoption of a somewhat rash policy.

Sir Francis HUMPHRYS replied that, under Article 3, the Government of the United Kingdom would be consulted in the event of a risk of war, and that efforts would be made to settle the dispute by peaceful means, in accordance with the Covenant of the League and any other international obligations applicable to the case.

QUESTION OF THE SIMULTANEITY OF THE TERMINATION OF THE MANDATE AND THE ADMISSION OF IRAQ INTO THE LEAGUE.

M. ORTS noted that the Preamble of the Treaty of Alliance between the United Kingdom and Iraq stated that the mandatory responsibilities of the British Government would be terminated on the admission of Iraq to the League of Nations. This formula was not in accordance with the manner in which the matter had been submitted to the Commission. The Commission had been invited by the Council to consider only the question of the termination of the mandate ; the admission of Iraq to the League was another question which would arise in due course. He asked if the mandatory Power considered that the two questions were connected and must arise simultaneously.

Sir Francis HUMPHRYS replied that His Majesty's Government had always contemplated the following procedure. The Mandates Commission would report to the Council that Iraq was fit to be released from mandatory control, provided the principles indicated in the report to the Council were fulfilled. If the Council accepted that position in January next, it would approve the termination of the mandate, to take effect on the entry of Iraq into the League

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[1] See Minutes of the Twentieth Session of the Permanent Mandates Commission (document C.422.M.176.1931.VI), pages 121, 125.

[2] See Minutes of the Twentieth Session of the Permanent Mandates Commission, page 134.

of Nations. Iraq could only enter the League if it were prepared to give the necessary guarantees. Negotiations would then be carried out between the Council and the Iraqi Government in respect of those guarantees. If the Iraqi Government were prepared to give guarantees and the Council were prepared to accept them, the question of the entry of Iraq into the League would be placed before the Council and Assembly in September.

M. Orts imagined the following hypothetical case. The Council approved a report from the Mandates Commission to the effect that Iraq was able to stand alone ; subsequently, Iraq, for some reason, postponed its application for admission to the League ; or the Council considered as insufficient the guarantees offered by Iraq. In such a case, would Iraq continue to remain a mandated territory ?

Sir Francis Humphrys replied in the affirmative. The previous British treaties would in that case still remain in force. According to those treaties, mandatory control would only cease when Iraq was admitted to the League.

M. Orts concluded that, in the view of the British Government, the termination of the mandate and the entry of Iraq into the League could only be simultaneous.

Sir Francis Humphrys replied that his Government had always thought that, if the country were regarded as fit for emancipation, it was also fit for entry into the League, and that these two operations would therefore coincide.

M. Orts said that one difficulty was that emancipation was within the competence of the Council and the entry into the League within that of the Assembly.

M. Merlin asked whether the mandatory Power regarded itself as bound by its obligations until Iraq entered the League, or whether it would consider itself released from those obligations after the Council's decision.

Sir Francis Humphrys replied that, unless formally released by the Council, the mandatory Power would be bound by its obligations until Iraq entered the League. The Anglo-Iraqi treaties of 1922 and 1926 remained in force until Iraq entered the League, while the new Treaty of Alliance only came into force upon the admission of Iraq into the League. He referred to paragraphs I and VI of the Council's decision of September 27th, 1924.

M. Ruppel pointed out that the Council, in dealing with the Mosul question, had decided that the mandate should remain in force for twenty-five years, unless Iraq entered the League. The Council was bound by this decision. Consequently, it could only agree to the emancipation of Iraq on condition that Iraq was admitted to membership of the League of Nations. The termination of the mandate therefore implied the entry of Iraq into the League. The question of an interval between emancipation and entry into the League did not arise.

Sir Francis Humphrys remarked that his Government had this decision in mind also.

THIRTEENTH MEETING.

Held on Tuesday, November 3rd, 1931, at 10.15 a.m.

Iraq: Petition from Mr. Hormuzd Rassam, dated September 23rd, 1931.

The Chairman noted that the Commission had received a new petition from Mr. Hormuzd Rassam, dated September 23rd, 1931, transmitted by the British Government on October 28th (document C.P.M.1246). He requested M. Orts to be good enough to report on this matter.

M. Orts agreed.

Question of the Emancipation of Iraq (continuation).

Sir Francis Humphrys and Mr. Hall Came to the table of the Commission.

Military and Police Organisation : Maintenance of Internal Order.

M. Sakenobe asked, with reference to Articles 1 and 5 of the Anglo-Iraqi Treaty, which referred to the retention of British forces at Hinaidi and Mosul for five years, what was the position of these troops, and if, during this period, the British troops were to be called up for

maintaining internal order in Iraq, and what kind of control the ex-mandatory Power would exercise on the internal administration of Iraq.

Sir Francis HUMPHRYS replied that the word " forces " meant " air forces ". The Iraqi Government intended, in the course of time, to organise its own air force, and hoped to have one fully equipped air squadron by 1937. There was no question of maintaining any British " ground forces " in Iraq, except those ancillary to the Royal Air Force. Article 5 of the Treaty showed that the forces in question were intended for purely external defence.

Lord LUGARD asked whether there were still any British officers with the Iraqi " ground forces ".

Sir Francis HUMPHRYS replied that there was a British Military Mission acting in an advisory capacity (see letter IV in the Annex to the Anglo-Iraqi Treaty of Alliance). The Iraqi Government had expressed its intention to maintain a British Military Mission after the Treaty had come into force.

Count DE PENHA GARCIA asked what means Iraq had at her disposal to maintain internal order. For instance, could she count on assistance from Great Britain for this purpose, or would she have to rely entirely on her own forces ? Again, was the Iraqi army conscripted or enrolled voluntarily ?

Sir Francis HUMPHRYS replied that Iraq possessed a voluntarily recruited army of about 10,000 men, but there was also, as he had explained to the Commission at the last meeting, a highly organised and efficient police force of about 8,000 men. Under the Treaty, Iraq was solely responsible for the maintenance of internal order.

Count DE PENHA GARCIA asked whether the members of the army and police were enrolled simply on their individual merits without regard to the due representation of minorities.

Sir Francis HUMPHRYS replied that the army was, and always had been, recruited from all fighting classes of the country. For instance, the Kurds had supplied recruits to the army from Turkish days. There were also a number of Assyrians in the army and police.

Count DE PENHA GARCIA asked whether these races could be mixed without causing any difficulties in the matter of discipline.

Sir Francis HUMPHRYS replied that there had been practically no difficulties. There had been one or two rare and isolated cases of excited behaviour, and last year three Kurdish soldiers had deserted to Sheikh Mahmoud under very exceptional circumstances, of which the Commission was aware. These deserters had eventually returned and had been pardoned.

In reply to a further question by Count de Penha Garcia, Sir Francis Humphrys said that he had never heard of any disinclination on the part of Arabs to serve with Kurds and Assyrians. It should be remembered that, even in Turkish times, there were many Kurdish officers in authority over Arab troops. Some of those officers had received their training at the Constantinople Military Academy.

M. VAN REES observed that, as the Commission had to pronounce on the real and existing situation in Iraq, he would ask the accredited representative whether he could affirm that the army and police forces would be sufficient in all circumstances to maintain law and order.

Sir Francis HUMPHRYS replied that the Iraqi army and police would be sufficient to cope with anything that could be reasonably foreseen.

Lord LUGARD asked whether the British Military Mission, acting in an advisory capacity only, would have to advise as to the use of troops in punitive measures. Would the Iraq Government perhaps be tempted to shield itself behind that advice in taking steps which might not be popular or even absolutely necessary ?

Sir Francis HUMPHRYS replied that, if troubles arose, they would first be dealt with by the police force, with which the Military Mission had absolutely nothing to do. In nine cases out of ten police intervention would be sufficient. In any case, the Military Mission would have absolutely nothing to do with any policy pursued in the matter of quelling internal disorder. The Mission dealt solely with technical matters and the training of the forces. It could not decide as to the manner in which those forces could or could not be employed. Under the Treaty, such a decision rested with the Iraqi Government.

In reply to a further question by Lord Lugard, Sir Francis Humphrys said that he could not tell the Commission exactly how many British police officers would remain after the mandatory regime had come to an end. The Iraqi Government probably intended to maintain a British Inspector-General and a few other officers and to institute a police school with British instructors, but it would be for the Government to decide.

M. RAPPARD asked whether any further steps had been taken in connection with the King's suggestion that an army might be established on the basis of universal conscription.

Sir Francis HUMPHRYS, after referring to the King's speech reported on page 17 of the report, explained that consideration of the national service proposals had been indefinitely postponed. He felt sure that the Iraqi Government would sound leading public opinion before introducing such a measure, and there was no question of interference by the British Government.

M. RAPPARD pointed out that it might be difficult in certain cases to distinguish between external aggression and internal disorders. He quoted the case of Sheikh Mahmoud, who had come in from Persia and started a rebellion in the country. Was that an external or internal question ? Personally, of course, he did not in any way deprecate the possibility of British forces intervening, as that would constitute an additional guarantee for the minorities in whose future the Commission was so deeply interested.

Sir Francis HUMPHRYS replied that the case of the Sheikh Mahmoud rebellion could not be regarded as external aggression. The Sheikh was a Kurd who had promised to live in Persia, had broken his word and returned to the country to start a rebellion with about 300 bandits. That was obviously an internal matter.

M. RAPPARD wished to obtain a little information on what he fully understood to be a very delicate point. Had there not been some opposition to the maintenance of British air forces in the country ? What, for instance, had been the motives of the minority in Parliament which had voted against that article in the Treaty ? Was the retention of the air forces regarded by Iraqi opinion on the whole as a concession made *to*, or a concession made *by*, the mandatory Power ?

Sir Francis HUMPHRYS explained that, in certain quarters, the relative advantages and disadvantages for Iraq of the maintenance for twenty-five years of a British air force had not perhaps been fully understood. Such misunderstanding might have led to a certain amount of opposition. The Iraqi Government had, however, asked for an alliance with Great Britain. The advantage from the point of view of Iraq was that Baghdad was tending to become, to an ever greater extent, a very important centre of air traffic between West and East. There were already German, French, Dutch and British air lines operating this route. If air traffic across Iraq was to continue and develop and the importance of Baghdad as an air-port be enhanced, foreign air companies would require to be assured that a high technical standard (in the matter of relief, life-saving, aerodrome organisation, etc.) should be maintained. The Iraqi Government was not yet in a position to provide the facilities and safeguards. Consequently, the presence of a British air force which would ensure the necessary confidence would be greatly to the economic advantage of Iraq.

Moreover, owing to the remote geographical position of Iraq, which was practically land-locked, the retention of a skeleton British air force in the country was essential in order to enable His Majesty's Government to discharge the obligations of its alliance. Air reinforcements could not be sent to Iraq in case of need unless there were some nucleus of a British air force and aerodrome organisation on the spot to receive them. Stores, spare parts, repairing workshops, etc., would have to be maintained ; and apart from this, it would be clearly impossible for air reinforcements to set out for Iraq without the assurance that they could land at aerodromes there in safety. Reinforcements could not reach Iraq by sea — that was to say, via the Persian Gulf and Basra — in time to be effective.

M. RUPPEL was glad to note the statement to the effect that the aviation of all countries would receive equal assistance and help from the British air forces.

M. PALACIOS wished to revert to the clause to the effect that, after the twenty-five years had elapsed, it would be for the League of Nations to decide whether any modifications were necessary. When Iraq had obtained her absolute independence, it would even have the right, after two years' notice, to withdraw from the League of Nations. In that case, how could the League intervene in this matter ? The international obligations required must be those to which reference was made in Article 1, paragraph 3, of the Covenant.

Sir Francis HUMPHRYS replied that both countries had specifically agreed in the Treaty to refer the matter to the League of Nations.

In reply to M. Orts, Sir Francis Humphrys added that the Iraqi army consisted of 10,000 men on a peace footing. There were no reserves. It should, however, be remembered that there were also some 8,000 police.

PUBLIC FINANCE.

The CHAIRMAN asked whether a decision concerning the maintenance of British financial advisers after the termination of the mandate depended exclusively on the Government of Iraq, or had the mandatory Power reserved the right to insist on the maintenance of financial advisers ?

Sir Francis HUMPHRYS replied that there were at present one British adviser and two assistant advisers, the first with a contract for two years and the latter with a ten years' contract

each, of which several years had still to run. The Iraqi Government could, however, if it wished, terminate those contracts before maturity. He thought that the Iraqi Government would probably decide to retain the services of British advisers for some time to come, particularly as there were many new economic problems to be faced arising out of the development of oil production and railway extension. In addition, the Iraqi Government was considering an alteration of the revenue system and would need advice on this.

The CHAIRMAN then asked whether the exchange of notes in London in August 1930 between the High Commissioner and the Iraqi Prime Minister on the settlement of financial questions, which appeared to have come into force in January 1931 on the exchange of the ratifications of the Treaty of Alliance, covered all outstanding financial questions between the mandated territory and the mandatory Power, or were there other agreements which had not been published ?

Sir Francis HUMPHRYS declared that the exchange of notes covered all outstanding financial questions between Great Britain and Iraq. It did not, of course, cover international questions, such as the Ottoman Public Debt and the tobacco Régie.

The CHAIRMAN then enquired as to the position with regard to the settlement of accounts between the mandatory Power and Iraq. What sum was owing to the British Government ? How had that sum been calculated, and in what way would it be paid ?

Sir Francis HUMPHRYS replied that his Government had almost entirely remitted the indebtedness of Iraq. There were only a few small sums outstanding in connection with railways and ports, and the transfer of the Hinaidi and Mosul aerodromes. The British Government had, he believed, spent over eleven million pounds in developing the Port of Basra, but had accepted the sum of half a million in full settlement. Of that sum, over one-third had already been repaid from port revenues.

The CHAIRMAN noted, consequently, that Iraq had no further debts to Great Britain apart from those mentioned in the exchange of notes.

M. RAPPARD thought that the financial arrangement to be concluded by Great Britain with Iraq was extremely generous, and that it would be even more so were it not for the clauses relating to the railway and the Port of Basra. He enquired on whom the beneficial ownership of the port would devolve.

Sir Francis HUMPHRYS said that beneficial ownership would be established in a Port Trust under a statute until the debt had been paid off to Great Britain by instalments, but there was no provision for any preponderance of British interests. The new draft statute would have to be approved by both Governments.

M. RAPPARD, commenting on the clause which provided that the property of the Port of Basra should be transferred to the Iraqi Government and the port administered by a Port Trust, noted that there was no provision for the conclusion of any agreement in the matter.

Sir Francis HUMPHRYS said that the legislation governing the matter would need to be approved by both Governments.

M. RAPPARD enquired, supposing that the arrangement was mutually beneficial and that the port dues allowed of paying off the debt, what would be the position as regards further profits, and whether such profits would go towards paying off the original eleven millions.

Sir Francis HUMPHRYS repeated that the balance of the eleven millions had been finally remitted. The Port of Basra would function like the Port of London or the Port of Calcutta, for example. The Port Trust would collect dues and establish reserves and would apply any balance to the reduction of dues.

M. RUPPEL, commenting on the financial position of the port, as described in the annual report (pages 91 and 92), enquired whether the capital debt payment of upwards of Rs. 5 lakhs was in respect of a debt to the British Government.

Sir Francis HUMPHRYS pointed out that the amount, as explained in the report, represented the seventh instalment in repayment of a capital debt and interest to His Majesty's Government.

M. RUPPEL enquired what was the capital debt in connection with the dredging service in respect of which £40,000 sterling had been paid for amortisation.

Sir Francis HUMPHRYS explained that, before the war, the Shatt-el-Arab beyond Basra could only take vessels drawing 15 feet ; it had now been dredged so as to take vessels up to 29 feet. The cost of the dredging operations had been undertaken by the Port of Basra, which had taken up a private loan of £500,000 for the purpose.

M. RUPPEL, referring to the capital of the new railway corporation, noted that Rs. 275 lakhs of preferred stock were to be allotted to the British Government, of which only Rs. 25 lakhs represented the repayment of a debt, and enquired for what reasons the further amount of Rs. 250 lakhs had been allocated.

Sir Francis Humphrys explained that, some years previously, the railways had been valued at about three and a half millions sterling — a very low estimate. His Majesty's Government had agreed with the Iraqi Government to take half that amount (Rs. 250 lakhs). There was, in addition, Rs. 25 lakhs representing the value of stores handed over to the railways by His Majesty's Government. The reason that the Iraqi Government had Rs. 45.85 lakhs of preferred stock was because it had advanced that sum for the extension of the railway line. In order that the railway might become profitable and not carry a dead weight of interest, the mandatory Power had agreed that, for a period of twenty years, the interest on the preferred stock should be non-cumulative.

The accredited representative stated, in reply to a further question of M. Ruppel, that the British Government had probably spent about fifteen millions sterling on constructing the railways. That had been, as M. Rappard suggested, partly a military enterprise, but a great deal had been added. There had been two debits which the mandatory Power had remitted — one, amounting to £700,000, was for public works which the British Government had made over free of cost ; while the other, amounting to two millions, had been a debit on administration when the country was handed over to the present Government. This deficit had been made good by His Majesty's Government. There were no debts at present outstanding beyond those mentioned in the note of August 1930.

M. Rappard asked what were the approximate figures for sums which would be due to British advisers on the termination of the mandate.

Sir Francis Humphrys stated that compensation was paid only if a contract was prematurely terminated. There was no pension liability ; there was a provident fund to which officials and the Iraqi Government contributed monthly, but that scheme did not go beyond the term of the official's contract.

The Chairman, referring to the accredited representative's replies concerning the establishment of a national currency, enquired whether it was proposed to set up a National Bank and who would be responsible for regulating Iraqi money.

Sir Francis Humphrys replied that the Currency Board would be responsible for regulating Iraqi money, and stated, in reply to a further question by the Chairman, that the Currency Board would invite tenders for the new currency and place orders. Its activities would be governed by a law just passed by Parliament.

Judicial Organisation : Guarantees.

The Chairman, observing that, on the termination of the mandate, the Judicial Agreement would lapse, enquired what form of judicial organisation would be regarded by the mandatory Power as affording equal and regular justice for all members of the community and for all foreigners.

M. Orts thought that a distinction should be drawn between the various classes of persons amenable to justice — namely, the general mass of the population, the communities for which the Constitution had provided special tribunals and, finally, foreigners.

M. Merlin considered that the point mentioned by the Chairman was one of the most important that the Commission had to discuss. Assuming that Iraq had a settled Government and satisfactory administration, and that her financial position was sound, there still remained one important question — the administration of justice, including the protection of minorities and the treatment of foreigners. Members of the Mandates Commission felt some apprehension on that point. They appreciated the remarkable work done by Great Britian, but regretted that the mandatory Power should be relinquishing its task after so short a period, and were anxious to know whether adequate guarantees would be provided after the termination of the mandate. Certain guarantees would, of course, exist, in the form of the Treaty of Alliance with Great Britain and the continued presence of British advisers and British forces in the territory.

Iraq had promised, under the terms of the Judicial Agreement, to enact certain legislation. Had that yet been promulgated ? The Judicial Agreement would lapse on the termination of the mandate, and M. Merlin would be interested to know what would happen in the interval between then and the time when Iraq became a Member of the League. He enquired whether, apart from the Ottoman legislation in force before and during the mandate, Iraq possessed a civil or criminal code, a code of criminal procedure or a commercial code. His apprehensions were justified, he felt, by the reference in the special report for the period 1920-1931, page 83, paragraph 12, from which it would appear that the mandatory Power was not quite satisfied.

Sir Francis Humphrys stated in reply that the judicial system in Iraq, as it existed at present, had been subject to the assistance and advice of five or six British officials — an adviser, a president of appeal and three judges of the first instance. The judges of the first instance were to be increased to six, and there was to be an assistant to the adviser.

As regards the position of foreigners, he could not recall a single instance of a judgment given by an Iraqi court having been called in question by a foreign national. His own suggestion would be for the League to ask, as a guarantee, that the present judicial system should be extended for a period of ten years. That would, he considered, be quite sufficient. As regards the question

whether the legislation envisaged in the Judicial Agreement had been passed, he had given the answer the previous day to M. Ruppel and had communicated a copy of the enactment at the previous session.

M. Merlin would, he thought, perhaps derive satisfaction from the fact that the existing law of Iraq was based generally on the Napoleonic Code. The criminal and civil codes were in process of revision. The codification of the laws was already in draft ; much old and obsolete matter had been cut out, and the laws had been brought up to date. It was inevitable, in a fair, frank and impartial review of the judicial system in Iraq, that the mandatory Government should point out such defects as existed, but he would ask the Commission not to take those effects as seriously impairing the system. The latter was not yet perfect, but Parliament passed fresh laws every year, and he was confident that, within ten years, no serious omissions would remain. The judicial system of Iraq could challenge comparison with that of her neighbours.

The Chairman said that the Commission would be grateful if the accredited representative explained his views on the matter, which would be of great service to the Commission in connection with the fixing of the guarantees. The accredited representative had mentioned ten years as the period for the continuance of the present system, though the Treaty of Alliance was for a period of twenty-five years.

Lord Lugard pointed out that there was nothing in the Treaty to prevent Iraq, when independent, from repealing or radically changing the Organic Law and the Criminal and Civil Codes. When insisting on the permanence of the judicial system, would it be possible to give similar permanence to those laws ?

Sir Francis Humphrys said that he had not connected the Organic Law with the judicial system. In order to amend the Organic Law, there must be a two-thirds majority of both Houses, followed by a dissolution of Parliament, and the new Parliament must then approve the alteration by a two-thirds majority of both Houses.

As regards the codes, he hoped that they would gradually be improved and perfected, and any proposals for their alteration would be shown beforehand to the foreign diplomatic missions at Baghdad. He pointed out that it was impossible for any constitutional amendment to be suddenly put through, and quoted from the relevant article in the Organic Law.[1]

Lord Lugard replied that this article might itself be revised and radically altered. He did not, of course, refer to minor changes and improvements, but to the essential principles of the Organic Law and the codes — in particular, to the clause cited.

Sir Francis Humphrys replied that about a year and a half would be required to make a change.

The Chairman returned to the general question. What were the guarantees that the mandatory Power contemplated after the termination of the mandate for the protection of the interests of natives and foreigners in Iraq ? Was the accredited representative of opinion that the present judicial organisation offered sufficient guarantees ?

Sir Francis Humphrys replied in the affirmative to the latter part of the question.

M. Ruppel put the question in a different form. Leaving aside the foreigner and supposing that there were no foreign judges in Iraq, did the accredited representative think that the courts would afford equal justice for the natives ?

Sir Francis Humphrys replied that that was a very delicate question to answer. There had been a great many cases in which no foreign judge had had any part and in which there had been no complaint. His own feeling was that provision should be made for a transitional period of ten years, in order to maintain the confidence of Iraqis and foreigners alike in the Iraqi judicial regime.

M. Van Rees observed that it was most important for the Commission to know definitely whether, in the view of the mandatory Power, Iraq now possessed a system which would ensure equal justice for all persons subject to the law.

Sir Francis Humphrys replied that he held that Iraq did, in fact, possess such a system.

M. Palacios recalled the terms of the question which, in his view, arose in connection with the statement on page 35 of the report. The mandates for Palestine and Syria contained a clause providing that, on the termination of the mandate, the system of capitulations would again be fully applicable. It seemed certain that the same applied to Iraq at the time when the Judicial Agreement, now in force, ceased to apply.

Sir Francis Humphrys observed that the point had been discussed at length by the Council.

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[1] *Article* 119. — Every amendment must be approved by a two-thirds majority of both the Chamber of Deputies and the Senate. After such amendment has been approved, the Chamber of Deputies shall be dissolved and a new Chamber elected. An amendment which has been approved by the former Chamber shall be submitted again to the new Chamber and Senate. If approved by a two-thirds majority of each Assembly, the amendment shall be submitted to the king for confirmation and promulgation.

M. ORTS noted that the accredited representative had said that the present judicial arrangements were satisfactory. He understood, however, that the Spiritual Councils (Article 75 of the Organic Law) had not yet been established for all the communities, and that the special law conferring jurisdiction on them had not been enacted.

Sir Francis HUMPHRYS replied that Spiritual Councils already existed for the Jewish and Christian communities, but that they had not yet been established for the Yezidis, the disputes between the latter being of comparatively recent date. The Government, he said, would prefer that the Yezidis should settle their religious difficulties themselves, and had suggested their establishing a council on the lines of the Christian Spiritual Councils.

M. ORTS observed that, in addition to religious matters, the Spiritual Councils dealt with matters relating to the personal status of members of the communities.

Sir Francis HUMPHRYS said that, in the case of certain of the Christian communities, the new laws provided for in Article 78 of the Constitution were not yet in existence. The old Turkish law was still in force, and the religious courts were actually functioning. New laws had, however, been enacted in the case of the Armenian and Jewish communities.

M. ORTS supposed that, as the need for codification had been recognised, the present system had not been found satisfactory. There would still, therefore, be a gap in the present judicial organisation.

Sir Francis HUMPHRYS thought that that was not the case. The old Ottoman Law had been very generous, and he did not think that any very substantial improvements would be found to result when codification was completed. The difficulty was to get the spiritual and lay elements in the communities to agree to codification.

The CHAIRMAN summed up the position as it appeared from the accredited representative's statements. The latter regarded the present judicial system as satisfactory so long as there were foreign advisers, and suggested the extension of the system for a period of ten years.

M. VAN REES noted also that M. Orts' observation concerning the fact that certain Spiritual Councils had not been set up did not refute the reply of the accredited representative. So long as those Spiritual Councils did not exist, the ordinary courts would act, so that the Commission might say that the present system ensured equal justice for all persons subject to the law.

M. RAPPARD observed that the accredited representative had given a definite reply to a direct question ; he had said that the judicial system had given satisfactory results. M. Rappard assumed that the accredited representative had in mind the present foreign element, and enquired what was the real purport of his suggestion that the existing system should continue for a period of ten years.

Sir Francis HUMPHRYS said that what he had had in mind had been the Rapporteur's statement in his report to the Council, dated September 4th, 1931 :

> " It is my impression that, in thus distinguishing between the system of the capitulations to be reintroduced automatically on the termination of the mandate and that of an arrangement previously approved by the Council in concert with the Power concerned, the Commission has expressed a certain preference in favour of the latter system. The recent example of the judicial agreement in respect of Iraq, which has received the approval of both the Mandates Commission and the Council, shows how it is possible, by previous agreement, to establish the guarantees essential in order to secure the same legal protection to all nationals of States Members of the League on a footing of perfect equality."

What the accredited representative, speaking as the mouthpiece of the mandatory Government, had contemplated in that particular case was that the Commission should report to the Council that it would expect that, in return for the abolition of the capitulations, certain guarantees should be given to the League during a transitional period, that the easiest way would be for the Council to extend the existing judicial system for x years, and for the Council or its Rapporteur to get into touch with the representative of the Iraqi Government, in order to fix a period — and other details — acceptable to both parties, the point being that the matter should be settled by negotiation.

FOURTEENTH MEETING.

Held on Tuesday, November 3rd, 1931, at 3.30 p.m.

Question of the Emancipation of Iraq (continuation).

Sir Francis Humphrys and Mr. Hall came to the table of the Commission.

JUDICIAL ORGANISATION. — GUARANTEES (continuation).

M. RAPPARD said that, in discussing the advisability of extending the Judicial Agreement for a certain number of years, there were three alternatives. The proposal so to extend the Agreement might be made either by the mandatory Power or by the Mandates Commission or by the Council itself. Had the mandatory Power a preference for one of these methods ?

Sir Francis HUMPHRYS imagined that, since no mention was made in the new Treaty of judicial safeguards, the League would ask the Iraqi Government, before consenting to the termination of the mandate or the entry of Iraq into the League, for some judicial guarantees during a transitional period. Presumably, foreign Powers, in return for the abandonment of the capitulations, would want assurances in regard to the judicial system that would be in force for the next few years. As was evident from his report, the Rapporteur to the Council considered that there was a better alternative than the resumption of the capitulations — namely, that the regime provided for in the Judicial Agreement should be extended for a number of years. In any case, Sir Francis Humphrys regarded a resumption of the capitulatory regime as impracticable.

M. RAPPARD understood that the mandatory Power did not wish to take the initiative of proposing the extension of the Agreement, but it would agree to such extension if proposed by the Council.

Sir Francis HUMPHRYS said that the United Kingdom was not the only State affected, and, in the circumstances, it would hardly have been appropriate for His Majesty's Government to take the initiative. Moreover, the Iraqi Government itself considered that the matter was one to be settled with the League rather than with His Majesty's Government.

The CHAIRMAN asked whether the accredited representative agreed with his summary of the discussion at the previous meeting. On that occasion, Sir Francis Humphrys had said that, in the past ten years, the administration of justice to natives and foreigners with the help of English advisers had worked well, and that it would be advisable for the foreign advisers to remain a certain number of years after the termination of the mandate.

Sir Francis HUMPHRYS agreed, and said that, otherwise, the termination of the old regime would be too abrupt. The British Government thought that, if the general principles of safeguarding judicial interests which had been laid down in the Commission's report to the Council were accepted, the Rapporteur to the Council should have means of getting in touch with a representative of the Iraqi Government to discuss the details. In this manner, it would be possible to avoid the appearance of an ultimatum to the Iraqi Government.

M. RAPPARD had been struck by the fact that, in other matters, such as military questions, the British Government had negotiated direct with the Iraqi Government. With regard to the judicial regime, on the other hand, it had stood in the background and wished to let the Council arrange matters with the Iraqi Government.

Sir Francis HUMPHRYS did not agree. He pointed out that it would scarcely be appropriate for the Rapporteur to the Council to negotiate with the Iraqi Government regarding the employment of British military forces in Iraq.

It would have been difficult to insert judicial safeguards in the Treaty of Alliance. That Treaty was not to take effect until Iraq had been emancipated. It was therefore a treaty between two independent States, and he thought the Iraqi Government would rightly have refused to include any provisions for judicial safeguards in the Treaty. The matter was one that concerned a number of States besides the United Kingdom, and the League was the proper authority to deal with it.

Count DE PENHA GARCIA understood that the mandatory Power regarded the country as ripe for release from mandatory control. That release involved questions, in the first place, between Iraq and Great Britain and, in the second place, between Iraq and other countries. Questions regarding Great Britain were settled by the Treaty of Alliance, while those concerning other countries were to be regulated by the League of Nations.

Sir Francis HUMPHRYS agreed, and said that for this reason the minorities were not mentioned in the Treaty.

M. MERLIN said the Commission was in a special position. Under its instructions from the Council, it had to enquire whether conditions in Iraq were such that the mandate could be terminated. It was not for the Mandates Commission to establish a list of the conditions to be imposed before the mandate was terminated. It was for the mandatory Power, when stating that the time was ripe for emancipation, to submit to the League certain guarantees for the transition period. The Commission should then state its opinion on the mandatory Power's proposals.

Sir Francis HUMPHRYS said that, if he were asked to make a suggestion which would be acceptable to His Majesty's Government, it would be that the judicial regime, although legally terminated on the entry of Iraq into the League, should be extended for a number of years. He suggested that the number of years should be settled in negotiation between a representative of the Council (possibly the Rapporteur) and a representative or representatives of the Iraqi Government.

The CHAIRMAN remarked that the Rapporteur could hardly get into touch with the representative of a country which was not a Member of the League and was still under mandate.

M. RAPPARD noted the accredited representative's statement that his Government would accept an agreement arrived at between the Rapporteur to the Council and a representative of Iraq. This statement showed that the British Government's consent to the agreement was required. He did not think it would be appropriate to negotiate, without the assistance of the British Government, with a country for which that Government was responsible.

Sir Francis HUMPHRYS said the discussions might be conducted with representatives of Iraq and of the United Kingdom.

The CHAIRMAN remarked that the discussion now taking place between the Commission and Sir Francis Humphrys already prepared the way for those negotiations.

Sir Francis HUMPHRYS thought there must be numerous precedents for discussions with States seeking entry into the League. He pointed out that Iraq occupied a different position from that of other mandated countries, since the right to accede independently to international conventions and to make treaties had been formally recognised by the Council, and the mandatory regime was itself based on a treaty. Moreover, Italy, France, Germany, Turkey and Persia all had diplomatic representatives at Baghdad who could treat direct with the Iraqi Foreign Office.

M. VAN REES thought the Commission should distinguish clearly between its own rôle and that of the Council. The Commission had merely to reply to the questions put to it by the Council and was not entitled to enter into any negotiations. The Commission should merely give its advice to the Council, which would, if necessary, carry out negotiations. The question before the Commission was, therefore, what guarantees Iraq could give on various matters. Progress had been made by the statement as to the guarantees obtainable in respect of judicial questions. The Commission must decide whether those guarantees were sufficient. If any member thought them insufficient, he should suggest the necessary changes, and the accredited representative should state whether those changes were acceptable. On the conclusion of the discussion, the Commission should draw up a report, either approving the guarantees offered or suggesting additional ones.

Count DE PENHA GARCIA pointed out that the difficulty arose from the fact that two questions were involved : (1) the termination of the mandate and (2) the entry of Iraq into the League. The former question should be discussed with the mandatory Power and the latter with the applicant. It was for the Council to decide on the procedure in the latter case.

M. RAPPARD thought the question of procedure was one of extreme importance. The mandatory Power asked the Commission to state that, in its opinion, Iraq was able to stand alone. This was an experiment which some people regarded as dangerous, but which the British Government considered was safe. The advice of the Commission would depend on whether the mandatory Power were prepared to give guarantees after the emancipation of Iraq. Should Iraq be emancipated and foreigners be subsequently unfairly treated, the British Government would feel greater responsibility if it had proposed the judicial regime than if the arrangements had been made by the League. If Great Britain were reticent in making positive proposals, he considered this should induce the Commission to show greater caution.

The CHAIRMAN said that it was the duty of the Commission to fix for the Council the guarantees which it considered necessary. He noted that the mandatory Power did not wish to make concrete suggestions regarding this matter.

In the Chairman's view, it would be more in conformity with the spirit of the Covenant to choose legal advisers not only from among British nationals, but also from among the nationals of any other Member of the League of Nations.

Sir Francis HUMPHRYS thought it was quite clear why the British Government hesitated to make direct proposals regarding judicial guarantees. Such guarantees would have to be given, not to Great Britain, but to the League ; other countries were almost as greatly concerned as Great Britain. At the meeting of the Council on September 4th, Lord Cecil had stated that he hoped the report of the Mandates Commission would be ready in time for the January session of the Council, and had added that the British Government would be willing to give its help, and that he hoped the Council would make use of its assistance.

Sir Francis Humphrys thought it would be wrong for his Government to draft the guarantees, but that the details would be settled by the Council in conjunction with Iraq and with the help of the mandatory Power.

The CHAIRMAN, referring to his proposal that a wider judicial agreement should be concluded admitting judges nationals of any State Member of the League, asked whether this proposal would be well received by the Iraqi Government.

Sir Francis HUMPHRYS said he had never discussed this question with the Iraqi Government.

The CHAIRMAN asked whether an extension of the present Judicial Agreement would be acceptable.

Sir Francis HUMPHRYS replied that he had reason to believe that an extension for ten years would be acceptable.

The CHAIRMAN asked whether there would be any insurmountable objections to the extension of the recruitment of judges to other countries.

Sir Francis HUMPHRYS thought that his Government would have no objection to the principle that judges of other nationalities, as well as British, should be considered for appointment to future vacancies in the foreign judiciary in Iraq after Iraq's admission to the League. He pointed out that there might, however, be certain practical difficulties connected with the long-term contracts of the judges. Some of these judges would, however, doubtless leave Iraq before their contracts expired.

M. VAN REES asked whether the language question might not also be a difficulty.

Sir Francis HUMPHRYS replied that the judges must have a good knowledge of Arabic.

The CHAIRMAN was glad to hear Sir Francis Humphrys' statement that, in principle, there would be no objection.

Sir Francis HUMPHRYS replied that he did not anticipate that his Government would have any objection to the principle.

M. RAPPARD pointed out that the Commission had not expressed its opinion on this question. Personally, he thought there were advantages in leaving jurisdiction in the hands of the present judges.

PROTECTION OF MINORITIES.

At the request of the Commission, M. de Azcarate, Director of the Administrative Commissions and Minorities Questions Section, took his place at the table of the Commission.

M. ORTS was not convinced that the guarantees laid down in the Constitution adequately safeguarded the future of the racial and religious minorities, regard being had to the spirit prevailing among the Moslem majority. The Commission received information from various sources. In addition to that provided in the reports of the mandatory Power and the replies of the accredited representative, there were the petitions and information from other private sources. The Commission could not altogether neglect the latter, but it had made a rule to take it into consideration only after the accredited representative had had an opportunity of refuting it. The Commission had also received information to the effect that Article 6 of the Iraqi Constitution, which provided that all Iraqis were equal before the law, would be a dead letter and the protection of minorities therefore illusory. It was alleged that the courts of the Patriarchs and religious communities existing under Turkish rule had not been replaced, and that disputes between Christians were brought before ordinary courts presided over by Moslem officials. As, according to the Koran, however, the evidence of a Moslem was always credible, even against the contradictory evidence of ten Christians, there was no jurisdiction for the Christians. The equality of all Iraqis before the law did not therefore exist in fact. It was further stated that, in the vilayet of Mosul, where there would be over 100,000 Christians at the present time, there was no Christian magistrate.

M. Orts did not accept these allegations as facts, but they were so frequently made that he was anxious to know what the accredited representative thought of them.

Sir Francis HUMPHRYS replied that the religious courts existed for the various religious communities and dealt with questions of personal status. In other questions every individual,

whether Christian, Jew or Moslem, was subject to the law administered by the civil courts. That law had inherited many of the principles of Mohammedan law, but in its more important essentials it derived its origin from sources non-Islamic in character. For instance, the Baghdad criminal code and criminal procedure regulations were enacted during the British occupation. They were based on the criminal codes of Egypt and the Sudan, which were derived from the Napoleonic Code.

The religious courts never dealt with criminal cases. Efforts were being made to improve and codify their regulations, and this had already been done for the Jewish and Armenian communities. No complaints had ever reached him as to the action of the spiritual courts.

Except in the Sharia, or Moslem religious courts, before which no Christian need appear, the evidence of all persons was equally credible. There was no foundation for the statement that, in the civil and criminal courts, the evidence of a Moslem was preferred to that of a non-Moslem.

M. Orts asked what court would have jurisdiction in a case of personal status between a Moslem and a Christian. For instance, what would happen if a Moslem who had abducted the wife of a Christian claimed that, according to Moslem law, she was not legally his wife ?

Sir Francis Humphrys replied that, in a matter of personal status, in which a Moslem and a Christian were concerned, the Christian was entitled by law to apply for the transfer of the case to a civil court. The case cited might, however, be for the criminal courts.

With regard to the question as to the number of Christians in the vilayet of Mosul, he stated that the total Christian population of Iraq was only 88,000, of whom 62,000 were in Mosul. The superintending judge at Mosul was British and a Christian.

M. Orts asked if the Mosul court was a court of appeal.

Sir Francis Humphrys replied that it was a court of first instance.

Mlle. Dannevig asked whether the application of a Christian to have his case transferred to another court would necessarily be granted.

Sir Francis Humphrys replied that the president of the court would be obliged by law to grant such an application.

M. Orts again drew attention to an allegation that there were numerous cases of Christians being murdered in which the criminals were not punished. He asked if this was an exceptional situation or if it implied that the authorities had been apathetic or negligent in suppressing such crimes.

Sir Francis Humphrys replied that such murders took place chiefly in very hilly country near the border. Bandits from across the frontier were responsible for nine out of every ten murders of this kind. After looting the murdered persons, they recrossed the frontier, where they were safe from pursuit. He hoped this state of affairs was only temporary. Sir Francis Humphrys pointed out that probably more Moslems than Christians were murdered, but that less was heard about the former.

M. Orts asked if it were correct that the Assyrian Patriarch had supplied the High Commissioner with a list of seventy-nine unpunished cases of murder of Christians.

Sir Francis Humphrys replied in the affirmative, but added that the latest case quoted by the Patriarch was in 1926. This did not mean that, in fact, there had been no such cases since that year.

He related two cases in which Christians had been attacked and killed and in which the murderers had been pursued and apprehended. In one case, seven Christians had been murdered near the frontier and the Iraqi Ministry of Defence had sent off two companies of infantry for the protection of the population.

M. Orts asked what was the explanation — notwithstanding the progress which had already been made, the constitutional guarantees applicable to the minorities, and the tolerance which had always been shown by the Moslems in Iraq — of this apprehension which all the minorities felt at the coming cessation of British control.

M. Sakenobe asked for further information regarding the relations between the Kurds and the Arabs. Four months previously, [1] the accredited representative had said it was desirable that there should be greater confidence on the part of Kurds in Arabs, and greater sympathy on the part of Arabs towards Kurds.

Sir Francis Humphrys replied that, since that time, the King had visited the district and reassured the Kurds. The Prime Minister had also spent a month in Kurdistan, with beneficial results. The atmosphere was now much better.

In reply to M. Orts, he did not believe the statements made in the petitions that the minorities were afraid of oppression. Their fear was dictated by mere material reasons. For instance, 1,800 Assyrians were employed in the Iraqi levies at a high rate of pay — namely,

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[1] See Minutes of the twentieth session, page 121.

about 35 rupees per month on an average. When the mandate came to an end, the majority of these men would lose their posts.

Moreover, what reason had they to be afraid of oppression now, if they were not afraid before mandatory control was established ? The Assyrians, Chaldeans and Yezidis were well treated in the time of the Turks, and there was no reason why they should be badly treated after the termination of the mandate.

Mlle. DANNEVIG had been informed that, before the war, the Christian youth of Mosul was better educated than the Moslems, and that the latter, if they wished to receive instruction, attended Christian schools. She asked if it was correct that there were practically no Christian schools now, and that the so-called national schools, which were under the Department of Education, paid no attention to the religious and national traditions of the Christian minorities.

Sir Francis HUMPHRYS said it was still true that Christians and Jews were generally better educated than Moslems in commercial subjects. For this reason, banks and business firms requiring clerks usually took them from the Christian and Jewish schools. Moslem schools, he thought, made a mistake in trying to teach too many subjects.

Mlle. DANNEVIG understood that there were no private schools in the northern liwas, on account of the lack of funds, and that the children had to attend Government schools, where no regard was paid to their language and religion.

Sir Francis HUMPHRYS referred to page 229 of the special report on Iraq for 1920-1931, which showed that, in the Mosul area, there were twenty-seven Government Christian schools and one Government Jewish school. The principle was that, if a Christian school was willing to conform to the Government curriculum, it received a grant. If, on the other hand, it refused to conform on the grounds that too much time was given to secular subjects, it did not obtain a grant. Christian religious holidays were always observed in the Government Christian schools.

Mlle. DANNEVIG asked if children were taught in their own language.

Sir Francis HUMPHRYS replied that, except as regards elementary education, this was impossible in the case of such languages as Syriac, which was spoken by very few people.

Mlle. DANNEVIG asked if it was correct that, while during the occupation an agreement had been concluded with the religious authorities of the Christian minorities to pay the expenses of the schools provided the clergy supplied the teachers, the Ministry of Education had, since that time, systematically sent the teachers away from the schools so that the Christian schools now existed in name only.

Sir Francis HUMPHRYS referred to page 229 of the special report for 1920-1931, where it was stated that these schools had been taken over by an agreement with the heads of the Chaldean, Syrian Orthodox and Syrian Catholic minorities. The arrangement had been acceptable to the religious heads at the time on account of the poverty of their people. It was less so now because the conservative element among the religious leaders found its influence decreasing owing to the secular tendencies of modern education. But there was no reason to think that the laity of the different communities disapproved of the arrangement.

The CHAIRMAN asked whether Sir Francis Humphrys could say that Iraq would be prepared to accept obligations for the protection of minorities like those which had been accepted by certain European countries.

Sir Francis HUMPHRYS replied in the affirmative. The British Government was of opinion that the Albanian Declaration would be the best for Iraq, except the nationality clause (Article 3), which was no longer necessary, as the principle had already been incorporated in the nationality law of Iraq.

[The Chairman caused Articles 1 and 7 of the Albanian Declaration with regard to minorities to be read.]

The CHAIRMAN noted — apart from any question as to whether the guarantees contained therein would be sufficient — that Iraq would, in the opinion of the accredited representative, be prepared to accept a similar text.

M. DE AZCARATE explained that the text of the Albanian Declaration had been adapted to meet the special circumstances in that country. The Commission, therefore, need not examine the details of the text, but need only decide whether the general provisions, including that of nationality, could be applied to Iraq. In any case, Articles 1 to 7 must be regarded as fundamental law.

M. ORTS asked what was meant by " fundamental " law. The common acceptance of the term was synonymous with " constitution ", but all constitutions could be revised in accordance with a procedure which they themselves laid down.

M. DE AZCARATE opined that " fundamental " in the present case meant obligations which would exist even as against national law. Any infraction of them would be regarded as an infraction of international law, and they could not be modified without the consent of a majority of the League Council.

The CHAIRMAN asked the members of the Commission to state whether they thought the proposed guarantees were sufficient. Personally, he thought they were, though the Council would doubtless be able to make certain slight improvements in detail.

M. PALACIOS agreed that the Council should be left free to decide all points of detail. It was not, in fact, the duty of the Commission to discuss these details, which were too specialised, and for the examination of which there existed a technical Section in the Secretariat. The Commission should, nevertheless, draw attention to the points in connection with which there were problems to be solved and threatened rights to be safeguarded.

M. RAPPARD expressed anxiety regarding the manner in which the discussion was proceeding. He would like to ask Sir Francis Humphrys whether he thought that, if the Council proposed and Iraq accepted guarantees similar to those contained in the Albanian Declaration, those guarantees would constitute a sufficient protection for minorities — or would the disadvantages of such a Declaration outweigh its advantages ?

Sir Francis HUMPHRYS replied that it was the considered opinion of the British Government that the Albanian text without Article 3 would serve as an entirely satisfactory model for Iraq. He had every reason to believe that Iraq would accept any existing model, and the Albanian one seemed to be the most appropriate.

M. RAPPARD observed that the question was not merely one of what would satisfy Iraq, but what would satisfy the desire to secure the full protection of minorities.

Sir Francis HUMPHRYS replied that the British Government did regard the Albanian model as affording the best possible guarantees which it would be humanly possible to provide for minorities. He felt bound to insist on the adoption of an existing model, because a new model might give rise to contentions, as being new and without precedent.

M. RAPPARD asked Sir Francis Humphrys whether he felt inclined to state his personal opinion as to whether the proposed Declaration would be anything more than a guarantee on paper alone.

Sir Francis HUMPHRYS replied that, while obviously no written guarantee could be absolutely water-tight, neither he nor the British Government could, he believed, devise any instrument which would be more effective in protecting minorities in Iraq.

In reply to a further question as to why it was proposed to omit Article 3 of the Albanian Declaration, Sir Francis Humphrys explained that this article had been based on a clause in the non-operative Treaty of Sèvres, which had been replaced by the Treaty of Lausanne. As he had already pointed out, Iraq had, in compliance with the Treaty of Lausanne, incorporated the nationality provisions in her nationality law. The British Government had no objection, in principle, to Article 3, but thought it was redundant.

M. ORTS thought that some wording similar to Article 3 would be necessary. It was important that there should be no doubt as to what persons were entitled to benefit from the Declaration. There should be no possibility of withholding their right on the pretext that they were not nationals.

Count DE PENHA GARCIA, after pointing out that 25 per cent of the population of Iraq belonged to the minorities, desired to examine what the possible dangers of minorities might be. First, was there any danger that the majority would adopt a policy of assimilation (by marriage, persecution, etc.), or did the Arabs recognise that at least some of those minorities were not assimilable ?

Sir Francis HUMPHRYS replied that there was no intermarriage between Jews, Christians and Moslems, but members of these different communities lived together on perfectly amicable terms in the same villages. If that were the interpretation given to assimilation, the process would continue.

Count DE PENHA GARCIA, noting then that there would be no question of assimilation by compulsion, enquired whether it would be desirable to establish certain racial or ethnic groups together in certain localities in order to maintain for them their ethnic characteristics. For instance, the Assyro-Chaldeans might be given lands for compact settlement.

Sir Francis HUMPHRYS replied, in connection with the Assyrians, that these people would have been settled in the Hakkiari if the League had acceded to the request of his Government and had assigned that region to Iraq instead of to Turkey. At present, no land was available for the compact settlement of Assyrians, except in the plains. But the Assyrians preferred

to live in the hills, where they could not be settled compactly without dispossessing Kurds from their ancestral homes, and, consequently, the Assyrian settlements were unavoidably scattered among Kurds, Chaldeans and Arabs. They seemed to be quite contented and lived at peace with their neighbours.

Count DE PENHA GARCIA then asked the accredited representative whether he thought the guarantees which had been mentioned were sufficient to safeguard the language and religion of the various communities.

Sir Francis HUMPHRYS replied that he thought Articles 5 and 6 of the Declaration should be sufficient for that purpose.

Mlle. DANNEVIG interposed that it was most desirable to give special attention to the Assyrian and Chaldean communities, which represented the remnants of a civilisation three thousand years old.

Lord LUGARD said that it was obviously the duty of the Mandates Commission to see that any guarantees that it might recommend to safeguard minorities were really effective for the purpose.

In Article 7 of the Declaration by Albania, which the accredited representative proposed should be adopted for Iraq, the following words occurred :

> " Any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction or danger of infraction of the Declaration."

This was suitable to a European State like Albania, but was it equally suitable to the conditions of Iraq, a distant country in regard to which few Members of the Council would be interested to bring before the League any infraction of the guarantees ? In the pamphlet on the protection of minorities which had been circulated to the Commission, he found that Upper Silesia was allowed to approach the Council direct without the intermediary of a Member of the Council to put the matter on the agenda. He hoped that that course would be adopted for Iraq. The High Commissioner had told the Commission that Iraq would be willing to accept any course for which there was a precedent, and Upper Silesia afforded such a precedent.

The procedure of the Council in the case of minorities was to empower them to appeal to the League by petition — and " these petitions " (to quote the actual words) " may be addressed to the League by any person or association whether belonging to the minority of the country concerned or not, or by any Government ". There were many well-informed people who thought that, after Iraq was emancipated from the mandate, individuals or groups in the minority sections of the population would be afraid to address petitions to the League lest it should be regarded as a token of disaffection to the Iraqi Government. The only way, therefore, to make the guarantee really effective was, in Lord Lugard's view, to adopt the liberal procedure described in this pamphlet as being the generally recognised method, and allow any person to petition on behalf of the minority concerned, and that the petition — which, of course, must conform to all the rules governing petitions — should be received by the Council without further formality.

Lord Lugard added that he had noted with interest that it was the task of the Minorities Section of the League Secretariat to collect information regarding minorities from all possible sources, and the Director or a member of that Section had, on the invitation of the Governments concerned, made visits to the countries concerned. He felt sure that, if the Government of Iraq agreed to adopt the course he had suggested, it would go far to relieve the apprehensions of those who were interested in the Christian and other sections of the population, and who none the less wished well to the future Government of Iraq.

M. RAPPARD examined the difficulty of making minorities principles laid down for one country apply to another. He outlined the history of minorities procedure which had been begun in Poland and had later been extended to other countries, including the Balkans. Even in those countries, which were much more highly developed, the effectiveness of that procedure had proved doubtful. It was now proposed to apply similar principles to Iraq. He had been struck by the fact that no circumstances which had led to the adoption of the original principles in Poland applied to Iraq. Iraq, moreover, was far away from the seat of the League. Even the very much simpler methods adopted in the matter of petitions addressed to the Mandates Commission had not yet given full satisfaction. How, therefore, could a much more complicated and much less effective system give satisfactory results after the termination of the mandate ?

M. Rappard felt that there should be some responsible representative of the League on the spot. That representative might either be appointed specially for this purpose, or he might be the British ambassador, or a judge, or there might be a body of judges, or some other body. He was very much afraid that the proposed guarantees would prove illusory. In that case, it would be better to forgo written guarantees altogether, in order to avoid dangerous disappointment to possible petitioners.

M. ORTS wondered whether it would not be possible for minorities to have the right to appoint a representative to the authority who would be recognised by the latter as the legal representative of all their interests.

M. Palacios agreed with M. Rappard, but thought it would be better for the League to have its own representative rather than to rely on some other person.

M. Ruppel shared M. Rappard's anxiety. Would it not be possible to create a special Iraqi tribunal for dealing with minorities questions — consisting, for instance, of two British and one Iraqi magistrates — with a right of appeal therefrom to the Council ?

Sir Francis Humphrys very much regretted that M. Rappard seemed to have little faith in the efficacy of what he called paper safeguards. When Sir Francis had toured Northern Iraq he had been asked by the minority communities why no guarantees for the minorities had been included in the Treaty. He had explained the reasons (as he had explained them to the Commission subsequently) and had assured the minorities that the League of Nations would, before admitting Iraq, demand adequate guarantees for minorities, like those which had been granted by other countries. The chiefs of the various communities had expressed their entire satisfaction at this solution.

Sir Francis Humphrys had informed the Commission of his Government's opinion that the appointment of a League representative on the spot would be open to the most serious objections. His statement was recorded on page 140 of the Minutes of the twentieth session. His Government had no reason to alter that view, which had only been reached after the most earnest consideration. On this subject his Government felt very strongly, and he hoped the Commission would not feel obliged to adopt any suggestion on the lines proposed. Too much importance should not be attached to local sectarian dissensions, the explanation for which was often to be found in some purely trivial matter or incident. No possible number of League representatives on the spot could settle disputes such as he had in mind.

With regard to the suggestion that the British Ambassador should be the League's representative, he could not see how the Ambassador could be legally responsible to the League. On the other hand, the Ambassador would be there, and doubtless a number of foreign consuls throughout the country would be able to make representations if anything went amiss. Personally, he was confident that they would have nothing unfavourable to report. Even at the present time the heads of the various communities had free access to the King and to the Prime Minister.

He felt bound strongly to deprecate any proposal to add further safeguards to those which were provided in the Albanian Declaration. The Iraqi Government would feel itself absolutely bound by the Declaration and would not contravene it. A lack of confidence on the part of the League might have very adverse effects on the goodwill of the Arabs towards the minorities, whose real interests he was pleading in all sincerity.

The Chairman asked whether the members of the Commission wished to ask the accredited representative any questions on this point ; if not, the Commission would discuss the other points concerning the Declaration at a subsequent meeting.

M. Rappard assured the accredited representative that the members of the Commission, although they had raised certain points more than once in their anxiety to secure the best possible solution, nevertheless gave due weight to the impressive arguments advanced by Sir Francis Humphrys.

Sir Francis Humphrys assured the Commission that, from his own experience and on the testimony of many others, the Arabs of Iraq had as good a record for tolerance as the people of certain European countries.

M. Orts pointed out that one precedent for the inclusion of minorities guarantees in a treaty between two sovereign States was afforded by the Treaty of Paris between Great Britain and France in 1763 — with regard to the religious and linguistic freedom of French-speaking Canadian Catholics.

Sir Francis Humphrys replied that he was relieved to find that M. Orts could quote no more recent precedent than one that was more than 160 years old. Moreover, the precedent quoted referred to the transfer of nationals, and the circumstances were not, he thought, analogous.

FIFTEENTH MEETING.

Held on Wednesday, November 4th, 1931, at 10.30 a.m.

Iraq: Petition, dated May 16th, 1931, from Mme. Assya Taufiq (document C.P.M.1250): **Appointment of a Rapporteur.**

The CHAIRMAN requested M. Rappard to be good enough to report on this petition.

M. RAPPARD agreed.

Question of the Emancipation of Iraq (continuation).

Sir Francis Humphrys and Mr. Hall came to the table of the Commission.

GUARANTEES AS REGARDS FREEDOM OF CONSCIENCE, ETC.

The CHAIRMAN asked whether the accredited representative thought that freedom of conscience and the other points defined in paragraph *(d)* of Part II of the conclusions of the Commission would be adequately safeguarded by a declaration such as the Albanian Declaration.

M. PALACIOS stated that the guarantee of religious liberty had passed from the Treaty concluded by the mandatory Power with Iraq into the constitutional Charter in force in the country. This Charter should not be revised in a sense contrary to this essential principle of all civilisation. The present case was not that of minorities, but of individuals, whether nationals or foreigners. On this point, there should be a very definite guarantee. M. Palacios thought this condition would be fulfilled by a declaration similar to that contained in the second paragraph of Article 2 of the Albanian Declaration, provided, naturally, that the undertaking which Iraq accepted *vis-à-vis* the League of Nations had an international character and was always interpreted in accordance with Article 1 of that Declaration. In other words, provisions of this kind should be recognised as fundamental laws in Iraq and should not be able to be overridden by any law, regulation or official act either at present or in the future. It should be expressly provided that the missions should be entitled to carry on their customary activity, whatever the religion or nationality to which they belonged.

M. RAPPARD asked whether there had ever been any violation of freedom of conscience in Iraq, apart from the Bahai incident which was apparently of a different nature.

Sir Francis HUMPHRYS said that he had never heard of any instance of a denial of freedom of conscience in religious matters and that, speaking personally, he had no cause for apprehension that there would be any such denial in future.

M. RAPPARD enquired whether, that being so, the accredited representative would have any suggestion to offer as to the best political treatment of the question.

Sir Francis HUMPHRYS replied that, personally, he thought that it would be very valuable to stereotype the formula relating to freedom of conscience as part of the law of the land. It would have a great moral effect.

The accredited representative informed the Commission that, on his northern tours, he had said that he felt certain that the League, before admitting Iraq, would demand guarantees such as had been demanded from the Balkan States. Those persons with whom he had spoken had been very much relieved and had declared that, if something on the lines of the Balkan guarantees could be incorporated in the law, they would feel much happier about the position.

M. RAPPARD urged that it was essential to avoid the danger of establishing prohibitions which might invite violation. The declaration must be couched in judicious terms.

M. RUPPEL observed that the only point not covered by the Albanian text was the principle of liberty of missions, which was not provided for in Article 5. He thought that the text of the Albanian Declaration should be supplemented to protect foreign missions.

M. VAN REES drew attention to the existing provisions applicable to religious questions and asked whether, in the accredited representative's view, they were adequate. Articles 3 and 12 of the Treaty of Alliance of 1922, guaranteeing freedom in religious matters at present, would both cease to have effect on the termination of the mandate. Article 3 of the Treaty had been re-embodied in Article 13 of the Constitution, but there was no provision in the latter

in regard to missions, which were dealt with in Article 12 of the Treaty. He suggested that it might be well to ask the Iraqi Government to sign a declaration, which should be framed in terms as explicit as those of the existing provisions. He enquired also whether the High Commissioner thought there would be any objection to asking Iraq to agree that disputes in religious matters should be settled by reference to the Permanent Court of International Justice.

Sir Francis HUMPHRYS said that he felt that anything to do with foreign missions should form the subject of a separate declaration rather than be included in the minorities declaration. Possibly an undertaking on the following lines might meet the case :

> " Religious missions of all denominations shall be free to undertake religious, educational and medical activities, subject to such measures as may be indispensable for the maintenance of public order, morality and good government. "

It was based upon paragraph *(d)* of the guarantees proposed by the Commission in its report.

He did not know whether Iraq would agree that any dispute should be referred to the Permanent Court, and enquired whether there was any precedent for such a suggestion.

M. VAN REES pointed out, in reply to the High Commissioner's question, that, at the termination of the mandate for Iraq, reference to the Permanent Court of International Justice as regards other questions than those relating to religious matters would probably be taken into consideration. That was why he had asked if the High Commissioner thought that the Iraqi Government would have any objection to such a clause.

He pointed out, as regards the accredited representative's statement that Iraq would be ready to sign a declaration relating to missions, that that would not settle the larger question of freedom of conscience and freedom of all religious sects. Such freedom was, of course, safeguarded in Article 13 of the Constitution, and there was no reason to suppose that Iraq would object to inserting an additional clause in this connection perpetuating an existing situation.

Sir Francis HUMPHRYS suggested that Article 2 of the Albanian Declaration, which referred to "all inhabitants of Albania", might be a sufficient guarantee of freedom of conscience.

M. VAN REES agreed that, if the provisions of Article 2 could be reproduced in the declaration, and if a declaration relating to missions could be added, as the High Commissioner had suggested, the difficulty would be solved.

Sir Francis HUMPHRYS said that it had been his intention to suggest that the whole of the Albanian text should be adopted, with the exception of Article 3, and that there should be a separate declaration relating to missions.

(At the request of the Commission, M. de Azcarate came to the table.)

M. DE AZCARATE observed that the express guarantee embodied in Article 7 of the Albanian Declaration would apply only in the case of a minority.

Sir Francis HUMPHRYS suggested that Article 1 would have some force in connection with the point under discussion.

M. DE AZCARATE pointed out that, although the undertaking was laid down for all inhabitants of Albania, the Council's right of intervention applied only if the infraction affected a person belonging to a minority.

M. CATASTINI observed that the guarantee in regard to freedom of conscience was intended to cover any person living in Iraq — that was to say, including foreigners.

Sir Francis HUMPHRYS said that it might be possible to insert some provision about foreigners in the declaration relating to missions, but that he did not think it was really necessary ; there would never be any danger of interference with foreigners which could not be adequately dealt with by a diplomatic representative.

M. CATASTINI pointed out that, even if trouble did arise in connection with foreigners, and even supposing that Iraq had not agreed to refer such questions to the Permanent Court, any Member of the League would have the right to apply to the Court in the interest of its nationals.

M. VAN REES urged that it might be useful if the declaration could cover both the points that he had mentioned.

The CHAIRMAN, referring to the question of financial obligations (paragraph *(e)*), to rights acquired legally (paragraph *(f)*), and to the maintenance of international conventions (paragraph *(g)*) thought that Iraq's general declaration would cover all these questions and that no special guarantees were required.

(M. de Azcarate withdrew.)

ECONOMIC EQUALITY : ARCHÆOLOGICAL RESEARCH.

The CHAIRMAN invited the accredited representative to make a statement, should he so wish, on the subject of economic equality.

Sir Francis HUMPHRYS pointed out that, in any declaration on the subject, most-favoured-nation treatment should not be held to include any special favours granted to goods of Turkey or of countries detached from Turkey under the Treaty of Lausanne, or Customs zones with coterminous countries.

He thought that Iraq would be prepared to accept the principle of reciprocal most-favoured-nation treatment as a temporary measure. When the present arrangement came to an end, there would have to be a period during which she could negotiate treaties with other nations, and during that period she would be prepared to accord most-favoured-nation treatment in return for reciprocity.

The CHAIRMAN said that he had hoped that Sir Francis would state what was the period in question, and asked whether he had any suggestion to offer as regards a time-limit.

Sir Francis HUMPHRYS replied that the Iraqi Government would, he thought, be most reluctant to agree to a period exceeding two years.

M. RAPPARD asked whether it was clear to Iraq that the change of regime would be to her real benefit, the new arrangement being based on the principle of reciprocity; whereas, at the present time, economic equality had to be extended unconditionally to all.

Sir Francis HUMPHRYS thought that M. Rappard, as a realist, would appreciate the position of Iraq. In the case of nine countries out of ten, the benefits of reciprocity to Iraq would be nil. Iraq's exports were limited to a very few countries consisting almost exclusively of her neighbours — with the exception of exports of dates, which were hard hit by the recently increased duties in Australia and the United States ; she would get very little relief from any reciprocal arrangement. He thought that too much emphasis should not be placed on the word " reciprocity ", which, in the case of Iraq, had little meaning.

Iraq felt very strongly that to enforce a long period for most-favoured-nation treatment would derogate from her sovereignty. Every nation had the right to negotiate for itself. The accredited representative stated that His Britannic Majesty's Government had no intention of concluding any treaty on the subject with Iraq before the termination of the mandate, so that Great Britain would be in the same position as any other country. The British Government, he said, would not attempt to obtain exclusive commercial privileges ; its intention was, when the time came, to attempt to negotiate an ordinary commercial treaty to secure most-favoured-nation treatment.

M. RAPPARD wondered whether it was realised in Iraq that those countries which at present possessed complete freedom in the matter had not abused their rights, to the detriment of Iraq, or treated her on a differential basis. He enquired whether, when discussing the question of most-favoured-nation treatment, the accredited representative had had in mind only trade, or whether he had also considered establishment, immigration and emigration, shipping, etc.

Sir Francis HUMPHRYS said that he had not considered the principle in relation to immigration or emigration. As regards shipping, the Port of Basra would be open to all nations on the same footing.

Count DE PENHA GARCIA observed that equality of treatment in the matter of archæological research was provided for under the Treaty of Alliance of 1922 and under the Iraq Law of 1924. When the treaty lapsed, however, Iraq would be free to disregard those provisions. He asked whether the High Commissioner thought that there would be any objection to a declaration by Iraq providing for equality of treatment in such matters for the specialists of all countries.

Sir Francis HUMPHRYS said that, at present, an eminent German scholar was Director of Antiquities in Iraq. Of the eleven excavations now being carried on in Iraq, one was being worked by the British, one by the British and Americans jointly (at Ur of the Chaldees), one by the Germans and one by the French, the rest being in the hands of Americans. There was thus no sort of priority enjoyed by the mandatory Power. It would be going unnecessarily far, he thought, to obtain a declaration from Iraq in regard to archæological research.

Count DE PENHA GARCIA pointed out that differential treatment was impossible under Article 14 of the 1922 treaty. When that treaty lapsed, however, there would be nothing to prevent Iraq from saying that only Iraqis should excavate. He felt that it might be well to ensure against that contingency. A provision of that kind appeared in the Treaty of Sèvres.

Sir Francis HUMPHRYS felt that any such stipulation would be resented by Iraq. Iraqis fully realised the advantage derived from the scientific exploitation of their " national antiquities ". On the material side, also, there was much benefit to be obtained. For example, at Ur of the Chaldees, four hundred Iraqis were employed for six months of the year at good rates of pay. His impression, however, was that Iraq would resent any statutory restriction.

Count DE PENHA GARCIA remarked that the Iraqi Government had not objected to the clause embodied in the 1922 Treaty of Alliance. He suggested that, by means of a declaration, the principle laid down in that provision should remain in force.

Sir Francis HUMPHRYS pointed out that the Treaty of 1922 was of a mandatory character and that it contained many things that would no longer be applicable.

M. Van Rees felt that the Commission would be exceeding the limits of the duty with which the Council had entrusted it, if it asked Iraq for a declaration on the lines of Count de Penha Garcia's suggestion. The question had nothing to do with economic equality. The Commission had not referred, in its suggestions of June last, to objects of antiquity, and the Council resolution of September 4th made no mention of that matter.

Count de Penha Garcia observed that he had raised the point in the interests of scientists throughout the world, not with reference to the principle of economic equality. In making his observations, he had not intended that they should be connected in any way with that problem.

M. Rappard explained what he understood to be the unanimous view of the Commission with regard to the substance of the question of archæological research, in spite of the apparent difference between Count de Penha Garcia and M. Van Rees with regard to the desirability of requiring a guarantee in this matter.

Even if the Commission was not unanimous on some aspects of the question — and even if it had to recognise that one of the special guarantees was inadmissible — there was no doubt as to its unanimity on the point that no obstacles should be placed in the way of archæological research. The greater the facilities given by Iraq in this connection, the greater would be the respect it would earn from civilised humanity.

The Chairman noted that the Commission unanimously agreed with this view.

M. Orts, referring to Sir Francis Humphrys' statement concerning economic equality — *i.e.*, that Iraq would not be prepared to grant most-favoured-nation treatment for a period of more than two years — suggested that this would not satisfy the Council. The Mandates Commission had made a recommendation on the point, but the Council had transformed that recommendation into a condition. It obviously desired to ensure compensation for countries which would lose the benefit of economic equality, and there would be no compensation if the most-favoured-nation treatment was granted for only just the time required for negotiating a new treaty of commerce. That was the only point on which, up to the present, there seemed to be disagreement between the dispositions of the State claiming emancipation and the conditions to which the Council had subordinated the termination of the mandate. The Commission could only take note and communicate to the Council the arguments of the accredited representative.

M. Merlin observed that M. Rappard had anticipated him to some extent. The Council asked that Iraq should agree to a system of reciprocity ; that implied no sacrifice. The petition would be very different from that obtaining under the present mandatory system, when Iraq had to keep an " open door " — without reciprocity.

M. Van Rees did not agree with M. Merlin that, once Iraq was emancipated, it would be in the same position as other States. There was no doubt, in his opinion, that the guarantee under discussion would impose on Iraq an obligation by which no other independent State was bound. If, for instance, France offered Iraq commercial treatment in accordance with the most-favoured-nation clause, Iraq would be compelled to grant the same treatment to France. M. Van Rees understood that the Iraqi Government would agree for two years to grant most-favoured-nation treatment on a basis of reciprocity to all States Members of the League. He asked whether a statement of that kind would apply only to the commercial or also to other spheres.

Sir Francis Humphrys said that, from the point of view of Iraq, all existing commercial arrangements would terminate when the country entered the League. Iraq therefore hoped that, during a transitional period of two years, she could negotiate treaties with the most important countries with which she had commercial relations. The British Government did not intend to negotiate a commercial treaty before the mandate was terminated.

In the opinion both of Iraq and of the British Government, it would be unfair to impose an obligation to grant most-favoured-nation treatment for longer than the transitional period. He thought that all it was necessary to do at present was to accept the principle of the transitional period and leave it to the Council to fix the length of that period in consultation with a representative of Iraq.

He gave an example of the manner in which reciprocal most-favoured-nation treatment might not be of any practical assistance to Iraq. The Australian tariff on dates had recently been increased by 100 per cent or more. He submitted that it was not fair to impose an obligation for a long period on Iraq by which it would be deprived of all possibility of bargaining for a reduction of that tariff. Moreover, if this obligation were imposed for more than a purely transitional period, the independence of Iraq would be curtailed.

In reply to M. Van Rees, he stated that the most-favoured-nation treatment would, he presumed, apply to nationals, vessels and goods sent in transit through Iraq, including air transport.

Lord Lugard concurred with M. Orts' remarks. The Commission, after a long discussion on Economic Equality, had decided to make a suggestion, which had subsequently been converted by the Council into an obligation. After having obtained Sir Francis Humphrys' views, it was now for the Council to decide on that obligation.

EXAMINATION OF THE ANGLO-IRAQI TREATY OF ALLIANCE, JUNE 30TH, 1930 *(continuation)*.

The CHAIRMAN repeated the statement which he had made at the ninth meeting regarding the third paragraph of Article 1.

Sir Francis HUMPHRYS gathered that the Commission was asking him for explanations of the text and was not suggesting any changes in the wording. He pointed out that he had had no warning that he would be cross-examined on this Treaty, which, he had understood, would be scrutinised by the Council. The text had been available at Geneva for more than a year, and so far as he knew no criticism had hitherto been made.

The CHAIRMAN pointed out that, under the definite terms of reference given by the Council, the Commission had to form an opinion, in the light of the accredited representative's explanations, as to whether the Treaty in question was compatible with the rights of an independent State.

In reading the first paragraph of Article 1, a doubt arose as regards the equilibrium between the two parties.

He did not propose that the Treaty should be discussed word for word, but merely desired to have information so that the Commission could clear up that doubt.

Sir Francis HUMPHRYS said this paragraph was intended to prevent some future Iraqi Government from pursuing a policy towards her neighbours likely to implicate Great Britain in war. If the Commission suspected that this paragraph aimed at political domination, he could assure it that Iraq would not accept such a state of affairs.

The CHAIRMAN considered this explanation satisfactory, but also thought that it confirmed the view that one party would have an influence over the policy of the other party, even though in the interests of peace.

M. RAPPARD said the explanation given was to be expected. It was logical that, when an alliance went so far as to station troops belonging to one of the allies in the territory of the other, the former party should require of its ally some guarantee as to the safeguarding of foreign policy.

Sir Francis HUMPHRYS replied that the policy in question was not that of Great Britain, but of the world and of the League of Nations — namely, the maintenance of peace.

M. RAPPARD said that the paragraph in question did not really imply reciprocity. Great Britain could exercise a determining influence on the policy of Iraq, whereas the contrary would be inconceivable.

Sir Francis HUMPHRYS replied that the Treaty really provided for reciprocity in spite of the disproportion in the strength of the two parties. Circumstances might arise in which the Iraqi Government would be entitled to ask the British Government not to create difficulties — for instance, in the case of a possible British dispute with one of Iraq's neighbours.

M. RAPPARD said he did not wish to labour an obvious point ; but, if the policy of Iraq became such as to cause uneasiness to Great Britain, the latter's disapproval of such a policy would have a decisive effect. On the other hand, Iraq would have little influence on the foreign policy of Great Britain.

If Iraq were prepared to accept this domination on the part of her ally, he did not understand why she was so sensitive regarding the appointment of a representative of the League of Nations at Baghdad.

Sir Francis HUMPHRYS thought M. Rappard was under a misapprehension regarding the clause in question. If either party broke this clause, the other party would be absolved from its obligations.

M. ORTS concluded from the explanations given that the clause had the same meaning as that found in many other treaties — namely, that no assistance would be given in the case of unprovoked aggression. If the clause had been so worded, it would have given rise to no doubts.

Sir Francis HUMPHRYS said this was not the exact meaning of the clause. It represented the first stage in an attempt to prevent war. If that attempt failed, then the question would be referred to the League of Nations. It was intended to forestall any action likely to lead to hostilities.

M. RAPPARD insisted on his objection regarding the disproportion between the two parties.

Sir Francis HUMPHRYS pointed out that the Treaty was actually reciprocal. He pointed out that any dispute in regard to the third paragraph of Article 1 could be referred to the League under Article 10.

M. RAPPARD replied that it could not be stated to be equally restrictive for both Powers.

The CHAIRMAN stated that the Commission did not want to raise difficulties, but merely to obtain information, and it had been struck by the disproportion in the Treaty between the position of the parties.

Sir Francis HUMPHRYS said that cases might arise in which Great Britain would have need of Iraq's assistance in the provision of transport facilities under Article 4.

M. RAPPARD thought such a treaty could never be concluded between two countries of such different strength without the weaker country losing part of its independence.

Sir Francis HUMPHRYS strongly demurred, and pointed out that there were many examples of alliances between powerful and less powerful States, which in no way infringed the sovereign independence of the latter.

In reply to M. Rappard's previous remark regarding the sensitiveness of Iraq in respect of the appointment of a League representative in the country, he stated that the objections were not due to sensitiveness but to the conviction, which was shared by his own Government, that such an appointment would perpetuate sectarian differences and strife, and would thus defeat the very object it was meant to achieve.

SIXTEENTH MEETING.

Held on Wednesday, November 4th, 1931, at 3.30 p.m.

Question of the Emancipation of Iraq (continuation).

Sir Francis Humphrys and Mr. Hall came to the table of the Commission.

EXAMINATION OF THE ANGLO-IRAQI TREATY OF ALLIANCE, JUNE 30TH, 1930 *(continuation)*.

The CHAIRMAN said it was essential to understand the real extent of the obligations entered into under Article 5 of the Treaty of Alliance. This article stated that the security of communications within the British Empire was essential to Great Britain and was in the common interests of both parties, so that Great Britain was granted the right to have air bases in Iraq while the Treaty lasted — that was to say, for twenty-five years. The first paragraph of the annex also laid down that the British Empire could maintain armed forces for a period of five years from the entry into force of the Treaty either in Mosul or elsewhere. The Treaty declared that these provisions in no way prejudiced the sovereign rights of Iraq. Nevertheless, already at the ninth meeting of the Commission he had expressed doubts with regard to that contention. Sir Francis Humphrys had, however, carefully explained the main reasons which would justify it including the importance of Baghdad as an air centre from the standpoint of main lines of communication. The presence of British troops was a fact and he would not insist upon the curious situation thus created. He would merely repeat what he had said at the ninth meeting — namely, that, in the military clauses of the Treaty in question, the extreme limit of what could be done without infringing the independence of a State as conceived by the Covenant had certainly been reached.

Sir Francis HUMPHRYS wished to emphasise once more that the only British forces remaining in Iraq after the Treaty would be air forces and a few ancillaries — that was to say, armoured cars and the aerodrome guards, who would all be Iraqis and would be subject to Iraqi military law. If there had been any question of maintaining infantry battalions, for instance, the Chairman's doubts might have been much more difficult to dispel. The Commission, however, must surely admit that, if it were in Iraq's interest to have an alliance with Great Britain — and Iraq had asked for such an alliance — it was also in the interests of that country that the fulfilment of the terms of that alliance should be made physically possible. No European country could effectively protect a landlocked country like Iraq without some skeleton preparation for sending the necessary reinforcements.

M. Orts asked what was the proposed strength of the guards of aerodromes and air bases.

Sir Francis Humphrys replied that there were 1,250 men, all Iraqis.

In reply to a further question by M. Orts, Sir Francis Humphrys said that their pay was provided by Great Britain. There were also something under 2,000 (he was not quite sure of the actual figure) British members of the Royal Air Force — pilots, riggers, mechanics, etc. — now in the country. They formed, of course, the merest skeleton.

M. Orts observed that all that had been said as to the necessity for some kind of close co-operation as regards the foreign policy of the two allied countries, as to the weakness of Iraq, necessitating an alliance which, to be effective, required the constant presence in its territory at least of aerial forces belonging to its ally, was somewhat in contrast, to the eyes of the impartial observer, with the statement that these measures in no way " prejudice the sovereign rights of Iraq ". He fully agreed, however, as to the necessity of implementing the alliance in some way, when once it had been concluded.

Sir Francis Humphrys pointed out that all the measures in question had been asked for by Iraq herself. These steps had been taken in the common interest of both countries. Iraq could not take the risk of being left unprotected and Great Britain did not wish to take the risk of being unable to honour her word.

He referred the Commission to page 177 of the Minutes of the twentieth session, from which it was apparent that, at one time, the following passage had found a place in the Commission's draft report to the Council :

> " . . . Either by its own strength or by its alliances or by the support it may receive from without — in particular, from the mandatory Power — the territory must be capable of upholding its independence against any encroachment from without."

That passage had not finally been adopted, since it was apparently thought inadvisable to specify the various means by which the State could safeguard its independence. But it was evident that the Commission itself had at that time no objection in principle to an alliance with the former mandatory Power.

The Chairman, referring to points 5 and 6 of the Annex to the Treaty, asked whether the stipulation contained in these paragraphs was commpatible with the principle of economic equality. Would that stipulation not amount to excluding military supplies from other countries than Great Britain ?

Sir Francis Humphrys argued that the principle of economic equality was not infringed. The paragraph merely meant that the British Government would place no obstacles in the way of the provision of arms and equipment, etc., for Iraq as it did in the case of certain other Oriental countries. It was obviously essential that the Iraqi forces should be provided with the same type of arms and equipment as the British forces. That would not prevent other countries from supplying arms, aeroplanes, equipment, etc., of the requisite type.

M. Rappard noted that, in addition to all the points mentioned by M. Orts, the railways — so essentially vital a factor in the life of any country — would also, in the form of the possession of shares, belong to the ex-mandatory Power. Looking at the question from any point of view other than that of sovereign independence, the solution was quite a natural one ; but, in view of the question of sovereignty, would it not be possible for these shares to be put on the international market ? Was it not a fact that the technical staff was also almost entirely British ?

Sir Francis Humphrys asked M. Rappard if, supposing Switzerland had spent 15 million pounds on building railways and had received nothing in return, she would think it a mark of gratitude on the part of the Iraqis to demand that the staff should henceforth all be, say, Norwegians ? As a matter of fact, the Iraqis had not at present sufficient trained staff to run the lines, though a large number of Iraqis were at present studying in Europe and America. The intention was that the Board of the Railway Corporation should consist of five directors, two of whom would be appointed by the Iraqi Government, two by the Government of the United Kingdom and the fifth — the Chairman — by agreement between the two Governments. Iraq had the right at any time to buy the British holding at par.

Relations between the Frontier Tribes of Iraq and Persia.

M. Rappard drew attention to a communication which had been received from the Persian Government that morning concerning alleged difficulties on the frontier[1].

Sir Francis Humphrys said that he had not seen the letter, but the matter in dispute seemed to turn on a question of fact — namely, whether or not the Persian frontier tribes had, in fact, been disarmed. The Iraqi tribesmen, who had pasturage rights in Persia, had been refused entry into that country unless they surrendered their arms. They complained that if they (the Iraqis) were to enter Persia without arms they would be at the mercy of the Persian tribes. If, however, the Persian tribes had, in fact, been disarmed, they would have no grievance in being required to comply with this order. He had not heard of any massacres.

[1] Document C. P. M. 1253. See minutes of the Twentieth Session, pages 120 and 125.

Close of the Hearing.

The Chairman expressed his great admiration for the admirable manner in which Sir Francis Humphrys had explained and defended the standpoint of the British Government and the remarkable efforts it had made.

He did not know what the Council would decide, but in all probability this occasion would be the last on which the Commission would have the pleasure of listening to Sir Francis as accredited representative. The Chairman therefore thanked him, in the name of the Commission, for his collaboration in the accomplishment of its task, which, in this particular case, was so difficult, and was glad to think that Sir Francis Humphrys would continue in one capacity or another to help guide the destinies of a very young and interesting country.

Sir Francis Humphrys thanked the Chairman for his kind words and, in particular, for his reference to the efforts made by Great Britain. He also wished to thank the Commission for the consideration and courtesy it had invariably shown to him throughout.

He found himself in a difficulty. On the one hand, he must confess to a growing sense of disappointment that it was most unlikely that he would have the pleasure of being examined on the affairs of Iraq in the future by the members of the Commission. On the other hand, he knew that they would forgive him if he expressed the strong hope that he would not be required to appear before them again.

He took leave from this distinguished body of experts with much regret and with gratitude for the patience with which they had listened to his arguments. He had a final request to make, that they would not disappoint him in the unanimity of their report to the Council that Iraq was now fit to be released from mandatory control.

(Sir Francis Humphrys and Mr. Hall withdrew.)

Cameroons under French Mandate: Examination of the Annual Report for 1930.

M. Marchand, Governor of the Cameroons, and M. Besson, from the Ministry of Colonies, accredited representatives of the mandatory Power, came to the table of the Commission.

Welcome to the Accredited Representatives.

The Chairman welcomed the accredited representatives and asked them to convey to the French Government the thanks of the members of the Commission for the hospitality offered to them in Paris and the opportunities afforded for visiting the Colonial Exhibition.

M. Marchand did not propose to make a general statement on the administration of the mandated territory, as there had been few changes during the year.

Acquisition of French Nationality.

M. Ruppel mentioned that a decree of November 7th, 1930, laid down the conditions under which the population of the mandated territory, natives of Togoland and the Cameroons, could acquire French citizenship. The decree had not been mentioned in the mandatory Power's report. In the preamble, reference was made to the Council resolution of April 23rd, 1923, regarding the individual naturalisation of inhabitants of a mandated territory. The decree of November 7th, 1930, seemed to him to be in accordance with the Council resolution. He would like, in this connection, to know whether natives of Togoland or the Cameroons who had acquired French nationality were liable to military service and whether they were bound to serve, if necessary, outside the mandated territory.

He would also ask the accredited representative always to state in the annual report the number of natives naturalised during the year.

A second decree published on March 11th, 1931, the preamble of which also mentioned the Council resolution of 1923, regulated the naturalisation of foreigners domiciled in Togoland and the Cameroons. He assumed that this referred to persons who did not belong to the administered population.

M. Marchand replied that, hitherto, so few requests for naturalisation, such as those M. Ruppel had first mentioned, had been received that the matter was of no general interest.

Compulsory military service had not yet been contemplated, as natives only served in the army on a volunteer basis. So far, requests for naturalisation had only been received from officials who had been animated by considerations which were too subjective. The Administration had drawn their attention to the conditions laid down in the decree on naturalisation, and they had not pressed the matter.

He duly noted M. Ruppel's request that the report should always state the number of persons naturalised.

M. Van Rees, referring to the decree of March 11th, 1931, mentioned by M. Ruppel, congratulated the mandatory Power on this innovation. France was the only mandatory Power

which had made it possible for foreigners in the mandated territory to become naturalised. The example had so far not been followed by any other Power, and Great Britain still had the question under consideration.

Lord LUGARD pointed out that the question which the British Government had under consideration was whether natives (not foreigners) of the mandated territory should have the same right of naturalisation as if they resided in British territory.

DELIMITATION OF THE FRONTIER BETWEEN THE CAMEROONS UNDER BRITISH MANDATE AND THE CAMEROONS UNDER FRENCH MANDATES *(continuation)*.

M. ORTS pointed out that, at its nineteenth session, [1] the Commission had discussed the question of the delimitation of the frontier between the Cameroons under French and British mandates. The accredited representative had told the Commission that the delimitation protocol had already been ratified and that both the Powers concerned believed that it need not be submitted to the Council of the League of Nations. On the other hand, the map showing the final delimitation would be communicated.

Replying to a remark by one of the members of the Commission that, according to the mandate, one of the three originals of the final report of the Mixed Delimitation Commission, with its annexes, should be filed with the League of Nations, the accredited representative had said that this would certainly be done. As the document had so far not been filed, the Commission would be grateful to the accredited representative for an explanation of the delay. Had any difficulties arisen between the two mandatory Powers on the subject ?

M. MARCHAND replied that the work of delimitation had not yet started. The authorities of the French and British Cameroons had come to an agreement. The work of delimitation, which was to begin in 1932, would take a considerable time. The head of the French Delimitation Mission had already been appointed, and would probably be able to start work, together with the officers of the Survey Department, at the beginning of 1932.

ECONOMIC EQUALITY.

M. ORTS drew attention to a statement, on page 21 of the report, to the effect that the application of the rule regarding economic equality had led to a complaint from a cement company. This claim was based on the fact that, in the notice sent to possible tenderers, which had been prepared by the local public works department, the exclusion clause would have been enforced against cement of a particular origin. Could the accredited representative give any additional explanations on the point ?

M. MARCHAND explained that the Press report in question referred to the award of a tender for public works. No firm was excluded, but the contract stipulated certain qualities of cement. Belgian cement, as a matter of fact, was very widely used in public works. The incident, moreover, had been settled after the necessary explanations had been given to the parties concerned.

M. ORTS had learnt from the Press that a personal tax of 100 francs had been levied on Europeans in the Cameroons, starting from the middle of November. Were French nationals also liable to this tax ?

M. MARCHAND replied that there was complete equality between Europeans in the Cameroons as regards taxation. The tax mentioned by M. Orts was intended to restore the proportion between the taxes paid by Europeans and those paid by natives. For the year 1931 this tax had been raised to 250 francs.

M. RUPPEL said that last year, [1] when he had raised the question of the port taxes and charges levied at Duala, the accredited representative had told the Commission that no discrimination was made between French and foreign vessels, and that all paid the same taxes. There seemed to have been a misunderstanding, as it was no longer denied that some French vessels were exempted from port taxes at Duala. If his information was correct, the French Government had concluded with certain French shipping companies a Convention dated July 18th, 1925, under which these companies had to carry mails and undertake other services, and were in return exempted from port taxes. The view of the mandatory Power seemed to be that Article 6 of the Mandate authorised it to grant such privileges, as it was a case of a public service essential to the territory.

To be able to form a correct opinion on the subject, it would be necessary to know the text of the Convention, and he would, therefore, ask the accredited representative to furnish the Commission with a copy.

He would, however, make the following remarks. Even if a study of the wording of the Convention led to the inference that the services which the companies undertook could be regarded as essential public services in the sense of Article 6 of the Mandate, it did not follow that the mandatory Power could, in return for those services, grant privileges which undoubtedly amounted to preferential treatment for certain shipping companies. On the contrary, the

[1] See Minutes of the Nineteenth Session, page 108.

exemption granted to these companies seemed to him inconsistent with the principle of economic equality laid down in the Mandate.

The Convention would also have to be examined to see whether the privileges granted to the companies were reasonably commensurate with the services rendered by them to the mandated country — that was to say, whether the interests of that country did not suffer. In particular, he would draw the accredited representative's attention to the fact that, as he understood the situation, not only mail-boats, but also tramp steamers were exempted from harbour dues. That, he thought, was unjustifiable.

M. MARCHAND replied that the exemption to which M. Ruppel had referred was accorded under the terms of the Postal Convention, and did not constitute in any sense a violation of the principle of economic equality, being granted to the vessels of certain shipping companies — to the exclusion of all other companies, whether French or foreign. Other French vessels paid port dues at Duala. When the Postal Convention was concluded, it had been found necessary to accord privileges to companies carrying mails, in order to compensate them for the service they were prepared to perform. The granting of exemption might mean some falling off in the revenue of the territory ; but since, but for the granting of that privilege, the territory would have been obliged to subsidise the companies carrying mails, the two items might be taken as balancing.

In reply to a further question of M. Ruppel, the accredited representative explained that certain cargo-boats enjoyed exemption from duties if they were carrying transports for the territory, as they had sometimes to be diverted from their regular route in order to take the freight for the Administration.

He explained, further, that all the French colonies subsidised certain shipping companies under the terms of the Postal Convention.

M. RUPPEL said that he would reserve his final opinion until he had had an opportunity of examining the text of the 1925 Convention. He added that, in other countries, the subsidy for mails was paid by the mother country, or at all events was not in the form of exemption from port taxes.

M. BESSON said he would inform the department that M. Ruppel desired to examine the text of the Convention, but made every reservation as to the possibility of communicating it to him.

Referring to the question of the conveyance of postal packets from non-French countries to countries under French mandate, M. RUPPEL observed that, at the fifteenth session, [1] the accredited representative had replied to M. Kastl on the subject as follows :

> " Parcels might therefore be taken to the country by a steamship of any nationality. Parcels sent from the territory addressed to Hamburg, for example, could, if it were thought desirable, be handed over by the French postal services at Duala to German steamships. If a German steamship left before a French boat, even letters were handed to it in order to save time. Such action, however, was unofficial, and no payment was made to the captain of the German steamship. The transaction only took place in agreement with him."

Referring simply to the question of the conveyance of postal packets from Europe to the mandated territory, M. Ruppel pointed out that, according to information he had received, the French postal services at Duala did not accept packets conveyed by a German company, despite M. Kastl's statement. Such an attitude seemed to him incompatible with the principles of economic equality, since the privilege refused to a German company had, according to the reliable information which he possessed, been granted to a Netherlands company, which, under the terms of a special agreement, had the right to convey postal packets even from a French port — the port of Bordeaux — to ports in the countries under French mandate in West Africa.

M. MARCHAND asked M. Ruppel whether he could say by whom the privilege had been granted to the Netherlands company.

M. BESSON added that the French Ministry for Posts and Telegraphs might have taken some measure in this connection without having notified the Ministry for the Colonies. He would take note of the question raised by M. Ruppel and an answer would be given later.

M. VAN REES said that he had no knowledge of the agreement concluded with the Netherlands company. He proposed to return later to the main question raised by his German colleague.

M. RUPPEL, referring to the conditions for the admission to the Cameroons of foreign nationals, pointed out that the matter had been settled by a decree of October 7th, 1930. He had had occasion during the nineteenth session [2] to raise the question of consular visas. The Commission, in its report to the Council, had expressed the hope that full information on the point might be given in the next annual report. The report under consideration, however, did not mention the matter.

The situation was as follows. The Commissioner's Order of January 13th, 1928, provided that all French and foreign nationals should be in possession of a passport bearing the visa of the competent French or foreign authorities. The new decree abrogating that order provided

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[1] See Minutes of the fifteenth session, page 143.

[2] See Minutes of the nineteenth session, page 109.

that a consular visa should be required only for nationals of countries for whom that formality was still required before entering France. The decree obviously established discrimination between French subjects and the nationals of certain foreign countries, on the one hand, and the nationals of other foreign countries on the other. Such discrimination, although of minor importance, did not seem to him to be compatible with the principle of economic equality.

M. Besson pointed out that the reply to M. Ruppel's question might be found in the report on page 75, paragraph II. All foreigners were treated on a footing of equality. He read Articles 1 and 6 of the decree, and pointed out that, owing to an oversight, the decree had not been included among the annexes to the report. The procedure was the same as that followed in France, and did not exceed the mandatory Power's duty to ensure peace and good government in the mandated territory.

M. Ruppel directed the attention of the accredited representative to another point on which he would be grateful for explanations.

Every person entering the territory was obliged to pay a certain sum, as security, into a Government fund. That security was intended to cover the costs of the passage if the Administration became responsible for repatriation ; it was refunded if the person concerned left the territory at his own expense.

Under the decree of January 13th, 1928, the amount in question had been fixed at 4,000 francs per person, irrespective of the country of origin. By a fresh decree, however, which had recently been promulgated, the amount had been reduced to 3,000 francs, except for nationals of Germany and certain other countries, for whom it had been increased to 5,000 francs. Obviously, there was discrimination between the nationals of different countries. It could not be justified on the grounds of the difference between the costs of repatriation to the different countries of origin, that difference being far less than 2,000 francs. For example, the third-class passage was the same from Duala to Liverpool as from Duala to Hamburg and somewhat higher than from Duala to Marseilles.

M. Marchand replied that the basis taken had probably been the rates quoted by the German company at Duala, which were very likely higher than those of other companies. He would go into the question on his return and find out the rates charged by the different companies.

Economic Regime and Movement of Trade.

M. Merlin noted that, according to the report, the country had not been very seriously affected by the economic depression in 1930. Accordingly, Government receipts had not reflected the after-effects of the crisis. He expected to see less favourable results in the report for 1931. The fact that the native undertakings in the country were agricultural in character safeguarded them to some extent from such repercussions.

M. Marchand replied that the report for 1931 would be less optimistic. The 1930 budget had been closed in May with a surplus of 3,373,000 francs. The figures for 1931, on the other hand, would probably show a big deficit, as there was already a deficit of from six to seven millions. He did not think that there was any cause for alarm, for the time being, as the territory had a fairly large reserve fund, by means of which the deficit could be made good.

M. Van Rees directed the Commission's attention to an extract from the colonial *Temps* of June 4th, 1931, relating to the organisation of the Cameroons Chamber of Commerce.

The article in question pointed out that the conditions for the election of members of the Chamber of Commerce had resulted in the constitution of a Chamber which, although actuated perhaps by the best intentions, was not particularly well fitted to examine or settle the important questions submitted to it. The situation had been discussed by the Togo-Cameroons Section of the French Colonial Union, which had put forward proposals for the amendment of the Statute of the Chamber of Commerce.

He read the last passage of the article, as follows :

[*Translation.*]

> " M. Marchand, Governor and French Commissioner in the Cameroons, who discharges his important duties with such understanding and distinction, has prepared a draft decree on the subject which, generally speaking, takes very largely into account the desiderata put forward by the Colonial Union. It is hoped that this text, which would make it possible to set up a Chamber of Commerce on sound lines, will meet with the approval of the Department of the Colonies. The question, whatever may be thought, is of the greatest importance for the future of the Cameroons, as it is most essential that the Duala Chamber of Commerce should be able, by reason of its membership, to afford the local administration the assistance and reasoned advice which the latter so often has occasion to ask of it."

M. Van Rees asked whether the decree in question had been approved.

M. Marchand replied that, at the time when the system of election to the Duala Chamber of Commerce was decided upon, the drawbacks of general voting had not been foreseen. Certain important firms had emphasised the fact that they were not represented at the Chamber of Commerce. The electoral system had therefore been altered and a system based on the number of factories permanently established had been adopted. The present members of the Chamber of Commerce had rejected the scheme communicated to them for the purpose of obtaining their

views ; it had, however, been sent to the Ministry, and the new decree would only come into force when the Chamber of Commerce was re-elected in the normal course at the expiry of its term of office — that was to say, in May next.

Replying to Lord Lugard, he explained that the Chamber of Commerce consisted of representatives of commerce generally, including foreigners and a small number of natives ; there was a foreign vice-president.

M. Ruppel noted, from page 52 of the report, that there had been a large drop in the amount of cocoa transported by the Northern Railway — from 2,714 tons in 1929 to 800 tons. As cocoa exports for the whole territory had increased from 100,000 to 105,000 quintals, he would like to know whether the export figures included the quantity of 12,276 quintals which was imported in 1930 from the Cameroons under British mandate according to the statistics for that territory. Also, did cocoa from the latter country benefit by a special preferential tariff on import into France ?

M. Marchand, replying to M. Ruppel's first question, said that the figures were not final and would be adjusted at the end of the year. The decrease reported was partly due to the fact that the British authorities had established a Customs barrier at the frontier between the two Cameroons. The shipments to Europe had actually not fallen very much, but he expected a rather large decrease in the current year owing to the lower prices.

The 12,276 quintals of cocoa from the British Cameroons shipped from Duala were included in the statistics. Cocoa passing through the French Cameroons was intended for France and enjoyed a preferential import tariff. The quota was fixed annually by the French Government on the Governor's proposal. Cocoa had no difficulty in reaching Duala, but had to pay exit duties, which were compensated by exemption from charges when entering France. That was a substantial advantage to planters in the British Cameroons.

There was a clearing-house for cocoa, coffee, etc., which did not discriminate according to nationality.

Replying to a question by M. Ruppel regarding the cessation, notwithstanding the favourable pre-war prospects, of tobacco-growing in the district served by the Northern Railway, he stated that the former German plantation which had been taken over by a French company had produced more than 400 tons of cap tobacco in three years, but the attendant difficulties having proved that the crop was not sufficiently remunerative, the company in question had asked permission to give up tobacco and start planting rubber and palm-trees. The crisis had then occurred, and the great European enterprises had suffered much more than the native enterprises. That made one wonder whether the system of native smallholders was not the best overseas, as the small cultivator could more easily stand hard times, seeing that he had not to remunerate large amounts of capital.

M. Ruppel believed it was true to say that timber-felling was decreasing very rapidly. Forests alongside navigable waterways near the coasts and railways were already being abandoned by contractors, who were beginning to remove to the navigable banks of the Nyong—that was to say, to the interior, rather far away from the coast harbours. Did the accredited representative think that the territory could still reckon on timber exports as an item in its future balance of trade, or did he believe rather that this exploitation of the country's natural wealth would progressively decrease ?

Had there also been cases of sleeping-sickness among labourers lumbering in the trypanosomiasis belt on the Nyong ?

M. Marchand replied that no fear need be entertained for the future if timber prices were maintained in Europe and if production could therefore maintain its present level of 50,000 tons. Exports, however, would decrease substantially if prices fell. Deforestation was not to be feared, as timber concessions entailed the corresponding obligation to replant trees. Certain species of timber, such as mahogany, he agreed, grew extremely slowly, which meant that the results of replanting were not immediately perceptible.

With regard to the risk of trypanosomiasis in the timber zone, it was non-existent ; the terms of concessions called for extremely strict precautions, particularly in the case of timber concessions on the banks of the Nyong, where no cases of sleeping-sickness had been reported.

M. Ruppel observed, on page 66 of the report, an interesting explanation of the disproportion between the figures of imports from and exports to Germany, but doubted whether the cost of freight and the cost price were adequate explanations, as freights for Liverpool and Hamburg were identical, and Germany sold very cheaply. He thought the disproportion was mainly due to the very small number of German firms established in the Cameroons under French mandate.

If the free transport of postal parcels were allowed, he thought the figures of German imports would rise.

M. Marchand agreed that the number of German firms which had returned to the Cameroons under French mandate was very small as compared with the Cameroons under British mandate, where all the plantations were in existence before 1914.

He was not in favour of facilitating the transport of postal parcels. The perusal of the catalogues of the big firms aroused such desire in the natives that they got into debt, ordering excessive quantities of articles for which they could not pay, and the Administration had to return the parcels and, by a strange irony, to recruit porters to carry them when the roads were not open. On the other hand, the local business houses insisted — logically enough — that the natives should buy from them.

M. Van Rees asked whether the Decree of February 14th, 1930, granting free admission into Algeria for the produce of the Cameroons, had come into force. This decree was to take the place of the drawback system for cocoa and coffee.

M. Marchand replied that the decree in question had been issued about May last, but, through an oversight, had not been mentioned in the repoet.

Count de Penha Garcia asked whether the experience of 1930 showed that native production was resisting the crisis better than the European production, and whether any conclusions could be drawn with regard to the future European colonisation of the territory.

M. Marchand replied that the native and European farms were in the same position as regards the crisis, but that European colonisation should nevertheless show a certain caution. By the development of the system of native smallholdings it was hoped to create a solid framework in the country and to establish a native middle-class. He did not think the great European colonisation was doomed to failure, but there was no doubt it was going through a serious crisis.

Count de Penha Garcia noted that the Government had contemplated various measures, including the opening of credits to the farms. He asked whether European farms alone received the benefit of these credits.

M. Marchand replied that a somewhat small agricultural credit fund had been created by means of a subsidy from the territory, for helping the small planters, European or native, by means of mutual aid funds, which themselves made applications for credit. In this way, the credits were more evenly distributed over a large number of planters. The large plantations had to have recourse to help from the mother country, and it would seem desirable to organise a system of banking credit for the granting of medium- and long-term loans.

In reply to Count de Penha Garcia, who asked whether the mutual aid societies had already come into force for the natives, M. Marchand stated that, up to the present, the natives had not required credit. Hitherto, they had made no applications, but they were included among the possible beneficiaries. The natives maintained their plantations without difficulty with the help of their families, while the Europeans, who had to employ labour, required more help.

In reply to a further question by Count de Penha Garcia as to whether it was possible for the products of native plantations to be properly prepared, M. Marchand stated that much better results had been obtained from the natives than had been expected. By exerting tutelary pressure on them, their plantations had become organised rationally, and surprising results had been obtained, especially in respect of coffee. Young plants were sold to them from nurseries, and they thus became more interested in maintaining their plantations in good condition. In fact, their plantations were as well kept as those of the Europeans.

Under a decree, the products offered for sale could be controlled and stocks seized if the products had not been properly prepared. In this case, the native was punished. According to this system, the products were assorted and standardised for export. The crisis which prevailed in the Cameroons, as elsewhere, would certainly be overcome if the European power of consumption were kept at the level of two years ago. There was at present a danger of a certain over-production in the territory, not for coffee but for cocoa, and it might be necessary to restrict cultivation. The natives had already become aware of this and of their own accord were gradually limiting new plantations.

In reply to a question by M. Ruppel, M. Marchand stated that the export taxes had been reduced on all products, in so far as the budget of the territory permitted. Moreover, the compensation fund came into play for cocoa, coffee, rubber, etc.

Judicial Organisation and Police.

M. Ruppel said that, if he were well informed, the organisation of native justice included three kinds of courts : the conciliation court, and the courts of first and second instance. The conciliation courts were presided over by the chiefs of tribes and villages. He would like to know : (1) whether these conciliation courts had jurisdiction only in civil questions, or also in penal matters ; (2) if there was such a court in each village and for each tribe, or if they were only instituted in certain places ; (3) whether there was a court of appeal presided over by a native, as in some British territories.

In the previous year, 1,682 judgments had been given in penal cases. The report (page 36) contained some general information on crimes and offences. Would it not be possible in future to give a complete table of the crimes and offences ?

M. MARCHAND replied that the conciliation courts had jurisdiction only in civil cases. The courts of first and second instance were presided over by French magistrates — namely, by the Administrator or his assistant. The conciliation court was situated at the place where the native chief resided.

The Chamber of Homologation at Duala could take cognisance of any matter, and, in particular, those involving a sentence of more than three years. It was presided over by the president of the court of appeal, and included a public prosecutor, two officials and one native. In the villages, the chiefs only acted as conciliation bodies.

In reply to M. Ruppel's request, M. BESSON promised to give in the next report regular statistics of crimes and offences, according to category.

In reply to a question by Lord Lugard, he said the conciliation court was composed entirely of natives. The chief was in charge of the settlement of local matters, in order to avoid overloading the higher courts. Any native who was not satisfied with the attempt at conciliation brought his case before the Administrator, and, through him, before the courts of first and second instance, which were presided over, one by the chief of the district, and the other by the chief of the sub-division, and included two native assessors.

M. RUPPEL asked whether the native police were exclusively recruited in the mandated territory.

M. MARCHAND replied that natives who were not of Cameroon origin were also accepted though in very small numbers.

ARMS AND AMMUNITION.

M. SAKENOBE expressed his satisfaction that the regulations concerning arms and ammunition had been strictly enforced ; there had been very few offences. He had asked at the last session [1] that the number of registered fire-arms might be stated in the report ; but, as there was no mention of the matter, he would be glad if the information could be given in the next report, together with the number of permits issued.

M. BESSON took note of M. Sakenobe's request.

NATIVE ADMINISTRATION.

Lord LUGARD asked, in connection with Chapter VI (page 34 of the report), whether only the educated natives on the coast took part in the management of public affairs, and what was the situation in the tribes which were at a less advanced stage of civilisation.

He enquired also whether councils of notables existed in towns where there were Europeans.

M. MARCHAND replied that, even in the less advanced tribes, the natives took some part in the management of public affairs through the councils of notables and the agricultural councils. As Lord Lugard had pointed out, the more advanced natives were those who had been to the mission schools and Government schools, and they were able to put forward very useful suggestions in the councils of notables.

Councils of notables were found wherever there was an Administrator, and numbered fourteen in all. Duala was a case in point.

The accredited representative explained, in reply to a further question by Lord Lugard, that the councils of notables, which were advisory bodies, were convened twice a year to discuss an agenda drawn up by the Administrator. They were consulted on agricultural and financial questions and questions relating to public works ; the Administrator presided, and the proceedings were attended by the leading Europeans, native chiefs, planters, etc. Questions were discussed which concerned the local area and the territory as a whole ; the counsellors put forward suggestions freely and submitted recommendations, which were taken into account as far as possible. They also expressed criticisms in respect of taxes-either that they considered them undesirable, or that they should be raised.

CO-OPERATIVE SOCIETIES.

M. PALACIOS asked whether the co-operative movement referred to in Chapter VI was very widespread, and whether it played any educational part in the life of the natives.

M. MARCHAND replied that co-operative societies had been established through which the natives could buy seeds, tools, animals, etc. They were civil entities over which the Administration simply had certain rights of supervision ; a minimum sum of one or two francs per annum was levied, together with the tax, in return for the issue of a ticket, and the total sums received in virtue of co-operation were paid into the privileged bank of the territory. The Administrator was president of the co-operative society, and represented the Government of the territory by which the society was subsidised. The natives were given instruction in the schools on the principles of mutual aid societies.

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[1] See Minutes of the nineteenth session, page 114.

PUBLIC FINANCE.

M. RAPPARD noted that the mandated territory had hitherto, to some extent, escaped the ravages of the economic crisis and the budgetary consequences ensuing therefrom, thanks to sound administration and the wise handling of the State finances. The budget had been balanced by fictitious means — namely, as a result of a " more rigid adjustment of revenue estimates ". This had been made possible by reason of their previous elasticity, possible surpluses in prosperous years having been masked by official pessimism in preparing the budget. He wished to know what were the views of the accredited representative as regards the necessity for the Government of the territory to raise the native taxes in 1931 when the economic situation had become more serious.

M. MARCHAND replied that circumstances had made it necessary for the Administration to seek fresh resources in order to offset unavoidable expenditure. The native contribution had not been increased, but an attempt had been made to bring it more closely into line with that paid by certain districts in which hitherto the rate of taxation had been the highest. Exemption had been granted in the case of a certain class of women in order to encourage a higher birth-rate. The exemption of women with children, however, had led easily to evasion, and it had been found that it was quite unnecessary to encourage a higher birth-rate as, in principle, there was no danger on that score. Progress in this respect should be sought by means of public hygiene and medical care, with a view to reducing the infant mortality rate.

Referring to an incident at Duala which, moreover, had been settled in the courts, M. Marchand said that a competent person had sent him a letter drawing attention to the Administration's liberality.

M. RAPPARD said that he had received a letter couched in exactly the same terms as the one to which the Governor had referred.

He pointed out that the increase of 5 millions in the poll-tax estimates for 1931 was rather high for a total of 17 millions of inhabitants.

M. MARCHAND agreed that the financial effort was a considerable one ; it was, however, to be divided up amongst a population of 2,000,000. The natives were not overtaxed, and paid less taxes on the whole than natives of certain French colonies. He thought that the limit of taxation had almost been reached, and efforts should now be made considerably to reduce budgetary expenditure. France should aid the territory in the construction of the railway, the next loan for which was guaranteed to the extent of 130 millions by France and 20 millions by the territory. That loan, however, was still being discussed in the Senate, after having been adopted by the Chamber of Deputies in July 1931.

M. RAPPARD had not the impression that the natives were overburdened with taxes. It was, however, desirable, in the present situation, that France should give financial aid whenever possible, as M. Marchand had pointed out.

M. MARCHAND said he was not in favour of unproductive expenditure. The territory had at present no debt, and would only be beginning to have one shortly. The public debt would, however, be light, and would attain only a maximum of 40 millions towards 1934.

M. RAPPARD noted from the report (page 46) that certain subsidies had been granted to newspapers, including colonial newspapers and the *Temps*, which had received 15,000 francs. He wondered whether such subsidies were really justifiable. That granted to the *Temps* represented the contribution of 500 natives, each paying 30 francs in direct taxation.

M. MARCHAND replied that, in principle, he did not favour the distribution of subsidies of that kind, but he had thought it might be useful to reach the élite of the population by means of articles of great interest to the territory. In particular, it had been necessary to rectify certain current errors with regard to the mandate. It was very desirable that public opinion should be enlightened on that point. The result in question could only be achieved by means of well-written articles in an important paper. Within the limits of its administrative authority, the mandatory Power was allowed to use such methods as it considered suitable, and the refutation of tendentious campaigns was sometimes indispensable, in the interests of those administered under the mandate.

M. RAPPARD also wished to congratulate the Governor on the particularly successful financial administration of the mandated territory.

M. MARCHAND thanked M. Rappard. He pointed out that the deficit in the Cameroons budget might increase later. Fortunately, there was a reserve fund which could be employed if that proved necessary. It might also be possible to reduce expenditure on the ordinary chapter for public works, and lighten the budget by including this expenditure under the heading of " extraordinary works " in the loan fund.

In reply to Mlle. Dannevig, he said that women had to pay the tax from the age of 16 years. They found no difficulty in doing this. They were, moreover, allowed a long period for payment, from February to July. Women obtained money very easily by gathering products for the factories. One load from the palm trees, for instance, was more than sufficient to pay the tax. In fact, women earned money more easily than men.

In reply to M. Ruppel, he said that the reserve fund at the end of 1930 amounted to 17,667,000 francs, to which 4,000,000 francs were added, giving a total of about 21½ million

francs. Nineteen million had been taken for public works for the repayment of an advance from the loan fund, so that about 12 million francs remained.

Replying to a further question by M. Ruppel, he stated that the grant for the anti-sleeping-sickness campaign for the financial year 1930 was 3 million francs. That grant would still be made by France for 1931, but it would be reduced to 2½ million francs in conformity with his own request, in view of the surpluses available in the budget of the public health service in 1931.

The Chairman pointed out that the Secretariat had received the final accounts for 1929 for Togoland under French mandate, but not for the Cameroons under French mandate.

M. Besson took note of the Chairman's observation ; but, as he knew that the final accounts had been prepared punctually, he was surprised at the delay, which he was unable to explain.

Mlle. Dannevig pointed out that in the previous year [1] reference had been made to the heavy work accomplished by women, and to their difficult conditions of life. Did women have to pay the tax throughout the whole territory ?

M. Marchand replied that the conditions under which women worked in the Cameroons might seem hard if judged by European standards. As a matter of fact, native women preferred agricultural labour, because it even provided them with a comfortable livelihood. The taxes were paid throughout the whole territory by all women, since women with children were no longer exempted. He had instructed the acting Governor to remit a portion of the tax to certain tribes, particularly those suffering as a result of the unsatisfactory selling price of rubber, if there were a surplus when the budget had been prepared.

In this connection, he pointed out that the natives had preferred, owing to the low price of rubber, to do no work rather than work for inadequate remuneration. Consequently, in order to enable them to earn money and pay the taxes, he had ordered the construction of a road.

Slavery.

Count de Penha Garcia noted, in the first chapter of the report (page 9), that, in one place, it was stated that slavery had been entirely abolished ; whereas, in another part mention was made of seventeen cases of slave-trading. Was there a contradiction between these two statements, or had the punishments inflicted for slave-trading (mentioned on page 38 of the report) been inordinately harsh ?

M. Marchand explained that the sentences passed did not, as a whole, apply only to slave-trading. The cases in question were relatively less serious than previous cases, but they had been regarded as deserving special attention. As Count de Penha Garcia had requested, all possible efforts had been made to punish the few traffickers whose existence had been reported. The pacific penetration of the mountainous country occupied by the Kirdis had continued without any necessity for military operations. From time to time, contact cost the life of a man, but these were only isolated cases and police incidents. The only possible means was to track the traffickers down to their last lairs. The British authorities were actively assisting in the pursuit. Action was being taken against slave-trading wherever Europeans were established.

SEVENTEENTH MEETING.

Held on Thursday, November 5th, 1931, at 10.30 a.m.

Cameroons under French Mandate : Examination of the Annual Report for 1930 (continuation).

M. Marchand and M. Besson came to the table of the Commission.

Economic Equality *(continuation)*.

M. Ruppel recalled that the question of the port dues at Duala had been left in suspense at the last meeting. As the accredited representative of the mandatory Power stated that he was unable immediately to communicate to the Commission the text of the 1925 Convention,

[1] See Minutes of the nineteenth session, pages 115 and 116.

M. Ruppel desired to say that he maintained his two objections to the regulations regarding the port dues at Duala, which constituted a discrimination inconsistent with the principle of economic equality. As the Convention signed in 1925 would expire next year, he hoped the mandatory Power, in drawing up the document to replace the Convention, would take into account the principles on which the mandates were based.

M. Besson noted M. Ruppel's remarks, but once again made reservations regarding the communication to the Commission of the text of the Convention concluded between the French Government and the shipping companies carrying the mails. In any case, he would ask the Government to comply with the Commission's request, if possible.

The Chairman (M. Van Rees) observed that it should not be inferred from the silence of the other Members of the Commission that they all shared M. Ruppel's opinion that, in the case to which he had referred, the principle of economic equality had been overlooked by the mandatory Power. Personally, M. Van Rees was not of this opinion. On the contrary, he thought that the French Government, in exempting from import duties, port dues, etc., vessels of the French companies which regularly carried mails, officials and stores for the Government of the Cameroons, had acted within the rights conferred on it by Article 6 of the mandate.

M. Rappard said he had not been able to form an opinion on the question, as he had not sufficient information. He realised that it was difficult for the mandatory Power to communicate certain conventions, some of the provisions of which might concern national defence. Nevertheless, as the vessels in question were not only carrying mails but also goods, M. Rappard trusted that the mandatory Power would place the Commission in a position to reach an opinion on the clauses which might affect the principle of economic equality.

M. Marchand, in treating the question from a general point of view, explained that the 1925 Convention had been concluded between the French Government and certain companies whose vessels called at ports in West Africa. These companies were obliged to carry mails between certain ports, in compensation for which the French Government granted them exemption from port dues. M. Ruppel had asked why foreign companies did not benefit from this exemption, but M. Marchand would like to point out that the French companies which did not carry mails in accordance with the Convention did not benefit from its provisions. There was, therefore, no question of discrimination between different nations.

M. Besson added that, in any case, the carriage of mails was one of the services mentioned in Article 6 of the Mandate.

M. Merlin entirely shared the opinion of the representatives of the mandatory Power. No advantage was granted to French vessels, as such, but to certain vessels which were compelled, in compensation, to carry out a certain service. It could therefore be stated that the principle of economic equality had not been violated by the 1925 Convention, the mandatory Powers being still free to organise the public services as they thought fit.

The Chairman thought that the question raised did not present itself in the way explained by M. Merlin. The objections raised by the foreign shipping companies might be summarised as follows : Why did the French Government only grant the advantages in question to French vessels, when English, German or Dutch companies would be prepared to perform the same transport services on the same conditions ? The reply to those objections might possibly be as follows : the question concerned essential public services, which, according to Article 6 of the Mandate, the mandatory Power was free to organise in the manner it thought fit.

M. Rappard would be glad to know whether the advantage granted to certain French vessels might not be so great as to create a sort of monopoly in favour of those vessels, not only in respect of mails, but also of the transport of goods.

M. Marchand stated that, in substance, the question was not as important as might be thought. If the English, German or Dutch companies which had raised objections were entrusted with the carriage of mails in the Cameroons, they would be obliged at the same time to agree to put into certain ports at which they did not at present call, and there was no doubt that the disadvantages of this deviation would be greater than the advantages that the companies would obtain in other ways.

Moreover, the tax exemptions only amounted to 200,000 to 250,000 francs a year, which was a quite insignificant figure in view of the tonnage imported. The most tangible advantage conferred by the Convention on the companies carrying the mails was the monopoly of transport for the account of the State. Naturally, all other kinds of transport were entirely free.

The Chairman asked whether the exemptions were restricted to the unloading of the material and goods intended for the Government, or if they extended to all goods brought by the cargo-boats of companies responsible for the transport service.

M. Marchand had no details on this point. All that he could say at the moment was that the Customs duties had to be paid both on the material intended for essential public works and on other goods.

M. Rappard thought that two points might be regarded as established. In the first place, it was certain that the mandatory Power was entitled to give certain companies the monopoly of transport for its account or for essential public services. In the second place, it would certainly be contrary to the principle of equality to give preferential advantages to French commercial transports carrying ordinary goods. Consequently, the question was whether the advantages conferred on the companies ensuring essential public services were, in fact, such as to result in giving them a general monopoly or advantage at the expense of foreign competitors. He did not think this was the case with the exemptions in question, but he would be glad if the accredited representative would give some definite explanations on this point.

M. Marchand explained that the advantages accorded could not be considered as implying the grant of a *de facto* monopoly. The exemptions in question were all the less important at Duala, seeing that, as a general rule, vessels calling at this port did not come to the quays but unloaded their goods on tenders, thus avoiding the payment of port dues.

M. Ruppel pointed out that, under these circumstances, the discrimination created by the exemptions was harmful to the port, since the vessels remained in the roadstead in order not to pay the tax from which certain French vessels were exempt. He had heard from a reliable source that this was the reason why vessels which had no privileges did not approach the quay in the port of Duala.

The Chairman, summing up the questions put to the accredited representative, asked, in the first place, whether the mandatory Power could provide the Commission, not with the full text of the Convention to which reference had been made, but with those provisions which more particularly concerned the Commission ; and, in the second place, requested the accredited representative of the mandatory Power to take into consideration the remarks made during the discussion with regard to the question of economic equality.

M. Besson, replying to the first point, stated that the provisions of the 1925 Convention which might concern the Commission could probably be brought to its notice. He could not, however, undertake to provide the Commission with the complete text of the Convention, for the reasons which he had already stated.

M. Marchand thought he could state, in reply to the second point, that the 1925 Convention only provided for exemption from port dues on goods unloaded for account of the State. More detailed information would, however, be given on this subject in the next report.

M. Ruppel stated that, under these circumstances, he would have to maintain the observations which he had made.

M. Besson stated that a reply would be given in the next report.

Labour.

Lord Lugard pointed out that previous reports had referred to a standing force of conscripted labour. He asked whether labourers were still recruited in this manner in the territory.

M. Marchand replied that requisitions for essential public works had never been abandoned. They were, moreover, provided for in the constituent act of the Mandate.

In reply to a number of questions put by Lord Lugard, M. Marchand explained that all the work carried on under the system of requisitions was paid for in full according to a scale based on the cost of living. The number of requisitioned labourers was approximately 3,500 for the two roads at present under construction and for the roads under repair. With regard to the construction of the new railway, provision was made for 5,000 labourers who would, however, not all be requisitioned ; as in the past, some of these labourers would be volunteers. It might even be expected that the proportion of volunteers would be greater than ever, as the cost per kilometre was fairly high and would make it possible to pay the workers attractive wages. Volunteers and requisitioned labourers received the same pay. After a certain period, however, the former received a high rate to which the latter were not entitled. Recruiting took place for specified works in the district where the work was to be carried out, in order, as far as possible, to avoid transporting workmen.

The recruiting of labourers was in charge of the Administrator of the district in which the work was carried out. The workers not only received wages, but were fed and housed. Game was shot near the workshops so that the labourers might receive nitrogenous food. The Administration paid special attention to medical assistance to be given to the labourers. On this point, nothing was left to chance. In principle, a proportion had been fixed between the number of labourers and the number of doctors treating them. This proportion was not always observed in fact, but the doctors were assisted by European sanitary officials, who were quite capable of giving the most urgent treatment, and by a fairly numerous staff of native assistants. It could be stated that no labourer was at any time neglected.

When the labourers were recruited from a distance, they were transported in motor-cars or by rail according to the distance, so that in such cases they should not arrive at the workshops in a tired condition.

The Administration did not use recruiters for the labour required. The chiefs did not possess the right of requisition, and were subject to very serious penalties if they endeavoured to impose forced labour on the natives. M. Marchand mentioned in this connection the case of an important chief in whom the Administration had every confidence and who had transgressed the strict orders on this point. This chief had been brought before a court, removed from office, and condemned to pay a fine of 2,000 francs, which sum was increased to 5,000 francs by the judicial costs.

For constructing their residences, native chiefs were supposed to employ members of their families, but they readily included in this designation people who were entirely unconnected with them. In order to avoid such abuses, the Administration prohibited the construction of sumptuous residences ; thus, as a result of the vigilance of the Administration, some dwellings were not completed except as the future proprietor was able to pay the necessary wages.

The chiefs received, as their salaries, a portion of the yield from the taxes. This portion might be considerable. A chief received in this manner about 80,000 francs per year, and it was an extraordinary fact that he was always in debt on account of his luxurious habits. Among other things, he wished to have his own musicians, and when the Governor offered to take this charge on himself in order to relieve the chief's budget the chief was very annoyed. In addition, he had round him a large number of parasites who absorbed all his resources.

M. Ruppel referred to an article in the *Kölnische Volkszeitung*, in which Catholic missionaries affirmed that forced labour had assumed revolting proportions in the Cameroons, recruiting sometimes taking the form of man-hunting. Natives would be captured in their cabins during the night and, when brought to the workshops, would be badly fed, receiving no wages, etc. The missionaries added that they had been blamed for protesting against these abuses.

M. Marchand said it was unfortunate for the authors of this article that inspections had proved that their statements were either pointless or made much too late. Some native chiefs might have indulged in reprehensible practices, and every time their names had been reported, they had been brought to justice. There were certain habits which were difficult to eradicate, while the Administration was not always in a position to supervise the acts of the native chiefs. Up to the present, the Administration had been waiting until the native chiefs accused of the misdeeds to which attention was drawn in the German newspaper article had been formally denounced, as laid down in the code of criminal procedure, by all those who were aware of acts which constituted " crimes ". It would then be possible to bring them to justice.

Mlle. Dannevig had read in a Norwegian paper that the death-rate among railway labourers in the Cameroons had been " reduced to 65 per cent ". That was an appalling percentage. She hoped M. Marchand would be able to tell her that it was not correct.

M. Marchand replied that the percentage was incorrect for the Cameroons. Previous annual reports had contained definite and carefully verified figures for the death-rate of workers in the territory. The death-rate had, in the early days of the construction of the railway, been 0.71 per cent. It had then fallen to 0.21 per cent. This was a perfectly normal percentage, corresponding with the death-rate of natives living in their tribes.

Mr. Weaver asked that future reports should contain the information relating to the number of requisitioned workers employed on public works that the accredited representative had given in reply to a question by Lord Lugard. He was glad to note that porterage was decreasing. The figures given in the report (page 11) concerned, however, one area only, and it would be interesting to have data regarding the whole of the territory.

M. Marchand explained that porterage was practically confined to the regions in which there were no roads. That was why the figures in the report only applied to one district. At the end of April, the road system would cover the whole territory, so that from that date porterage would gradually be eliminated, except for the movements of Administrators in villages not served by roads.

In reply to other questions by Mr. Weaver, M. Marchand explained, with regard to the redrafting of the law on requisitioned labour, that he had sent a circular to all the Administrators asking them to prepare a charter for this kind of work. The Cameroons already had one text on the subject of labour for private enterprises — the Decree of July 9th, 1925.

He fully recognised the necessity for the revision to which Mr. Weaver had referred, but wished to point out that the reports sent by Administrators proved that the question was fully understood. All that now remained to be done was for the Commission whose duty it was to receive the suggestions already made to propose a charter to the Governor. Arbitration councils had not always given as satisfactory results in the colonies as in France ; they had therefore been abandoned. In the new organisation, it was thought better to define the conditions of work.

Mr. Weaver noted the statement of the accredited representative that 5,000 workers would be engaged on the construction of the new railway. In this connection, did not the authorities foresee the same difficulties as those encountered on building the Central Railway ? In a

previous report, the mandatory Power had stated that, after the work of constructing the Central Railway, it would be well not to burden the population with further requisitions on a large scale until 1939 or 1940.

M. MARCHAND said that the period of rest which had been contemplated in the report had indeed been a period lasting till 1939 or 1940. It was now, however, seven years since the work on the Central Railway had been completed, and it could be considered that, in seven years, a new generation had grown up. The labourers taking part in the new work would be recruited among the peoples of the east, who were very active and needed wages. Moreover, the work would be carried out under excellent conditions on the plateau and in a region in which the native workers would not feel that they were in another country. The authorities therefore had no qualms on the subject. In order to avoid requisition as far as possible, he had asked the French Government to agree that, as a whole, the price of each kilometre of permanent way should be fixed at 880,000 francs instead of 350,000 francs, the price per kilometre paid in 1922 to 1926 for the Central Railway. The French Government having agreed, it would be possible to raise the rations and treble the workers' pay.

Lastly, the French Parliament had, on the proposal of M. Daladier, former Minister for the Colonies, authorised, of its own motion, the Cameroons to issue a loan for health purposes. Of the 17 millions for which provision had been made for the Cameroons, the territory had already obtained 5 millions.

MISSIONS.

M. PALACIOS had the impression that, in Africa, there was a growing movement of native opposition to the missions, and that this fact was a cause of difficulty to the administrations. Young boys and girls sought to escape the guardianship of their parents and of the chiefs, leading a life uprooted from their traditions, so that trouble arose between the authorities and the missions. Moreover, there was apparently very acute rivalry between the missions themselves. In view, however, of the principle of the freedom of conscience, it seemed that it was not possible to allocate a separate sphere of action to each. On pages 13 to 16 of the report, mention was made at length of all these cases. In consequence, a question of public order and a question of mission property were involved.

According to the same chapter of the report, the Decree of April 24th, 1930 (recommending the establishment of religious mission stations in charge of natives, see pages 89 and 90), had given rise to disputes between different missions.

Could the accredited representative give the Commission full information as to these unfortunate events in addition to that given in the report itself ? Were the disputes settled ? Was it not to be feared that they would occur again ? What had been the attitude of the natives regarding them ?

M. MARCHAND agreed that it would be difficult to allocate a definite area to each mission without violating the principle of the freedom of conscience. The latitude allowed to the missions to undertake action wherever they wished might give rise to difficulties resulting from passionate rivalry. Moreover, it could only be a question of undue zeal in rare and individual cases.

In reality, the difficulties were sometimes due to the catechists. They were converted natives, whose mission it was to secure other conversions. Certain of them had thought that, once they had become catechists, they would be able to live by extortion or by exercising an arbitrary influence. In many cases, the authorities had had to take severe action against these individuals, who tried to reduce the authority of the native chiefs, agents of the Administration.

M. Marchand told of violent action taken by a Catholic missionary against a Protestant mission, which had led to his being sentenced to a term of imprisonment, the serving of the sentence being conditionally postponed.

M. RAPPARD asked whether the attack referred to by M. Marchand was the culmination of bad relations between the Protestant and the Catholic missions.

M. MARCHAND replied in the negative.

M. PALACIOS asked why the German Baptist Mission was not allowed to settle in the territory. German Baptists had been permitted to do so in the Cameroons under British mandate ever since 1924. Although they had appealed to Article 7 of the Mandate, their negotiations had, so far, been without result. It appeared that their demands were supported by the Baptist World Alliance.

M. MARCHAND explained that the refusal to admit German Baptist Missions to the Cameroons was not due to any considerations of nationality, but in virtue of an agreement reached between the Paris Evangelical Mission and the Basle Mission. The relations between the Administration and the native Baptists would not have given rise to any incident if the latter had not decided to establish a native church. The Administration regarded with anxiety projects of this kind.

M. PALACIOS repeated that the International Baptist Alliance supported the claims of the German Baptist missionaries.

M. MARCHAND said he was unaware of the fact. There had been no conflict between the German Baptists and the Cameroons Administration. Lastly, numerous denominations were

disputing among themselves the souls of the natives. There was reason to wonder whether, for the sake of public peace, it would not be better to be content with those already existing in the territory.

Count DE PENHA GARCIA said that no one could be a greater admirer of the work of the missions than he, but history showed that, from time to time, conflicts were bound to arise between the Church and the State. That had also happened in the Cameroons. Generally speaking, the status of missionaries was not very clearly specified. What, after all, was understood by a " missionary " under the laws of the Cameroons ?

M. MARCHAND replied that a missionary could be defined as follows : a duly accredited representative of a known denomination.

In reply to another question by Count de Penha Garcia, M. Marchand said that established religion meant the great religions, such as the Catholic Church, the Protestant Church, the Moslems, the Buddhists, etc.

Count DE PENHA GARCIA asked whether such diversity of denominations did not alarm the natives.

M. MARCHAND replied that that question was quite beyond the knowledge of a colonial Governor. Generally speaking, the work accomplished by the missions was excellent and was of assistance to the Administration in its work of civilisation. Isolated mistakes which occasionally occurred did not compromise the value of the work as a whole. There could be no doubt, however, that the multiplicity of denominations did create confusion in the minds of the flocks.

Count DE PENHA GARCIA thought that the Administration would probably encounter difficulties in making a distinction, in accordance with the doctrine of its last decree, between native and European priests.

M. MARCHAND stated that the Administration would make no difference between ecclesiastics of the same rank, whether these were European or natives. It was sure that the churches would not consecrate native priests or pastors without most careful enquiry.

Count DE PENHA GARCIA said that the point to which he had referred in the Decree of April 24, 1930 was that which referred expressly and exclusively to native pastors.

M. MARCHAND explained that there had been no need to consider in this decree the case of native priests, because there were as yet none in the Cameroons. Native pastors would clearly be assimilated to European pastors in the secondary stations. As regards these stations, nevertheless, the Administration had retained a certain right of supervision, which it intended to exercise with the utmost discretion.

Mlle. DANNEVIG thought that the difficulties between the Administration and the missions were extremely serious. One of the principal means for bringing natives into contact with European civilisation and for ensuring their general development was to allow them to be taught by the missions. She wished to know whether the rivalry referred to by the accredited representative existed among the white missionaries as well as among the catechists. Had the missionaries other than spiritual interests ?

M. MARCHAND said that, in the last resort, everything was a question of spiritual interests. The European missionaries were on good terms with one another, and, apart from the case to which he had referred, no disputes had occurred between them.

M. RUPPEL understood that the Administration would not prohibit the German Baptist Mission from re-entering the Cameroons territory should it desire to return, but that there was no intention of allowing new missions to be established. Was that not a violation of the principle of political equality ?

M. MARCHAND did not think that this measure, if introduced, would affect in any way the principle of political equality, as the rule would apply to all missions irrespective of nationality, but the requirements of public order could be taken into consideration, as the constitutive act provided.

Lastly, it was obvious that, if a mission wished to establish itself in the Cameroons, it must, it seemed, first consult the missions belonging to the same denomination already in the territory.

M. RUPPEL said that, having heard those explanations, he would reserve his opinion.

M. MARCHAND explained, in reply to M. Rappard, that it was very doubtful whether the Central Government, whose liberal views were notorious, would allow the influence of the several missions to be confined to one specific area. The whole question of missions was under examination. Their exact status in the mandated territory, where, in the absence of a text, there had hitherto been empiricism in this respect, should be determined by a decree.

EDUCATION.

Mlle. DANNEVIG noted the passage on page 16 of the report stating that " the texts of various orders, circulars, curricula, and official instructions concerning public teaching published during the last ten years have been collected in a special pamphlet ". Could the Commission

have copies of that pamphlet, and could it also have the text of the " instructions for teaching " referred to in the same paragraph ?

M. Besson explained that it had been the intention of the French Government to forward both those documents to the Commission, but that the boat on which the packets had been despatched had not yet arrived. They would be sent to the Commission directly they were received.

Mlle. Dannevig drew special attention to the following passage in the report (page 18) :

> " The last Commission on Education settled the question of the native language and gave the religious establishments a free hand with a view to organising the teaching of it on the lines best calculated to promote native education. There has been a marked tendency, however, in private establishments to devote increasing attention to the teaching of French."

Regulations for the teaching of native languages were of the greatest importance, and Mlle. Dannevig would be glad to have information as to what had been done in the matter.

M. Marchand did not think that it was necessary to introduce regulations. The official instruction and instruction by the missions — except in the case of religious teaching — were given in French. The question of the use of native languages did not arise.

He explained, in reply to a further question of Mlle. Dannevig, that there was no need for the French teachers employed in the Cameroons to learn the native dialects ; that, indeed, would be a very difficult matter, as they might be moved from place to place and the dialects in question were very numerous. If a teacher studied native languages, he did so because he wished to do so. It was clear that the teaching of French was of value ; the French language enabled the natives to understand the official texts and to do business with traders under conditions which would not be possible if they spoke only their native dialects.

Mlle. Dannevig pointed out that, apart from the teaching to which M. Marchand had referred, there was the question of technical instruction in domestic economy, trades, etc., for which the native languages would appear most suitable.

M. Marchand explained that, in the various trade establishments, objects were referred to by their French names, as was natural. On the other hand, the instructors who taught trades to the natives within the tribes themselves used the local dialects.

Mlle. Dannevig noted that, in the official schools and recognised schools, twenty hours a week were devoted to the teaching of French, which could not leave very much time for the teaching of other subjects.

M. Marchand explained that the twenty hours included the time allowed for the teaching of arithmetic, geography, etc. More detailed information on the subject would be given in the next report.

Mlle. Dannevig, referring to the tables on pages 17 and 18 of the report, noted that the school attendance of boys had increased. The statistics for the village schools, however, referred only to " pupils ". She would be interested to know how many girls had attended such schools.

M. Marchand stated that there was a fairly large girls' school at Yaoundé, which was combined with the boys' school, as the majority of the pupils were boys, but special classes had been arranged for girls. The next report would contain fuller details on the subject.

He stated, in reply to a further question by Mlle. Dannevig, that it had not yet been found possible to train in the Cameroons a single native woman teacher able to teach French. It was not that the Cameroons women were lacking in intelligence, but the training of women teachers required time. There were already several pupil teachers of needlework who spoke French.

Mlle. Dannevig said that she would be interested to have further information concerning the School Mutual Society at Yaoundé, which was stated in the report (page 17) to be established under conditions of comfort which it would be difficult to find in Europe.

M. Marchand explained that the School Mutual Society had electric light, a cinema hall, a recreation hall, etc., and that the motor generating the electricity and the cinema apparatus had been bought out of the society's own funds. The society also owned 15 hectares of land, planted with gardens and orchards, the income from which was sufficient, moreover, to clothe the pupils.

Mlle. Dannevig noted from the report (page 18) that subsidies to schools amounted only to 87,000 francs ; that was a relatively small figure, representing about one franc per pupil. Could it not be increased, and would it be possible to consider some system whereby payments would be made, not on the basis of the successful results obtained, but in the form of direct payments to teachers ?

M. Marchand stated that, hitherto, the system of making the subsidy proportionate to the number of pupils who had gained the certificate of primary studies had led to entirely satisfactory results. He added that one of the missions had only a very small number of

pupils, which explained why it found it so difficult to obtain fully qualified teachers. He saw no objection, in principle, to Mlle. Dannevig's suggestion, and the question of making payments direct to teachers might be studied.

M. Marchand stated, in reply to a question by the Chairman, that the examinations for the certificate of primary studies took place in the presence of an inspector and of the missionaries who had taught the candidate. That procedure made it possible to avoid any dispute.

Lord Lugard asked whether the instructions as regards the teaching to be given in the native dialects was from the Ministry for the Colonies or was a local order. He did not understand how lessons could be given in French in the infants' schools.

M. Besson stated that, as regards such teaching, the local administration did not receive instructions from the Central Government. French was taught by the direct method — that is, objects were described in the language that was being taught. The method had proved most successful.

Alcohol and Spirits.

Count de Penha Garcia said that he had framed a table showing the results obtained by the mandatory Power concerning the limitation of the consumption of alcohol in the Cameroons. As regards spirits, the consumption per head, considering the European population, had dropped very considerably, but it was still far in excess of the consumption in European countries, which pointed to the fact that part of the spirits intended for the European population in the Cameroons was consumed by the natives.

He enquired also whether the beer and wine consumed in the territory were harmful to natives.

M. Marchand said that the Commission must not be unduly impressed by the number of litres consumed per head of the European population, since it must be remembered that approximately four hundred ships called at Duala every year, and that the crews drank a fair amount of spirits when in port.

The introduction of beer and wine into the territory was an outcome of the difficulty experienced by the natives in obtaining alcohol, which had led to their indulging in non-alcoholic drinks — wine, in particular. Generally speaking, the consumption of alcohol was on the decrease; but that tendency, admittedly, was at all events partly due to the economic situation.

M. Besson, replying to a question by Count de Penha Garcia, said that he would send him the detailed information that the Colonial Department had just forwarded to the Ministry for Foreign Affairs concerning the alcoholic content of spirits imported into the territory.

M. Marchand explained, further, that, at the request of the Duala Chamber of Commerce, a decree had been issued under which sweet wines containing 21 per cent or less of alcohol were treated as hygienic beverages.

He said, in reply to a question by Count de Penha Garcia, that it would be somewhat difficult to equalise the French and British duties on alcoholic beverages, as the matter involved rather delicate questions relating to the exchanges.

M. Merlin directed M. Marchand's attention to the fact that the reports on the administration of the Cameroons under British mandate stated regularly that spirits were smuggled through from the French mandated territory into the British mandated territory.

M. Marchand thought that such smuggling could not amount to very much. He did not see why the British inhabitants of the Cameroons under British mandate should wish to obtain French liquor, seeing that they chiefly preferred English brands. Lastly, in the French mandated territory, the Customs officials at Duala were quite well equipped ; they had boats which enabled them to supervise the river traffic, etc.

Lord Lugard enquired whether, in the Cameroons under French mandate, there were any distilleries for the manufacture, for example, of denatured alcohol for use as fuel.

M. Marchand replied in the negative, and said that there were very strict regulations governing the setting up of stills in the country.

Lord Lugard explained that what he feared was that, if there were distilleries in the country, the natives might learn to manufacture alcohol on their own account.

M. Marchand replied that, unfortunately, some of them, though not many, however, were already acquainted with the process, and that they used gun barrels as stills for the clandestine manufacture of alcohol. The Administration had been obliged to take action.

Lord Lugard asked whether satisfactory results had been obtained under the system established by the Decree of September 11th, 1930, which provided that no native might purchase more than a certain number of litres of alcohol.

M. Marchand replied in the affirmative. The decree was very strictly enforced and had really had the effect of preventing the use of alcohol from spreading in the territory.

EIGHTEENTH MEETING.

Held on Thursday, November 5th, 1931, at 3.30 p.m.

Cameroons under French Mandate : Examination of the Annual Report for 1930 (continuation).

M. Marchand and M. Besson came to the table of the Commission.

Public Health.

M. Ruppel noted that thirty doctors were employed in 1930. The corresponding figures in previous years had been thirty-two in 1927, twenty-nine in 1928 and thirty in 1929. The number of doctors had therefore remained almost stationary for four years ; provision had been made in the 1930 budget for forty doctors, including twenty-two for medical assistance to the natives and eighteen— that was to say, seven more than in the previous year, for the campaign against sleeping-sickness. He asked the reasons for this state of affairs and, in particular, how many doctors had been engaged in prophylactic work.

He pointed out, moreover, that the number of independent doctors had fallen from ten to seven, and asked the reasons for this unfortunate fact.

Turning to a more general question, M. Ruppel noted that there was a shortage of French doctors who were willing to proceed to the colonies. An article in the *Dépêche coloniale* of February 15th and 16th, 1931, entitled " The Doctor in the Colonies " stated, *inter alia*, " The medical profession in the colonies is the only one which is still difficult to recruit, and the position in that respect is disastrous ". An English paper, the *West African*, dated June 20th, 1931, contained an article in the same sense and stated that the Academy of French Medicine had even created a special commission to find means for putting an end to this shortage of doctors in the colonies. Lastly, in an open letter of May 23rd, 1931, addressed to the Commissioner of the Republic and published in the paper *L'Éveil du Cameroun*, Dr. Thomas complained that the ministerial circular prohibiting doctors of the Administration from practising for fees when there was a sufficient number of free doctors had remained a dead letter.

M. Marchand stated that the number of doctors mentioned in the report did not include the five mission doctors, comprising one woman doctor belonging to the French Protestant Mission, a Norwegian doctor and three American doctors. The woman doctor and the Norwegian doctor were subsidised by the territory ; the American doctors had hitherto received no subsidy.

The number of doctors in the territory was dependent on the possibilities of practice — that was to say, by the hospital and therapeutic treatment which were at their disposal for the purposes of their practice. The Cameroons budget could hardly be extended in this respect. The item for combating sleeping-sickness and for public health was thirteen millions — that was to say, 21 per cent of the budget. This was an effort which could not be increased.

The practitioners were now quite sufficient in number for the Cameroons, and, in a short time, the territory was to receive a certain number of military doctors in accordance with a previous request. The number of doctors was fixed by the local Administration in accordance with the number of hospitals. Provision had been made for the organisation of further dispensaries and for a service of doctors visiting the tribes. These dispensaries would be less costly than the hospitals. He emphasised the fact that the Government was at present not fraid of a shortage of doctors, as the appointments of military doctors would be quite sufficient.

In reply to a further question by M. Ruppel, he stated that forty doctors had been provided for in the budget for 1930, because the territory was then in a prosperous condition, and it was hoped that buildings could be constructed which would enable these doctors to practise. This was no longer possible. It would be necessary to await the loan for the construction of the buildings. The number of doctors engaged in the campaign against sleeping-sickness was eleven ; it would be increased to eighteen.

In reply to a further question by M. Ruppel, who pointed out that at certain posts there was a lack of doctors, he stated that some posts remained without doctors for a certain time on account of vacations ; but this state of affairs was never prolonged, as visits by doctors from neighbouring districts were organised. The ideal would certainly be to have twice the number of doctors ; but, at the present time, the territory could not support the heavy additional expenditure that would be involved, and the services of the doctors provided to take on the duties of those on leave could not be utilised while they were awaiting the departure of those they would replace.

He explained, moreover, that, in a country like the Cameroons, it was not possible to have too many doctors ; the doctors had not, as in civilised countries, a pharmacy, hospitals, etc., within easy reach. Moreover, there was no home treatment. In the organisation of a district from the medical point of view, the first thing therefore was to create a centre including hospitals and dispensaries, and then to acquire medical supplies, which already represented considerable expenditure.

In reply to a question by M. Van Rees, M. Marchand explained that the natives were not afraid of the hospital. Moreover, the native liked to be in contact with the European doctor, and it had been noted that, in the expeditions for detecting sleeping-sickness, all the natives, without exception, presented themselves for examination.

In reply to a remark by M. Ruppel regarding the decrease in the number of free doctors and the open letter published by a civil doctor, M. Marchand explained that this was a fresh episode in the old dispute started by certain free doctors with military doctors. In new countries such as the Cameroons, it was impossible to dispense with the services of the military doctors in order to give a monopoly to a particular civil doctor. The local Administration, on the contrary, thought that all should help to relieve the ills of humanity, and it did not go into the question of fees or the fact that the military doctors could give their services free of charge. In reply to M. Ruppel, who stated that it might be possible to prohibit military doctors from taking civil patients at Duala, he pointed out, moreover, that that was a matter which concerned only the patient. The patients could not be compelled to choose a particular doctor, and there was no reason to raise objections if the natives preferred to be treated by a doctor in uniform. This was a psychological fact which was not open to discussion. The question had already been raised elsewhere, and the right of the patient to choose his own doctor had remained intact. The private doctors raised the objection that they were compelled to pay for licences, but they forgot that the military doctor was subject to disciplinary obligations, particularly to transfers.

In reply to a question by Lord Lugard, M. Marchand stated that the Administration had no objection to the military doctors obtaining a civil practice, provided they did so outside the hospital, without using the medicaments placed at their disposal in the hospital, and outside their official hours. The visiting hours, the times of residence at the hospital, etc., were, in fact, fixed for the doctors.

M. Rappard thought that the question of the nationality of doctors, which had been raised previously, did not arise if the number in the Cameroons was sufficient. He thanked the mandatory Power for its generous treatment of one of his compatriots and recognised with satisfaction the facilities which the Commissioner had accorded to him to practise within the territory. He was the more glad to make this observation, in that he considered that a very satisfactory solution had been reached in connection with a problem to which the Commission had on several occasions devoted its attention. If a mandatory Power had difficulty in recruiting doctors from among its own nationals and did not itself desire to engage foreign doctors, it could always subsidise the medical missions.

Reference had been made to the large loan for railways, under which raw materials could not be bought elsewhere than in France. He asked whether the medical loan included a stipulation of the same kind with regard to the purchase of medical supplies. Certain supplies were almost a foreign monopoly.

M. Besson replied that the question was not of the same importance, since the medical loan only amounted to about three or four millions. The territory purchased its medical supplies through the Ministry for the Colonies, which passed on the orders to specialists, through the Central Military Supply Office, and thus obtained the supplies on very favourable terms. He pointed out, in this connection that, as the doctors in the Cameroons were used to these medicaments, it would be very undesirable to alter them, and, in particular, to have them supplied in bottles bearing labels in a foreign language. There was no special clause which insisted on the use of medicaments of French origin. It would be quite contrary to science to utilise or refrain from utilising any medicament on grounds other than medical.

The Chairman congratulated the mandatory Power on its interesting report, particularly as regarded the campaign against sleeping-sickness. Its illustrations and graphs were most illuminating, as well as the data set out in the report (page 32). He hoped the mandatory Power would continue to supply the Commission with all this information.

M. Marchand said that Dr. Jamot was preparing a general report on sleeping-sickness which would be submitted at the same time as the report for 1931, but, in all probability, as a separate document.

M. Ruppel, in connection with a previous remark by M. Rappard, said he reserved his right when examining the report for 1931, to revert to certain clauses of the law concerning the loan for the colonies, in order to raise the principle of economic equality.

M. Marchand explained, in order to avoid all misunderstanding, that the law authorising the loan of three milliards for the colonies granted 15 millions to the Cameroons, for public works; a new loan for important works, as he had already stated, was under consideration. It amounted to 150 millions. Of this sum, the French Government, on the proposal of the Governor, had undertaken responsibility for a yearly payment amounting to 130 millions.

M. Ruppel thought that the increase in the number of lepers segregated in the lazarets and agricultural colonies had become alarming. The death rate also was rather high. Could the accredited representative give any explanations as to the manner in which the Administration was combating this contagious disease ? Had it accepted the system of compulsory segregation ? In many colonies experience had shown that this method was very difficult to apply. The number of fugitives (325) seemed to show that the same difficulties were being encountered in the Cameroons.

M. Marchand replied that the authorities had abandoned the principle of segregating lepers, except when these had open wounds, for it was recognised that lepers were only contagious in such cases. He gave this explanation subject to all reservations ; the next report, however, would contain further details on this point.

M. Ruppel thought, in connection with the campaign against sleeping-sickness, that a tribute should first be paid to the distinguished doctor who, for the last ten years, had headed the fighting squad. He had been very glad to make Dr. Jamot's acquaintance when the Commission had visited Paris.

On this point, M. Ruppel did not think that the present report was any more reassuring than the previous one. Last year it had been said (see page 26 of the report for 1929) : " We have at last everywhere mastered the situation ". This year, the conclusion was (see page 32 of the report) : " The close struggle engaged in this country " — that is to say, in the great epidemic centre on both sides the Nyong river — " has not yet been won and we should be very wrong to rest on our laurels ". That rather pessimistic pronouncement would be understood when it was noted that there were still centres of resistance in which the disease only yielded inch by inch and in some rare cases actually regained lost ground. He asked the accredited representative if he could give some further information.

M. Besson thought it would be preferable to await the publication of the special report, as this was a very technical question. A very interesting path was being followed which justified great hopes, though the struggle must still continue. M. Ruppel must have noticed, according to an article by Dr. Jamot which appeared recently in *La Petite Gironde*, that, as far as demographical equilibrium was concerned, the progress achieved was considerable, since the proportion of the surplus of deaths over births had fallen in recent years from 70 to 10 per thousand.

In reply to a question by M. Ruppel concerning the decrease in the population in Akonolinga subdivision and the subsequent increase of this population, mentioned on page 33 of the report, M. Marchand explained that a disquieting decrease in the population of the district of Akonolinga had been noted, but that during the last two years villages had been springing up again. He thought the return of the natives to their villages was attributable as much to the number of cures for sleeping-sickness as to the fact that the natives were reassured by the regular visits of the medical officers. There were now 9,000 natives more in this district — that was a real success. Further details would be given in the next report.

Lord Lugard recognised the efforts being made to cope with sleeping-sickness, but asked what had been done to destroy the tsetse fly, which transmitted the trypanosome germ.

M. Marchand replied that the difficulty was due to the fact that it was not certain that the tsetse fly was the only transmitter of the endemic disease. Moreover, it was extremely difficult to destroy these flies. Natives had been encouraged to live away from the watercourses and, wherever the resources of the territory permitted, the course of the Nyong, which was very winding, and consequently marshy, was deflected and regulated. One result of this action would be to open up thousands of hectares of land for cultivation.

Lord Lugard observed that this work would mainly result in eliminating mosquitoes; the tsetse, however, did not breed in marshes.

M. Marchand agreed, but he believed that the destruction of these flies was beyond the powers of science for the present. He was considering the use of aeroplanes for the destruction of insects. He did not think the results were conclusive, but proposed to conduct experiments as soon as the resources of the territory allowed. He added that, at present, there were no aeroplanes in the Cameroons.

Lord Lugard suggested that M. Marchand should ask the Governors of Tanganyika and of Nigeria to supply information and documents concerning the methods adopted to destroy the tsetse fly in those territories.

M. Marchand said he would not fail to do so.

Land Tenure : Petition submitted by a Group of Natives at Duala.

M. Rappard, as Rapporteur for the petition submitted by a group of natives of Duala on several occasions since 1919 concerning the alleged disregard by the mandatory Power of native rights over certain land in the mandated territory, and, in particular, over land situated at Duala, asked the Commissioner for explanations. He pointed out in this connection that the Mandates Commission was, generally speaking, not very favourably disposed to petitions of that kind. As, however, the petition in question contained a criticism of the general land policy of the mandatory Power, on which matter the latter had submitted no observations, he thought it called for some consideration.

M. Marchand explained that this was an old expatriation case which had been settled by the German Administration and which must accordingly be considered *res judicata*. The natives had been invited in 1914 to come and draw their compensation, but had refused to do so, regarding the compensation as inadequate. The mandatory Administration of the territory

being the direct heir of the German Treasury, the case had followed its normal course and the natives were now held to have lost their rights. The Administration had, however, subdivided a healthy plateau into lots and had informed the expropriated natives of the Joss quarter that they had been granted 330 lots free of charge. It had provided water and electricity supplies for this part of the plateau. It had then given the natives an opportunity of building huts in conformity with a ground plan. The natives had refused, and had been told that the matter would be regarded as definitely settled within one year. Some of them had then rescinded their decision. Others, listening to the advice of individuals who made their living out of disputes of that kind, had decided to wait for more generous compensation at the hands of various authorities.

In the meantime, with a view to the establishment of an electric power station, the Administration had assigned to the concessionnaire company a piece of land which had immediately been claimed by the Dualas. A certain Lobe Bell had felt called upon to bring the case before the Disputed Claims Board, which was to examine it and determine whether it was competent to hear it. The case was now before the Board, and they must wait to hear whether the latter considered itself competent.

In reply to a further question by M. Rappard, the accredited representative explained that the Dualas claimed the whole of the Duala lands, including those conceded to the electricity company. All the vacant land belonged to the Domains Administration of the territory. The Dualas had spoken in their petition of native rights over the lands in the territory which had not been recognised. In reality, it was a question of their individual claims. Indeed, the Administration endeavoured in every case to protect native rights — that was to say, customary rights — and the method of granting concessions to groups of Europeans was safeguarded by all the guarantees necessary for preventing any risk of evicting the occupiers.

The mandatory Power had restricted to 1,000 hectares the size of concessions which might be granted in the absence of native opposition. In this connection, M. Marchand could affirm, with that full conscientiousness with which he had made his statements, that nowhere in the Cameroons was there any sign whatever that any harm had been done to native interests in the application of land regulations. Better still, the Administration was endeavouring to create individual property and was already developing the idea. The noisy claims of certain Dualas who had kept alive an agitation which for a long time had been profitable to themselves in no way altered the tremendous weight of the facts. The Dualas arrogated to themselves, with childish presumption, the right to speak on behalf of other ethnic groups, which latter denied them any right to a prerogative of seniority in any sphere whatever.

M. Ruppel said that he had had to deal with this question before the war. A plan on a large scale had been prepared for improving the whole town of Duala and the establishment of a quarter reserved for the white population. For this purpose, the rights of land tenure of the natives which the German Administration had recognised as valid had had to be expropriated, in accordance with an imperial decree concerning expropriations in the colonies. The procedure laid down was divided into three stages. First, the right to expropriate was granted. Compensation was then fixed, and, finally, the Administrator had declared that expropriation would take place. The right to expropriate had been granted throughout the town, but the compensation had been fixed and expropriation decided upon in certain quarters only (Joss plateau) and not in others, including the Bali plateau. Consequently, a great many Dualas had still been in possession of rights of land tenure at the beginning of the war.

M. Marchand pointed out that the natives were guilty of a misuse of words ; they had not been expropriated, because they had never been owners. They had simply had a right of usage. They had quoted the Treaty of 1884, but the mandatory Power was concerned only with the situation arising out of the Treaty of Versailles, and it considered that the unoccupied Bali plateau could be freely allocated. Plots had been allocated primarily to those natives whom the German Administration had expropriated from the Joss plateau ; but, out of 330, 40 only had applied. The Administration had spent 750,000 francs on a water-supply for the new quarter and had opened roads. A large sum had been allocated as bonuses to the natives for building purposes. M. Marchand considered the matter closed, but a number of persons living in France were possibly anxious that it should continue ; they levied a rather heavy tribute on the inexperience of their compatriots, by encouraging fallacious hopes of a change which they themselves did not desire.

Petition, dated May 18th, 1931, from the " Delegate in Europe of the Cameroons Negro Citizens ".

M. Marchand gave Count de Penha Garcia some additional information concerning the petition dated May 18th, 1931, from the " delegate in Europe of the Cameroons negro citizens ". The individual in question, M. Ganty, was an ex-Customs official who, as it happened, was not a native of the Cameroons but of Guiana. He had played upon the credulity of the negroes in one of the districts in the Cameroons by means of wonders and pseudo-miracles. The Administration had put a stop to his activities by expelling him under an Order in Council. Since then this individual had constituted himself the " defender of the oppressed negro race " and had undertaken to uphold the " interests " of the " Cameroons natives " in Europe. For that he charged fees in the form of subscriptions. He had lately endeavoured to set up a Cameroons Republic on paper, and had had cards printed bearing subscription forms on the back. The Court had taken up the matter.

Replying to a question by M. Merlin, M. Marchand said that the average tax levied on the credulity of the Duala population still amounted to about 100,000 francs per annum. " Blood-letting " was decreasing ; the patients were beginning to " lose faith ". Before the war, under German domination, hundreds of thousands of marks had been paid to lawyers. The petitioner's assertions were a " scandal-mongering romance ".

The Ganty affair contained a very fantastic element. If Ganty had submitted a protest to the Administration, an enquiry would undoubtedly have been held, and he would not have been thrown into prison, as he alleged to have been the case. M. Marchand pointed out in this connection that the natives were not owners of forests. They had a right of usage, but the actual forest did not belong to them, being made over under a five years' concession to forestry undertakings. The Administration, moreover, was always on the watch to safeguard all native rights.

As regards the charges brought by the petitioner against a medical officer, twenty-one hospital orderlies and four members of the police, M. Marchand doubted their veracity, since quite recently an inspector-general of the Colonies, who was visiting the territory, had carried out an enquiry into the petitioner's complaints, the results of which had been embodied in a report. He did not seem to have discovered any foundation whatever for the ill-treatment of which the person who so modestly called himself the President of the Cameroons Republic complained.

Petition, dated March 21st, 1931, from M. Joseph Mouangué.

M. Palacios referred to the petition of Joseph Mouangué, a planter in the Cameroons, who had applied to the President of the Republic for the League's intervention with a view to the extension of the legal time-limits within which he should have appealed against the judgment given against him by the Duala Court of First Instance.

M. Besson said that he could only refer the Commission to the reply of the French Government, to the effect that the Joseph Mouangué case was closed, the party concerned having lost his right of appeal. He could, of course, still bring an action against his counsel, should he wish.

Close of the Hearing.

The Chairman, speaking on behalf of the Commission, thanked the representatives of the French Government for the valuable assistance which they had given the Commission in its examination of the report of the mandatory Power. He hoped the Commission would again have the pleasure of co-operating with M. Marchand, and that nothing would prevent him from pursuing in the Cameroons a work which had already produced such satisfactory results.

M. Marchand said he was very touched by the Commission's friendly attitude towards the Cameroons Administration. He added that he would pass on the Commission's commendations to his colleagues to whom the greater part was due.

M. Besson and M. Marchand withdrew.

Western Samoa : Examination of the Annual Report for 1930-31.

Sir Thomas Wilford, High Commissioner for New Zealand in London, accredited representative of the mandatory Power, came to the table of the Commission.

Welcome to the Accredited Representative.

The Chairman extended a welcome to Sir Thomas Wilford, High Commissioner for New Zealand in London, whom the New Zealand Government had just appointed as its accredited representative. The Commission remembered with pleasure the assistance Sir Thomas Wilford had given it the previous year, and was glad to have this further opportunity of examining with him the annual report for Western Samoa, which the Commission had studied with great attention. The accredited representative was invited to make a statement, should he so desire.

Statement by the Accredited Representative.

Last year you were good enough to afford me every opportunity, on behalf of my Government, of giving you an account of Samoa from the New Zealand point of view.

In his opening remarks to-day, the Chairman referred to the pleasure that the Commission had derived from reading the report for 1930-31. I wish to say that, to me, the visit to Geneva last year to interview the members of the Commission, and to tell the story of Samoa from the New Zealand point of view, was equally a pleasure, and I may perhaps open the remarks that I have to make this afternoon by saying that I have come here to-day feeling that the report that you have to consider must be a subject of gratification to you, though necessarily it will also be a subject on which you will desire to ask me questions. I do not suppose that

every possible question you will ask me I shall be able to answer, but all the answers I shall give you will be information on which you can depend and which has been given to me to transmit to you. If it happens, during the course of the discussions, that there is some question that I cannot answer, I shall take refuge in saying that I do not know.

In my opinion, Samoa is happier to-day than it has been for years. The state of the country can be compared with Lake Geneva to-day — smooth as a mill-pond and not ruffled by wind. Samoa is a country that no one can guarantee will always be free from any outbreak of trouble. While the report you gave last year has enabled the New Zealand Administration further to gain the confidence of those who have been antagonistic, and though there is no sign of storm to-day and the Mau, if it can be said to exist, is far more friendly than heretofore, the Government can guarantee nothing. My remarks must not be taken as in any way implying that the pleasing state of affairs that exists in Samoa to-day cannot be disturbed, and I propose to explain why that is always possible.

The young men and young women of to-day in Samoa, like those of every other country, are feeling more free than previously. They are perhaps not obeying and paying the same respect to their parents or to the chiefs as they did in the past. The Matai (or head) exercised authority in those islands, and, whatever he said, the young people accepted. It is not entirely so to-day, and there are now in Samoa a number of young people who have become restive under the authority of the Chieftain, not knowing in what particular way or by what method of self-expression they can get beyond the control of their leaders. That is a new phase in Samoa, and that is why I say we cannot guarantee that in future nothing will occur there.

As you know, we have recently replaced the former Administrator, Colonel Allen, by Brigadier-General H. E. Hart. It may be asked by some of the members of the Commission — in fact, I have heard it asked in England — why necessarily should a military man be appointed to control Samoa.

My answer is that he is a civilian, and by profession a lawyer in New Zealand. At the outbreak of the great war he "joined up", and, because he was brilliant, became a Brigadier-General. At the termination of the war he discarded his uniform and returned to the legal profession. Therefore, although he retains the rank of Brigadier-General, he is not now a soldier.

I have here a copy of the *Auckland Weekly News*, dated August 12th, 1931. The first of a series of pictures shows Brigadier-General Hart inspecting the native guard of honour. I would ask the members of the Commission to look at that picture, and then to take their minds back to the conditions which existed in Samoa two or three years ago. The second picture shows the enthusiastic welcome that was extended to the new Administrator by the Mau leaders. The third picture shows a traditional ceremony, when the natives decorated the boat to be used by the Administrator during his tour. I ask the members of the Commission to allow me to leave this paper with them, for it is the only actual record I have of Brigadier-General Hart's reception by those who were members of the Mau.

In closing my remarks with regard to Brigadier-General Hart, I would like to say that I have known him for many years, and I do not believe it would be possible for New Zealand to appoint a more suitable man for this particular job. He knows the customs and methods of the Maoris and has practised in the land courts for many years. Although the Samoans are not Maoris, both Samoans and Maoris are Polynesians. After thirty years of public life, and having known the Maoris all my life, and in my profession as a barrister having acted for them in the land courts, I can state that I know of no one whom I could commend to the members of this Commission with greater confidence than Brigadier-General Hart, and I shall be surprised if he does not succeed.

May I now return to the report and ask the members of the Commission to refer first of all to page 3, Section VII, *Native Affairs*, third paragraph, which states :

> " The centenary celebrations of the London Missionary Society were a factor in the improvement of the situation, as they formed a centre of attraction for the great majority of the population, and for several months completely occupied their thoughts to the exclusion of other matters. "

I want to point out that, just as in the old Greek school of many years ago it was axiomatic that, in order to heal internal dissensions, a national ideal should be created, we have a similar instance here. When the London Missionary Society prepared for and carried through their centenary celebrations, the operations of those who formerly constituted the Mau stopped completely, and for several months no official of the Samoan Administration had any trouble. Is any lesson to be learnt from this ? Perhaps the lesson to be learnt is that those who are idle are more likely to stir up trouble than those busily engaged.

The fourth paragraph of Section VII states :

> " The change of feeling was very manifest when the Land and Titles Commission held its sittings in October. The former Mau elements were represented among the native assessors, and took part freely in the proceedings — a striking contrast to the previous

year, when the power of the Mau was sufficient to prevent claimants from stating their cases, to intimidate witnesses, and to ' fine ' many of those who participated. "

This, in my opinion, is one of the most important paragraphs in the report, and in New Zealand is considered to portray the greatest advance in Samoa since the big trouble.

May I explain to the members of the Commission that we have in New Zealand, as in Samoa, a native land court ? The assessors there are appointed permanently, and sit all the year round. These assessors spend their time in the courts investigating land titles, dealing with the right of sale of land by the Maoris, and ensuring that each Maori has sufficient land left for his requirements. They also have to prevent the exploitation of the Maori by land-grabbers. In my profession, I have appeared in the land courts during the investigation of titles to huge quantities of land, and one of the greatest difficulties for the New Zealand Government in Samoa has been to get a member of the Mau people to sit on the bench as an assessor in a legal transaction which might dispossess members of his family. May I ask the members of the Commission to realise the position to-day compared with that of a year or two ago, when no member of the Mau was allowed by his people to attend the native land courts, and witnesses were intimidated ? The Mau even fined any of its members who dared to go to the native land court. To-day, business in those courts is proceeding as amicably as the business of this Commission, with a member of the former Mau organisation sitting beside the judge as an assessor ; witnesses are called, and many claims are settled without any trouble. We claim that to be a most important achievement.

The next paragraph to which I wish to draw attention is the fifth paragraph in Section VII. This paragraph shows that a representative Fono of the Samoan people met at Mulinu'u. The method of arranging that meeting was as follows : each district appointed its own representative, and the Administrator also invited the Fautuas and two or three other chiefs, including one or two former heads of the Mau, to be present. Every district without exception appointed a representative to the Fono. Rather more than twenty per cent of the Matais signed the appointments ; but, as in some districts a few only were delegated by the rest to sign, this number may be taken to represent about one-third of the Matais of the country. The Mau held aloof from signing nominations, though in many districts they joined in making the actual choice of representatives — that is to say, they are beginning to help with the constitution of the Fonos.

This Fono met in June and lasted three days, and the main result of the discussion was the suggestion that the Fono of Faipules should be reconstituted. This proposal was accepted. Two members of the new Fono belonged to the old Mau organisation.

There has been a great deal of trouble in Samoa on account of the difficulty of making ends meet financially. The hurricane in January last greatly damaged the banana crop, though it is coming to hand again. The export of bananas had increased so much, and had become such an important part of the revenue of the country, that the hurricane came as a kind of calamity.

This was followed by a further reduction in the price of copra, which is one of the staple products of Samoa. Two years ago it was £25 per ton, then it dropped to £14 per ton, and to-day it is £11 per ton, at which price it does not pay to produce. The New Zealand Government has decided to try to see if it is not possible to move out of the ordinary avenues of production and to find some new form of production that will benefit the island. The Government has sent a scientist from the Scientific and Industrial Research Department in New Zealand to see if it is possible, after examination, to open up, *inter alia*, the production of vegetable oils. The land cannot be deeply worked because it is volcanic. The subsoil is shallow, with the result that it is impossible to use a plough on a great deal of it.

In view of the question asked last year as to the Samoans employed in the public service, we have put in the report for the first time additional tables giving figures. On page 6 the table gives the number as 197. To that should be added the advisers to district officers, numbering twenty-two. On page 31 it is stated that there are six native medical practitioners, thirty-nine nurses, that other technical staff numbers twelve (including four cadets at the Medical School, Fiji) and ten clerical and labourers — that is to say, a total of 67. This represented an advance on the position last year.

I will conclude by saying that there is only one object in New Zealand's carrying out the provisions of the mandate, and that is to place as soon as possible Samoans capable of taking responsibility in positions of responsibility, so that Samoans may some day be able to stand alone.

M. Rappard asked whether half-castes were included in that remark.

Sir Thomas Wilford replied in the affirmative.

General Administration and Activity of the Mau.

M. Palacios thought that the statements of the accredited representative of the mandatory Power were of the greatest interest, and there was every reason to be glad that the relations had improved and that, thanks to conciliation and peace, the territory had resumed its economic activity and the Administration its effective work.

From the outset, it was obvious that there was something new in the report submitted to the Commission and in the statement of the accredited representative. Last year the Commission had been told that the Mau movement seemed to be dead, and that its action was no longer to be feared. At the present time there could be no doubt that it had come to life again, because it was even collaborating with the authorities. Faithful to the principle he had always maintained in the Commission on the question of Samoa, he was happy to note the improved relations between hitherto hostile parties ; as a result, it seemed that the Mau, judging from the fact that Sir Thomas Wilford had expressed his satisfaction at its co-operation, had been recognised as possessing the importance it had perhaps always possessed. It would be interesting to know whether the improved relations had been a result of necessity or spontaneous — in other words, whether the adherents of the Mau movement had come to the Administration as vanquished and submissive individuals or whether they had done so as a result of negotiations, for the attainment of common ideals.

He would also like to know whether, in these circumstances, the opposition had really ceased because, in spite of the assurances given by the mandatory Power, the Commission was constantly receiving documents which seemed to prove that the agitation was continuing. As against the photographic evidence which the accredited representative had shown to the Commission to prove the good relations existing between the various elements in the islands might be set the album *Samoa in the Shadows*, published at Auckland by the *New Zealand Samoa Guardian*, which rather tended to prove the contrary.

The newspaper just mentioned had continued to conduct a campaign, during which important petitions had been published. Those petitions were no longer addressed to the League. Reference had been made last year to one which the Mau had addressed to the King of England. That year a petition had been signed at Apia on August 19th, 1931, by a number of distinguished personalities. It had been addressed to the Governments of Great Britain, the United States of America, and Germany, with whom the Samoan Government had concluded treaties of peace and commerce in 1878, 1879 and 1889. On behalf of the Mau movement, which claimed to represent 95 per cent of the population, this petition described the whole policy of the mandatory Power and the way in which the discontent had increased — a discontent which the Commission had discussed on several occasions. In conclusion, the petition demanded, *inter alia*, equitable treatment for the natives in conformity with the international conventions quoted and in conformity with Article 23 *(b)* of the Covenant of the League.

He would listen with attention to the explanations which the accredited representative might give on that subject.

Sir Thomas Wilford pointed out that the *Samoa Guardian* was published at Auckland, New Zealand, and not in Samoa, and said that he could make a shrewd guess as to its origin.

Replying to a question of Lord Lugard as to whether the *Samoa Guardian* was circulated in Samoa, Sir Thomas Wilford said that was, unfortunately, the case.

M. Palacios observed that the photographic evidence provided by the accredited representative also came from Auckland. He did not wish to discuss the origin of this information or of these campaigns. Facts were facts, by whomsvover they were interpreted and whatever their interpretation might be. The Commission's first aim was to look at the question in a purely objective spirit. Setting aside the source of the information, did opposition exist or did it not ? Did the opposition include nationalist aims and were those aims the same as existed in Eastern Samoa under the United States rule ? Did the petitions to which he had referred exist ? What reply could the Administration make to the allegations contained therein ?

Sir Thomas Wilford said that, while he would never expect a cessation of movement in Auckland, he could not say whether there was a movement there on the lines suggested by M. Palacios.

Lord Lugard noted the accredited representative's statement that it was the ambition of New Zealand to train the natives to a sense of their responsibility. One of the best ways of educating the natives was by giving them financial responsibility. What financial responsibility was the mandatory Power giving to the Fono native councils ?

Sir Thomas Wilford replied that the responsibility given to the natives was gradually enlarging, but that it would be some years before they could be given the handling of financial matters. The Samoans were like children and required a great deal of education. The Mandatory had taught them the working of the Post Office Savings Bank system, with the very idea in mind that Lord Lugard had suggested.

Lord Lugard asked what definite steps were being taken to train the Samoans. In Africa, for example, where the natives were also inconsequent, some financial responsibility had been given them, and native courts had been established.

Sir Thomas Wilford said that the Mandatory would have been able to go a great deal further in the direction indicated but for the existence of the Mau.

M. Van Rees observed that the accredited representative had appeared far more optimistic the previous year ; he had said then that the Mau movement was dying out, whereas the Commission learned now that there was always the possibility of resumption of the hostile attitude of the Mau. How was that rather pessimistic view to be interpreted ?

Sir Thomas WILFORD pointed out that, in the previous year, he had read a telegram which he had just received from Colonel Allen, stating that the Mau seemed dead. The explicit terms of Colonel Allen's report did not exclude the possibility of passive resistance. The Mau movement, in the accredited representative's view, was less strong now than a year ago, and there was a greater spirit of co-operation.

M. VAN REES drew attention to an ordinance of 1931, repealing a series of ordinances and proclamations, including more particularly the Samoan Offenders Ordinance, 1922, and the Maintenance of Authority in Native Affairs Ordinances, 1927 and 1928. Those ordinances had been promulgated in view of the situation then obtaining, and, if the present situation was not stable, it might be necessary to reintroduce them. That, he thought, would have a bad effect.

Sir Thomas WILFORD compared the Mau, as a movement, to a bacillus which it was difficult to describe or locate.

Lord LUGARD, referring to the accredited representative's statement that the power of the chiefs was crumbling, asked what steps the Mandatory was taking to reinforce their authority. He enquired what access of power had been given to the Fono.

Sir Thomas WILFORD explained that, as regards the Fono, the Administration was trying the people out before giving them any great power. When they were ready for it, the plan was, for example, to give them a district to administer ; but they were not yet ready. With the Polynesian, time was wanted, and New Zealand was a proof of what progress could be achieved, the office of acting Prime Minister having twice been held by a Maori.

Lord LUGARD asked what was the method of selection and training for officials who were sent to New Zealand. Was there any special course of training ?

Sir Thomas WILFORD explained that the officials sent from Samoa were placed in the service in New Zealand — Postal, Land and Surveys Department, etc. — and then sent back to their own country. White officials were selected from the departments in New Zealand — Agricultural Department or Harbour Board, for example — according to the department to which the officers were to be posted in Samoa. There had been, so far, no special training.

Mlle. DANNEVIG, referring to the general situation, compared the country with an unruly class. One master after another had looked at it and done nothing ; the time had been wasted and the children had deteriorated.

Sir Thomas WILFORD said that Mlle. Dannevig had described the position most accurately. Two years previously the children had been out of hand. Now, more of them were prepared to listen and some were even ready to help with the teaching, but there was still the naughty boy.

M. RAPPARD commented on the difficulty of dealing with a people such as the Samoans, with their traditions and recollections of independence and their varying reactions to the advent of foreign elements. He asked what the New Zealand Government was doing in the way of anthropological studies. He also asked whether it was true that there was only one Civil Service for New Zealand and all her dependencies, or whether the officials of the mandated territory received special training.

Sir Thomas WILFORD replied that the position was very much as it had been in New Zealand ; the same results might be achieved in Samoa, he thought, as had been achieved in New Zealand with the Maoris. Pride of race was a great thing, and every third male adult in Samoa was a chieftain, ruling over his little section. The Maori population of New Zealand had been brought to see that the white man's way of doing things was the best, and the eminent positions now held by Maoris pointed to the success of the venture. Budgetary considerations made it impossible to establish a special Civil Service for Samoa, and a special plan for training executive officers had been put into operation, but it had not yet been possible to find the right people at short notice.

M. RAPPARD observed that it was claimed in some quarters that the analogy with New Zealand was unsound, in view of the difference in climatic, economic and social conditions and the relative purity of the Maori race when the British first landed in New Zealand.

Sir Thomas WILFORD reiterated his conviction that what had been done in New Zealand could be done in Samoa.

NINETEENTH MEETING.

Held on Friday, November 6th, 1931, at 10.30 a.m.

Western Samoa : Examination of the Annual Report for 1930-31 (continuation).

Sir Thomas Wilford came to the table of the Commission.

Petitions regarding the disturbances in 1929.

Lord Lugard referred to the suggestion in the petition from Mr. Nelson, dated May 19th, 1930, on which he had been asked to report, that the agitation in Samoa had been caused by foreign agitators, and asked if Sir Thomas Wilford had any knowledge of this.

Sir Thomas Wilford said he had not heard of any foreign agitation.

Lord Lugard referred to the allegation that, in the affair between the Samoan procession and the police, there was no evidence for the necessity of using rifle fire. He asked if the accredited representative had any comments to make on this statement.

Sir Thomas Wilford replied that, according to the finding of the coroner on December 28th, 1929, the measures taken to suppress the disorder were reasonable and proper in view of the danger to the lives of the parties making the arrest. He added that there was no evidence that rifle fire had been necessary, but that in such cases action might at the time appear necessary which subsequently proved to have been unnecessary.

Lord Lugard noted, in respect of the petition, dated September 18th, 1930, from " the Women's International League for Peace and Freedom ", that the Government stated that the incidents in question were "believed to be imaginary" or "grossly exaggerated". He had hoped that the Government would have directed the Administration to make an enquiry and give the reason for its belief, that he might, as Rapporteur, have replied more fully to the petitioners.

Sir Thomas Wilford agreed to send Lord Lugard's observations to his Government.

Ordinance restricting the Freedom of Movement of the Samoans.

M. Van Rees understood that, under a Samoan ordinance, Samoans were prohibited from moving from one part of the island to another. This law might have been justified during the troubles of recent years, but he asked whether it had now been repealed. It was an extremely vexatious measure which would obviously create irritation among the people.

Sir Thomas Wilford said that, as far as he was aware, the law had not been repealed. Like many other laws on the Statute Book which were not strictly applied, it was a useful measure, as it gave the Administration the possibility of preventing harmful concentration.

Withdrawal of the Licence of Mr. Fitzherbert.

Lord Lugard asked why Mr. P. Fitzherbert's licence as a barrister had been cancelled. This action was stated to have been taken for reasons well known to Mr. Fitzherbert.

Sir Thomas Wilford did not know the reasons. He said that any lawyer deprived of his licence was entitled to present a petition to the New Zealand Parliament. In this case, that step had not been taken.

Attitude of the Samoans to the Administration.

M. Palacios said that the opposition in Western Samoa was mainly concerned with the status of the territory and of its inhabitants. The inhabitants, to judge by their petitions, compared their present status with their status under German rule and the status of the inhabitants on other islands of the same group under the rule of the United States of America. If they complained, it must be because they considered the status of other persons better than their own under the mandatory regime. Had the accredited representative any reply to make to these allegations ?

Sir Thomas WILFORD could not accept this statement on the part of the opposition without further details. It had been said that the inhabitants of American Samoa were petitioning to be released from control.

M. PALACIOS said that the details had been published by the petitioners of the Mau movement, who had first published in the *Samoa Guardian* the organic provisions of their treaty with various Powers — in particular, with Germany. These documents clearly set out the constitutional rights of the territory. The United States of America were dealing with the question officially, as was shown by a parliamentary document issued in 1931.

The inhabitants of Western Samoa, in the petition concerning their status addressed to the Powers mentioned and to Great Britain, reviewed their situation and summarised their desires. It was the duty of the mandatory Power to say whether it had any reply to make to these allegations, and it was for that Power to prove that the system so applied to the mandated territory was better, or at any rate as good, as that which the Samoans claimed. He thought it would be inadmissible that the actual situation of a territory placed under the mandate of the League of Nations should be less favourable than was the case when it was a mere colony of the former German Empire, or even than the situation of that part of Samoa which was under United States rule.

Application of the Samoan Vagrancy Order of 1931.

M. SAKENOBE asked for information regarding the Samoan Vagrancy Order of 1931, which provided that all persons other than Samoans were subject to imprisonment if they had no lawful means of support or insufficient means of support.

Sir Thomas WILFORD said this was the law of New Zealand and was applied to all inhabitants of Samoa except Samoans. Did it, strictly speaking, concern the Mandates Commission ? It was true that, under this law, loafers could be arrested for vagrancy if they were unwilling to accept employment and for other reasons.

M. SAKENOBE asked why a distinction was made between Samoans and non-Samoans.

Sir Thomas WILFORD replied that Samoans did not work.

Position of the Half-castes.

Lord LUGARD asked what the Government's attitude was towards the half-castes. They represented a large and influential section of the population and were said to be increasing in number. Unless proper provision was made to satisfy their legitimate aspirations, they might become a danger to the country, especially if poor and without land to cultivate. If utilised by the Government, they might be of great value.

Sir Thomas WILFORD replied that there was no prejudice in New Zealand regarding the half-castes. In Samoa, the bad characters were sometimes found to be half-castes, but there was no complaint against them as half-castes.

The land court was sitting with a view to allotting land to the people, and the half-castes who were not registered as Europeans, would have their share.

Appointment of an Anthropologist.

Lord LUGARD asked whether the Government had considered the advisability of appointing an anthropologist.

Sir Thomas WILFORD replied that Dr. Te Rangihiroa, a Maori, had been engaged in anthropological investigation in Honolulu, and was now in some islands in the Pacific. As soon as a copy of his report could be obtained, it would be sent to the Commission.

Public Finance.

M. RAPPARD understood that the native taxes were formerly an important source of revenue ; but that, when the Mau movement had broken out, the opposition to these taxes had become so strong that the New Zealand Government had apparently abandoned any attempt at collecting them. The small sums now appearing under this heading were apparently merely arrears from previous years. He asked by what taxes this source of revenue had been replaced.

Sir Thomas WILFORD replied that this tax had been abandoned as it was difficult to collect, and that further revenue had been obtained by an increase in the copra tax.

M. RAPPARD noted that, for the first time, the full cost of the police during the year under review had been met by the Samoan Treasury. He asked if this was a punitive measure.

Sir Thomas WILFORD replied in the negative, and said that the New Zealand Government was endeavouring to make economies in every possible direction.

He thought that the annual grant of £20,000 from the Government might not be paid in the present year, although the budget had not yet been adopted. The Samoan Administration had a sum of £10,000 deposited at Wellington, which might be used in lieu of a subsidy from the Government.

M. RAPPARD trusted that the abolition of the native tax together with the suppression of the subsidy of £20,000 might not unfavourably affect the administrative organisation of the territory.

Sir Thomas WILFORD replied that there had been a considerable increase in the revenue from the banana trade.

M. RAPPARD was glad to see the financial table on page 30 of the report, and trusted that this would be given in future years and, if possible, expanded.

Sir Thomas WILFORD replied that this table would certainly be given in future years as it had been prepared by order of the New Zealand Parliament.

M. RUPPEL noted that the copra tax still remained at 30*s*. This was a reasonable rate when the price of copra stood at £25 per ton. As the price had now dropped to £11 a ton, he asked whether the Government had considered the advisability of reducing the tax.

Sir Thomas WILFORD said the Government would no doubt review the position if the price continued to remain low.

Lord LUGARD asked if the Government was still purchasing copra under the scheme instituted by General Richardson.

Sir Thomas WILFORD was unable to give the information.

Lord LUGARD requested that it might be given in the next report.

JUDICIAL ORGANISATION.

M. RUPPEL noted that the report contained no mention of native judges. In the previous year the accredited representative had stated that they had been suspended on account of the Mau movement.

Sir Thomas WILFORD replied that the Fa'amasinos, having refused to work during the Mau movement, had been suspended. Since that time, two native assessors had been appointed to sit on the bench.

M. RUPPEL asked that this question should be dealt with in the next report.

He referred to the statement on page 17 of the report that three fires of incendiary origin had occurred during the year. This would appear to be contradictory to the statement that the Mau agitation had now ceased.

Sir Thomas WILFORD replied that the fires in question were not evidence of the existence or otherwise of the Mau.

M. RUPPEL thought the police department was somewhat inadequate, as these incendiaries had not been discovered.

Sir Thomas WILFORD replied that it was extremely difficult to catch an individual incendiary with the facilities for hiding afforded by the nature of the country.

M. RUPPEL asked for explanations as to the further increase in serious criminal offences.

Sir Thomas WILFORD was unable to give any explanation.

M. RUPPEL noted that judicial statistics were contained on pages 6, 14, 18 and 19 of the report, and asked that, in future reports, these statistics should be grouped together so as to make them more comprehensible.

He noted that offences under the Maintenance of Authority in Native Affairs Ordinance had increased from 101 in a fifteen-month period from 1929 to 1930, to 286 in a twelvemonth period in 1930-31. He asked for an explanation of this increase, which was particularly striking in view of the termination of the Mau movement.

Sir Thomas WILFORD said he would convey the suggestion regarding judicial statistics to his Government. He was unable to give an explanation of the increases to which M. Ruppel had referred.

M. RUPPEL noted that no convictions were recorded in respect of unpaid taxes. On the other hand, it appeared from other information received that a number of persons had been imprisoned at Apia for this offence.

He referred, further, to a report in *The Times* of April 23rd, 1931, that the Nelson Company Limited was convicted on twenty-eight charges of taking part in the activities and of receiving

moneys on behalf of the Mau, contrary to the Seditious Organisations Ordinance. He asked what these charges were, and what was the result of the appeal from this judgment.

Sir Thomas WILFORD replied that no information had yet been received regarding the result of the appeal. The money received by the company had been collected in Samoa and sent to Mr. Nelson at Auckland. The collectors were mostly insignificant people and no leaders were involved. This was the last native manifestation of the Mau movement. The case had been heard by Judge Luxford, and the fines imposed had amounted to £200 on each of the twenty-eight charges.

Lord LUGARD said the Mandates Commission had often requested that a volume containing a collection of Samoan ordinances should be made available, as such information was available in the case of all the other territories under mandate.

Sir Thomas WILFORD replied that the consolidation of the various statutes and ordinances was in preparation, and, when ready, he would be glad to provide a copy for the Commission.

POLICE.

M. RUPPEL asked how long the white constabulary would be maintained. In the previous year,[1] the accredited representative had stated that it was merely temporary.

Sir Thomas WILFORD said the Government's intention was to keep on reducing the number of white constables in order to cut down expenditure. He referred to the information given on page 17 of the report.

M. RUPPEL asked if any change had been made in the arrangements regarding the appointment of non-commissioned officers of the constabulary as district officers.

Sir Thomas WILFORD replied that the system would probably be changed.

COLLABORATION OF THE NATIVES IN THE ADMINISTRATION OF THE TERRITORY.

Lord LUGARD noted that the Legislative Council included two Samoans and asked how they had acquitted themselves.

Sir Thomas WILFORD replied that they had worked harmoniously with the Administration.

Lord LUGARD asked if the Fono of Faipules still existed, and whether the reconstituted Fono still continued to meet.

Sir Thomas WILFORD replied in the affirmative.

Lord LUGARD asked if there was no resentment at the Faipules being nominated rather than elected.

Sir Thomas WILFORD replied that there was not, as far as he knew.

LABOUR.

Mr. WEAVER noted the reduction in the number of Chinese labourers and the statement that this reduction was partly due to the increased employment of Samoans. He asked that the next report might contain figures as to the number of Samoans willing to work on the plantations.

It was stated on page 17 of the report that a certain scarcity of employment for Chinese had developed. He asked whether their pay was being continued — he thought this was guaranteed by the terms of their indentures — or whether there was any danger of their becoming vagrants.

Sir Thomas WILFORD said there was no danger of this.

The Samoans were beginning to realise the advantage of working on the plantations.

Lord LUGARD asked for information as to the way in which the new system of " free labour " for Chinese was working. He took this to mean that the men came to Samoa without being indentured.

Sir Thomas WILFORD said that was not quite correct. The men came in under an indenture for a certain period, but were free to choose their employers.

Lord LUGARD said it was reported that there was no alien labour in American Samoa.

Sir Thomas WILFORD replied that it was quite impossible for him to answer questions regarding American Samoa. This was in great contrast to Western Samoa.

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[1] See Minutes of the nineteenth session, page 62.

Missions.

M. Palacios noted that the report contained no information regarding missions and asked that details should be given in the next report.

Sir Thomas Wilford agreed.

Education.

Mlle. Dannevig observed that, in paragraph 1 on page 13 of the report, it was stated that the total attendance at the Grade II schools amounted to 2,912 pupils. In the last paragraph of the same section, however, where monthly statistics were given, she noted that the number of pupils attending varied greatly from month to month.

Sir Thomas Wilford replied that that was so.

In reply to a further question by Mlle. Dannevig, Sir Thomas Wilford said that the next report would indicate the number of schools organised respectively by each of the various missions, and the number of pupils, boys and girls.

In reply to Mlle. Dannevig, Sir Thomas Wilford said that the Malifa Training School was a Grade II school where teachers received their practical training.

Mlle. Dannevig asked whether the discipline in the schools was good, and if the native teachers worked in harmony with the Administration or were partisans of the Mau.

Sir Thomas Wilford said that the native teachers worked in perfect harmony with the other teachers.

Mlle. Dannevig, referring to a remark in the opening speech of the accredited representative that the young people were filled with a spirit of opposition, asked whether the younger generation in general was affected by the pamphlets of the Mau and whether the Administration had found it necessary to take any counter-steps.

Sir Thomas Wilford replied that he had not heard of any trouble on the lines suggested by Mlle. Dannevig.

Liquor traffic.

In reply to Count de Penha Garcia, Sir Thomas Wilford said that half-castes were treated on the same footing as whites in the matter of liquor regulations. He could not say how many of the thirty-eight persons convicted for liquor offences were concerned in supplying liquor to natives. He would see that separate figures for such cases were given in the next report.

Public Health.

M. Ruppel, after drawing attention to the admirable map attached to the report, noted that the four European doctors and nine European nurses were all stationed at Apia. Might it not be desirable for at least one medical officer to be stationed in Savai'i ?

Sir Thomas Wilford agreed that it might be desirable, and he would note the suggestion.

Land Tenure.

Lord Lugard asked whether the Order in Council concerning reparation estates involved any indebtedness for Samoa.

Sir Thomas Wilford replied in the negative.

Close of the Hearing.

The Chairman thanked Sir Thomas Wilford for the way in which he had replied to the various questions.

Sir Thomas Wilford pointed out that it was a difficult matter for one man to answer all the varied questions put to him by the different members of the Commission. When questions had been asked to which he did not know the answer, he had thought it the most honest course to reply simply that he did not know.

He thanked the Commission for the extreme courtesy it had shown him.

Sir Thomas Wilford withdrew.

Cameroons and Togoland under British Mandate : Observations of the Commission.

M. MERLIN strongly objected to the suggestion that smuggling was continually taking place from French mandated into British mandated territory.

Lord LUGARD pointed out that this was mainly due to the fact that the duties were lower in the territories under French mandate.

M. MERLIN replied that it was surely for the territory into which smuggling occurred to take proper steps to guard its frontiers.

M. ORTS desired to point out that an endeavour had been made for the last forty years to reach an agreement, by means of general international acts, to take common action in Africa against the liquor traffic, just because there were no means of adequately guarding the various African frontiers.

Lord LUGARD asked whether M. Merlin would agree to the equalisation of duties in both territories.

M. MERLIN replied that the Governors of the two territories had already tried to reach an agreement, but had been unable to do so owing to the differences of exchange. In addition, access by rail through French Togoland was easier and cheaper than via Nigeria.

Lord LUGARD replied that the difficulty had been overcome in Nigeria by increasing the railroad rates for the transport of spirits.

M. MERLIN agreed that joint action was necessary. He had merely protested against the form in which the recent annual reports had been worded.

M. Merlin then submitted the following text :

> " The Permanent Mandates Commission expresses the desire that neighbouring local authorities should give special attention to the liquor traffic across the frontier and should conclude agreements and institute measures which would have the effect of making any attempt at smuggling unprofitable. "

Lord LUGARD observed that this text made no mention of the raising of duties in French territory.

M. MERLIN assured Lord Lugard that his formula covered that possibility.

Lord LUGARD said he would agree to M. Merlin's text in order not to prolong the discussion further. He felt, however, that a mere pious resolution would produce little result.

On the suggestion of M. Rappard, *it was agreed that the resolution should apply to the four mandated territories — that was to say, Cameroons and Togoland under British mandate and Cameroons and Togoland under French mandate.*

The Commission adopted the text of its observations regarding Togoland and the Cameroons under British mandate (Annex 21).

TWENTIETH MEETING.

Held on Friday, November 6th, 1931, at 3.30 p.m.

Question of the Emancipation of Iraq (continuation) : **First Reading of the Draft Report of the Commission.** [1]

SECTION 3 OF PARAGRAPH 1.

This section was as follows :

> " The task which has been entrusted by the Council to the Permanent Mandates Commission and which does not correspond to the ordinary duties devolving upon it under the Covenant and its constitution has a twofold object. It consists, in the first place, in determining whether the time has come, as contemplated in Article 22 of the Covenant, to put an end to the mandate in the particular case of Iraq. Its second object, if the Commission has rightly interpreted the Council's desire, is to define clearly the general guarantees to be provided by Iraq, and, if necessary, any additional guarantees which the special position of Iraq might justify. "

[1] The text of the report in the form in which it was adopted as a result of the modifications made during the discussions is included in Annex 22 to the Minutes.

M. Catastini observed, on the part of the Marquis Theodoli, who was absent, that " the aim " of the Commission was not twofold, but threefold, seeing that the Commission had also to examine the undertakings given by the mandated territory to the mandatory Power, in accordance with the Council's decision.

M. Ruppel agreed.

M. Orts and M. Van Rees said that the examination of the Anglo-Iraqi Treaty formed part of the examination of the *de facto* situation, so that it was not excluded by the reference to a " twofold aim ".

The Commission adopted the text of this passage.

Count de Penha Garcia noted that section 3 of paragraph 1 mentioned " the termination of the mandate provided . . . ". Would it not be better to emphasise in the report the special character of the Iraq mandate? He reminded the Commission that, before Iraq was placed under mandate, the independence of the country had been recognised first by England and then by others. Secondly, the mandate had been established on the basis of an agreement reached between Iraq and Great Britain, the latter having, in 1922, already promised to propose four years later, if circumstances allowed, the termination of the mandate. In fact, the proposal had only been presented in 1929 ; but it should be noted in this sequence of events that, even when the mandate was first established, its termination had been contemplated after a short period. Public opinion, consequently, could not be astonished at the actual decision to emancipate Iraq at so early a date as 1932.

Several proposals having been made with a view to bringing out the special nature, character or form of the Iraq mandate, M. Merlin said he could not accept any of these. There was no difference in character or essence between the Iraq mandate and other mandates. Each mandate, regarded separately, was different from the others ; and all A mandates were totally different from the B and C mandates. During the last few years, Iraq had certainly been treated by the Commission as a mandated territory, just like all the other mandated territories. The mandate system had been applied to it in full. The fact that the mandate originated in a bilateral treaty between Great Britain and Iraq, registered by the League of Nations as constituting the Iraq mandate, was a pure accident and had no effect on the form, character or nature of the mandate.

M. Van Rees did not entirely share M. Merlin's opinion. From the point of view of the mandate itself, there was a difference between the political status of Iraq and that of the other mandated territories owing to the fact that Iraq had been recognised as independent by various treaties and that its constitution was that of an independent State. Nevertheless, he did not consider it of any great importance to emphasise this point.

M. Merlin agreed that there were certain anomalies in the political status of Iraq, but maintained his view that they did not in any way modify the nature of the mandate applied to that country.

M. Palacios thought the Commission should deal with these questions for the reason that the Iraq regime was a mandates regime, but proposed in order to give satisfaction to Count de Penha Garcia and M. Merlin, that the following explanation should be inserted in the first sentence of the last paragraph : " a mandate which, from its inception, possessed a form or certain special features ".

M. Palacios' proposal was adopted.

Paragraph 1 was adopted with certain drafting amendments.

Paragraph 2.

This paragraph was as follows :

" As the Mandates Commission pointed out in its report on its twentieth session, the question whether a people which has hitherto been under tutelage has become fit to stand alone is above all a question of fact. In determining its ability to do so, it is necessary not only to ascertain whether the country desirous of emancipation has at present a body of laws and the essential political institutions and administrative machinery which go to make a modern State, but also whether it gives evidence of social conditions and a spirit of civic responsibility which would ensure the regular working of these institutions and the exercise of the civil and political rights established by law.

" The Permanent Mandates Commission desires to point out that it is not in a position to observe the moral condition and internal policy of Iraq, the degree of efficiency reached by its administrative organisation, the spirit in which the laws are applied, or the working of the institutions the existence of which it has noted. It could only give a definite opinion on these various points if it were free to employ methods of direct observation.

" In judging the actual situation in Iraq, the Permanent Mandates Commission has therefore been able to refer only to the annual reports of the mandatory Power and the special report entitled ' Progress of Iraq during the Period 1920-1931 ', and has had to endeavour to reach a conclusion on the basis of the explanations furnished year by year by the accredited representatives of the mandatory Power during the examination of these reports, and the observations made by the mandatory Government on the numerous

petitions addressed to the Commission by inhabitants of Iraq or by persons who acted on their behalf.

" The views of the British Government on the degree of Iraq's political maturity are the views of the guide who, since the mandate was granted, has constantly directed and observed the rapid progress made by that country. The full significance of these views is recognised when they are considered along with a declaration made by the accredited representative of that Government at the twentieth session of the Permanent Mandates Commission — the great importance of which the Council will certainly have appreciated — to the effect that ' His Majesty's Government fully realised its responsibility in recommending that Iraq should be admitted to the League, which was, in its view, the only legal way of terminating the mandate. Should Iraq prove herself unworthy of the confidence which had been placed in her, the moral responsibility must rest with His Majesty's Government . . . '

" In the ' Report on the Progress of Iraq during the Period 1920-1931 ', the Permanent Mandates Commission noted the following passage :

> " ' They (His Majesty's Government) have never regarded the attainment of an ideal standard of administrative efficiency and stability as a necessary condition either of the termination of the mandatory regime or of the admission of Iraq to membership of the League of Nations. Nor has it been their conception that Iraq should, from the first, be able to challenge comparison with the most highly developed and civilised nations of the modern world. '

" This conception of the requirements which must be insisted upon in emancipating a country hitherto under mandate has appeared to the Commission to be sound. The Commission desires to indicate that this was the point of view from which it proceeded when formulating in the present report certain opinions as to the existence in Iraq of *de facto* conditions which satisfy the general conditions stated in the Council resolution of September 4th, 1931. "

M. Rappard proposed the following addition :

" The Commission desires to inform the Council at the outset that its observations during the various sessions at which the annual reports on Iraq were examined would not have suggested to it that the time had already come to propose the termination of the regime under which that country was placed some few years ago. Since, however, the mandatory Power strongly recommends the emancipation of its ward in the near future, the Commission has made a point of examining this recommendation with the sole object of contributing, by the means at its disposal, towards the proper solution of a problem the political importance of which is manifest. "

If the Commission adopted this addition, it would have to determine where it would be inserted. M. Rappard made no proposal on that point.

The addition proposed by M. Rappard was postponed for consideration later.

Count de Penha Garcia could not agree with the remarks in the second sub-paragraph of the draft on " direct observation ". The members of the Commission would have to live for several years in the country before they could form an opinion regarding the degree of Iraq's polititical maturity on the basis of direct observation.

M. Merlin thought that, if the Commission were able to stay for three or six months in Iraq it would be no wiser than on the day of its arrival. It might even obtain a false idea of the situation, because it would be assailed by discontents on every side, with requests and protests of all kinds. These persons would leave it no peace as long as it remained in the territory. He could not, therefore, agree to the sentence in the draft concerning direct observation.

M. Palacios was in favour of " direct observation ".

M. Orts declared that he had often been sorely perplexed by the contradictory statements of the petitioners and of the Press on one side and of the organs of the mandatory Power on the other. As regarded the present *de facto* situation in Iraq, he felt the Commission should avoid expressing an opinion by which it would be bound. The passage in the draft report was in accordance with this view.

M. Merlin was of opinion, on the contrary, that the Commission possessed the very best means of investigation it could desire — petitions, Press articles, annual reports and explanations by the accredited representatives. Enquiries on the spot would add nothing useful to its information.

M. Palacios said that enquiries on the spot, such as those which had been made by the Mosul Commission and the Liberia Commission, had been most useful.

Paragraph 2 was adopted with certain amendments.

Paragraph 3.

Paragraph 3 was adopted with certain amendments.

TWENTY-FIRST MEETING.

Held on Saturday, November 7th, 1931, at 10.30 a.m.

Question of the Emancipation of Iraq (continuation) : **First Reading of the Draft Report of the Commission** (continuation).

PROTECTION OF MINORITIES : SECTION *(a)* OF PARAGRAPH 4.

This passage was as follows :

" *(a)* In the case of Iraq, the Commission is of opinion that the protection of racial, linguistic and religious minorities should be ensured by means of a series of provisions inserted in a declaration to be made by the Iraqi Government before the Council of the League of Nations and by the acceptance of the Rules of Procedure laid down by the Council in regard to petitions concerning minorities.

" 1. This declaration, whose text would be established in agreement with the Council, would contain the general provisions relating to the protection of the said minorities accepted by several European States.

" In addition, Iraq would accept any special provisions which the Council of the League of Nations, in agreement with the Iraqi Government, might think it necessary to lay down as a temporary or permanent measure to ensure the effective protection of racial, linguistic and religious minorities in Iraq.

" 2. Iraq would agree that, in so far as they affected persons belonging to the racial, religious or linguistic minorities, these provisions would constitute obligations of international concern and would be placed under the guarantee of the League of Nations. No modification could be made in them without the assent of a majority of the Council of the League of Nations.

" Iraq would agree that any Member of the Council of the League of Nations would have the right to bring to the attention of the Council any infraction or danger of infraction of any of these stipulations, and the Council could thereupon take such action and give such direction as it might deem proper and effective in the circumstances.

" Iraq would agree that any difference of opinion as to the questions of law or fact arising out of these provisions between Iraq and any Power a Member of the Council of the League of Nations would be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. Any such dispute would, if the other party thereto demanded, be referred to the Permanent Court of International Justice. The decision of the Permanent Court would be final and would have the same force and effect as an award under Article 13 of the Covenant."

M. ORTS pointed out that the wording of the passage relating to the protection of minorities was taken from existing Conventions concerning minorities. The object of this similarity of form was to emphasise that the guarantees required of Iraq were the same as those given by European countries which had minorities.

Lord LUGARD thought there was a very general fear lest the minorities should be insufficiently protected, since members of the Council could not have the same interest, as in the case of European minorities, in placing any grievance on the agenda. He had been assured that any petition submitted by or on behalf of Iraqi minorities would automatically be examined by a Committee of three and, if there was a *prima facie* case, would be placed on the agenda of the Council. In order, however, to reassure persons who were not familiar with the procedure, he suggested the addition of the following words, which, M. de Azcarate had assured him, would not involve any exceptional procedure against which Iraq could raise objections :

" . . . procedure by which minorities themselves and any person, association or State shall have the right to submit petitions to the League of Nations. "

The Commission adopted the above text, to be added at the end of paragraph 4 (a).

M. RUPPEL drew the attention of the Commission to the fact that, under the Council's decision of December 16th, 1925, the Kurds enjoyed special privileges and were consequently better protected under the mandate than they would be when Iraq enjoyed complete independence, if the text of the draft remained in its present form. He thought it would be well to direct the Council's attention to the privileged position the Kurds enjoyed and to urge that that privileged position should be maintained.

M. ORTS recognised that the minorities would be less well protected in an independent Iraq than in an Iraq under mandate. The same might be said of all the interests existing in the country, including the interests of the inhabitants as a whole. British influence had protected all of them without discrimination. Such protection was still necessary. For that

reason, the Commission feared the consequences if the mandate were terminated prematurely. It was important, however, to be logical. If it were considered that an independent Iraq should be required to give, if not more guarantees than Iraq under mandate, at any rate as many, that was because it was not considered ready for independence. If, on the contrary, it was agreed that Iraq might be emancipated, it should be sufficient to require of it the guarantees imposed on other countries which had minorities.

In reply to a question by M. Ruppel, M. Orts said that, in his view, it would no longer be possible to give the Kurds the special protection now accorded to them, as that would be tantamount to creating a privileged class in the country and would constitute further evidence that Iraq was not yet ready for independence.

M. Merlin thought that the laudable desire to protect the minorities should not lead the Commission to set up in the country centres of opposition which might endanger its unity. Communities which enjoyed privileges which were outside the ordinary law would always have a tendency to set up a State within the State, and care must be taken to avoid creating, on the pretext of protecting minorities, a form of separatism which would constitute a danger to the country.

M. Rappard did not think it necessarily followed that Iraq should not be asked to furnish more guarantees than were required from other independent States.

Count de Penha Garcia felt that the Commission should simply apply to Iraq the general procedure established for minorities, suggesting, at the same time, that certain special guarantees might be added. For that purpose, it would be necessary to define the rights that were to be guaranteed to the minorities. He agreed with M. Catastini that the Commission could not undertake to define in detail the rights of minorities in Iraq. It would be a very delicate business, and it was perhaps unnecessary for the Commission to attempt it.

M. Merlin considered that such a procedure would be at variance with the whole system that was contemplated ; if the minorities were defined, they must be given a guarantor. All that should be done was to define the guarantees, so far as it was possible to do so in the case of an independent State.

M. Rappard reiterated his view that Iraq was not yet ready for complete independence. In his opinion, only two procedures were possible for the protection of minorities — the application of the general system for the protection of minorities or the enforcement of special guarantees, to be safeguarded by a representative of the League of Nations. The first of these systems seemed to him to be insufficient in the case of Iraq.

M. Merlin pointed out that if the Commission decided that it saw no objection to the declaration of Iraq's independence, it could not, in its special conclusions, weaken that general conclusion. It was clear from the report that the Commission had seen no fundamental objection to the complete emancipation of Iraq. It should content itself with a statement to that effect and leave it to those in charge of the negotiations to settle the final form of the guarantees which were considered necessary. The Mandates Commission must beware of trying to act as legislator, and confine itself to stating clearly, but without going into details, what Iraq was to be asked to accept.

M. Rappard thought that it should be clearly stated that the Commission would never have proposed the emancipation of Iraq, but that, having been asked to examine the conditions under which emancipation might take place, it felt that certain guarantees were particularly necessary and it wished to define them. Again, if the integral application of the essential guarantees was to be ensured, it would be necessary to appoint a representative of the League of Nations in Iraq, in order to see that they were actually enforced. The Commission should not, however, go into details as regards the means to be employed to ensure to the minorities the guarantees which it judged necessary.

Count de Penha Garcia was not entirely averse to M. Rappard's suggestion that the protection of minorities should be under the supervision of a representative of the League. He reminded the Commission, however, of the observations of the accredited representative of the mandatory Power concerning the state of mind that prevailed in Iraq, which showed that this proposal would not be welcomed by the majority in the country nor by the Iraqi Government.

The mandatory Power had pointed out that Iraq was anxious to preserve the unity of the country. Care must be taken, therefore, when examining the question of minorities, to avoid creating what might be a source of constant unrest. The minorities must be ensured the right to ventilate their complaints and, if necessary, to ask for protection ; but the League's authority was purely moral in character, and that authority would remain the same whether there was a League representative in the country or not. The presence of a representative of the League of Nations concerned with minorities might create ambiguity and endanger good relations between the majority and the minorities.

M. Ruppel thought that the Council's attention should be drawn to the present situation in Iraq and to recall that this situation was governed by Article 3 of the treaty with the mandatory Power and by the Council's decision of December 1925.

M. Van Rees seconded Count de Penha Garcia's suggestion. The accredited representative had shown that it was not by reinforcing the guarantees that their efficacy would be increased, and had insisted on the undesirability of creating in Iraq a State (formed of minorities) within

a State. It would be sufficient to state generally that minorities must be protected, without going into details. He therefore accepted the text of paragraph *(a)* as drafted, with the addition proposed by Lord Lugard.

M. Rappard suggested that the whole of the end of paragraph *(a)* should be omitted after the words " racial, linguistic and religious minorities ", and that the following words should be added : " Opinions were divided as to the means of ensuring such protection ". The Commission also ought to indicate the proposals which had been made, for he was sure that the present system for the protection of minorities, if applied to Iraq, would be illusory. If a Minorities Commission similar to the Mandates Commission were in existence, it was possible that the protection claimed by means of petitions might be effective. The system of referring minorities' petitions direct to the Council, however, did not seem very practical in the case of Iraq. Supervision by a representative of the League of Nations would ensure better protection and avoid all danger of setting up a State within a State.

It would be desirable that the Commission, after specifying the guarantees it wished to secure, should state that opinions had been divided as to the means of application, and should indicate the methods proposed by the majority and those proposed by the minority of its members.

M. Orts could not see any objection to mentioning the divergence of views between the members of the Commission, and suggested that a vote should be taken on the proposal to provide additional guarantees for Iraq by means of permanent supervision by a representative of the League. Personally, he would vote against the proposal.

M. Ruppel also asked that mention should be made in the paragraph of the various means suggested for ensuring the protection of minorities, and that reference should be made to the Minutes of the meetings at which these points had been discussed.

Mlle. Dannevig emphasised the responsibility assumed by the mandatory Power, and reminded the Commission of the statement which the accredited representative had read on the psychological factor in Iraq. Like everyone else, she was anxious to create the best possible guarantees for the minorities. She feared, however, that, if additional guarantees were called for, the mandatory Power might, if trouble arose, lay the responsibility on the Mandates Commission, which had gone beyond the recommendations of the mandatory Power and thereby prevented the latter from exercising the influence upon which it had relied.

Count de Penha Garcia, M. Merlin, M. Van Rees, Lord Lugard and M. Sakenobe said they would accept the text proposed for paragraph 1, accompanied by a reference to the Minutes as requested by M. Ruppel, the object being to oblige the Council to note the opinions expressed in the course of the discussion.

M. Rappard said he was also prepared to accept the text with the following addition : " Various suggestions concerning the means for ensuring such protection were put forward by members of the Commission (see Minutes of the fifteenth and twenty-first meetings) ".

Addition to the Fourth Section of Paragraph 2.

The Chairman observed that, during the meeting on November 6th, M. Rappard had proposed that the following text be added to paragraph 2 :

> " The Commission desires to inform the Council at the outset that its observations during the various sessions at which the annual reports on Iraq were examined would not have suggested to it that the time had already come to propose the termination of the regime under which that country was placed some years ago. Since, however, the mandatory Power recommends the emancipation of its ward in the near future, the Commission has made a point of examining this recommendation with the sole object of contributing, by the means at its disposal, towards the proper solution of a problem the political importance of which is manifest. "

M. Orts had, before leaving, handed him an alternative text, which he personally was prepared to adopt. This text read as follows :

> " Failing such declaration, the Permanent Mandates Commission would be unable to accept the recommendation of the British Government regarding the early emancipation of Iraq. The observations made at the various meetings devoted to the consideration of the annual reports on the administration of Iraq have not in themselves led the Commission to think that the moment has now arrived to propose the termination of a system which, a few years ago, seemed to be necessary in all respects, and more particularly in the interest of all the elements of the population."

M. Van Rees objected to the text on the ground that it was for the Council and not the Commission to accept the proposal to emancipate Iraq. Moreover, he did not think it necessary or desirable to insert the text in question in the report.

The Chairman explained that the object of the text was to prove that the initiative with regard to the termination of the Iraq mandate had not been taken by the Commission itself.

M. Rappard hoped that the Commission, which, without a formal declaration on the part of the mandatory Power to the effect that it would assume full responsibility, would certainly not have proposed the early emancipation of Iraq, would not adopt a report which would be in contradiction with its Minutes containing the record of the examination of the accredited representative, in the course of which all the members of the Commission had stated their scruples in detail.

After discussion the following text was adopted :

" Failing this declaration, the Permanent Mandates Commission would be unable to contemplate, in so far as it is concerned, the termination of a regime which appeared a few years ago to be necessary, more particularly in the interest of all the elements of the population."

Form of the Commission's Report.

The Commission decided that its opinion on the emancipation of Iraq shall be submitted to the Council in a special report, separate from its report on the ordinary work of the session. This report will be inserted in the document containing the ordinary report and the Minutes of the session.

Reduction of the Number of Sessions of the Commission in 1932.

The Commission adopted the following resolution :

" The Commission has noted a decision taken by the twelfth Assembly to the effect that the budgetary estimates for 1932 only allow one session to be held in that year.

" The Mandates Commission will make every effort to comply with the Assembly's decision and carry out, if possible, the essential part of its ordinary task and such other work as cannot be postponed until the following financial year.

" The Commission feels bound to draw the Council's attention to the consequences which this decision would involve if it were to be maintained or renewed.

" The Commission would be absolutely unable to fulfil the duties conferred upon it by Article 22 of the Covenant ; consequently, the whole mandates system, of which the Commission forms an essential part, would be prevented from working in an effective and regular manner.

" The Commission has requested its Chairman to hold himself at the disposal of the Council to explain, if the Council so desires, the grounds on which the Commission's fears are based."

TWENTY-SECOND MEETING.

Held on Monday, November 9th, 1931, at 10.30 a.m.

Togoland under French Mandate: Examination of the Annual Report for 1930.

M. Besson, Head of the First Bureau of the Political Department in the Ministry for the Colonies, accredited representative of the mandatory Power, came to the table of the Commission.

Welcome to the Accredited Representative.

The Chairman welcomed the accredited representative of the mandatory Power and thanked him for his help and for the kindness he had shown during the Commission's visit to the Colonial Exhibition at Paris. He also congratulated the French Government on, and thanked it for, the report on Togoland which it had submitted, and which gave very full information on the position in the territory.

He also thanked the mandatory Power, on behalf of the Commission, for the excellent maps which it had transmitted.

Relations between the Frontier Populations of Togoland under French Mandate and Togoland under British Mandate.

The Chairman recalled that the Commission, when examining the report for 1929, had been disturbed by the dispute between the inhabitants of the villages of Honouta and Woamé, and had expressed a desire that a satisfactory solution would soon be reached.

The report for 1930 stated, on page 144, that this dispute had entered on a period of lethargy, as the natives of Woamé continued to cultivate their land on the other side of the frontier without being disturbed in their property rights by the people of Honouta, with whom they were said to have concluded a number of individual agreements.

He asked the accredited representative whether the position had not changed since the report had been written, and whether the two mandatory Powers concerned were not afraid of trouble arising from the constant crossing of the frontier by natives proceeding to the neighbouring territory to cultivate their land. He asked if it would not be preferable to proceed to a final delimitation of the frontier.

M. Besson stated that, according to information received by the Ministry for the Colonies, there had been no incidents. The local authorities had left the British Administration to settle this dispute in the courts in British territory. He added that the question had lost some of its importance in view of the present slump in cocoa.

Frontier between Togoland under French Mandate and Togoland under British Mandate.

M. Van Rees expressed satisfaction at the results achieved by the Mixed Commission for the Delimitation of the Frontier, and asked whether steps had been taken to mark the boundary.

M. Besson replied that this operation had been completed in June 1930.

Naturalisation of the Natives.

In reply to a question by M. Ruppel, M. Van Rees explained that the decree regarding the naturalisation of natives, which applied to the Cameroons under French mandate, was also applicable to Togoland under French mandate.

M. Besson stated, in reply to a request by M. Ruppel, that the reports would henceforward give information regarding the original nationality of the naturalised persons.

M. Rappard asked what policy the Administration proposed to follow in respect of the naturalisation of natives in Togoland. He pointed out that, in the Cameroons under French mandate, such naturalisation was somewhat rare.

M. Besson explained that the Togoland Administration had no intention of encouraging the naturalisation of natives ; this would be contrary to the policy adopted by France in this matter for her colonies in general. In this respect, the mandatory Power was exercising more caution in Togoland than elsewhere. Up to the present, he did not know of any case of the naturalisation of a native of Togoland under French mandate. There were five young natives from this territory at the secondary school at Aix in Provence, and on their return they might apply for naturalisation in order to be able to occupy certain public positions. The naturalisation of natives in Togoland would probably be restricted to such cases.

M. Rappard thought the Commission would be unanimous in congratulating the French Government on its policy on this question ; the naturalisation *en bloc* of native inhabitants of the mandated territory would hardly be compatible with the territory's autonomous status.

M. Besson continued that the French Government quite understood that naturalisation in large numbers should be avoided in the territories under mandate.

Commercial Relations between Togoland and Dahomey.

The Chairman reminded the Commission that, at its eighteenth session,[1] it had dealt with the question of Customs relations between Togoland and Dahomey. According to explanations given at that session by the accredited representative, Dahomey had established a Customs barrier, because it had been noticed that there was a tendency on the part of merchants to send various goods through Togoland. This barrier was said to create some inconvenience for the native population, and even to be the cause of trouble in the frontier district. A report on this subject had been sent to the Ministry for the Colonies by the Government of French West Africa, and the accredited representative had stated that the mandatory Power intended to devote all its attention to this question. The Chairman asked what was the present position in this respect.

M. Besson read the following letter addressed by the Minister for the Colonies to the Minister for Foreign Affairs :

[*Translation.*]

> " In your letter No. 1104, of August 21st, you were good enough to inform me that the Director of the Mandates Section of the Secretariat of the League of Nations had pointed out to our accredited representative at Geneva that the Government of the Republic

[1] See Minutes of the eighteenth session, pages 88 and 89.

had not yet submitted its observations regarding a petition of the Council of Notables of Anecho regarding commercial relations between Togoland and Dahomey.

" These observations were forwarded to you by my predecessor in his letter No. 3, of January 8th last. M. Steeg also informed you that, in order to put an end to a misunderstanding which was calculated to inspire the belief among the native population that our administration was different in the case of colonies and mandated territories, he drew the attention of the Governor-General of French West Africa and of the Commissioner of the Republic in Togoland to the advisability of reaching a solution compatible with the interests of the two territories and calculated to tighten the economic bonds which should exist between all our native nationals in West Africa.

" Though a final solution has not yet been reached, negotiations have at any rate been instituted between the Administrations of Dahomey and Togoland in entire agreement with the general government of French West Africa, which showed its firm desire that all questions should be examined in the most conciliatory spirit. For this purpose a first meeting took place at Porto-Novo on April 9th between M. Bonnecarrère and M. Tellier, Lieutenant-Governor of Dahomey, and a further meeting is proposed either at Grand-Popo or Anecho.

" In any case, one result has been obtained — namely, the suppression of the Customs frontier for goods coming into Togoland from Dahomey — and I have every reason to think that complete reciprocity will shortly be granted to Dahomey. One question has been left in suspense — namely, the unification of local taxes in the two territories ; this is a delicate question, as the object is to reconcile opposing interests, but I have no doubt that a friendly settlement will soon be reached.

" I should be glad if the above explanations, and those furnished in my predecessor's letter No. 3, of January 8th, were brought without delay to the notice of the Mandates Commission. No doubt some questions of detail still remain unsettled, and probably some such questions will always exist between neighbouring autonomous territories. But the essential point is that the Administrations concerned have promised to solve them in the most cordial spirit, and it may be stated that the petition in question from the notables of Anecho has already received full satisfaction in so far as it was justified."

Economic Equality.

M. Ruppel asked whether the 1925 Convention, which provided for exemptions from harbour dues for vessels belonging to certain French shipping companies, applied both to Togoland and to the Cameroons, and whether vessels of those companies benefited at Lomé from the exemptions laid down in that Convention.

M. Besson was under the impression that, in this respect, the position was the same in Togoland as in the Cameroons.

M. Ruppel said that, in that event, his observations regarding exemptions granted to the vessels of the French companies in question in Cameroon ports also applied in the present case. He also referred to the remarks he had made during the discussion of the Cameroons report with regard to the admission of postal packages.

M. Van Rees said he had before him the text of a Decree signed by M. Bourgine on August 6th, 1930, Article 1 of which repealed Article 1 of Decree No. 505, of September 16th, 1929, granting exemption from import duties on all materials, articles and objects of all kinds imported by the Government and on those imported by private persons in execution of regular contracts concluded locally with a department of the territory. Consequently, the materials, etc., intended, for example, for carrying out public works were no longer exempt from import duties. He asked whether this change was due to a desire to observe the principle of economic equality.

M. Besson thought it was, above all, a fiscal measure in the interests of good administration, and that the object of the Decree was to increase the revenue of the territory. In addition, account had been taken of the difficulty experienced by the Customs in distinguishing between goods exempt under the Decree of September 16th, 1929, and other goods.

In reply to a question by Lord Lugard, M. Besson explained that the Decree of August 6th, 1930, applied to all goods, whatever their origin.

In reply to a question by M. Van Rees, he did not think there was a Decree in the Cameroons similar to that to which M. Van Rees had just referred. In any case, M. Besson would enquire, and the next report would contain detailed information on the subject.

Activities of the " Bund der Deutsch-Togoländer ".

M. Ruppel noted a reference on page 144 of the report to an association called " Bund der Deutsch-Togoländer ", which was said to be more or less openly supported by German citizens. M. 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, but he would be very glad if the mandatory Power would not insert in its reports doubts or suspicions similar to those contained on page 144 before it had ascertained whether they were well founded.

M. Besson said he possessed information regarding this association, which he would ask the Commission's permission not to submit. The members of the "Bund der Deutsch-Togoländer" pestered the Administration of Togoland under French mandate with claims and protests, and had gone so far as to distribute and affix as posters tracts which were offensive to the local authorities. The latter had naturally been enervated by these constant attempts at blackmail and this campaign of detraction, and this explained the somewhat sharp tone of the passage in question.

Lord Lugard asked if any correspondence had been exchanged on this subject between the French Administration and the Governor-General of the Gold Coast.

M. Besson replied that he thought not.

The Agou-Nyomgbo Case.

M. Ruppel noted that the Agou-Nyomgbo case and its settlement by agreement with the natives were the subject of a special chapter (pages 44 and 45 of the report). The French Administration had adopted as its own the serious accusations made by the population against the Germans who were said " to have taken forcible possession of this land, which they coveted ". Mention was made of " spoliation " and " the injustice of which the natives were said to have been the victims " and the desire of the French Administration to make good " a flagrant iniquity ". The previous administration of the territory under mandate was therefore implicated, and M. Ruppel could not pass over this somewhat offensive statement and expression of opinion.

He pointed out that the property rights acquired by the " Deutsche Togo-Gesellschaft " in 1898 in the Mount Agou district covered more than 47,000 hectares. After the promulgation of the Imperial Decree regarding expropriation in the colonies by which the Administration was authorised to expropriate land in order to provide the natives with the possibility of maintaining their economic activity, the Government of Togoland instituted a special Commission known as the " Landkommission ", consisting of an official, a missionary and a representative of the company. For several years this Commission had made a further and very careful examination of the *de facto* and *de jure* situation. It had succeeded in settling all outstanding matters with each village by means of voluntary agreements between the natives and the company. An agreement between the Colonial Minister and the company itself had definitely confirmed the results attained. The company had only retained 17,600 hectares in the Agou district. The villages of Nyomgbo and Agbetiko had agreed to this settlement without any pressure being brought to bear on them. M. Ruppel referred, in this connection, to No. 23 of the *Deutsches Kolonialblatt* (the official journal of the Ministry for the Colonies), of December 1st, 1910.

M. Besson stated that the mandatory Power had not intended to implicate the German Administration itself, but only the colonisation company, which had been established in Togoland under German administration. In 1898, the relations between Europeans and natives were not what they had since become and still were at present. Moreover, the Administration, which, in 1930, had succeeded, after long palavers with the natives, in satisfactorily settling this question under difficulties of which the colonials were well aware in cases of this kind, had possibly not been able to resist the temptation of placing its own work somewhat in the limelight.

M. Ruppel noted this reply by the accredited representative.

Prohibition of the Export of Food Supplies.

Lord Lugard asked why the Decree of August 5th, 1930, prohibiting the export of provisions had been issued. Had there been a danger of famine ?

M. Besson explained that the north of Togoland had been devastated by locusts in 1930 and that provisions had had to be brought from the south; at the same time, the export of foodstuffs was prohibited in order to keep them in the country.

Native Policy.

Lord Lugard said he had been glad to read, in the *Annales de la politique coloniale*, a statement that the policy followed in Togoland was a policy of "association with", and not of " assimilation of", the natives. He hoped that M. Bonnecarrère's policy would not be changed by the new Commissioner.

Public Finance.

M. Rappard thanked the mandatory Power for having given such detailed information on the public finance of the territory. The abundance of material, in fact, made the statement somewhat unwieldy.

It was stated on page 67 that " the revenue and expenditure of the 1929 budget had been fixed at the following figures, etc. " This probably referred, not to the budget, but to the verified accounts of 1929.

M. Besson stated that this was so.

M. Rappard pointed out that the table on page 69 tended to give the impression that the surplus for each year had been accumulated for purposes of hoarding. In reality, this was not the case, as was proved by the accounts furnished on page 85. It must be admitted, however, that these figures were not very clear.

The reserve fund had known more prosperous days. In this connection, M. Rappard recalled a previous year when it was possible for Togoland to lend five millions to the Cameroons. He asked if this amount had been refunded.

M. Besson replied that the sum in question had been refunded by a transfer in the accounts for the next year. In general, the present report had been drawn up at the beginning of 1930, and, therefore, did not give an exact idea of the financial position of the territory, since a number of steps had been taken between the first few months of 1930 and the present time, which to some extent had changed its position. The report on 1931 would show this change.

M. Rappard noted the statement on page 69 that the European officials of the territory had for a long time been " paid at the 1914 rates in currency which had, in theory, lost 80 per cent of its value and, in practice, still more ". Should it be concluded that, for the period in question, the officials of the Administration had received less than one-fifth of their normal salaries ?

M. Besson replied in the affirmative, and stated that they had nevertheless endeavoured to fulfil their duties honourably and conscientiously.

M. Rappard directed the accredited representative's attention to the list of expenditure, under the local budget of the territory of Togoland under French mandate, on the moral, social and material well-being of the natives for the year 1930 (page 70 of the report). That list appeared to have been established in a somewhat arbitrary manner. For certain items, part only of the expenditure had been included ; while others, for no apparent reason, had been included in their entirety. That was the case, for example, with the " Expenditure relating to the Frontier Delimitation Commission " and " Payments on account of the Supplementary Budget of the Railways and Wharf for Expenditure on Studies relative to the Permanent Way ", which were considered as intended exclusively for the well-being of the natives. This could hardly be maintained.

M. Besson replied that the list had certainly been drawn up on somewhat arbitrary lines, but that that was inevitable.

M. Ruppel pointed out that the list in question referred, not to 1930, but to 1929.

M. Rappard noted that, according to the report, there had been a considerable falling off in the Customs receipts for November and December 1930. He supposed that that tendency had become more marked during the succeeding months.

M. Besson stated that, as regards that point, the report did not show the exact situation. Since it had been prepared, the crisis had followed its course, and the economic situation was still unfavourable. He had asked the Administration of the territory for information concerning economic fluctuations in 1930, and it appeared from the data which he had received that, paradoxical as it might seem, there had been no falling off in production as a whole. During the year under consideration, 10,000 tons of palm oil had been exported, as compared with 6,000 in 1929. Again, the movement of trade in 1930 had been almost the same as in 1929. From that standpoint, three facts might be noted : *(a)* that the native, owing to the general drop in wholesale prices, had had to produce more in order to obtain the same amount of money ; *(b)* that products which were difficult to sell and the sale price of which had dropped a great deal (cotton, cacao, etc.) had been replaced, so far as export was concerned, by palm oil ; *(c)* that the invasion of locusts in the north had made it necessary for the inhabitants of that region to obtain food from the inhabitants of the south, which had meant that the latter had had an opportunity of selling a much larger quantity of foodstuffs.

The mandatory Power had examined the means whereby it might attenuate the effects of the economic depression in the territories over which it held a mandate. The French Parliament — that point should be emphasised — was anxious that there should be no discrimination in the matter between the colonies and the territories under mandate, and had authorised a loan of 73 millions to Togoland to cope with the effects of the crisis. Further, under the terms of the new agreement concluded between the French Government and the West African Bank, the latter employed certain funds for the promotion of agricultural credit. It was hoped that, thanks to those various measures, the financial situation in Togoland would remain normal.

Lastly, on July 10th, 1931, the French Parliament had passed a law authorising the national agricultural credit fund, from which advances could be made for the benefit of the colonies, protectorates and territories under French mandate. In addition, in March 1931, *Caisses de compensation* were instituted for the purpose of paying to planters a sum equal to the difference between the cost price of certain products and the price at which they had been able to sell.

M. Rappard said that the Commission was following with interest the administration of the territory's debt. He noted the reference on pages 145 and 147 of the report to subsidies granted direct by the department and subsidies granted by the territory. He would be interested to know what was the difference between those two kinds of subsidies.

Secondly, certain subsidies seemed too high. He noted that the Chair of Colonial History at the Collège de France received — that was only one example — an annual subsidy of 15,000 francs from the territory of Togoland. It must be concluded that either Togoland was paying more than its share of the professor's salary, or the professor must be in receipt of a very magnificent salary.

M. Besson explained that certain subsidies were granted by the Ministry, while others were granted only by the Administration of the territory.

He explained, in reply to a question by M. Van Rees, that several systems had been successively employed for the distribution of subsidies granted by the Ministry for the Colonies. At present, certain subsidies were given direct by the department out of the lump sum placed at its disposal by the local authorities. Other subsidies were granted by the Commissioner himself.

Imports and Exports.

M. Merlin desired to associate himself with the expression of thanks to the mandatory Power for the admirable way in which it had submitted its report. The accredited representative had just given certain information concerning the measures taken to cope with the economic crisis, so that M. Merlin would have very little to say on the subject, especially since, in 1930, the effects of the crisis did not yet appear to have been really felt in the territory. During the year under consideration, there had been practically no variation in imports and exports.

M. Merlin noted that trade was chiefly with foreign countries. On examining the statistics of exports, however, he found that the value of the 9,000 tons sent to France exceeded that of the 18,000 tons sent to foreign countries. Did that imply that France was the chief purchaser of the richer products of Togoland ?

M. Besson replied that the chief commodity sold to France by Togoland was cacao. Togoland exported large quantities of foodstuffs to the Gold Coast.

M. Merlin noted that the cement employed in the territory came chiefly from Germany. He would be interested to know the explanation.

M. Besson supposed that German cement must be cheaper than other cements ; he was under the impression, moreover, that German vessels were readier than others to transport the commodity in question and did it more cheaply.

M. Ruppel enquired why there had been a falling off in imports from France (in 1930, 20 million francs as against 30 million in 1929).

M. Besson replied that, in 1929-30, there had been a big rise in prices in France.

Judicial Organisation.

M. Ruppel enquired whether the judicial organisation was the same as in the Cameroons.

M. Besson replied that the two organisations were practically identical.

M. Ruppel asked for information concerning the capture, referred to on page 60 of the report, of a large band in the Anecho district.

M. Besson said that information on this matter would be given in the next report.

In reply to a further question by M. Ruppel, he explained that Article 6 of the new Order reorganising the native guard simply recorded a *de facto* situation. Only the cadres of the guard were drawn from the Colonial Army.

Water Supply of Lomé.

Lord Lugard noted the reference on page 58 of the report to the question of a water supply for the town of Lomé, a problem which it had not been found possible to solve in 1930. He enquired whether plans had been drawn up and, if so, whether they were being carried out.

M. Besson thought that the matter was still being studied and that the work would not be begun until the territory received the first instalment of the payment to be made to it under the loan to which he had already referred.

Emigration.

Lord Lugard asked whether the exodus to the Gold Coast was likely to be resumed in view of the crisis in Togoland.

M. Besson replied that, as the crisis was equally marked in the British colony, the Togoland natives would not feel tempted to emigrate. Moreover, the return movement which had been reported was continuing.

Improvement in the Status of Women.

Lord Lugard said that M. Marchal, Superior-General of the White Fathers, had stated in an address that the problem of how to improve the status of women without breaking down native social customs was one which was exercising the minds of French administrators. He asked how this question had been dealt with in French Togoland.

M. Besson stated that the position of the native women in Togoland was very much the same as in other similar territories and colonies. Slow and rational evolution of the female population was the only way of improving their lot. In his opinion, one of the best means of achieving that object was through the education of girls.

Mlle. Dannevig pointed out in this connection that there were ten times more boys than girls attending the schools.

M. Besson said that it was difficult to get the girls to go to school, as the natives made them work very young.

Mlle. Dannevig suggested that girls might be more attracted by schools of domestic economy than by others.

M. Besson replied that girls were very ready to attend domestic economy schools — provided there were such ; this matter, however, raised a budgetary question, as the establishment of such schools was chiefly a matter of credit.

Organisation of School Mutual Societies and Sports Clubs.

M. Palacios asked for further information concerning school mutual societies and sports clubs. The former were obviously of great educational value, but he did not quite understand what purpose the latter could serve in view of the kind of life led by the natives.

M. Besson reassured M. Palacios as to the intentions of the Administration of the territory in founding sports clubs ; there was no question of training soldiers, the idea being to improve the race by means of sport. The natives enjoyed physical exercises and football.

M. Palacios said that he was asking for information, not to be reassured.

Attitude of the Natives towards the Introduction of European Institutions, such as Agricultural Credits.

Mlle. Dannevig directed attention to the passage on page 59 of the report which stated that the failure of the agricultural credit institutions was due simply to the individualism of the natives. What had struck her hitherto about the natives was rather that they hardly existed as individuals but as members of a community.

M. Besson replied that there was individualism and individualism. An attempt had been made to introduce into Togoland the system of agricultural credit, which was of European origin, and which the native had been unable to understand, as he did not realise the necessity of providing for the future ; that was explained by the fact that, hitherto, the tribe had made provision for him, and the native, who was naturally suspicious, took the same view of agricultural credit as he took, for example, of the institution of the savings bank. Such ideas, however, tended to conflict with a better understanding of reality and of the importance in economic life of agricultural credit organisations.

The accredited representative stated, in reply to M. Ruppel, that, as regards the native agricultural association referred to on page 60 of the report, the economic measures recently taken had entirely altered the situation ; the question of agricultural credit would be further dealt with in the report for 1931.

Mlle. Dannevig thought that the real answer to her question was to be found in paragraph III of the chapter relating to native justice (page 60) :

[*Translation.*]

> " III. — Natives in every sphere possess in the highest degree an intimate sense of justice, so much so that many regard them as being over-fervent devotees of procedure. The life and property of the black race having been so insecure for centuries, that race has, in the course of long sufferings, acquired an immense need for tranquillity and justice which cannot yet, even among highly developed negroes, find its expression otherwise than in a degree of emphatic demonstrativeness and sometimes a little exaggeration in making claims. "

Labour.

Mr. Weaver expressed his satisfaction at the full information given concerning labour. In view of the statement in paragraph II of the chapter relating to slavery (page 13), he would be interested to know whether pawning stopped at the debtor, or whether it might sometimes include third parties.

M. Besson replied that he had never heard of that being the case, but that he would make enquiries.

Mr. Weaver asked whether persons who were pawned always recovered their liberty at the end of the agreed period of service.

M. Besson said that he would bring the question to the special attention of the authorities, who would certainly examine it.

Mr. Weaver noted the statement in the report to the effect that there was less and less prestation labour, such labour dues being generally commuted into cash payments. If that were the case, how was labour recruited for road maintenance ?

M. Besson explained that the same system was in force as for the building of new roads — the Labour Force Service recruited workers.

Mr. Weaver noted that, according to the report, workers were engaged for a period of six months by the administrator of the Sokode district, after hearing from the head of the Labour Force Service just what labour was required. Could the accredited representative give any details concerning the methods of recruiting ?

M. Besson thought that recruiting was effected by calling for workers and by means of propaganda ; no pressure was brought to bear on the natives, and the latter were very ready to offer their services, owing to the economic crisis. They earned over 9 francs a day, in addition to their lodging and rations.

M. Besson stated, in reply to Lord Lugard, that the Government did not recruit labour for private undertakings, such concerns taking steps to obtain it themselves, as in Europe.

Mr. Weaver pointed out a slight discrepancy between the information given concerning wages on pages 14 and 15 of the report.

M. Besson said that any differences were explained by the fact that certain parts of the report had been written some time before the rest. The wages paid for new work had increased, the rates being those shown on page 15, whereas the tables on page 14 were based on earlier data. The native wages shown did not include rations or lodging.

Mr. Weaver expressed his appreciation of the fact that the Administration had realised the desirability of raising wages, on the ground that it was in the best interest of the territory that the standard of living should be higher.

Lord Lugard asked whether workers recruited by private undertakings also received rations in addition to their wages. Had the Government fixed a scale of wages for that class of workers ?

M. Besson replied that the Administration had nothing to do with the recruiting of labour for private undertakings ; any disputes that might arise between employers and employees were settled by the Arbitration Boards, which had already had to deal with several cases of this kind.

Liberty of Conscience. Missions.

M. Palacios noted that, according to the report (page 25), both the Catholic and Protestant missionaries were making highly laudable efforts to obtain as many followers as possible, though their propaganda had never degenerated into rivalry such as would be detrimental to the natives. In view of the disputes which had occurred between the missions themselves and between the missions and the Administration in the Cameroons under French mandate, he would be glad to know whether the accredited representative could give the Commission further information as to the relations existing in Togoland between the missions and the Administration and between the missions and the natives.

M. Palacios then directed the accredited representative's attention to the chapter relating to liberty of conscience, in which reference was made to a falling off in the progress of Christianity. The Administration gave certain explanations. Perhaps the difficulty felt by the natives in accepting the Christian teaching in regard to monogamy indicated that they had a natural affinity for Islamism.

M. Besson said that Islamism was undoubtedly spreading all over native Africa ; fortunately it was superior to fetishism. The polygamous instincts of the natives made it more natural for them to turn to Islamism than to Christianity.

Mlle. Dannevig observed that, according to the report (page 26), " since 1927, as a result of a decision of the Christian natives themselves, only one wife of a polygamist was now baptised ; that necessarily prevented their becoming members of the church and helped to explain the low figures for Protestants ". It seemed a very plausible explanation of the falling off in the progress of Christianity, since women did so much in spreading religion.

M. Besson observed that that question was entirely a matter for the missionaries.

Education.

Mlle. Dannevig thanked the mandatory Power for having given such full information concerning education ; she wished, however, to ask one question to which she could find no answer in the report. Reference had been made in the report for 1929 (page 24) to the payment of a bonus to French teachers who learnt the native dialects. Had that idea been put into practice ? Again, had the proposed Advisory Committee on education been set up ?

M. Besson replied that information on both these points would be given in the next report.

Mlle. Dannevig enquired whether native dialects and native customs were taught in the primary schools of first and second grades.

M. Besson explained that the curricula varied according to the special requirements of the districts in which the schools were situated ; he thought it probable, however, that no teaching concerning native manners and customs was given in the schools to which Mlle. Dannevig had referred.

Mlle. Dannevig asked whether, under Order No. 95 (pages 150 and 151), private schools in Togoland might be forbidden to give instruction in domestic economy, dressmaking, etc. It was stated on page 37 of the report that " non-authorised schools had been converted into schools for converts, where the children were given elementary teaching in the language of the country ".

M. Besson explained that it was inadvisable to frame decisions on very general or very strict lines. It was understood that, if a teacher realised that his class had some difficulty in following his lessons, he could explain them in the native dialect.

The accredited representative stated, in reply to Lord Lugard, that in the elementary schools it was the native teachers who, in order to make their teaching clearer, could utilise the language of the country. Generally speaking, however, the French Colonial Administration found it best, in the light of past experience, to concentrate on teaching in French.

Mlle. Dannevig observed that, in previous reports, it had been stated that the school attendance was highest at the beginning of the year, with a falling off in May and June. From the table on page 29 of the report for 1930, however, the lowest attendance appeared to be in April.

M. Besson pointed out that the table in question referred only to the Klouto school, and stated that, for the territory as a whole, what had been said in previous reports still held good.

Mlle. Dannevig enquired whether domestic economy schools came under the head of primary or secondary schools. If they were regarded as primary schools, could the girls who had attended them go on to the secondary schools ?

M. Besson said that he was unable to give definite information on either of those questions.

Mlle. Dannevig pointed out that the question was specially important, in view of the fact that there was a shortage of native women teachers in the territory.

M. Besson observed that there were as yet few native girls who were capable of becoming teachers.

Mlle. Dannevig recalled the statement that the girls of the territory were not lacking in intelligence. Moreover, in other West African territories, the native women teachers had proved satisfactory.

M. Besson directed Mlle. Dannevig's attention to page 29 of the report, where it was stated that the teaching staff in Togoland included five native teachers *(monitrices)*.

He promised, in reply to a further question by Mlle. Dannevig, to ask the Administration of the territory how many teachers received Government bonuses.

Liquor Traffic.

The Chairman informed the accredited representative that it was stated on page 19 of the report on the administration of Togoland under British mandate for 1930 that the smuggling of spirits and tobacco still continued, despite the authorities' efforts to put a stop to it. One of the chief reasons for this smuggling was the big difference between the prices charged for such commodities in the territory under British mandate and in Togoland under French mandate. Had the French authorities made any effort to come to an agreement with the British authorities in order to remedy the disastrous effects of that difference in prices ? It would be useful if the mandatory Power could give some information on the subject in the next report.

The Chairman then directed the accredited representative's attention to the statement on page 18 of the report to the effect that upwards of 11,000 litres of wine and 9,000 bottles of beer had been offered for sale in 1930 in the Sekode district, and that it was estimated that, in that area alone, the consumption of such beverages had increased 300 per cent since 1929. Again, the table given on page 19 showed that the consumption of wine, beer and cider (*boissons hygiéniques*) in 1929 was approximately 70,000 litres, while in 1930 it had increased to over 100,000 litres.

Public Health.

M. Ruppel expressed his satisfaction that there had been a marked increase both in the European and native public health staff and in the number of hospitals and similar establishments (hospitals, dispensaries, etc.). The excellent work of the "Berceau" was making rapid strides all over the territory. He enquired whether the private missions had their own doctors.

M. Besson did not think that was the case.

M. Ruppel, after observing (page 46 of the report) that leprosy and trypanosomiasis were the only diseases that the public health authorities had not yet mastered, noted that the report gave very interesting information concerning the campaign against leprosy (page 51). The number of lepers was estimated at 6,200 — which was rather high for so small a territory. It was not surprising that compulsory segregation was absolutely impracticable in Togoland, that having been found to be the case in many other territories. On the other hand, the new method of voluntary segregation had hitherto proved only moderately successful. The Administration proposed to continue its experiments in the matter, and M. Ruppel hoped that there would be a reference to it in the next report.

He noted that the campaign against sleeping-sickness had been continued in 1930. In the only focus of infection north of the Kara, upwards of 62,000 examinations had been held. It would have been interesting to have some information in the report concerning the number of persons suffering from the disease. The disease appeared to be stationary or slightly on the decrease. M. Ruppel hoped that the mandatory Power would continue and intensify its campaign and that it would keep the Commission informed of the results obtained.

M. Besson stated that, out of the loan of 73 millions voted in February 1931 by the French Parliament, 8 millions would be allocated for public health and demographical purposes in Togoland. Of that amount, 1 million had been allocated for general utility measures, such as the training of medical officers for the territory, the fitting up of a laboratory for the study of special diseases in Togoland, etc. The remainder — 7 millions — had been allocated for the purpose of further measures to safeguard the health, firstly, of the workers and, secondly, of the population in general. A first instalment of the loan, amounting to 1,600,000 francs, was to be utilised immediately.

Demographic Statistics.

M. Ruppel noted that there had been an increase of 20 per cent in one year alone in the number of Europeans and persons assimilated to Europeans.

M. Besson explained that the increase was due to the arrival in the territory of a number of Syrian merchants and European railway specialists. The next report would contain details concerning the composition of the European population.

Close of the Hearing.

The Chairman thanked the accredited representative for the valuable information which he had been good enough to give the Commission.

TWENTY-THIRD MEETING.

Held on Monday, November 9th, 1931, at 4 p.m.

Question of the Emancipation of Iraq: First Reading of the Draft Report of the Commission (continuation).

Sections *(b)* and *(c)* of Paragraph 4: Judicial Organisation.

These sections were as follows :

"*(b)* As regards the safeguarding of the interests of foreigners in judicial, civil and criminal matters, the Permanent Mandates Commission considers that the Iraqi Government should give a solemn pledge to the Council guaranteeing those interests. This pledge, which would take the place of the capitulations that would normally be revived on the expiration of the mandate, should be based on the Judicial Agreement of March 4th, 1931, which has received the approval of the Council and of the Powers concerned, and should be subject to the consent of the said Powers.

" *(c)* Should there be a mere reversion to the system of the capitulations, it would be important to safeguard the interests of the nationals of those of the States Members of the League which did not enjoy capitulatory right in the Ottoman Empire. In that case, therefore, Iraq should make a declaration before the Council guaranteeing the interests in civil and criminal judicial matters of foreigners who do not enjoy the benefit of the capitulations. The terms of this declaration, which would be determined by agreement between Iraq and the Council, might be based on the Anglo-Iraqi Judicial Agreement of March 4th, 1931, which has been recognised as affording to all foreigners resident in Iraq the essential guarantees of the proper administration of Justice."

M. Merlin, referring to the regime which was to replace the capitulations, noted that the nations possessing capitulatory rights must at all times be assured of that judicial protection for their nationals which formerly had been regulated by the capitulations, provisionally suspended during the mandate. He therefore urged that, in paragraph *(b)*, the text should read, "on the expiration of the Judicial Agreement of March 4th, 1931 ", and not "on the termination of the mandate ".

M. Ruppel urged that the report should provide for the possibility of appointing in Iraq foreign judges belonging to other nations than Great Britain.

M. Van Rees thought the Commission might merely inform the Council of Sir Francis Humphry's statement that Iraq was prepared to continue the application of the Judicial Agreement and that there would be no objection to the principle that some of the foreign judges should not be British nationals.

The Chairman pointed out that it was not a question of contemplating the appointment in Iraq of fifty-four foreign judges — that was to say, one for each Member of the League of Nations — but of ensuring the principle that foreign judges who were not only of British nationality were eligible.

M. Palacios and M. Ruppel agreed with this view.

M. Rappard thought the question was important and deserved a full discussion. From the point of view of the administration of justice in Iraq, two reasons might be given in favour of maintaining the British regime. It would provide for more continuity in jurisprudence and would define the responsibility of the ex-mandatory Power. From the point of view of the League of Nations, however, it might seem undesirable for the mandate to be followed by a regime under which the mandatory Power reserved a privileged position for its nationals in the country. There was reason to fear that such a state of affairs might have a bad impression on public opinion. He therefore thought the Commission should recommend that foreign magistrates be recruited from various countries, it being understood, of course, that the latter should submit qualified candidates.

M. Merlin to some extent shared M. Rappard's opinion. From the point of view of the administration of the country, there were great advantages in regarding the Power which had followed the development of the mandated territory and which had, by its experience in the country, the greatest knowledge of it, as the most competent to provide presidents for the courts of the new State. Moreover, the entire report showed that the Commission considered it important, from the point of view of the League of Nations, to maintain the responsibility of the mandatory Power in certain matters after the termination of the mandate. That Power should, in fact, remain responsible for the past administration and for the emancipation of the territory in accordance with its request.

On the other hand, it had been stated that it might appear objectionable if the mandatory Power reserved certain advantages for itself in the country. He wondered if it was an advantage ; in his view, it was rather a responsibility. If disturbances occurred in the country some time after its emancipation, was there not a danger that, by releasing the mandatory Power from all obligations, it might be able to reject any responsibility for the error in judgment that had been committed ? Moreover, this had been very clearly stated by the accredited representative when he had said that, on the expiry of the judges' contracts, the mandatory Power proposed to decline any responsibility from the judicial point of view. It should, he thought, be pointed out to the mandatory Power that it bore responsibility even for the period after the termination of the mandate.

By recruiting judges from among the nationals of the mandatory Power, there was a likelihood of obtaining the most competent and experienced magistrates ; the continuation of the existing state of affairs would be assured and, at the some time, there would be no appearance of internationalising the country. In this connection, M. Merlin pointed out that, if the principle of recruiting foreign judges from various countries were admitted, France would be entitled to submit her candidates ; this would necessarily raise a somewhat delicate question, as she administered a territory adjacent to Iraq.

Lord Lugard would have been inclined to agree in principle with M. Rappard, but reminded the Commission that it had laid great emphasis on the fact that the accredited representative had stated that the mandatory Power would continue to be morally responsible after the mandatory regime ended. It would appear to be difficult now to alter the conditions which the mandatory Power proposed when it accepted that responsibility.

The Chairman, with a view to removing any misunderstanding on the subject, explained that the responsibility retained by the mandatory Power lay in the initiative it had taken in

proposing the emancipation of the mandated territory. He thought it was very difficult to impose on the mandatory Power, after the expiration of the mandate, responsibility for the activity of a State which had become sovereign.

M. Van Rees read the following passage from the Minutes of the eighteenth meeting of the twentieth session of the Commission (page 134) :

" Sir Francis Humphrys stated that His Majesty's Government fully realised its responsibility in recommending that Iraq should be admitted to the League, which was in its view the only legal way of terminating the mandate. Should Iraq prove herself unworthy of the confidence which had been placed in her, the moral responsibility must rest with His Majesty's Government, which would not attempt to transfer it to the Mandates Commission."

The Chairman recalled the statement made by Sir Francis Humphrys during the present session, which clearly showed that the mandatory Power assumed no responsibility for the activity of Iraq after its emancipation and that it had no objection to the appointment of foreign judges not of British nationality.

M. Rappard noted that the mandatory Power accepted moral responsibility, but clearly retained no legal responsibility for the administration of the Government of Iraq after emancipation.

The Commission, by a majority vote, adopted the following text for insertion at the end of paragraph (b) :

" Nevertheless, the majority of the Commission is of opinion that it would be desirable that the foreign judges forming part of the judiciary of Iraq should not be exclusively of British nationality."

M. Ruppel, Mlle. Dannevig, M. Palacios, M. Rappard and the Chairman were in favour of the principle of appointing judges not exclusively of British nationality, while M. Van Rees, M. Sakenobe, M. Merlin and Lord Lugard were against this principle.

M. Merlin stated, with regard to paragraph *(c)*, that there was no legal objection to a State subject to the capitulatory regime being admitted to the League of Nations.

In order to avoid any misunderstanding, he pointed out, moreover, that the courts in question in Iraq were not mixed courts, but courts presided over by foreign judges, whose duty it was to give judgment on all disputes.

M. Ruppel urged that, in paragraph *(c)*, there should be guaranteed also the rights of States which had given up the capitulatory privileges they formerly enjoyed in the Ottoman Empire — in particular, Germany and Austria.

Sections *(d)*, *(e)*, *(f)* and *(g)* of Paragraph 4 : Freedom of Conscience, Financial Obligations, Rights legally acquired and International Conventions.

These sections were as follows :

" *(d)* Iraq should formally bind itself before the Council in accordance with the latter's resolution of September 4th, 1931, to ensure and guarantee freedom of conscience and public worship, and the free exercise of the religious, educational and medical activities of religious missions of all denominations, subject to such measures as may be indispensable for the maintenance of public order and morality.

" *(e)* Iraq should also make a declaration before the Council with regard to the financial obligations assumed in regular form by the mandatory Power. This declaration should provide every guarantee for the principle laid down in the Council's resolution of September 15th, 1925.

" *(f)* and *(g)* Iraq should likewise give an undertaking to the Council to respect the rights of every kind lawfully acquired during the mandatory regime and to maintain in force the international conventions both general and special to which, during the currency of the mandate, the mandatory Power has acceded on behalf of the mandated territory, for the period of validity provided for in such conventions and subject to any right of denunciation which the parties may enjoy."

M. Palacios asked that it should be made clear that freedom of conscience, the free exercise of religious worship and activity, etc., should be guaranteed to religious missions of any denomination and nationality whatever.

Paragraph 5 : Economic Equality.

This paragraph was as follows :

" 5. According to its resolution of September 4th, 1931, the Council considers that it will have to satisfy itself 'that the principle of economic equality is safeguarded in accordance with the spirit of the Covenant and with the recommendation of the Mandates Commission'.

" The Commission's recommendation was that ' the new State, if hitherto subject to the economic equality clause, should consent to secure to all States Members of the League of Nations most-favoured-nation treatment as a transitory measure on condition of reciprocity'. The Council held that the concession of this latter advantage by Iraq would be one of the conditions laid down for the termination of the mandate.

" On this decision there was an exchange of views with the accredited representative of the British Government, who considered that the demand it represents would be a specific limitation of sovereignty, and that the reservation regarding reciprocity would be only an illusory advantage for Iraq (see Minutes of the twenty-first session, fifteenth meeting).

" To these arguments it was objected that the concession of most-favoured-nation treatment was merely a compensation, and a very inadequate one, for the abandonment of the principle of economic equality, the benefits of which were at present enjoyed by all States Members of the League."

After a discussion, *the Commission adopted the following wording instead of the last two sections of paragraph 5 :*

" Iraq should therefore formally accept the obligation to grant most-favoured-nation treatment, subject to reciprocity, to all States Members of the League of Nations for a transitional period, the duration of which would be determined by negotiations with the Council."

M. Palacios referred to the difficulties of the problem and recalled what he had said at a previous meeting.

Archæological Research.

The Chairman read the following text proposed by Count de Penha Garcia for insertion in the paragraph of the report dealing with economic equality :

" Iraq should also undertake not to refuse permission, without good reasons, to the scientists of any nation to carry on excavations of archæological interest, provided they conform to the general law on antiquities."

This would provide a guarantee similar to that laid down in paragraph 7 of Article 421 of the Treaty of Sèvres.

M. Palacios saw no objection to accepting the proposal of Count de Penha Garcia ; it should, however, be remembered that the Treaty of Sèvres had not been ratified. He thought that the article in question had not been reproduced in the Treaty of Lausanne of 1923.

Lord Lugard thought that the right of archæological research was admitted in all civilised countries, and that it was unnecessary to mention it on the termination of the mandate.

Count de Penha Garcia's proposal was rejected.

Paragraph 6 : Obligations undertaken by Iraq *vis-à-vis* Great Britain.

This paragraph was as follows :

" 6. The Permanent Mandates Commission examined the undertakings entered into by Iraq with Great Britain from the point of view of their compatibility with the status of an independent State.

" It came to the conclusion that, while certain of these provisions were somewhat unusual in treaties of this kind, the obligations entered into by Iraq in virtue both of the Treaty of Alliance of June 30th, 1930, and of the conventions annexed thereto did not infringe the independence of the new State.

" The provisions of these instruments, the exceptional character of which attracted the special attention of the Commission, seemed to it to be inspired by the wish either to facilitate the early stages of Iraq's complete independence, or to safeguard this independence against foreign aggression, and, in any case, to be likely to serve the interests of Iraq."

The Chairman urged that it should be clearly stated in the text that the Commission had gone to the extreme limit of the concessions which it could make in expressing its opinion on the obligations undertaken by Iraq *vis-à-vis* Great Britain.

The last section of paragraph 6 *was omitted on the grounds that it gave unnecessary explanations.*

General Guarantee Clause.

M. Ruppel drew the attention of the Commission to the fact that provision was made in the draft report for a special clause guaranteeing the protection of minorities, whereas it contained no similar clause concerning the other undertakings to be assumed by Iraq before the League. He did not desire to recommend that the guarantee clause should be extended to all the engagements, but he thought it desirable to insert a provision whereby Iraq would be obliged to accept

the jurisdiction of the Permanent Court at The Hague as regards engagements other than those relating to the protection of minorities.

M. RAPPARD supported this proposal, which he thought was quite in conformity with modern tendencies. The number of States admitting the jurisdiction of the Hague Court for all legal disputes was rapidly growing, and it would be natural to make the accession to the Optional Clause of the Statute of the Court one of the conditions for the termination of the mandate. This would go further than M. Ruppel had proposed, but it might be more acceptable to Iraq, since it would thus be placed on the same footing as an increasing number of States Members of the League, including most of the Great Powers.

The CHAIRMAN requested the members of the Commission to study this question with a view to making a special reference to it in the report.

TWENTY-FOURTH MEETING.

Held on Tuesday, November 10th, 1931, at 10.30 a.m.

Iraq: Petition, dated May 12th, 1931, from Mr. H. Seymour Hall, London.

After an exchange of views, *the Commission adopted the conclusions of M. Orts' report* (Annex 7), *with a few drafting amendments.*

Iraq: Petition, dated March 28th, 1931, from the Kurds of Iraq.

After an exchange of views, *the Commission adopted the conclusions of M. Rappard's report* (Annex 8), *with a few drafting amendments.*

Palestine: Petition, dated May 10th, 1931, from Mr. Israel Amikam.

After an exchange of views, *the Commission adopted the conclusions of M. Ruppel's report* (Annex 10).

Cameroons under French Mandate: Petition, dated May 18th, 1931, from M. V. Ganty, " Delegate in Europe of the Cameroons Negro Citizens " (continuation).

The Commission adopted the conclusions of Count de Penha Garcia's report (Annex 14).

Cameroons under French Mandate: Petition, dated August 11th, 1929, from Ngaka Akwa, Theodore Lobe Bell and other Duala Chiefs, and Petition, dated September 5th, 1930, from M. Manga Bell (continuation).

M. RAPPARD submitted the following report :

" On August 11th, 1929, four natives of Duala, in the Cameroons, forwarded to the League of Nations a voluminous petition complaining of the alleged disregard by the mandatory Power of native rights over the lands in mandated territories, and, in particular, the expropriation of certain lands in Duala, of which they said they had been the victims. The mandatory Power considered itself free to dispose of these lands as the successor of the German administration.

" Theodore Lobe Bell, Ngaka Akwa, Eyum Ekwalla and Mbape Bwanga, the four signatories of this petition, had previously written to the League on December 19th, 1929 (document C.P.M.1045), and had put forward similar grievances. This first petition had formed the subject of observations by the French Government (document C.P.M.1082) ; a report by our colleague, M. Palacios, submitted to the Commission on November 15th, 1930 ; a statement by the accredited representative of the mandatory Power (Minutes of the nineteenth session, pages 121 and 122) ; and, lastly, a recommendation of the Commission and a decision by the Council of the League.

" The second petition, dated September 5th, 1930, is signed : ' On behalf of the Chiefs and Notables of Duala, their authorised representative, Richard Manga Bell, Leading Chief

of Duala (resigned) ', residing at Paris. Attached to this second petition was a whole dossier containing documents relating to the previous history of this case — in particular, a ' memorandum on the expropriation of the landed property of the natives of Duala, submitted to the Disputed Claims Board *(Conseil du contentieux)* of the Cameroons '. This memorandum, drawn up in Paris on July 30th, 1930, is intended for the Disputed Claims Board, and appears to call for a judicial decision.

" These two petitions are transmitted to the Commission with observations by the French Government, dated June 5th, 1931. In its observations, the French Government does not express any opinion on the general complaints of the petitioners, but confines itself to refuting their claim in regard to the Duala expropriation case. It also makes no reference to the memorandum submitted to the Disputed Claims Board of the Cameroons.

" During the present session, the accredited representative of the mandatory Power gave the Commission detailed oral explanations as to the special question of the Duala lands and the general land policy of the Administration. As regards this policy, he categorically denied the assertions of the petitioners, and once again assured the Commission of his close attention to this subject.

" With reference to the application submitted to the Disputed Claims Board, the accredited representative stated that the case was still pending. In these circumstances, it would be desirable to learn the fate of the application submitted to the Disputed Claims Board of the Cameroons. If this claim were to lead, or should have led, to judicial proceedings before the Board, it would appear that the Mandates Commission, in accordance with its rules on this question, would have to postpone any decision until the petitioners have exhausted the legal means at their disposal with the mandatory Power."

The Commission postponed the examination of this petition until its next session.

Togoland under French Mandate: Petition, dated October 14th, 1930, from the " Bund der Deutsch-Togoländer " (continuation).

After an exchange of views, *the Commission adopted the conclusions of M. Van Rees' report* (Annex 15).

South West Africa: Petition, dated January 15th, 1931, from M. Van Wyk and Other Members of the Rehoboth Community.

After an exchange of views, *the Commission adopted the conclusions of Mlle. Dannevig's report* (Annex 20), *with a few drafting amendments.*

Cameroons under French Mandate: Petition, dated March 21st, 1930, from M. Joseph Mouangué (continuation).

After an exchange of views, *the Commission adopted the conclusions of M. Palacios' report* (Annex 13), *with certain drafting amendments.*

Iraq: Petition, dated May 16th, 1931, from Mme. Assya Taufiq (continuation).

After an exchange of views, *the Commission adopted the conclusions of M. Rappard's report* (Annex 9), *with certain drafting amendments.*

Palestine: Petitions, dated March 19th and May 2nd, 1931, from Dr. F. Kayat (Paris).

After an exchange of views, *the Commission adopted the conclusions of M. Ruppel's report* (Annex 11).

Date of the Next Session.

After a discussion, *the Commission provisionally fixed June 6th,* 1932, *as the opening date of its twenty-second session.*

TWENTY-FIFTH MEETING.

Held on Tuesday, November 10th, 1931, at 4 p.m.

Question of the Emancipation of Iraq (continuation): **Second Reading of the Draft Report to the Council.**

Protection of Minorities.

Lord Lugard suggested two amendments to the report, both relating to the substance of the question. In the paragraph relating to racial, linguistic and religious minorities, he proposed the addition of the words : " including the right to teach their language and religion in their own schools ". He thought it was doubtful whether the word " protection " (of minorities) was sufficiently explicit, and the right to have their own schools was a very important one. This right was assured to *missions*, but not particularised as regards minorities.

M. Merlin pointed out that the right in question was universally recognised. Wherever freedom of conscience was assured, the minorities had the right, as a matter of course, to teach their language and religion in their schools ; it was, moreover, implicitly affirmed in the phrase : " free exercise of . . . educational activities ".

M. Rappard enquired whether the texts defining the ordinary status of minorities necessarily included the privilege on which Lord Lugard was insisting. If that were the case, it would be dangerous to revert to it, as there might be the risk of restricting thereby the measure of protection accorded to minorities.

M. Catastini concurred in M. Rappard's view as regards the possible danger of a detailed definition of the rights of the minorities. He had always regarded the passage concerning the protection of minorities as being based on Articles 1 and 7 of the Albanian Declaration ; it would be for the Council to determine later, by means of special negotiations, the ensuing rights which were to be safeguarded.

M. de Azcarate pointed out that the general provisions contained in all minorities treaties granted to minorities the right to establish private schools in which instruction was given in their own language. As regards public instruction, the States were obliged, under the terms of the same provisions, to provide suitable facilities, in those towns or districts where a considerable number of nationals belonging to a language minority were living, for primary education to be given to the children of those nationals in their own language. Moreover, the use of all languages was guaranteed in private relations and in trade, in matters relating to religion, the Press or publications, in public meetings and before the courts. He quoted as an example the Albanian Declaration (Articles 4, 5 and 6), in which this freedom was clearly assured.

Lord Lugard observed that there was no mention anywhere that the Albanian Declaration was to be taken as a model for the Iraqi Declaration. He was satisfied, however, with M. de Azcarate's assurance that the clause providing for the right to teach the minority language and religion and to have their own schools was embodied in all the minorities treaties ; he would not press his amendment.

Maintenance of the Fundamental Constitutional Principles.

Lord Lugard proposed a second amendment—namely, the insertion, after the paragraph relating to the guarantees given by the Iraqi Government, of the following words :

> " Iraq undertakes to maintain the fundamental principles of her Constitution as embodied in the Organic Law, and more particularly in Articles 118 and 119 of that Law, for a period to be fixed by the Council in agreement with Iraq."

He pointed out that Articles 118 and 119 of the Iraqi Constitution restricted the power of the Government to amend or add to any of the matters contained in the Organic Law without the approval of a two-thirds majority of votes in both Chambers. These clauses could, however, be altered when Iraq attained independence. He did not wish to restrict the right of the Iraqi legislature to amend and improve the Organic Law in matters of detail; but its fundamental principles should continue for a time, since they had been referred to by the High Commissioner as a guarantee of her intentions.

M. de Azcarate pointed out that the Iraqi Declaration regarding the protection of minorities could not be modified without the assent of the majority of the Council.

M. MERLIN added that it was impossible, on the pretext of emancipating a country, to impose what would be a regular guardianship ; the country was entering into certain obligations *vis-à-vis* the League of Nations, and it would be for the latter to see that they were observed.

M. RAPPARD said that he would be in favour of anything that tended to strengthen the guarantees given by Iraq. The proposal first made should increase the stability of the governmental regime in Iraq and he was in favour of accepting it, especially as it was submitted by Lord Lugard.

M. SAKENOBE did not think it necessary to go any farther than the draft report, which already provided for certain general guarantees under the safeguard of the League of Nations.

M. VAN REES could not accept Lord Lugard's proposal. Either the Commission thought that the territory under mandate was ready for emancipation or it did not think so.

Count DE PENHA GARCIA was also opposed to Lord Lugard's suggestion. To stabilise the Constitution of an independent State was equivalent to depriving it of an important feature of its independence. Moreover, the accredited representative had said that Iraq was prepared to agree to all the guarantees given by other States, but not more ; no State had ever been asked to agree to the immobilisation of its Constitution.

M. PALACIOS was in favour of Lord Lugard's proposal.[6]

M. RUPPEL thought that the proposal went too far and that the general guarantees were sufficient.

Mlle. DANNEVIG was in favour of Lord Lugard's proposal.

The CHAIRMAN said that he would abstain from voting.

Lord Lugard's proposal was rejected by five votes against four.

PARAGRAPH 1 OF THE REPORT (Last Section).

During the first reading, the following text of the last section of paragraph 1 was adopted :

" The task entrusted by the Council to the Permanent Mandates Commission, a task which does not come within the ordinary duties of the Commission, consists in deciding whether the time for putting an end to a mandate, as contemplated in Article 22 of the Covenant, has arrived in the case of the Iraqi mandate, which possessed certain special features when it was drawn up, and — if the Commission has correctly interpreted the Council's wishes — in defining the guarantees to be given by Iraq to the League of Nations."

Lord LUGARD suggested that the expression " mandatory regime " should be used instead of " mandate ", since, in point of fact, a treaty had been substituted for a mandate with the consent of the Council.

M. MERLIN pointed out that the regime to which Iraq had been subjected had been accounted a mandate; it had always been treated as such *vis-à-vis* the Commission, and the difference between Iraq and other mandated territories arose simply from the nature of the instrument — a treaty with Great Britain — whereby it had been instituted.

The CHAIRMAN maintained, on the contrary, that Iraq had not been subjected to a mandate like that of other territories. The mandate for Iraq — from the very outset — had not, as M. Merlin believed, operated like other mandates, for the relations between the mandatory Power and the territory had always been different from those obtaining in the other mandated countries.

M. PALACIOS said that, in essence, the mandates were the same, but that of Iraq was different in form. He was opposed to the statement that the task entrusted by the Council to the Commission " did not come within the ordinary duties of the latter ".

The Commission agreed on the following wording of the last clause of paragraph 1 :

" The task entrusted by the Council to the Commission consists in giving its opinion as to whether the time for putting an end to the mandatory regime, as contemplated in Article 22 of the Covenant, has arrived in the case of Iraq — a regime which, from its inception, has possessed certain special features — and, if the Commission has correctly interpreted the Council's wishes, in defining the guarantees which would in that case be given by Iraq to the League of Nations."

PARAGRAPH 6 OF THE REPORT.

M. MERLIN pointed out, in the course of the discussion, that it was incorrect to say that the obligations entered into by Iraq *vis-à-vis* Great Britain were exceptional; similar provisions were found in other treaties.

The CHAIRMAN observed that the undertakings entered into by Iraq towards Great Britain included the Financial Agreement.

The Commission agreed on the following wording for paragraph 6 :

" Finally, the Commission, in conformity with the Council's resolution of September 4th, 1931, examined the undertakings entered into by Iraq with Great Britain from the point of view of their compatibility with the status of an independent State.

" After having carefully considered the text of these undertakings, and having heard the explanations and information on the subject from the accredited representative, the Commission came to the conclusion that, although certain of the provisions of the Treaty of Alliance of June 30th, 1930, were somewhat unusual in treaties of this kind, the obligations entered into by Iraq towards Great Britain did not explicitly infringe the independence of the new State."

GENERAL GUARANTEES CLAUSE *(continuation)*.

M. RAPPARD reverted to his proposal of the previous day that Iraq should enter into an undertaking to accede to the Optional Clause of the Statute of the Permanent Court of International Justice, providing for the compulsory jurisdiction of the Court. A very large number of States had acceded, during the last few years, to paragraph 2 of Article 36 of the Statute of the Court, so that that clause tended to become, as it were, the common law of States Members of the League. It was important to stipulate that, in the event of a dispute, the undertakings entered into by Iraq *vis-à-vis* the League could be referred to the Permanent Court. Moreover, it would be easier for Iraq, and more in keeping with her dignity, to imitate a number of other States Members of the League and to enter into a general rather than to give a series of specific undertakings, which might in certain cases wound her susceptibilities. M. Rappard realised that the framing of a provision of that nature would be a somewhat delicate matter necessitating the assistance of the Legal Section of the Secretariat.

M. VAN REES thought that the proposal constituted rather a condition for the entry of Iraq into the League. If the Commission felt it necessary to retain M. Rappard's suggestion, M. Van Rees considered that it should merely state in its report that it would be desirable for Iraq to agree to the clause in question so far as concerned the various undertakings entered into by Iraq *vis-à-vis* the League.

M. RAPPARD pointed out that the Statute of the Court was quite distinct from the Covenant of the League, and that it was possible to accede to it without being a Member of the League. A general undertaking entered into by Iraq would certainly allay, to some extent, the apprehensions of those who were uneasy about the emancipation of the territory. It would have the further advantage of being eminently acceptable to Iraq herself.

M. RUPPEL observed that, on the previous day, he had proposed the insertion of an arbitration clause relating to engagements other than those concerning the protection of minorities ; he supported M. Rappard's suggestion as being even wider than his own.

M. MERLIN also supported that suggestion.

The CHAIRMAN noted that, in principle, all the members of the Commission accepted the proposal. He requested M. Rappard to prepare a text for insertion in the report.

Iraq: Petitions received from the Iraq Minorities (non-Moslem) Rescue Committee, London: Report by M. Orts (Annex 6).

The Committee, after discussion, *adopted the following conclusions :*

" Considering that the complaints put forward in these petitions are of the same nature as those brought up before the Mandates Commission in May last, when it examined other petitions (see Minutes of the twentieth session, pages 217-219 and 234), and that, apart from the proposal to constitute in Iraq an enclave where the minorities might enjoy local autonomy, no new fact of importance has been adduced in these various petitions, the Commission does not feel called upon to recommend that the Council take any particular action on these petitions.

" Nevertheless, although unable to gauge how much credence should be attached to these petitions, the Commission regards them as further evidence of the apprehension to which the possible termination of the mandate has given rise among certain elements belonging to the minorities in Iraq."

TWENTY-SIXTH MEETING.

Held on Wednesday, November 11th, 1931, at 10.30 a.m.

Iraq : Observations of the Commission on the Annual Report for 1930.

After an exchange of views, *the Commission adopted its observations concerning Iraq* (Annex 21).

Commemoration of Armistice Day.

The members of the Commission rose and observed the two minutes' silence in memory of all those who fell in the war.

Western Samoa : Observations of the Commission.

After an exchange of views, *the Commission adopted its observations concerning Western Samoa* (Annex 21).

Cameroons and Togoland under French Mandate : Observations of the Commission.

After an exchange of views, *the Commission adopted its observations concerning the Cameroons and Togoland under French mandate* (Annex 21).

Question of the Emancipation of Iraq : Second Reading of the Draft Report to the Council (continuation).

GENERAL GUARANTEE CLAUSE *(continuation)*.

M. RAPPARD stated that a conversation he had had with a member of the Legal Section of the Secretariat had convinced him that the suggestion he had made to the Commission that Iraq should be called upon to accede to the Optional Clause of the Statute of the Permanent Court of International Justice would give rise to serious difficulties. In the first place, accessions to the principle of the compulsory jurisdiction of the Court were, as a rule, temporary, while Iraq's undertaking should be for an indefinite period. Secondly, such accessions were always subject to reciprocity, whereas Iraq's undertaking should be unconditional. The question of the special undertakings to be entered into by Iraq was therefore still open.

M. CATASTINI said that the Secretariat was studying the question at the moment. The Mandates Section had framed the following text, on which the Legal Section, however, had not yet been consulted :

> " The Commission recommends that Iraq should be requested to agree, apart from the special procedure provided for the protection of minorities, that any difference of opinion arising between Iraq and any Member of the League of Nations concerning the interpretation or the execution of the undertakings entered into before the Council shall be referred to the Permanent Court of International Justice. "

M. RAPPARD said that he, personally, was in favour of that text.

(Mr. McKinnon Wood, member of the Legal Section of the Secretariat, came to the table of the Commission.)

M. RAPPARD explained to Mr. McKinnon Wood that, as regards the proposed emancipation of Iraq, the Commission wished to establish two kinds of guarantees — the first, concerning minorities, would be on the lines laid down in the minorities treaties in force, while the second concerned the international undertakings of Iraq. The suggestion was that, should disputes arise regarding the interpretation or execution of these latter undertakings, it should be possible, under the terms of some special stipulation, to refer to the Permanent Court of International Justice.

Mr. MCKINNON WOOD had two observations to make on the proposed text.

In the first place, the relation of the proposal embodied in this text to the proposals already inserted in the report with regard to the protection of minorities was not sufficiently clear. The text might mean that all the Members of the League were to have a right of recourse to the Court in regard to all the undertakings entered into before the Council, including those relating

to the protection of minorities. This would mean that the obligations to be assumed by Iraq in regard to minorities were more extensive than the obligations which, in the earlier part of the report, it was recommended that Iraq should assume — namely, obligations resting on other States which had assumed international obligations in regard to the protection of minorities ; since, under the minorities treaties, the initiative in enforcing such obligations did not belong to Members of the League as such, but only to Members of the Council.

Secondly, he thought it was a question whether, since the obligations in question were obligations to be assumed towards the League as a whole, the initiative in regard to their enforcement should not, as in the case of minorities' protection, be left to the Council and the Members of the Council. It was possible, under the proposed draft, for a Member of the League which had not the special responsibility involved in membership of the Council to secure an interpretation of these obligations which the Council might not desire to maintain.

M. Rappard fully appreciated Mr. McKinnon Wood's first point, but thought that the difficulty in question might easily be overcome. It would be quite possible to provide that all guarantees — even those relating to minorities — should come under a single system whereby all the Members of the League would possess the right of initiative referred to in the text just read by M. Catastini. Mr. McKinnon Wood had said that, if that text were adopted, the danger would arise of extending to the matter of the protection of minorities a right of initiative possessed by States not Members of the Council, a right which was not recognised under the minorities treaties. That might be so ; but what was the objection ? What was to prevent the League, in a case such as the one under consideration for which no precedent existed, from asking Iraq, which the League was about to emancipate, to agree to guarantees, as a condition for her approaching emancipation, which were wider than those laid down in the minorities treaty ?

M. Rappard had not been convinced by Mr. McKinnon Wood's second argument against the text framed by the Mandates Section. Even if the right of initiative were limited to Members of the Council, only one of fourteen States instead of one of fifty-four would have the power to bring about a verdict contrary to the opinion of the majority ; but there would always be the possibility of a difference of opinion between the Court and the majority of the Council. Moreover, it would not be the first time that such a right of initiative had been accorded to each Member of the League. Was it not lawful for any Member of the League to summon a mandatory Power before the Permanent Court without even referring to the Council ? Lastly, a judgment of the Permanent Court was binding on no matter what State or group of States and even on the Council.

Mr. McKinnon Wood said that his second point was whether the proposed text did not put obligations assumed towards the League as a whole too much in the same position as obligations assumed towards Members of the League individually.

M. Rappard pointed out, in this connection, that, in the minorities treaties, undertakings entered into *vis-à-vis* the League were treated in practice as if they had been subscribed to *vis-à-vis* individual Members of the Council, since any one of them could institute proceedings at The Hague against a State which did not observe its minority obligations.

Mr. McKinnon Wood replied that, when the texts to which M. Rappard referred had been drafted, the Council of the League was smaller than at present, and that a proposal to extend to all the Members of the League the right of initiative embodied in those texts had been rejected.

M. Merlin felt that the question was far more complex than had at first appeared. He was strongly in favour of asking Iraq for guarantees on the special points enumerated in the report of the Mandates Commission, and of providing for the possibility of referring to the Permanent Court any dispute arising out of them ; but he was most emphatically not in favour of extending to all the international undertakings entered into by Iraq the system laid down for those guarantees alone.

M. Rappard thought that M. Merlin's statement was based on a double misapprehension. In the first place, he felt sure that all the members of the Commission were agreed that an appeal to the Permanent Court should be contemplated only in the event of a divergence of opinion arising with reference to the guarantees given by Iraq to the League of Nations. Secondly, the right to appeal to the Court when any such divergence of opinion arose would in any case be restricted to States Members of the League. In short, the only point under discussion was whether the right of initiative should be accorded to all Members of the League or only to Members of the Council — to fifty-four States or to fourteen.

Count de Penha Garcia observed that, as regards minorities, a certain procedure had been laid down, and the point was therefore settled. As regards the other guarantees, he saw no reason not to extend the competence of the Permanent Court so as to embrace all the questions raised in connection with them. Moreover, since the League must endeavour to obtain an ever-increasing equality of rights as between Member States, it would be wise, in his view, to accord to all Members of the League, and not only to the Members of the Council, the right to refer to the Court a dispute arising out of the interpretation or execution of the guarantees given by Iraq for questions other than minorities questions.

M. Van Rees, while reserving his opinion on the substance of the question, wished to submit two observations. In the first place, was it fitting that the Commission, before it was sure that Iraq would enter the League, should recommend an obligation implying that she would do so ? Further, the list of conditions to be fulfilled by a mandated territory before it was emancipated — the list drawn up by the Commission in June and approved by the Council — did not contain the obligation now under discussion. Was it admissible then, that the Commission should propose that it be required in the case of Iraq ?

M. Rappard felt strongly that the Commission should not draw up in such haste, at the end of its session, a text such as was being discussed at the moment ; the two objections put forward by M. Van Rees, however, called for an answer.

First, although theoretically the emancipation of Iraq and her admission to the League were not necessarily fully coincident, the fact remained that Great Britain had stipulated, as a condition for Iraq's emancipation, the admission of Iraq into the League. Moreover, the obligation under discussion at the moment would not necessarily follow from her admission into the League.

Secondly, there was no question of requiring a further guarantee. The procedure contemplated was simply an additional means of ensuring the enforcement of the guarantees for which provision had already been made. Finally, M. Rappard agreed that it was a pity that the Commission had not thought of that means earlier and had not mentioned it in its previous report to the Council.

M. Van Rees did not think that, in the present case, the procedure laid down for the protection of minorities could be quoted to justify this supplementary guarantee, which was much more general in character. From the Commission's conversations with the accredited representative of the mandatory Power, it was clear that the guarantees to be required for the protection of minorities must be the same as those given by the States signatories to the minorities treaties. These guarantees implied the granting of a right to appeal to The Hague, but it did not necessarily follow that this right should be extended to matters other than the protection of minorities.

M. Rappard had said that that right of appeal would not, properly speaking, be a fresh guarantee, but simply a means of strengthening the efficacy of the other guarantees already provided for. M. Van Rees agreed, and if Iraq were prepared to accept that stipulation he would be glad. But, in the form in which it appeared in the text before the Commission, this guarantee would constitute a fresh compulsory guarantee which Iraq would have to provide before the mandate could be terminated.

He further expressed the opinion that, if the Commission desired to entertain this proposal, it should confine itself to asking, in its report to the Council, that, before Iraq was admitted to the League, the Council should consider the expediency of imposing on it the obligation in question.

M. Merlin observed that the Commission, after long study, had enumerated certain guarantees to be required from mandated territories before emancipation. As regards the protection of minorities, it had gone so far as to suggest that all disputes arising out of the provisions relating to their protection should be referred to the Permanent Court of International Justice. It seemed now to be seeking after something else, but was making somewhat uncertain steps in that direction. He wondered whether, after having conscientiously fulfilled a definite duty, it would be quite wise for the Commission to submit to the Council a proposal the scope of which still seemed rather doubtful.

M. Rappard noted that the question that was holding up the Commission concerned one detail — namely, whether the right to institute judicial proceedings on one of the points specified by the Commission should be accorded to Members of the Council only or to all the Members of the League. The discussion seemed now to have wandered a little and it appeared a guarantee for the execution of international undertakings other than those originally in view was considered.

He pointed out to M. Van Rees that, for emancipation, a unanimous vote of the Council was required, whereas admission to the League might be voted by a two-thirds majority of the Assembly. Again, if admission did not take place, the mandate would not come to an end.

The Chairman summed up the question as follows : Was the right to refer to the Permanent Court of International Justice a dispute concerning the guarantees given by Iraq to the League of Nations to be accorded to fourteen or to fifty-four States ? Apart from the obligations referring to minorities, which had been settled, the Commission ought to consider what obligation must be accepted by Iraq in order to render effective the guarantees proposed by the Mandates Commission.

M. Van Rees pointed out that, if Iraq became a Member of the League and failed to comply with this or that international obligation, she would always meet, in the Council and the Assembly, with opposition which she could not afford to ignore. Iraq would be in the same position in that respect as other Members of the League.

The Chairman felt that M. Van Rees was forgetting that Iraq was still under mandate, and that it was accordingly possible for the League to demand special guarantees before emancipating that country.

M. Palacios said that he agreed, on the whole, with M. Rappard's view.

M. Van Rees thought that, instead of trying to frame the text of a new guarantee, the Commission would do better simply to direct the Council's attention to the question which it was discussing at the moment.

M. Rappard proposed that the following text should be inserted in the Commission's report to the Council :

" In order to ensure the judicial settlement of disputes that might arise concerning guarantees accepted by Iraq, the Commission would be glad to see such disputes placed under the jurisdiction of the Permanent Court of International Justice. "

That was only a preliminary draft, which might be amended as the Commission thought fit.

M. Van Rees accepted the text.

TWENTY-SEVENTH MEETING.

Held on Thursday, November 12th, 1931, at 10.30 a.m.

Islands under Japanese Mandate : Observations of the Commission.

After an exchange of views, *the Commission adopted its observations regarding the islands under Japanese mandate* (Annex 21).

Liquor Traffic.

Count de Penha Garcia commented on his report on the liquor traffic (Annex 3).

Replying to Lord Lugard he pointed out that the Tanganyika law expressly forbade the sale of liquor to natives, a practice also forbidden in the Cameroons.

The Commission approved the report by Count de Penha Garcia and adopted the draft recommendations appended thereto, subject to various drafting amendments.

Question of the Emancipation of Iraq : Second Reading of the Draft Report to the Council (continuation).

General Guarantee Clause (*continuation*).

The Chairman submitted the following text framed by the Secretariat, as a result of the discussion which took place at the previous meeting :

" Except as regards the protection of minorities, for which the procedure is provided above, the Commission recommends that Iraq should be requested to agree that any difference of opinion arising between Iraq and any Member of the League of Nations relating to the interpretation of the execution of the undertakings assumed before the Council may, on the application of such Member, be submitted to the Permanent Court of International Justice. "

M. Rappard pointed out that a difference of procedure was being established which, though it might be explained, was not entirely justified for disputes relating to the protection of minorities and disputes concerning the other guarantees given by Iraq. The explanation was to be found in the application to Iraq of the general system laid down for minorities in other countries. He, personally, would have preferred to extend the formula so as to refer to the Permanent Court, at the request of any State Member of the League, disputes relating to any of the guarantees to which Iraq was called upon to subscribe, including guarantees for minorities.

The minorities treaties provided for two means of recourse: first, petitions addressed to the Council direct, the political channel ; secondly, the judicial means, by referring the case to the Permanent Court — a procedure open to each State Member of the Council. The innovation consisted in proposing that the new guarantees which otherwise, in the case of a dispute, could only be enforced through the political channel, should become the subject of proceedings before the Permanent Court, at the request of any State Member of the League.

M. Ruppel thought that the difference in procedure which M. Rappard had pointed out might be explained by the fact that, in the case of minorities, it was a matter of defending the cause of Iraqi nationals who, from the point of view of the other Members of the League, were

foreigners ; whereas, for the other obligations subscribed to by Iraq, the States would defend their own interests. Any State concerned must, therefore, have the right to take the initiative.

The CHAIRMAN, in reply to a question of Mlle. Dannevig, explained that the object of the proposal was to permit of referring to the Permanent Court any question covered by one of the guarantees given by Iraq which concerned any one of the fifty-four States Members of the League. There was a great difference between the judicial and political means of recourse. Suppose, for example, that a Norwegian mission had to complain of the Iraqi Government, it would be able to take its case to the Permanent Court ; whereas, but for the explicit provision contained in the new draft, it would have to confine itself to making representations through the Norwegian Consul accredited to the Iraqi Government, or find means of bringing the question before the Council, which was a more complicated matter.

M. VAN REES disagreed with M. Rappard. He felt that the distinction between the procedure proposed for minority cases and the procedure contemplated for the other guarantees was fully justified. The Commission was, to some extent, tied by Sir Francis Humphrys statement that Iraq would be prepared to accept the methods of settling minorities questions which had been agreed to by other minority States. Attention had been drawn to the danger of laying down for Iraq stricter provisions regarding minorities than those obtained in regard to other minority States. Objections would be raised by all the minority States on the Council, which would be afraid lest such a precedent might increase their responsibilities *vis-à-vis* their minorities. That was why it had been proposed to apply to Iraq a general procedure in the matter of minorities.

The draft text was adopted and it was agreed to insert it between paragraphs 5 *and* 6 *of the report to the Council.*

QUESTION OF CONSULTING THE UNITED STATES OF AMERICA BEFORE THE TERMINATION OF THE MANDATE.

M. VAN REES desired, before concluding the discussion on the question of the emancipation of Iraq, to remind the Commission of the note which he had submitted at the twentieth session, asking whether the consent of the United States of America was necessary before a mandate could be terminated. He wished to revert to that point, in order that it might not be passed over, but did not propose that any reference should be made to it in the report to the Council. He read the following passage from the note in question : [1]

> " There is one more point to consider : Is the consent of the United States of America required before a mandate can be terminated ?
>
> " Although they did not ratify either the Covenant or the Treaty of Versailles, the United States claimed for themselves and their nationals, on the ground that they had taken part in the war and contributed to the defeat of Germany and her allies, the safeguards provided for nationals of the States Members of the League. The claim having been recognised in principle, the Council requested the Powers concerned to come to an agreement with the United States by negotiation. The result was a series of conventions relating to all the territories under A and B mandates and the Island of Yap, whereby the United States and their nationals enjoy the same privileges and advantages as are granted under the mandate system to nationals of the States Members of the League.
>
> " It is clear, therefore, that the United States are directly interested in the maintenance or abrogation of the mandate over the territories dealt with in these conventions. Consequently, before a mandate can be terminated, the United States Government is apparently entitled to demand to be consulted, either by the Council of the League or by the mandatory Power which applies for the emancipation of the territory placed under its mandate. "

M. RAPPARD pointed out that the territories now under B and C mandates had been ceded by Germany to the Principal Allied and Associated Powers under the Treaty of Versailles. The United States of America was among those Powers, the clause in question having been reproduced in the Germano-American Treaty. It was only natural, therefore, that, having had a say in the allocation of these mandates, the United States of America should have something to say concerning their termination.

As regards the A mandate, on the other hand, the question was a different and more complicated one.

The CHAIRMAN, on the conclusion of the discussion, noted that the Commission did not propose to go into the legal aspect of the question.

The draft report to the Council was adopted.

Palestine : Petitions from the Central Agudath Israel and of the Arab Liberal Party, dated June 28th, 1931, and June 15th, 1931, respectively.

M. PALACIOS, Rapporteur, submitted a proposal to the Commission concerning these two petitions.

Both petitions, he said, concerned the Palestine (Western or Wailing Wall) Order-in-

[1] See Minutes of the twentieth session, pages 197 and 198.

Council 1931. That Order-in-Council was the instrument by which, together with certain regulations, the mandatory Power had given legal effect to the conclusions of the international Commission appointed in conformity with the resolution of the League Council of January 14th, 1930, to determine the rights and claims of the Jews and Moslems in connection with the Wailing Wall at Jerusalem.

The Order-in-Council referred to in the petitions having come into force only on June 4th, 1931, in virtue of a proclamation of the same date of the High Commissioner in Palestine — that was to say, during an administrative year which the Commission would not have to examine until its next session — M. Palacios proposed that the examination of the said petitions be adjourned until then. The Commission would have an opportunity at that time of asking the accredited representative of the mandatory Power for further information which might usefully supplement the observations submitted by the latter in the letters transmitting the petitions.

The Commission adopted the conclusions of the Rapporteur and postponed the examination of these two petitions to its next session.

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

The Commission decided to adjourn to a later session the question of the purchase of material in mandated territories, owing to the absence of M. Orts, Rapporteur.

Date of Publication of the Reports on the Twenty-first Session and of the Minutes.

The Commission decided that it was not necessary to postpone the publication of its reports on the present session and of the Minutes, pending their examination by the Council.

The document containing the reports and the Minutes could, therefore, in accordance with the resolution of the tenth Assembly, be circulated simultaneously to the Council and to the States Members of the League and be made public as soon as printed.

TWENTY-EIGHTH MEETING.

Held on Thursday, November 12th, 1931, at 5 p.m.

Palestine : Petition, dated May 17th, 1931, from the Chairman of the Arab Executive Committee.

The conclusions of M. Sakenobe's report (Annex 12) *were adopted with some drafting amendments.*

Western Samoa : Petition dated May 19th, 1930, from Mrs. O. F. Nelson (continuation).

The conclusions of Lord Lugard's report (Annex 17) *were adopted with some drafting amendments.*

Western Samoa : Petition dated May 19th, 1930, from the Rev. A. John Greenwood.

The conclusions of Lord Lugard's report (Annex 18) *were adopted with some drafting amendments.*

Western Samoa : Petition, dated September 18th, 1930, from the Women's International League for Peace and Freedom (New Zealand Section) (continuation).

The conclusions of Lord Lugard's report (Annex 19) *were adopted with some drafting amendments.*

Tanganyika : Petition, dated October 20th, 1930, from the Indian Associatiom of the Tanganyika Territory (continuation).

The conclusions of M. Palacios' report (Annex 16) *were adopted with some drafting amendments.*

TWENTY-NINTH MEETING.

Held on Friday, November 13th, 1931, at 10 a.m.

Adoption of the Report to the Council on the Ordinary Work of the Commission.

The draft skeleton report to the Council on the ordinary work of the Commission (Annex 21, I) *was adopted with various drafting modifications.*

Adoption of the List of Annexes to the Minutes of the Session.

The list of Annexes was adopted.

Close of the Session.

The CHAIRMAN reminded the Commission that he had to represent it at the Council on the discussion of the report on the ordinary work of the present session and of the report relating to the emancipation of Iraq and, if necessary, explain the Commission's point of view as to the consequences of certain decisions taken by the Assembly.

He further pointed out that the date of the next session was fixed, in principle, for June 6th, 1932.

He specially thanked Mlle. Dannevig for remaining, in spite of other engagements, until the end of the session in order to ensure a quorum, and he expressed his appreciation to the members of the Secretariat who had assisted in the work of the Commission.

The CHAIRMAN declared the twenty-first session of the Permanent Mandates Commission closed.

ANNEX 1.

C.P.M.1240(1).

LIST OF DOCUMENTS [1] FORWARDED TO THE SECRETARIAT BY THE MANDATORY POWERS SINCE THE LAST EXAMINATION OF THE REPORTS RELATING TO THE FOLLOWING TERRITORIES :

A. *Iraq.*
B. *Cameroons under British Mandate.*
C. *Cameroons under French Mandate.*
D. *Ruanda-Urundi.*
E. *Tanganyika.*
F. *Togoland under British Mandate.*
G. *Togoland under French Mandate.*
H. *Islands under Japanese Mandate.*
I. *Western Samoa.*

A. Iraq.

I. *Annual Report and Legislation.*

1. Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of Iraq for the Year 1930.
2. Local Languages Law applicable to the Kurdish areas of Iraq, as passed by the Iraqi Parliament on May 19th, 1931.[2]

II. *Treaties and Agreements.*

Judicial Agreement between Great Britain and Iraq, signed at Bagdad on March 4th, 1931. [3, 4]

III. *Official Publications.*

1. *Iraqi Government Gazette.*[3]
2. Circular on Kurdish Policy from His Excellency the Prime Minister to all Ministries (except Foreign Affairs and Directorate-General of Awqaf).
3. Letter addressed, on August 4th, 1931, by the Apostolic Delegate in Iraq to the Iraqi Minister of the Interior.
4. Tables of Racial Statistics.
5. Maps on Religions and Races.

B. Cameroons under British Mandate.

I. *Annual Report and Legislation.*

1. Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of the Cameroons under British Mandate for the year 1930.
2. Supplement to the Laws of Nigeria 1931.
3. Table of Amendments : Amendments which should be made in the Laws of Nigeria, 1923, and in the 1930 Supplement in consequence of Legislation published during August, September and October 1930, January and February 1931 :

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[1] Documents received by the Secretariat primarily for any of the technical organisations (*e.g.*, Advisory Committee on Traffic in Opium and Other Dangerous Drugs) or other Sections of the Secretariat (*e.g.*, Treaty Registration) are not included in this list. Unless otherwise indicated, the members of the Permanent Mandates Commission should have received copies of all the documents mentioned in this list.

The annual reports and copies of laws, etc., are available only in the language in which they have been published by the mandatory Powers.

The communications forwarded in reply to the observations of the Permanent Mandates Commission, and certain other documents, have been translated by the Secretariat and are available in both official languages. The titles of these documents are followed by the official number under which they have been published.

The petitions forwarded by the mandatory Powers, together with their observations on these petitions and on the petitions communicated to them by the Chairman of the Permanent Mandates Commission in accordance with the rules of procedure in force, are not mentioned in the present list. These documents are enumerated in the agenda of the Commission's session.

[2] The draft text of this law was reproduced in the Minutes of the nineteenth session of the Mandates Commission, pages 189 to 191. Reference was also made to it in the accredited representative's statement before the Commission at its twentieth session (see Minutes, twentieth session, page 119).

[3] Kept in the Archives of the Secretariat.

[4] The text of this document, as approved by the Council on September 24th, 1930, figures as an annex to the Minutes of the Council (see Minutes of sixty-first session ; *Official Journal*, November 1930, pages 1601 to 1609).

4. *(a)* Orders and Orders in Council Nos. 47 to 60, 1930 ; 1 to 25, 1931.
   (b) Regulations Nos. 14 to 35, 1930 ; 1 to 18, 1931.
   (c) Rules Nos. 2 to 5, 1930 ; 1 to 8, 1931.
   (d) Bye-Laws Nos. 2 and 3, 1930 ; 1 to 5, 1931.
   (e) The Maintenance Orders Ordinance (Ch. 11).
   (f) Rule of Court (Ch. 3).
   (g) Ordinances Nos. 15 to 27, 1930 ; 1 to 10, 1931.
   (h) The Supreme Court Ordinance (Ch. 3).
   (i) The Supreme Court Ordinance 1931.

II. *Various Official Publications :*

1. Legislative Council Debates, Eighth Session, 1930, September 27th and 29th, 1930 ; Ninth Session, 1931, January 28th and February 2nd, 1931.[1]
2. *Nigeria Gazette.*[1]

C. Cameroons under French Mandate.

I. *Annual Report and Legislation.*

Annual Report addressed by the French Government to the Council of the League of Nations on the Administration under Mandate of the Cameroons Territory for the Year 1930.

(Legislation annexed hereto.)

II. *Various Official Publications.*

1. *Official Journal* of the Cameroons Territory under French Mandate.[1]
2. Budget of Revenue and Expenditure, Financial Year 1931, of the Cameroons under French Mandate.

D. Ruanda-Urundi.

I. *Annual Report and Legislation.*

Report submitted by the Belgian Government to the Council of the League of Nations on the Administration of Ruanda-Urundi during the Year 1930.

(Legislation annexed hereto.)

II. *Official Gazette of Ruanda-Urundi.*[1]

E. Tanganyika Territory.

I. *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 1930.
2. Ordinances enacted during the year 1930, with an appendix containing proclamations, rules, regulations and notices.

II. *Various Official Publications :*

1. *Tanganyika Territory Gazette.*[1]
2. Trade Report for the Year 1929.
3. Trade Report for the Year 1930.
4. Annual Report by the Treasurer for the Financial Year 1929-30.
5. Report on the Audit of the Accounts of the Tanganyika Territory and of the Tanganyika Railways for the Financial Year 1929-30.
6. Annual Reports of the Provincial Commissioners on Native Administration for the Year 1929.
7. Annual Reports of the Provincial Commissioners on Native Administration for the Year 1930.
8. Annual Report of the Land Department, 1929.
9. Annual Report of the Land Department, 1930.
10. Land Development Survey, First Report, 1928-29, Iringa Province.[1]
11. Land Development Survey, Second Report, 1930, Iringa Province.

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[1] Kept in the Archives of the Secretariat.

12. Land Development Survey, Third Report, 1929-30, Uluguru Mountains, Eastern Province.
13. Department of Agriculture, Annual Report, 1929-30, Parts I and II.
14. Geological Survey, Annual Report, 1929.
15. The Ninth Annual Report of the Forest Department, 1929.
16. Mines Department, Annual Report, 1929.
17. Mines Department, Annual Report, 1930.
18. Annual Report of the Public Works Department, 1929.
19. Annual Report on the Administration of the Prisons, 1929.
20. Annual Report on the Administration of the Police, 1929.
21. Annual Report of the Education Department, 1929.
22. Labour Department Annual Report, 1929.
23. Memorandum on the Recruitment, Employment and Care of Government Labour, 1930.
24. Annual Medical and Sanitary Report for the Year ending December 31st, 1929.
25. Annual Report of the Medical Laboratory, Dar-es-Salaam, for the Year ending December 31st, 1929.
26. Tsetse Research Annual Report for the Year ended December 31st, 1929.
27. Tsetse Research Annual Report for the Year ended December 31st, 1930.
28. Annual Report on Experimental Reclamation, Department of Tsetse Research, Year ended March 31st, 1930.
29. Annual Report of the Department of Veterinary Science and Animal Husbandry, 1930.
30. Annual Report of the Posts and Telegraphs Department, 1929.
31. Report, together with the Proceedings of the Joint Committee on Closer Union in East Africa.
32. Minutes of the Legislative Council held on April 17th, 1930 (Supplement to *Official Gazette*, Vol. XI, No. 20, dated April 25th, 1930), January 6th, 14th, 15th, 16th, March 12th, May 5th to 6th, June 16th, July 4th, 1931 (Supplements to *Official Gazette*, Vol. XII, No. 5, dated January 23rd, 1931 ; No. 21, dated April 17th, 1931 ; No. 26, dated May 15th, 1931 ; No. 36, dated June 26th, 1931 ; No. 39, dated July 10th, 1931).[1]

F. Togoland under British Mandate.

I. *Annual Report and Legislation.*

1. Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of Togoland under British Mandate for the Year 1930.
2. Ordinances of the Gold Coast, Ashanti, Northern Territories and the British Sphere of Togoland, 1930.
3. *(a)* Gin and Geneva (Restriction of Importation) Ordinance, No. 16 of 1930.[1]
   (b) Liquor Traffic Amendment Ordinance, No. 17 of 1930.[1]
   (c) Liquor Licences (Spirits) Amendment Ordinance, No. 18 of 1930.[1]

II. *Various Official Publications.*

1. *The Teachers' Journal*,[1] issued by the Education Department, Vol. II, Nos. 7 to 10, 1929-30.
2. *The Gold Coast Gazette.*
3. Report of the Commission of Enquiry regarding the Consumption of Spirits in the Gold Coast, 1930.[1]
4. Statement of Revenue and Expenditure for the Year 1930[1].

G. Togoland under French Mandate.

I. *Annual Report and Legislation.*

Annual Report addressed by the French Government to the Council of the League of Nations on the Administration under Mandate of the Territory of Togoland for the Year 1930.

(Legislation annexed hereto.)

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[1] Kept in the Archives of the Secretariat.

II. *Various Official Publications.*

1. Local Budget, Subsidiary Budget for Public Health and Native Medical Assistance, and Subsidiary Budget for the Railways and Wharf, Financial Year 1931.
2. Closed Accounts of the Local Budget and Subsidiary Budgets, Financial Year 1929.
3. *Official Journal* of the Territory of Togoland under French Mandate.[1]
4. Various Maps of the Territory :
   (a) Economic.
   (b) Tourist.
   (c) Demographical and Social.
   (d) Physical and Political.

H. Islands under Japanese Mandate.

Annual Report and Legislation.

1. Annual Report to the League of Nations on the Administration of the South Sea Islands under Japanese Mandate for the Year 1930.
2. Laws and Regulations appended to the Annual Report of the Administration of the South Sea Islands under Japanese Mandate for the Year 1930.

I. Western Samoa.

I. *Annual Report and Legislation.*

1. Eleventh Report of the Government of New Zealand on the Administration of the Mandated Territory of Western Samoa for the Year ended 31st March, 1931.
2. *(a)* The Personal Tax Enforcement Ordinance, No. 1, 1930.
   (b) The Overseas Passengers Landing Deposits Repeal Ordinance, No. 2, 1930.
   (c) Ordinances and Law Revision Ordinance, No. 1, 1931.
   (d) The Road Traffic Ordinance, No. 2, 1931.
   (e) The General Laws Ordinance, No. 3, 1931.
   (f) The Fruit Export Ordinance, No. 4, 1931.
   (g) The Samoa Customs Consolidation Amendment Ordinance, 1930.
   (h) The Samoa Customs Consolidation Amendment Order, 1930 (No. 2).
   (i) The Samoa Dangerous Drugs Order, 1930.
   (j) The Samoa Immigration Order, 1930.
   (k) The Samoa Imprisonment for Debt Limitation Order, 1930.
   (l) Samoa Reciprocal Administration Order, 1930.
   (m) Samoa Notaries Order, 1931.
   (n) The Samoa Treasury Regulations, 1930.
   (o) Rules of the High Court of Western Samoa, amended (September 15th and November 11th, 1930).
   (p) Money Orders issued in Western Samoa for Payment in New Zealand Order, 1930.
   (q) New Zealand Reparation Estates Amendment Order, 1930.
   (r) New Zealand Reparation Estates Amendment Order (No. 2), 1930.
   (s) New Zealand Reparation Estates Service Amendment Order, 1930.
   (t) The Samoa Vagrancy Order, 1931.

II. *Various Official Publications.*

1. Estimates of Revenue and Expenditure for the Year 1930-31.[1]
2. Estimates of Revenue and Expenditure for the Year 1931-32.[1]
3. Legislative Council Debates, Session of 1931. Minutes of the Meetings of January 23rd and 30th, 1931.
4. Trade, Commerce and Shipping Report of Territory of Western Samoa for the Calendar Year 1930.
5. *Western Samoa Gazette.*

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[1] Kept in the Archives of the Secretariat.

ANNEX 2.

C.P.M.1225(2).

AGENDA OF THE TWENTY-FIRST SESSION OF THE PERMANENT MANDATES COMMISSION.

I. Opening of the Session.

II. Examination of the Annual Reports of the Mandatory Powers :

Iraq, 1930.
Cameroons under French Mandate, 1930.
Cameroons under British Mandate, 1930.
Togoland under French Mandate, 1930.
Togoland under British Mandate, 1930.
Tanganyika, 1930.
Ruanda-Urundi, 1930.
Western Samoa, 1930-31.
Islands under Japanese Mandate, 1930.

III. General Questions.

A. Liquor Traffic.

1. Examination of the Information contained in the *General Memorandum on the Liquor Traffic in Territories under Mandate, revised by the Mandatory Powers* (document C.608.M.235.1930.VI).
(See Minutes of the thirteenth session, pages 89 to 93, 224; sixteenth session, page 176.)

2. Examination of the Information supplied by the Mandatory Powers with regard to the Delimitation of the Prohibition Zones in Central Africa.
(See Minutes of the thirteenth session, pages 89 to 93, 224.)
(Rapporteur : Count de Penha Garcia.)

B. Economic Equality : Purchase of Material and Supplies by the Administrations of Territories under A and B Mandates, either for Their Own Use or for Public Works. [1]

(Rapporteur : M. Orts.)

IV. Special Questions.

Iraq.

Emancipation of Iraq : Proposal of the British Government.

V. Petitions.

A. Petitions rejected under Article 3 of the Rules of Procedure in regard to Petitions. Report by the Chairman (documents C.P.M.1229, 1229*(a)*, 1229*(b)*).

B. Petitions.

1. Iraq.

(a) Petition, dated March 28th, 1931, from the Kurds of Iraq, forwarded on July 20th, 1931, by the British Government with its Observations (document C.P.M.1218).
(Rapporteur : M. Rappard.)

(b) Petition, dated May 5th, 1931, from Mr. A. Hormuzd Rassam, London (document C.P.M.1211).
Observations of the British Government, dated October 14th, 1931 (documents C.P.M.1133 and 1335).
(Rapporteur : M. Orts.)

(c) Petition, dated May 12th, 1931, from Mr. A. Hormuzd Rassam, London, transmitted on October 14th, 1931, by the British Government, with its Observations (document C.P.M.1234).
Letter from the British Government dated October 14th, 1931 (document C.P.M.1233).
(Rapporteur : M. Orts.)

[1] Adjourned to the next session. See minutes, page 182.

(d) Petition, dated May 21st, 1931, from Mr. A. Hormuzd Rassam, London (document C.P.M.1170 *(a)*).
Observations of the British Government, dated October 14th, 1931 (document C.P.M.1236).

(Rapporteur : M. Orts.)

(e) Petition, dated September 23rd, 1931, from Mr. A. Hormuzd Rassam, London, forwarded on October 28th, 1931, by the British Government (document C.P.M.1246).

(Rapporteur : M. Orts.)

(f) Petition, dated June 16th, 1931, from Mr. H. E. Hollands, London (document C.P.M.1214).
Observations of the British Government, dated October 14th, 1931 (document C.P.M.1237).

(Rapporteur : M. Orts.)

(g) Petition, dated May 12th, 1931, from Rear-Admiral Paymaster H. Seymour Hall, London (document C.P.M.1181).
Observations of the British Government, dated October 14th, 1931 (document C.P.M.1228).

(Rapporteur : M. Orts.)

(h) Petition, dated May 16th, 1931, from Mme. Assya Taufiq, and Observations dated October 30th, 1931, from the British Government thereon (document C.P.M.1250).

(Rapporteur : M. Rappard.)

2. Palestine.

(a) Petition dated May 10th, 1931, from M. Israel Amikam, forwarded on July 8th, 1931, by the British Government with its Observations (document C.P.M.1216).

(Rapporteur : M. Ruppel.)

(b) Petitions, dated March 19th and May 2nd, 1931, from Dr. F. Kayat (documents C.P.M.1155 and 1159).
Observations of the British Government, dated August 20th, 1931 (document C.P.M.1222).

(Rapporteur : M. Ruppel.)

(c) Petition, dated May 17th, 1931, from the President of the Arab Executive Committee, transmitted by the British Government on July 2nd, 1931 (document C.P.M.1215).

(Rapporteur : M. Sakenobe.)

(d) Petition, dated June 28th, 1931, from the "Central Agudath Israel", transmitted by the British Government on September 9th, 1931, with its Observations (document C.P.M.1223).[1]

(Rapporteur : M. Palacios.)

(e) Petition, dated June 15th, 1931, from the Permanent Committee of the Arab Liberal Party, transmitted by the British Government on September 10th, 1931, with its Observations (document C.P.M.1224).[1]

(Rapporteur : M. Palacios.)

3. Cameroons under French Mandate.

(a) Petition, dated March 21st, 1930, from M. Joseph Mouangué, transmitted by the French Government on November 10th, 1930, with its Observations (document C.P.M.1133).

(Rapporteur : M. Palacios.)

(b) Petition, dated August 11th, 1929, from Ngaka Akwa, Theodore Lobe Bell and other Duala Chiefs ; and Petition, dated September 5th, 1930, signed by M. Manga Bell, both transmitted on June 5th, 1931, by the French Government, with its Observations (document C.P.M.1186).[2]

(Rapporteur : M. Rappard.)

(c) Petition, dated May 18th, 1931, by M. V. Ganty, transmitted on June 4th, 1931, by the French Government, with its Observations (document C.P.M. 1185).

(Rapporteur : M. de Penha Garcia.)

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[1] Adjourned to the next session. See Minutes, pages 181–182.
[2] Adjourned to the next session, See Minutes, pages 172–173.

4. Togoland under French Mandate.

Petition dated October 14th, 1930, of the "Bund der Deutsch Togoländer", transmitted on July 8th, 1931, by the French Government, with its Observations (document C.P.M.1220).

Letter, dated October 9th, 1931, from the French Government, transmitting some New Annexes to the Petition (document C.P.M.1241).

(Rapporteur : M. Van Rees.)

5. Tanganyika.

Petition, dated October 20th, 1930, from the "Indian Association of the Tanganyika Territory", transmitted on May 15th, 1931, by the British Government, with its Observations (document C.P.M.1164).

(Rapporteur : M. Palacios.)

6. South West Africa.

Petition dated January 15th, 1931, from the Rehoboth Community (Beukes, *v.* Wyk and Others), transmitted by the South African Government on May 23th, 1931 (document C.P.M.1213).

(Rapporteur : Mlle. Dannevig.)

7. Western Samoa.

(a) Petition, dated May 19th, 1930, from Mr. O. F. Nelson, Auckland (document C.P.M.1073).
Observations of the New Zealand Government, dated December 5th, 1930 (document C.P.M.1134).

(Rapporteur : Lord Lugard.)

(b) Petition, dated May 19th, 1930, from Mr. A. John Greenwood, Auckland (document C.P.M.1071).
Observations of the New Zealand Government, dated December 5th, 1930 (document C.P.M.1135).

(Rapporteur : Lord Lugard.)

(c) Petition, dated September 18th, 1930, from the "New Zealand Section of the Women's International League for Peace and Freedom" (document C.P.M.1142).
Observations of the New Zealand Government, dated January 28th, 1931 (document C.P.M.1142).

(Rapporteur : Lord Lugard.)

ANNEX 3.

C.P.M.1268(1).

LIQUOR TRAFFIC.

REPORT BY COUNT DE PENHA GARCIA.

The Permanent Mandates Commission, at its second session, asked the Secretariat to draw up a comparative table of the spirits annually imported into the mandated territories, showing also the Customs duties to which they are subject. This document was submitted by the Secretariat at the following session.

Its importance is obvious, since it shows the progress achieved in the campaign against alcoholism in the colonies. The territories under mandate send annual reports to the League of Nations, and it would therefore have been sufficient to arrange in the same way the section of these reports dealing with the question of the consumption of spirituous liquors (and alcoholic beverages) in order to obtain an excellent basis for bringing this recapitulatory table up to date. There is, however, at Brussels a central international office under the authority of the League of Nations which collects the documents and annual reports provided for in the St. Germain Convention. At its fifth session, the Mandates Commission adopted a resolution in which it asked the Council to request the Brussels office to send, if possible about four weeks before the beginning of the June session, three kinds of information — namely : *(a)* the quantity and nature of spirits imported into mandated territories and adjoining colonies and protectorates in Africa ; *(b)* the amount of the duties imposed in the territories referred to above ; *(c)* one copy of all laws promulgated on the subject during the preceding twelve months and any other information the office might consider would be useful to the Permanent Mandates Commission.

As from the Commission's seventh session, the Brussels office began to send information ; an exchange of views then took place for the purpose of perfecting the general table of liquor imports and duties for the mandated territories in Africa and the adjoining territories.

The Mandates Commission at present possesses for B mandate two sources of information — the tables of the Brussels office and the reports of the mandatory Powers. For the C mandate, the Commission only possesses the reports of the mandatory Powers. The survey compiled by the Secretariat and brought up to date as far as 1928 contains in a methodical form statistical data for each of the territories under mandate, and a summary of the legislative measures and information of various kinds concerning the liquor traffic in the territories under B and C mandates. Proofs of this document were delivered to the members of the Mandates Commission at the nineteenth session and were communicated to the mandatory Powers for revision, in virtue of a Council decision of September 1st, 1928. It was printed on October 1st, 1930, and communicated to the Council and to the Mandates Commission in January 1931. The document in question (document C.608.M.235.1930.VI) is a credit to the Secretariat, which has prepared it with care and accuracy ; it will certainly be of great value, not only to the Mandates Commission but also to the mandatory Powers and the Council. After examining the proofs of this compilation, the Mandates Commission decided that conclusions should be drawn from this work, and the question was placed on the agenda of its twentieth session.

At its thirteenth session, the Mandates Commission had asked the mandatory Powers for information with regard to the zones of prohibition established in the African mandates under Article 4 of the St. Germain Convention. The Secretariat has collected the replies received from the mandatory Powers in a document for the use of the Mandates Commission.

When it was decided to place on the agenda the study of the conclusions which might be drawn from the document regarding the liquor traffic in the territories under B and C mandates, the Mandates Commission decided to place also on its agenda the study of the replies of the mandatory Powers to the question of zones of prohibition. The examination and study of these two questions, which were placed on the agenda of the twentieth session, have been postponed to the present session, and I have been asked to report on them.

Zones of Prohibition.

The St. Germain Convention laid down restrictive measures with regard to the liquor traffic in the territories in the continent of Africa which were or might be subjected to the authority of the signatory Powers. Algeria, Tunisia, Morocco, Libya, Egypt and the Union of South Africa were excepted from this general provision.

Among the restrictive measures stipulated by the contracting parties figures the obligation to prohibit the importation, sale and possession of spirits in the areas where their use is not yet widespread. Even in these zones, however, the prohibition does not include any persons who are not indigenous natives. Limited quantities of spirits destined for the consumption of non-native persons may be imported. The import of these quantities of spirits is subject to the system and conditions determined by each Government. In its report to the Council at its thirteenth session, the Permanent Mandates Commission expresses the wish that " the mandatory Powers should inform the Commission to which parts of the territories under their mandates they had applied Article 4 of the St. Germain Convention concerning the liquor traffic in Africa, providing for the prohibition of the importation, distribution, sale and possession of spirituous liquors in those regions where their use had not developed ".

The mandates to which the St. Germain Convention applies are Togoland and Cameroons under British mandate, Togoland and Cameroons under French mandate, Tanganyika, Ruanda-Urundi and South West Africa. The Secretariat has collected the replies of the mandatory Powers in document C.P.M.945. [1]

From these replies it will be seen that, in Togoland and the Cameroons under British mandate and in Togoland under French mandate, genuine prohibition zones have been marked out by the Administration.

In Tanganyika, Ruanda-Urundi, the Cameroons under French mandate and South West Africa, no delimitations of this kind have been made, but the whole territory is subject to a regime which answers to the provisions of Article 4 of the St. Germain Convention. In these territories, the importation, sale and possession of spirituous liquors are only permitted for the use of non-native persons as authorised in the final part of Article 4. The consumption of spirits by natives is forbidden, and various measures involving severe penalties have been taken in the African territories under mandate in order that, in pursuance of the obligations laid down by the text of the mandates and by the St. Germain Convention, strict control should be exercised over the consumption of spirituous liquors.

In view of this situation, it seems to me that the only resolution which the Permanent Mandates Commission can adopt as regards the replies of the mandatory Powers is one taking note of these declarations and recommending that the said Powers should continue to keep strict control of the import of spirits and of clandestine distilleries.

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[1] Annex 4, page .

Liquor Traffic in Territories under B and C Mandates.

Document C.608.M.235.1930.VI contains all kinds of information — viz., statistical data, summaries of legislative measures for the control of the liquor traffic and miscellaneous particulars. The study of this mass of information makes it possible to draw a few conclusions ; but, to have a more solid basis of observation and to facilitate the interpretation of the data contained in this document, it seems to me desirable to supplement it, at any rate for the use of the Permanent Mandates Commission.

The document should first of all be brought up to date, so as to cover a period of ten years. We are already in a position to do this, and such a period makes it possible to take averages, correcting the errors resulting from the comparison of extreme figures.

It would be desirable to establish for each territory a table of comparative figures showing the ratio of the extreme figures — the ratio of the five-year averages, for example, the consumption ratio in relation to the population, etc., at a given uniform strength. The laws in force might be brought up to date as far as 1931, and for each territory a summary of the general principles in force might be prepared.

It would be desirable to supplement the miscellaneous information by giving the definitions and principles adopted by the Commission and accepted by the mandatory Powers, and also a scale of equivalence of Gay-Lussac and Tralles degrees and of alcohol by weight or volume and proof-spirit percentages. To each table of quantities imported should be added a table of the value of the duties charged and of the licences and annual taxes. Lastly, it would be interesting to make an abstract from the replies to the Permanent Mandates Commission's questionnaire giving an idea of the general conditions obtaining in each territory with regard to the consumption of liquor and the campaign to preserve the natives from its ill effects.

I am therefore of opinion that the Mandates Commission should express the wish that the Secretariat should carry on the work of perfecting and bringing up to date the excellent survey which it has compiled, while thanking it for its labours and the satisfactory results achieved.

An examination of the tables prepared by the Secretariat shows that the particulars sent by the mandatory Powers do not permit of a comparison, as they are differently presented and do not contain all the details needed by the Permanent Mandates Commission for a study of this question.

I think it would be desirable that the Permanent Mandates Commission should also recommend that, in their annual reports on the control of the liquor traffic, the mandatory Powers should adopt the following order :

A. Information concerning changes in legislation. Regulations and provisions adopted to control the consumption of spirits by the natives.

B. Figures concerning arrests and sentences for breaches of these laws and regulations.

C. Statistics of imports of spirits and alcoholic beverages and their strength, prepared on the basis of the definitions and data adopted by the Permanent Mandates Commission and accepted by the mandatory Powers.

D. Statistics of total production, if any.

E. Statistics of revenue derived from duties on importation (and on manufacture and exportation, if any).

F. Statistics of the proceeds of licences, taxes and duties of all kinds imposed on the transport, sale or consumption of spirits.

G. Information concerning the manufacture, sale and consumption of native beverages.

H. General observations.

I now come to the conclusions. An examination of the absolute figures for the importation of spirits shows, in general, a considerable increase in certain territories. Generally speaking, the importation of wine and beer shows a still greater increase. Taking into account the rate of increase of the population, however, it will be found that there has been a falling off in the consumption of spirits and an increase in the consumption of wine and beer. To reach this conclusion, it is necessary to take into account separately the figure for the increase in the consuming population, which — in the case of spirits, for example — should only be the white population.

There can be no doubt that the increase in the consumption of beverages is generally a reflection of an increase in the wealth of the territories. Thus, since the economic crisis, there has been a general falling off in the import of spirits and alcoholic beverages which is not always due to fresh restrictive measures, but almost entirely to economic causes. A perusal of the legislative measures summed up in the collection gives proof of the zeal which the mandatory Powers have shown in carrying out their obligations in this sphere. We find varied methods of prohibiting, restricting and preventing the consumption of spirits and alcoholic beverages. It is obvious, however, that the special circumstances of each territory under mandate make it impossible to advise the same methods everywhere. I think it may be extremely useful for the different administrators of the territories under mandate to become acquainted with the means employed in the other territories to prevent the liquor traffic.

In conclusion, I think it would be better to wait until document C.608.M.235.1930.VI has been brought up to date and perfected and has been sent to the mandatory Powers for revision. It will then be posible to draw more accurate conclusions for each territory under mandate.

To sum up, I consider that the Permanent Mandates Commission might make the following recommendations to the Council :

(1) The Permanent Mandates Commission, having examined the replies of the mandatory Powers to the question of prohibition zones, notes their statements and recommends them to continue to use their best endeavours to control the traffic and particularly to prevent the natives from making clandestine distilleries.

(2) The Permanent Mandates Commission, having studied the document drawn up by the Secretariat on the liquor traffic in the territories under B and C mandates, expresses the wish that the Secretariat should continue to perfect this document and bring it up to date.

(3) The Permanent Mandates Commission, having noted the necessity of improving the annual information sent by the mandatory Powers on the control of the liquor traffic and of the use of alcoholic beverages, recommends the mandatory Powers to conform to the plan of information prepared by the Permanent Mandates Commission.

ANNEX 4.

C.P.M.945.

Geneva, November 5th. 1929.

LIQUOR TRAFFIC.

AFRICAN PROHIBITION AREAS.

NOTE BY THE DIRECTOR OF THE MANDATES SECTION.

In its report on its thirteenth session, the Permanent Mandates Commission expressed " the wish that the mandatory Powers should inform the Commission to which parts of the territories under their mandate, Article 4, paragraph 2, of the St. Germain Convention concerning the liquor traffic in Africa has been applied. The said article provides that the contracting parties will prohibit the importation, distribution, sale and possession of spirituous liquors in those regions of the area referred to in Article 1 where their use has not been developed." [1]

All the mandatory Powers concerned have sent their replies, and these have been assembled in the present document.

1. Cameroons under British Mandate, Tanganyika Territory and Togoland under British Mandate.

(Extract from document C.620.1928.VI (C.P.M.829), letter from the British Government, dated December 11th, 1928, to the Secretary-General.)

With regard to section *(c)* of A.[1] I am to state that : *(a)* in the Cameroons under British mandate, the area administered as part of the Northern Provinces of Nigeria and the Bamenda and Mamfe divisions of the Cameroons province are prohibited areas for the purposes of that article of the Convention ; *(b)* in Togoland under British mandate the area which is administered as part of the Northern Territories of the Gold Coast is likewise a prohibited area ; and *(c)* Tanganyika Territory is a prohibited area for the purposes of the article.

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[1] Article 1 reads as follows :

" The High Contracting Parties undertake to apply the following measures for the restriction of the liquor traffic in the territories which are or may be subject to their control throughout the whole of the continent of Africa, with the exception of Algeria, Tunis, Morocco, Libya, Egypt and the Union of South Africa.

" The provisions applicable to the continent of Africa shall also apply to the islands lying within one hundred nautical miles of the coast."

2. Cameroons under French Mandate.

(Extract from the Minutes of the fifteenth session of the Permanent Mandates Commission [document C.05.M.105.1929.VI, page 150], meeting of July 10th, 1929.)

1019. Cameroons under French Mandate: Examination of the Annual Report for 1928 (continuation).

SPIRITS.

Count DE PENHA GARCIA recalled that, in the previous year, the Commission had asked for information on the prohibition zone prescribed in Article 4, paragraph 2, of the Convention of St. Germain. This information had been given in the report on Togoland, but did not appear in that on the Cameroons.

M. MARCHAND, accredited representative of the French Government to the Commission, replied that the prohibition zone embraced the whole area of the Cameroons. There was no district in which liquor might be imported without restrictions. Prohibition in the Cameroons was based on the system of rationing.

3. Ruanda-Urundi.

(Extract from a note communicated by the Belgian Government on February 26th, 1929.)

[*Translation.*]

As persons of white race consumed spirituous liquors in the territory of Ruanda-Urundi before the signing of the Convention of St. Germain-en-Laye, to which the request refers, the Belgian Government has not had to apply the second paragraph of Article 4 of that international agreement.

Nevertheless, the Decree-Law No. 23 of August 1st, 1917, forbids importers of alcohol to supply natives or coloured people therewith, and only permits the use of alcoholic liquors by other persons subject to the restrictions indicated in the memorandum. [1]

4. Togoland under French Mandate.

(Extract from the annual report of the French Government on the administration of the mandated territory of Togoland for 1928, page 114.)

[*Translaiion.*]

ALCOHOL.

. . . . . .

Second question. — Parts of Togoland to which Article 4, paragraph 2, of the St. Germain Convention applies. (Recommendation of the Mandates Commission, thirteenth session.)

Reply. — The districts in question are those north of the Atakpamé parallel, and are dealt with in the Decree of July 26th, 1924 (1926 report, page 122), prohibiting the possession, supply and offering for sale of distilled liquor of any kind whatsoever, and spirituous liquor containing more than 14 degrees of alcohol.

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[1] PROHIBITION. GENERAL REGULATIONS.

Decree-Law No. 23 of August 1st, 1917, regulates the import, possession and sale of alcoholic liquor (*Collection of Laws*, 1926, pages 217-219).

The import, transport, distribution and possession of alcohol for consumption and distilled or fermented alcoholic liquor are forbidden save :

(1) For hospitals and ambulances ;

(2) For such supplies as the Administration shall provide for its agents ;

(3) For persons granted authority in writing by the head of the Finance Department or by the Governor. * This authority is conditional upon a previous enquiry into the reputation of the applicant and to the previous deposit of 5,000 francs. It can only be accorded to European merchants or persons assimilated to European merchants. Importers of alcohol may not supply natives or coloured people. Only persons in possession of a permit from the Governor * or the head of the district may receive a supply. This, however, shall not exceed three litres a month.

The Decree-Law of December 28th, 1925, provides for the supervision of all quantities of distilled or fermented alcoholic liquor imported, re-imported, exported or re-exported. Import into Ruandi-Urundi from the Belgian Congo and export from Ruanda-Urundi to the Belgian Congo of such liquor are only allowed through the Customs houses of Kigoma, Usumbura, Kisenyi and Shangugu (*Collection of Laws*, 1926, page 220).

* The text says " the Senior Commandant " ; but this officiai has been repiaced by the Governor as Head of the Administration.

ANNEX 5.

C.P.M.1229.
C.P.M.1229 *(a)*.
C.P.M.1229 *(b)*.

PETITIONS REJECTED UNDER ARTICLE 3 OF THE RULES OF PROCEDURE IN REGARD TO PETITIONS.

REPORT BY THE CHAIRMAN.

In conformity with Article 3 of the Rules of Procedure, I have the honour to submit the following report on the petitions which have been received since the last ordinary session and which, in my opinion, do not merit the Commission's consideration.

I. Iraq.

(a) Petition from Mr. A. Hormuzd Rassam, dated September 18th, 1931.

The purpose of this communication is to refute certain opinions on the petitioner expressed during the Commission's proceedings in connection with the consideration of a previous petition and not to bring forward any new points connected with the administration of a mandated territory. I therefore did not consider this petition admissible.

(b) Petition from Mr. A. Hormuzd Rassam, dated October 23rd, 1931.

The purpose of this communication is to refute certain opinions expressed during the Commission's proceedings on the person of the author of a petition previously examined and on the petition itself, and not to bring forward any new points which could justify an examination by the Commission. I therefore did not consider this petition admissible.

(c) Letter, dated October 30th, 1931, from Mr. Matthew Cope, relating to his Expulsion from Iraq.

As regards the substance, this letter merely reproduces Mr. Cope's petition of April 30th, [1] and the petition of Rear-Admiral Paymaster H. Seymour Hall of May 12th, 1931.[2] I therefore did not consider this letter admissible in accordance with the rules of procedure in force in regard to petitions.

II. Palestine.

Telegram from the Syrian-Arabian Association of Paris, dated July 15th, 1931.

The authors of this communication protest against the arming of the Zionists in Palestine and solicit the intervention of the League of Nations to prevent fresh massacres.

In view of the vagueness and absence of detail of this petition, I did not consider it admissible.

III. Western Samoa.

Petition from the Rev. A. J. Greenwood, Auckland, New Zealand, dated April 10th, 1931.

This letter is, to a large extent, a rejoinder to the statements made by the accredited representative of New Zealand at the Commission's nineteenth session ; moreover, it relates to events which occurred in Western Samoa in 1929, which have already been discussed by the Commission, and which, further, were dealt with in a petition from the Rev. A. J. Greenwood dated May 19th, 1930. [3]

As the petitioner supplied no important fresh information with regard to these events, I did not consider the petition admissible.

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[1] See Minutes of the Twentieth Session of the Permanent Mandates Commission, page 216.
[2] See page 172 of the present Minutes.
[3] See page 182 of the present Minutes.

ANNEX 6.

C.P.M. 1258.

IRAQ.

PETITIONS FROM THE IRAQ MINORITIES (NON-MOSLEM) RESCUE COMMITTEE, LONDON.

REPORT BY M. ORTS.

1. I have been asked to report on a series of petitions all dealing with the same subject — namely, the situation of the non-Moslem communities in Iraq and emanating from the same body, the Iraq Minorities (non-Moslem) Rescue Committee, whose headquarters are in London.

In chronological order these documents are :

(1) A letter from Mr. A. Hormuzd Rassam, Chairman of the said Committee, dated May 5th, 1931 ;

(2) A letter from the same, dated May 12th, 1931 ;

(3) A letter from the same, dated May 21st, 1931 ;

(4) A letter from Mr. H. E. Hollands, Secretary of the same Committee, dated June 16th, 1931 ;

(5) A letter from Mr. A. Hormuzd Rassam, dated September 23rd, 1931.

Observations have been made by the British Government with regard to these various communications.

The following is a very brief summary of the voluminous dossier constituted by these petitions and the observations connected therewith.

2. The first petition contradicts certain statements made by the accredited representative of the mandatory Power before the Mandates Commission during its nineteeth session. It relates to certain information given regarding the petitioner personally and to statements regarding the freedom of the Press, public health in Iraq, the representation of the minorities in the Iraq Parliament, the question of the Assyrian refugees and education. The petitioner adds some general remarks on the situation, which he describes as bad, of the minorities in Iraq. The British Government, in its remarks, states that the petitioner's observations are either untrue or exaggerated.

3. In the second communication, the petitioner submits a plan for the formation of a local autonomous administrative area within the Kingdom of Iraq, and particularly within the Mosul vilayet. By means of historical, political and geographical arguments, he endeavours to justify this solution, which, according to him, would also be in the economic, social and religious interests of the inhabitants of this part of Iraq. He suggests, morever, that a conference should be summoned under the auspices of the League of Nations, which would be attended by representatives of the mandatory Power, the Iraqi Government, the Kurds and the non-Arab peoples of Iraq, which the petitioner claims to represent. The petitioner also states that the Chaldeans and Assyrians ask that the garrison of Mosul should be formed by " Assyrian levies " under the orders of the British High Commissioner, until the petitions submitted to the League of Nations in their name have been decided upon.

Lastly, Mr. A. Hormuzd Rassam justifies the necessity of his petition — to which the chiefs of the different minority communities are stated to have given their formal approval — by the assertion that the experience of the last five years has demonstrated that Iraq, despite the good intentions of the central Government, is unable to give effect in the interior of the country to the guarantees of the Organic Law promulgated in favour of the minorities under Article III of the Anglo-Iraqi Treaty of October 10th, 1922. According to the petitioner, it is, moreover, out of the question that the Arabs should ever recognise the equality before the law of all citizens, including the non-Moslems and the Moslems who are not of their race, such as the Kurds, as long as the law continues to be inspired by the Koran and its traditions.

The British Government, in its observations, disputes the petitioner's claim to represent the non-Moslem communities and especially the Kurds of Iraq. In this Government's opinion, the conference proposed by the petitioner would in no way advance either the pacification of the country or co-operation between the different races of Iraq, in favour of which the majority of the religious chiefs of the non-Moslem minorities of Iraq have declared themselves. The mandatory Power disputes a number of the details adduced by the petitioner and regards the plan for local autonomy as impracticable and unjustified.

4. In the third petition, Mr. A. Hormuzd Rassam states that, according to information he has received, Baghdad and Mosul Christians have been arrested by the Iraqi Government, and that these measures of intimidation have had the effect of interrupting the influx of complaints from Iraq. Among the persons arrested were seven Baghdad Chaldeans, two Mosul

Assyrians and Taufiq Wahbi Beg, a Baghdad Kurd, who had already submitted a petition to the Permanent Mandates Commission with regard to the situation of the Kurds in Iraq. The petitioner adds that the two Assyrians arrested were among the signatories of the communications previously submitted by him to the Mandates Commission. The arrests he regards as the beginning of the reprisals which, indeed, he had foreshadowed. The petitioner asks that the measures taken by the Iraqi Government should be repealed, and that the minorities should be reassured by effective assistance given by the League of Nations.

The mandatory Power, in its observations, notes that its accredited representative gave the Mandates Commission, at its session of June 1931, detailed information with regard to the circumstances in which these persons were arrested and later released.

5. In the fourth petition, Mr. Hollands, Secretary of the Iraq Minorities (non-Moslem) Rescue Committee, transmitted to the Mandates Commission an extract from a letter dated May 14th, 1931, from Mar Shimun, the Catholic Assyrian patriarch in Iraq. This letter contains observations on the statements made by the accredited representative of the mandatory Power before the Mandates Commission at its nineteenth session. These observations relate to the health conditions of the regions inhabited by the Assyrians, the question of the settlement of Assyrians in Iraq and their general situation. The British Government disputes certain of these observations and gives additional particulars with regard to others.

6. In the petition of September 23rd, 1931, Mr. A. Hormuzd Rassam addresses a last appeal to the League of Nations in favour of the Iraqi minorities. He gives details on the general situation of the different minorities and asks that an " enclave " should be created in Iraq, which would constitute a sort of asylum for the Chaldee-Assyrians, the Yazidis, the Jews, the Armenians and the other minorities. In his opinion, effective guarantees should be provided by the League of Nations to the said minorities.

The British Government states that this petition reached it too late for it to be able to submit detailed observations before the end of the present session of the Commission. It asks whether the Commission desires detailed observations to be submitted with regard to this document or whether the Commission considers that the observations already transmitted by the British Government in connection with the numerous petitions previously submitted by Mr. A. Hormuzd Rassam and his associates supply sufficient comments on this last petition.

7. It will be seen from this summary that, apart from the proposal to constitute in Iraq an " enclave " in which the minorities would enjoy local autonomy, no new important fact has been adduced in these various petitions. The complaints which they contain are of the same nature as those formulated in the petitions examined by the Mandates Commission last June.[1]

In view of the mandatory Power's observations and of the impossibility for the Commission to appreciate the weight to be attached to these petitions owing to the character of their signatories, the said petitions can only be regarded as a fresh indication of the apprehension — whether legitimate or not — which the possible cessation of the mandate inspires in certain elements belonging to the Iraqi minorities.

I propose that the Commission should suggest to the Council that it should again draw the mandatory Power's attention to the advisability of obtaining effective guarantees from the Iraqi Government as regards the protection of racial and religious minorities before the mandate is terminated, which guarantees, as the Mandates Commission has already been informed, the Iraqi Government is prepared to give.

ANNEX 7.

C.P.M.1257.

IRAQ.

PETITION, DATED MAY 12TH, 1931, FROM REAR-ADMIRAL PAYMASTER H. SEYMOUR HALL.

Report by M. Orts.

In his petition of May 12th, 1931, Rear-Admiral Paymaster Seymour Hall (retired) communicated to the Mandates Commission copy of his personal correspondence with Captain Matthew Cope.

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[1] See Minutes of the Twentieth Session, page 217.

This correspondence relates to the latter's expulsion from the territory of Iraq in April 1931 and to the impression which this measure is said to have produced on the Christian minorities. As the petitioner remarks, two points stand out prominently in this correspondence :

1. That it is within the legal power of the Iraqi Government, without assigning any reason, to deport any foreigner and to do so without obtaining the counter-signature of the representative of the mandatory Power ;

2. That the deportation of Mr. Cope has removed from Mosul the only independent and impartial European eye-witness of the condition of the minorities in the Mosul liwa. This action has now made it impossible to hope that any members of the minorities will venture to come forward to give evidence, if so invited, in support of their petitions under review by the Permanent Mandates Commission.

The British Government points out, in the first place, that full information has been supplied as to Mr. Cope's activities in the special report on Iraq for the period 1920 to 1931 and in the statement of its accredited representative before the Mandates Commission at its twentieth session.

As regards the first point raised by the petitioner, the British Government observes that under the Iraqi Constitution, the British High Commissioner is not entitled to countersign a deportation order. In the case of Captain Cope, the High Commissioner was, however, consulted, and the action of the Iraqi Government was taken with his full approval.

As regards the second point, the British Government states that there is always at Mosul a British administrative inspector and a British judge, who have the special duty of keeping the High Commissioner informed on all points affecting the obligations of the mandatory Power.

It adds that the fear expressed by Mr. Cope that the moment he left Mosul chaos would be let loose and the principal Christians would be forced to leave the country immediately has not been borne out by the facts.

Since in many countries the laws or police regulations on foreigners entitle the Government to expel without other formality any foreigner regarded as undesirable, I consider that no special recommendation should be made to the Council with regard to the allegations contained in this petition.

ANNEX 8.

C.P.M.1247(1).

IRAQ.

PETITION, DATED MARCH 28TH, 1931, FROM CERTAIN PERSONS PURPORTING TO BE IRAQI KURDS, TRANSMITTED BY THE BRITISH GOVERNMENT ON JULY 20TH, 1931.

Report by M. Rappard.

On March 28th, 1931, Abdul Rehman Agha Pishderi and a large number of other signatories applied through the High Commissioner for Iraq to the Secretary-General of the League of Nations to complain of the treatment suffered by the Kurds at the hands of the Iraqi Government and of the British Government. Observations on this petition were transmitted by the British Government from London on July 20th, 1931.

The petitioners, whose signatures are mostly illegible and whose authority is emphatically disputed by the mandatory Power, first of all allege that, in 1925, the League of Nations united Kurdistan to Iraq on two conditions — in the first place, that a Kurdish administration should be set up in Kurdistan and Kurdish nationality protected ; and, in the second place, that, in the event of Iraq becoming free and entering the League of Nations, a special administration should be set up for the Kurds according to their wishes.

On the basis of these assertions, which the Commission will remember do not correspond very closely to the historical facts, the petitioners complain that the guarantees stipulated have been completely disregarded by the Iraqi Government, and that the British Government has failed in its duty to protect their interests. They conclude by demanding the recognition of a national committee elected to represent the Kurdish nation and the energetic intervention of the mandatory Power to protect them against the oppression from which they allege themselves to be suffering.

The British Government, in its reply, attributes this petition to the action of Sheikh Mahmud, and emphatically denies that the petitioners' complaints are justified. The mandatory Power concludes by recalling the fact that Sheikh Mahmud surrendered to the Iraqi Government on May 13th, 1931. Considering this insurrection to be therefore virtually at an end, the mandatory Power invites the League to regard the petition as not deserving serious attention.

In view of the undoubted inaccuracy of the premises on which the petition rests, our complete uncertainty as to the qualification of the petitioners, and especially the absence of any fresh grievance, it seems to me that the Commission cannot accept this petition, except perhaps as an indication of the discontent which still exists among the Kurds of Iraq. Should the Commission agree with this view, it might express it by adopting the following draft resolution :

" The Mandates Commission,

" Having examined a petition dated March 28th, 1931, from certain signatories purporting to be Iraqi Kurds ;

" Having noted the observations put forward on this petition by the British Government on July 20th, 1931 :

" (1) Notes that the mandatory Power disputes the qualification of the petitioners to speak on behalf of the Iraqi Kurds and disputes all historical foundation for their complaints ;

" (2) Notes that the petitioners, in stating their grievances, base themselves on legal texts whose meaning they manifestly distort ;

" (3) Considers that this fresh manifestation of discontent in Iraq, whatever may be its sincerity and value, cannot call for any other observations than those which it already formulated last year in connection with other similar petitions ;

" (4) Therefore decides to continue to pay the greatest attention to the disquiet persisting among the Kurds and to draw the Council's attention afresh to the uncertain fate which lies before them if Great Britain's moral protection, which they have enjoyed for over ten years, were to be withdrawn.

ANNEX 9.

C.P.M.1260.

IRAQ.

PETITION, DATED MAY 16TH, 1931, FROM MME. ASSYA TAUFIQ.

REPORT BY M. RAPPARD.

In a petition dated May 16th, 1931, addressed to the Permanent Mandates Commission, Mme. Assya Taufiq protests against the arrest by the Iraqi Government of her husband, Taufiq Wahbi Beg, a Kurd of Iraq, and requests that the matter be taken up with the Iraqi Government. The petitioner adds that Taufiq Wahbi Beg had submitted, in April 1931, a petition to the Permanent Mandates Commission concerning the unfair treatment of the Iraqi Government towards the Kurds.

The British Government, in its observations dated October 30th, 1931, states that the circumstances attending the arrest of Taufiq Wahbi Beg were dealt with at length by the accredited representative of the mandatory Power at the session of the Mandates Commission in June 1931 in his opening statement to the Commission, and that His Majesty's Government have nothing to add to this statement. From this statement, it appeared that Taufiq Wahbi Beg had been released unconditionally within a fortnight of the date of the present petition of Mme. Assya Taufiq.

My colleagues will remember that the petition submitted by Taufiq Wahbi Beg in April 1931 was dealt with by the Permanent Mandates Commission at its last session. With regard to the complaint raised by the petitioner concerning the arrest of her husband, I believe that the Commission will agree that no action is necessary, since it appears from the observations of the British Government that Taufiq Wahbi Beg was released six months ago.

ANNEX 10.

C.P.M.1248.

PALESTINE.

PETITION, DATED MAY 10TH, 1931, FROM MR. ISRAEL AMIKAM, TRANSMITTED ON JULY 8TH, 1931, BY THE GOVERNMENT OF GREAT BRITAIN.

REPORT BY M. RUPPEL.

I. The petitioner, a former employee of the telegraph section of the Department of Posts and Telegraphs of the Government of Palestine, has submitted to the Commission a " Memorandum on the violation by that department of the right of the Hebrew language to equality with the other official languages of Palestine ".

He refers to a Government notice published in the *Official Gazette* of October 1920, Section 3 of which reads as follows :

> " Telegrams may be sent in any of the three languages — that is to say, English, Arabic, and Hebrew ; but, if in Hebrew, they must be written in Latin characters, it not being practicable at present for the post office to transmit telegrams in Hebrew characters."

This rule, which is still in force, is inconsistent, the petitioner claims, with Article 22 of the Mandate for Palestine, by which it is provided that " English, Arabic and Hebrew shall be the official languages of Palestine ", and constitutes a discrimination against the Jewish population as compared with the Arabs, who can despatch and receive telegrams in the Arabic language and in Arabic characters.

He admits that in 1920 the post office was not in a position to transmit telegrams in Hebrew characters owing to the lack of employees sufficiently acquainted with the Hebrew language, but he contends that the reasons given afterwards from time to time by the Department in order to justify the maintenance of the rule made in 1920 can no longer be considered valid, and he then proceeds to criticise the reasons advanced — the small number of Hebrew telegrams and the technical and financial difficulties.

Finally, he draws attention to the fact that the same claim has been made in the past by many Jewish institutions and by the Jewish National Council. He asks the Commission to take whatever steps may be necessary to establish the right of the Hebrew language to official equality, and to ensure that the Hebrew language receives the same facilities from the telegraphic section and is recognised to the same extent as the other official languages of Palestine. The substance of his demand is that telegrams in Hebrew characters shall henceforth be transmitted in Palestine.

II. The British Government, in its observations, transmitted by a letter dated July 8th, 1931, points out that the question raised by the petitioner has been carefully examined from time to time during the past ten years, but that, in view of the technical and financial difficulties involved, it has not hitherto been found practicable to make the necessary arrangements. This declaration seems to indicate that the mandatory Power does not refuse to comply with the requirements of the Jewish community on principle, but only for the time being and for reasons of a temporary character.

As to technical difficulties, mention is made of the necessity of devising a special Morse code, the training of operators to transmit telegrams in Hebrew characters, and the relatively great number of officers engaged on the actual transmission by wire. As regards finance, the additional costs of duplicating staff at offices in the trilingual areas alone is estimated at £P4,500 per annum, or more than the total present revenue from the inland telegraph traffic — which, by the way, is decreasing rapidly, concurrently with the development of the telephone system, and shows already an excess of expenditure over revenue amounting to £P17,000 a year.

Besides these practical considerations, the mandatory Government also examines the legal question — namely, the interpretation of Article 22 of the Mandate. In its opinion, that provision means that the three languages may be used in the Legislature, in the law courts, and for the purpose of addressing Government departments, but does not bind the Palestine Government " in its conduct of a commercial undertaking, such as the post office, to facilitate the employment of any particular script regardless of the effect upon the prosperity and administration of the undertaking in question ". The present practice in the matter — to accept telegrams in the Hebrew language but not in Hebrew characters — is asserted to be in accordance with a reasonable interpretation of the mandate.

The observations refer further to the High Court judgment reproduced as Annex XVI to the Annual Report on the Administration of Palestine for 1929. In this case, the court ruled that the use of Hebrew characters could not be considered an essential part of a message written in the Hebrew language, and that the public notice of 1920 was therefore legally valid.

As to telegrams in Arabic characters, attention is drawn to the fact that, under the International Telegraph Regulations, their use is allowed in telegrams exchanged between Arabic-speaking countries, whereas no provision is made for the use of Hebrew characters for international purposes.

III. Palestine is a country with more than one official language. There are other countries in the world where such a legal situation prevails. It is not uncommon, in such countries, for divergencies of views to arise about the practical consequences to be drawn from the constitutional principle in daily administrative life. Issues of this kind must be dealt with by the Governments with considerable caution because they may easily cause agitation and misgiving in one section of the population.

Since the Jews in Palestine, referring to the transmission of telegrams in Hebrew characters, now claim that the Mandatory is guilty of a violation of the article of the mandate regulating the question of language, the Permanent Mandates Commission must consider the situation very carefully.

The High Court of Palestine has had occasion to examine the question. Its answer was in the negative, on the ground that the use of the special characters of a language was not an essential part of a message written in that language. The argument does not seem to me to dissipate all doubts. But it is not necessary to take up a definite attitude on this point, for the matter has another aspect which was not considered by the court. I allude to the question of the equal treatment of all three official languages in Palestine.

The Arabs can use their characters for the transmission of inland telegrams (the traffic with foreign countries may be put aside, because the petition does not concern it). Why should the Jews not make use of their own characters when sending telegrams in the Hebrew language ?

In my opinion, any discrimination between the two languages is hardly compatible with the meaning of Article 22 and the spirit of the whole mandate, the aim of which is equal treatment for the two sections of the Palestine population in all respects.

But another consideration has to be taken into account.

The admission of Hebrew as an official language of the country is closely connected with the Jewish National Home, the establishment of which the Mandatory is bound to promote. The petitioner himself refers to Article 2 of the Mandate, where the obligations of the Mandatory are laid down in the well-known terms : to place the country under such political, administrative, and economic conditions as will secure the establishment of the Jewish National Home.

The Permanent Mandates Commission, at its seventeenth (extraordinary) session, very closely examined the fundamental questions connected with the interpretation of this article, and came to the conclusion that a distinction must be made between the ultimate object of the mandate and the immediate obligations of the Mandatory, and that for the accomplishment of the former no time-limit is provided.

This interpretation, which has to be followed in the case before us, allows us — indeed obliges us — to appraise the practical situation which, according to the Palestine Government, justifies the non-acceptance of telegrams in Hebrew characters.

The mandatory Power bases its attitude entirely upon practical difficulties. It has done so from the beginning. The public notice of 1920 said that it was " not practicable at present to transmit telegrams in Hebrew characters ". The Government has re-examined the situation from time to time with the same result, and finds that the difficulties have not even yet been overcome.

There is no need to enter into the details of the practical argument. It may be that the difficulties are to some extent not so grave as the Mandatory seems to imagine. For instance, it is not quite clear why the staff of the service must be duplicated, since it is well known that a good number of the employees are Jews. But it is perfectly comprehensible that, in a time of financial stringency, a public Administration should refuse to enlarge the staff of a service whose expenditure exceeds its revenue. And, after all, the matter is not of sufficient importance to be described as a real grievance for the Jewish population.

The question will come up again in time. We are entitled to assume that the Mandatory will then reconsider it conscientiously, and will not lose sight of the fundamental aspect implicit in it — namely, the equal treatment of the two sections of the Palestine population.

I therefore propose that the following conclusions be embodied in the report to the Council :

> " The Permanent Mandates Commission, having examined the petition dated May 10th, 1931, from Mr. Israel Amikam, and the memorandum containing the observations of the British Government, transmitted by its letter of July 8th, 1931, does not consider it proper to make a recommendation to the Council, but trusts that the mandatory Power will from time to time re-examine the matter in order to ascertain whether the technical and financial difficulties which have hitherto prevented the Administration of Palestine from allowing the transmission of telegrams in Hebrew characters still prevail. The Commission will be glad to have information from the Mandatory when the question has been definitely settled. "

ANNEX 11.

C.P.M.1259(1)

PALESTINE.

PETITIONS, DATED MARCH 19TH AND MAY 2ND, 1931, FROM DR. F. KAYAT, PARIS.

REPORT BY M. RUPPEL.

I. The petitioner having married in 1922, before the Latin Patriarch at Jerusalem, an Ottoman woman belonging to the Roman Catholic Church, signed in 1924 a document by which he promised to pay to the order of his wife a sum of £E.800, equivalent to the jewels he had pledged himself to give her before the marriage. The document was endorsed by the wife in favour of her father.

The latter brought an action against the petitioner in a Palestinian civil court to recover the sum of £E800, and obtained judgment in his favour, which was confirmed by the Court of Appeal, both courts having ruled out the respondent's objection that the case, arising out of marriage, was within the jurisdiction of the ecclesiastical court, and that the document was good as a negotiable instrument.

The judgment was later executed by way of subhastation. The petitioner alleges that he was even imprisoned for a time.

In the meantime, the petitioner had sued his wife in the court of the Latin Patriarch, asking for suspension of the judgment of the civil court. The Patriarch, while declaring claims regarding the document in question to be matters of personal status coming within his exclusive jurisdiction, gave only a provisional decision, having regard to the fact that a separation suit brought by the wife before the ecclesiastical court was still pending. This decision was reversed—on an appeal lodged by the wife, by the higher ecclesiastical court at Rome (" Sacra Rota ") on the ground that the document was not within its jurisdiction. Ultimately, the supreme ecclesiastical court (" Signatura Apostolica ") at Rome delivered judgment in favour of the petitioner, affirming the jurisdiction of the ecclesiastical courts and sentencing the wife to reimburse to her husband the sum which he had paid to his father-in-law.

The petitioner further contends that the judgment of the Patriarch was not recognised by the British Executive Officer, whereas the High Court of Palestine had registered the decision of the lower Roman court but denied any legal importance to that of the supreme Roman court.

He claims that, according to the laws and customs of Palestine, only the religious courts had jurisdiction in his case, that the civil courts, by deciding otherwise, had violated Article 9 of the Mandate for Palestine, which provides that " respect for the personal status of the various peoples and communities and for their religious interests shall be fully guaranteed " and that the British Government, as Mandatory for Palestine, had executed the mandate in a way which constituted a denial of justice against him. He claims from the mandatory Government compensation amounting to at least £10,000, and asks also for urgent measures suspending the execution of all decisions of civil courts in Palestine concerning his marriage.

By a letter dated May 2nd, 1931 (document C. P. M. 1159), counsel for the petitioner has submitted copy of a judgment given by the Latin Patriarch on January 8th, 1930, by which the above-mentioned decision of the supreme Roman court in favour of the petitioner was made executory.

II. The British Government made observations on the petition in a letter dated August 20th, 1931 (document C. P. M. 1222). It is explained therein that the question whether or not the action concerning the petitioner's liability in respect of the document signed by him was a matter for the religious court was considered, on his application, by a Special Tribunal set up in accordance with Article 55 of the Palestine Order in Council 1922. The tribunal, the members of which were the Chief Justice of Palestine, a British Judge, and the Latin Patriarch, came to the conclusion that the matter was not one of personal status lying within the exclusive jurisdiction of the ecclesiastical court. A copy of the judgment, delivered on February 9th, 1931, was attached to the observations.

In the opinion of the Mandatory, the procedure for deciding conflicts of jurisdiction between the civil and ecclesiastical courts, as laid down in the Order in Council, is adequate, and was followed in the petitioner's case.

The British Government therefore does not consider that he has suffered an injustice or that there are any reasons for the payment of the compensation which he claims.

III. The situation regarding the document signed by the petitioner in favour of his wife, and endorsed by her in favour of her father seems to be the following : the civil court, in a lawsuit between the petitioner and his father-in-law, affirming its jurisdiction, delivered judgment against the first-named; the religious court, in an action between him and his wife, assuming the matter to be one of personal status, gave a decision in his favour. It is easy to

understand that he prefers the decision of the Latin Patriarch and contests the jurisdiction of the civil court.

Having read the observations of the mandatory Government, one is, on the other hand, somewhat surprised that the petitioner, in his long statement, should not have found it worth while to mention the judgment of the Special Tribunal, which, on his application, decided that a claim in respect of the instrument in question cannot be within the jurisdiction of a religious court.

The legislation of Palestine (Palestine Order in Council, 1922, Article 55) provides for a special legal procedure for the settlement of conflicts of jurisdiction between the civil and the ecclesiastical courts. The "Special Tribunal" set up for this purpose offers every guarantee of independence and impartiality.

The petitioner availed himself of the possibility thus offered of taking legal proceedings. The judgment went against him. The complaint brought before the Commission is therefore directed, in fact, against the sentence of that high judicial institution, the "Special Tribunal".

The Permanent Mandates Commission has always refused to play the rôle of a *court of appeal.* Following this wise practice, it cannot enter into a re-examination of the nice legal issue as to whether the petitioner's case should have been dealt with by the civil or by the religious courts in Palestine. There is no indication that the interpretation given by the Special Tribunal in the petitioner's case to the Palestinian legislation defining personal status is incompatible with the provisions of the mandate, and particularly with Article 9. Moreover, according to Article 44 of the Palestine Order in Council, 1922, in civil matters, when the amount or value in dispute exceeds £E500, an appeal lies from the supreme court to His Majesty in Council ; it seems that the petitioner has still the right to avail himself of this possibility.

For these reasons, I propose that the Commission should accept the following conclusion :

> "The Permanent Mandates Commission, having examined the petition dated March 19th, 1931, from Dr. F. Kayat, Paris, and the supplementary letter written on his behalf on May 2nd, 1931, as well as the observations thereon made by the British Government, considers that, as the petition relates to a case which has been examined and settled by the courts, and as it seems, moreover, that a legal remedy is still open to the petitioner, there is no occasion for it to submit a recommendation to the Council."

ANNEX 12.

C.P.M.1262.

PALESTINE

PETITION, DATED MAY 17TH, 1931, FROM THE PRESIDENT OF THE ARAB EXECUTIVE COMMITTEE.

REPORT BY M. SAKENOBE.

The petition is dated May 17th, 1931, and signed by Mousa Kazem Hussaini, President of the Arab Executive Committee in Palestine.

The mandatory Government transmitted it to the Permanent Mandates Commission, under date of July 2nd, 1931.

The petition is, in reality, a declaration of the Arab Executive Committee on the occasion of the anniversary of May 16th, the day which, they claim, the whole Moslem and Arab world decided to celebrate each year as Palestine Day. The declaration strongly repudiates the mandate regime in Palestine, and expresses the Committee's firm resolve to make every endeavour to remove "this oppression" and defeat "the oppressive Zionist policy".

Such being the substance of the petition, I think that it is incompatible with the terms of the Palestine mandate.

I would therefore propose that the Mandates Commission decide as follows :

> "The Commission considers that no action should be taken on the petition, as it is incompatible with the terms of mandates."

ANNEX 13.

C.P.M.1261(1).

CAMEROONS UNDER FRENCH MANDATE.

PETITION DATED MARCH 21ST, 1930, FROM M. MOUANGUÉ.

REPORT BY M. PALACIOS.

M. Mouangué's petition is dated March 21st and the mandatory Power's observations November 10th, 1930.

The petitioner declares himself to have been the victim of thefts and depredations in his plantation. He states that he brought the offenders before the courts and that the latter sentenced, not the guilty parties, but the plaintiff to pay the costs of the lawsuit (681.10 francs) and 1 franc damages to the opposing party. He adds that his lawyer defended his interests inadequately and allowed the legal time-limits for appeal to pass without taking action. He asserts that, as a result of this affair, he is in a desperate situation and asks for the revision of his lawsuit, or rather for a fresh time-limit to bring an appeal before the higher courts.

The mandatory Power naturally is opposed to reopening a lawsuit which has followed its regular course, and legitimately refuses the exception, which is asked for, to the rules generally followed. Bad though the interested party's situation may be, the only reason given for making this exception in the present case is quite outside the scope of any intervention by the judicial authorities.

As Rapporteur I therefore propose that the Permanent Mandates Commission should pronounce in favour of the view maintained by the French Government, and should give the Council of the League of Nations an opinion to this effect.

ANNEX 14.

C.P.M.1243(1).

CAMEROONS UNDER FRENCH MANDATE.

PETITION, DATED MAY 18TH, 1931, FROM M. V. GANTY "DELEGATE IN EUROPE OF THE NEGRO CITIZENS OF THE CAMEROONS", PARIS, FORWARDED BY THE FRENCH GOVERNMENT ON JUNE 4TH, 1931.

REPORT BY COUNT DE PENHA GARCIA.

On June 4th, 1931, the French Government sent to the Secretary-General of the League of Nations a letter, together with a copy of a petition, dated May 18th, 1931, which had been forwarded directly by the party concerned to the Secretariat of the League of Nations.

The petition came from one V. Ganty, calling himself "delegate in Europe of the negro citizens of the Cameroons". The French Cameroons are concerned. Having regard to the conclusions of the petition — withdrawal of the mandate, new regime, corresponding status — the mandatory Power declares that the petition is clearly inadmissible. It asks the Chairman of the Mandates Commission so to decide.

The petition having been submitted to the Commission, I was instructed to make a report.

The petitioner calls himself "delegate in Europe of the negro citizens of the Cameroons". This title has no legal foundation and cannot be recognised by the Mandates Commission.

The signatory cannot claim any other position than that of a person interested in the mandated territory of the Cameroons and enjoying the right of petition.

In his petition there are claims and conclusions which go beyond the rights of petitioners and the competence of the Commission. These should not be taken into consideration. I note, however, in the petition complaints with regard to definite facts which must have the attention of the Commission. The accredited representative of the mandatory Power has promised to furnish explanations on these points.

I therefore propose that the Commission should adopt this suggestion and agree on the following resolution :

> "The Commission considers that no action should be taken on the petition, as the conclusions are inadmissible."

ANNEX 15.

C.P.M.1249(1).

TOGOLAND UNDER FRENCH MANDATE.

PETITION, DATED OCTOBER 14TH, 1930, FROM THE "BUND DER DEUTSCH-TOGOLÄNDER", TRANSMITTED BY THE FRENCH GOVERNMENT ON JULY 8TH AND OCTOBER 9TH, 1931.

REPORT BY M. VAN REES.

At the second meeting of the present session, I was requested to examine the petition of the "Bund der Deutsch-Togoländer", dated October 14th, 1930, which the mandatory Power forwarded to the Commission, asking the latter to pronounce on the preliminary question of its admissibility. The French Government explains that the conclusions of this petition seemed to it to be contrary to the rules governing the admissibility of mandate petitions. It adds that it has thought it unnecessary to reply to the different points referred to in the body of the document in view of the fact that most of them have already been dealt with either in observations which it has previously addressed to the League of Nations or in verbal explanations given by its accredited representative to the Permanent Mandates Commission.

It is therefore for the Commission to consider whether, under the rules in force, the petition of the "Bund der Deutsch-Togoländer" of October 14th, 1930, is admissible or not.

This question appears to me to call for a negative answer, since, as the French Government has pointed out, its conclusions, which aim at the withdrawal of the mandate from the mandatory Power, are incompatible with the terms of the Togoland mandate. As regards the different allegations contained in the petition, I observe that some of them relate to facts which have already been dealt with by the Commission in connection with the examination of other petitions, and that the others are contained in documents from anonymous sources. The accredited representative of the mandatory Power has promised to give explanations on such points as require clearing up.

If the Commission agrees with the above view, I propose that it should adopt the following conclusion :

> "The Commission considers that no action should be taken on the petition of the "Bund der Deutsch-Togoländer", dated October 14th, 1930, its conclusions being inadmissible."

ANNEX 16.

C.P.M.1265(1).

TANGANYIKA.

PETITION, DATED OCTOBER 20TH, 1930, FROM THE INDIAN ASSOCIATION OF THE TANGANYIKA TERRITORY.

REPORT BY M. PALACIOS.

The petition bears the date of October 20th, 1930, and was transmitted to the Permanent Mandates Commission by the British Government in a letter dated May 15th, 1931, accompanied by the observations which it called for. The mandatory Power also communicated to the Commission in a subsequent letter, dated June 24th, 1931, the resolutions adopted by the Tanganyika Indian Conference at its second session, which was held at Dar-es-Salaam on December 28th and 29th, 1930. It added no observations to this communication, because those concerned stated that they did not wish this communication to be regarded as a petition ; but it does not admit the accuracy of a number of the statements made therein.

The Indian Association's petition sets out to " remove, supplement or complete " the impressions which may have been produced by the replies of the accredited representative, Mr. Jardine, to the questions put to him by the members of the Commission at the eighteenth session. As a matter of fact, the resolutions of the Indian Conference supplement the petition and define the position from the petitioners' point of view.

The Indian community, from which these documents emanate, pays a tribute to Sir Donald Cameron personally and to his work. It describes as " pernicious " the influence exerted by the British Europeans of Kenya on their fellow-countrymen in Tanganyika ; it shows it is

absolutely opposed to the " closer union " ; and declares its sympathy with the efforts made in India by Gandhi and his adherents in favour of a National Government for that country in the hope that, when India obtains her freedom, the Indians of the colonies will be able to live and work on a footing of equality with the nationals of other countries. Nevertheless, the association states that the attitude of its members in the territories under mandate is conciliatory, loyal and friendly, both towards the Europeans, towards the other Asiatic peoples, which, although not Indians, make common cause with them, and towards the natives.

Nevertheless, the Indian community desires to be admitted to a larger share corresponding to its numerical importance and capacities, in the Administration and in the higher Government services. It desires a larger representation in the Legislative Council, seats on the different boards and committees of the territory, and a hearing on the Colonial Office's invitation before the higher authorities, such as the Joint Parliamentary Committee, in the circumstances and on the subjects which concern it. The Indian Central Council, which aspires to become the supreme Indian organisation in Tanganyika, wishes to be the organ responsible for designating qualified persons of Indian race to fulfil Government and administrative functions.

The Indian community complains particularly of certain alleged cases of unjust racial discrimination — for example, in the streets, railways and hospitals and in the granting of concessions by the Administration.

It does not wish its services, its importance and its significance to be underestimated. It desires that the obtaining by its members of authorisation to carry arms or of a passport to India should not be made subject to exceptional conditions. It claims free and compulsory education for all its children. To sum up, the community asks that the Indians should be treated in accordance with their value and merits, if not on equality with Europeans, since India is also a Member of the League of Nations.

While making reservations on the accuracy of many of these statements, the mandatory Power only replies to those which figure in the petition and relate to the action of the Government of Tanganyika. It denies that any racial distinctions exist. If distinctions are made in certain localities, they are due to custom or to the degree of civilisation attained by those concerned. People who have acquired a Western mode of life are not asked whether or not they belong to other communities before they are granted the benefit of certain advantages. This is the case, for example, as regards the admittance of patients to hospital. Moreover, a new hospital is being built, one wing of which will be reserved for Indians.

For the rest, the mandatory Power compares the petitioners' statements with those made before the Mandates Commission by Mr. Jardine, and confirms the accuracy of its accredited representative's remarks. The latter, on being interrogated by the Commission when these questions were examined, said that he " sincerely believed that the Indian community had no reason to complain of the way in which it was treated by the local Government, which had always taken the greatest care to avoid any unfair discrimination in the treatment of Indians or any other community, and who administered the same justice to all, regardless of differences of race, class or religion ".

* * *

Accordingly, I propose that the Permanent Mandates Commission, having noted the communications of the Indian association and the observations of the mandatory Power, should recommend that the Council of the League of Nations note the accredited representative's statement that the local Government of Tanganyika has always sedulously endeavoured to avoid any unfair differentiation in the treatment of the Indian or of any other community in the territory and to extend even-handed justice to all, irrespective of race, class and creed.

ANNEX 17.

C.P.M.1161(3).

WESTERN SAMOA.

PETITION, DATED MAY 19TH, 1930, FROM MR. O. F. NELSON, AUCKLAND, NEW ZEALAND.

REPORT BY LORD LUGARD.

The Mandates Commission has already dealt with the accusations made by Mr. Nelson in regard to the action of the Samoan Government, and there appears to be nothing new in the present petition, or which is not covered by the other petitions received.

It may be noted that Mr. Nelson considers that he was unjustly treated because, though he claims to be the representative of the people of Samoa, he was denied audience by the Mandate

Commission, though they heard Sir James Parr and Sir George Richardson. The petitioner should be informed that the only representatives heard by the Mandates Commission are those accredited by the mandatory Government.

The accredited representative, when questioned as to the suggestion that " foreign agitators and not the Samoan people were responsible for the whole trouble ", replied that he was unable to find any foundation for this suggestion. The petitioner stated that the verdict of the coroner was to the effect that " the rifle-firing which caused the death of Tamasesse and others was unnecessary ". According to the information given by the accredited representative, the coroner's verdict stated :

> " The evidence does not show that the rifle-fire was necessary, however. In circumstances as then prevailing, it is inevitable that some action will be taken which may appear at the time to be justified, but when enquired into subsequently will be found to have been unnecessary ."

ANNEX 18.

C.P.M.1162(1)

WESTERN SAMOA.

PETITION, DATED MAY 19TH, 1930, FROM THE REVEREND A. JOHN GREENWOOD, AUCKLAND, NEW ZEALAND.

REPORT BY LORD LUGARD.

The petitioner asks the Mandates Commission to order an enquiry, and attaches to his petition a memorandum by Professor Anderson and others recounting charges against the New Zealand Government and the Administration of Samoa, and asking for publicity for the strictures which they pass on the authorities. It appears, however, that this memorandum has already been published in the *New Zealand Review*, and sent to Archbishop Averill when he attended the Lambeth Conference in London.

The New Zealand Government declines to reply in detail. It points out that most of the charges have already been investigated by a Royal Commission, the proceedings of which were submitted to the Mandates Commission and dealt with by it. It also questions the qualifications of the author sof the memorandum to deal with the matter. It points out that the Chief Tamasesse was duly tried and was represented by counsel ; and that, in the case of Molia, Sergeant Ricketts was tried for manslaughter and acquitted by a jury. The most important accusations, therefore, having been dealt with by the courts of law, they are, by the rules of the Mandates Commission, excluded from further review, since the Mandates Commission is not a court of appeal.

The New Zealand Government states that the assertion that the administrator refused safe conduct to witnesses at the coroner's inquest is contrary to the verdict, of which a copy was said to be attached. No copy, however, accompanied the letter.

With regard to the general accusations of maladministration and the unsupported statement that Commodore Blake publicly expressed the opinion that enforced starvation must play its part in the coercive measures adopted, it is impossible to express any opinion from the documents submitted, and, in so far as the matters referred to have not already been the subject of discussion at previous sessions, the petitioner is referred to the Minutes of the twenty-first session, when further questions were put to the accredited representative.

I recommend, therefore, that a reply to the petition should be recorded in the following terms :

> " The Mandates Commission, having carefully studied the petition from the Rev. A. J. Greenwood and its enclosures, are unable to intervene in those cases, which have already been dealt with by duly-constituted-courts.
>
> " With regard to accusations of a general nature, the petitioner is referred to the Minutes of the Mandates Commission, both in the preceding and in the present sessions."

ANNEX 19.

C.P.M.1163(2).

WESTERN SAMOA.

PETITION, DATED SEPTEMBER 18TH, 1930, FROM THE WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM, NEW ZEALAND SECTION.

REPORT BY LORD LUGARD.

The Women's International League for Peace and Freedom also ask for a further enquiry, and append to their petition a statement of grievances of the Samoan women.

The New Zealand Government states that an inquest was held regarding the death of Tamasesse by the chief judge ; and that a jury unanimously acquitted Sergeant Ricketts regarding the death of Molia.

With regard to some of the other incidents mentioned, the Government stated that it is either " unaware of the incident " or that " it is believed to be imaginary or grossly exaggerated ", or that the evidence by a Government officer which is in conflict with the version of the Women's League is accepted.

The reply to this petition has been held over in order that the accredited representative might be asked for any further information which the Commission may require in regard to general and unsupported statements. With regard to the cancelling of Mr. Fitzherbert's licence as a barrister, he informed the Commission that he had never heard of it, and that Mr. Fitzherbert had a well-recognised right of appeal if he desired to exercise it. This case, therefore, does not come within the purview of the Permanent Mandates Commission.

I recommend that the reply of the Mandates Commission should be in the following terms :

" The Mandates Commission, having studied the petition of the Women's International League for Peace and Freedom and the reply of the Government of New Zealand :

" (1) Considers that it cannot interfere in cases which have been duly tried in the authorised Courts ;

" (2) While regretting not to have found fuller information in the declaration of the accredited representative on this matter is of opinion that no conclusive reason has been demonstrated which would justify the carrying out of a further enquiry in the country with regard to the facts alleged. "

ANNEX 20.

C.P.M.1256(1).

SOUTH WEST AFRICA.

PETITION, DATED JANUARY 15TH, 1931, FROM MR. N. VAN WYK AND OTHER MEMBERS OF THE REHOBOTH COMMUNITY, TRANSMITTED BY THE GOVERNMENT OF THE UNION OF SOUTH AFRICA ON MAY 28TH, 1931.

REPORT BY MLLE. DANNEVIG.

1. A petition, dated January 15th, 1931, with covering letter from the Government of the Union of South Africa, dated May 28th, 1931, has been sent to the League of Nations from fifteen members of the Rehoboth community.

The petitioners claim that they do not understand the meaning of the resolution of the Permanent Mandates Commission on their last petition of October 25th, 1929, approved by

the Council and forwarded to them in a letter from the Secretariat, dated October 3rd, 1930. This resolution runs as follows :

" The Permanent Mandates Commission, having examined Mr. Jacobus Beukes' petitions, dated October 25th, 1929, and February 11th, 1930, and Mr. Daniel Beukes' telegram of July 2nd, 1929, and not having found that any of the complaints set forth in these petitions and telegrams are well founded, can only recommend the Rehoboths to abandon their internal dissensions, and, as a united community, to work in harmony with the Administration."

2. The petitioners claim that they wish to " obtain clearness " ; they do not know " how to preserve peace ", since the magistrate of Rehoboth assures them that " peace must be concluded under Proclamation No. 28 of 1923 ". They are anxious to have peace but they do not want it under Proclamation No. 28, which is just the cause of dissension with which all their previous petitions to the League of Nations are concerned. In case the League of Nations should have approved of this Proclamation, " they want to have this definitely stated ".

3. Proclamation No. 28 of 1923 contains the legal affirmation of the agreement between the Administrator of South West Africa as representing the Government of the Union of South Africa on the one side, and Cornelius van Wyk, Kapitein of the Burghers of the Rehoboth community and the members of the Raad on the other side. This agreement was afterwards denounced by a large majority of the Burghers, who elected a new Raad. The consequence of this agreement were the troubles which led to the resolution of the mandatory Government temporarily to transfer the powers vested in the Raad to a magistrate ; against this resolution the Rehoboths have protested.

4. The mandatory Power has no observations to offer on the petitioners' letter.

5. Petitions from the Rehoboths have been examined by the Permanent Mandates Commission on several occasions. During its sixth session, Lord Lugard, in his report, dated May 25th, 1925, on a petition from the Rehoboths, gave a complete historical summary of the relations between the Rehoboths and the mandatory Power, in which he states regarding the demand for autonomy by the Rehoboths :

" The grant of *complete* independence is incompatible with the mandate (for the mandate would then cease in terms of Article 22 of the Covenant), yet a very large measure of independence is compatible, as we see in the case of Syria and Iraq, and may even be granted to a portion of a mandated territory, as in the case of Trans-Jordan. It is for the Mandatory to decide if and when a people is qualified for such partial or for complete administrative autonomy. The Administration of South West Africa states that the Bastards are not qualified as yet."

Lord Lugard's conclusion, approved by the Mandates Commission and Council, ran as follows :

" I submit that the petitioners be informed that the Mandates Commission, after a careful review of their appeal, sees no grounds for making any representation to the Mandatory, and recommends the petitioners to adopt the course proposed by the Administrator — *e.g.*, they should regularise their constitutional position by a proper election and then, if they so desire, accept his proposal to discuss the agreement."

6. A further petition from the Rehoboth community, dated November 26th, 1926, was examined by the Commission during its fourteenth session. At the same time, the Commission discussed the report of the Rehoboth Commission (Judge de Villiers), submitted to the Commission by the Government of South Africa, which also informed the Commission that it accepted the conclusions contained in the report. One of these conclusions affirms that the issue of Proclamation No. 28 of 1923 was within the powers of the Union Government, and that the said Proclamation did not encroach upon the existing rights of the community. As the result of its examination of the said petition and report, the Mandates Commission reached the following conclusion :

" The Commission is of opinion that the petitioners should be informed that the Permanent Mandates Commission understands that their grievances have been fully investigated, and considers that they have now lost their relevance."

7. From the above, I deduct that the Mandates Commission has had nothing to objets to in the Proclamation No. 28 of 1923, which confirmed an agreement between the Administratio and the authorised representatives of the Rehoboth community.

8. The Rehoboths, having only been acquainted on these occasions with the conclusions of the Mandates Commission adopted by the Council of the League and not with the entire reports regarding their petitions, it is perhaps comprehensible that they have not been able to grasp the full meaning of these resolutions.

9. If the Commission agrees with me on that point, I submit that the present report should be sent them in full, and that the Permanent Mandates Commission recommends the Council to request the mandatory Power to have the text of the report by the Commission on their former petition fully explained to the petitioners, since the latter allege that they do not understand it ; and also to inform them that, in view of the conclusions of the Special Commission under Judge de Villiers, the Mandates Commission sees no grounds for challenging the validity of Proclamation No. 28 of 1923. It cannot but repeat its previous recommendation that the petitioners should be invited to discuss the agreement with the Administrator and constitute a united community which could work in harmony with the Administration.

ANNEX 21.

I.

REPORT TO THE COUNCIL OF THE LEAGUE OF NATIONS ON THE ORDINARY WORK OF THE COMMISSION.

The Permanent Mandates Commission met at Geneva from October 26th to November 13th, 1931, for its twenty-first session and held twenty-nine meetings, one of which was public.

The annual reports were considered in the following order, with the assistance of the representatives of the mandatory Powers.

Ruanda-Urundi, 1930.

Accredited Representative :

M. Halewyck de Heusch, Director-General in the Belgian Ministry for the Colonies.

Tanganyika, 1930.

Accredited Representative :

Mr. D. J. Jardine, O.B.E., Chief Secretary to the Government of Tanganyika Territory.

Togoland under British Mandate, 1930.

Accredited Representative :

Mr. H. W. Thomas, Provincial Commissioner, Gold Coast.

Cameroons under British Mandate, 1930.

Accredited Representative :

Mr. G. S. Browne, C.M.G., Senior Resident in Nigeria.

Islands under Japanese Mandate, 1930.

Accredited Representative :

M. N. Ito, Deputy-Director of the Imperial Japanese Bureau accredited to the League of Nations.

Iraq, 1930.

Accredited Representatives :

Lieutenant-Colonel Sir Francis Humphrys, G.C.V.O., K.C.M.G., K.B.E., C.I.E., High Commissioner for Iraq.

Mr. J. H. Hall, D.S.O., M.C., O.B.E., Colonial Office.

Cameroons under French Mandate, 1930.

Accredited Representatives :

M. Marchand, Commissioner of the French Republic for the Cameroons.

M. Maurice Besson, Chief of the First Bureau of the Political Department at the French Ministry for the Colonies.

Western Samoa, 1930-31.

Accredited Representative :

Sir Thomas Mason WILFORD, K.C.M.G., High Commissioner for New Zealand in London.

Togoland under French Mandate, 1930.

Accredited Representative :

M. Maurice BESSON, Chief of the First Bureau of the Political Department at the French Ministry for the Colonies.

A. GENERAL QUESTIONS. [1]

I. LIQUOR TRAFFIC (page 180).

1. The Commission, having examined the replies of the mandatory Powers to the question of prohibition zones, notes these replies and hopes that these Powers will continue to use their best endeavours to control the traffic, and particularly to prevent the natives from making clandestine distilleries.

2. The Commission, having studied the document drawn up by the Secretariat on the liquor traffic in the territories under B and C mandates, trusts that the Secretariat will keep the results of this enquiry up to date.

3. The Commission, having recognised the valuable nature of the annual information supplied by the mandatory Powers on the control of the liquor traffic, and of the use of alcoholic beverages, and the need for more detailed information, recommends the mandatory Powers to adopt the methods suggested in the report submitted by its Rapporteur.

II. GENERAL STATISTICS (page 79).

In accordance with the Council's decision of March 5th, 1928, the Secretariat published in 1928 tables regarding the trade, public finances and population of the territories under mandate. These tables were prepared by the Secretariat and then revised by the mandatory Powers, who have sent several communications since 1928 for the purpose of supplementing the data contained therein. On October 21st, 1931, the Secretariat communicated to the Commission the tables revised and brought up to date with the help of the above-mentioned material. The Commission requests the Council to forward these tables to the mandatory Powers in order that they may revise them and complete them if necessary.

B. OBSERVATIONS CONCERNING THE ADMINISTRATION OF CERTAIN TERRITORIES UNDER MANDATE.

The following observations, which the Commission has the honour to submit to the Council, were adopted after consideration of the situation in each territory in the presence of the accredited representative of the mandatory Power concerned. In order to appreciate the full significance of these observations, reference should, as usual, be made to the Minutes of the meetings at which the questions concerning the different territories were discussed. [2]

Observation applicable to All the Territories.

Economic Situation.

The effects of the economic depression now prevailing throughout the world are being felt all the more severely in the mandated territories, since the prosperity of these territories is closely bound up with the ruling prices of raw materials.

The Commission hopes that the mandatory Powers will make a special point of supplying the Commission, in future reports, with information as to the policy they intend to follow in order to deal with the budget deficit entailed by this depression.

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[1] The page numbers following each heading are those of the Minutes of the session.

[2] The page numbers given at the end of each observation are those of the Minutes of the session.

TERRITORY UNDER A MANDATE

C.P.M.1267 (1).

Iraq.

Although in compliance with the Council's resolution dated September 4th, 1931, the Commission during its present session devoted its attention mainly to examining the proposed emancipation of Iraq, it also reviewed the report submitted by the mandatory Power on the administration of this territory during the year 1930. In the Commission's opinion, this report calls for the following observations :

1. *Frontiers.*

The Commission noted a declaration by the accredited representative to the effect that the British and French Governments have agreed to request the Council to determine the frontier between Iraq and Syria, and with this end in view to send a Commission to investigate the meaning of the line mentioned in the Franco-British Convention of 1920. The interested parties propose to ask the Council to decide how it would be desirable to modify the line traced in this Convention in the interests of both territories, due account being taken of the administrative, geographical and tribal considerations involved (page 93).

2. *Administration of Justice.*

The Commission learned with regret that the mandatory Power had not yet succeeded in obtaining redress for the Bahai community in respect of the miscarriage of justice of which it was the victim and to which allusion was made in the Commission's two previous reports to the Council on Iraq (pages 97-98).

TERRITORIES UNDER B MANDATE

C.P.M.1244 (1).

Tanganyika.

General Observations.

1. *Economic Crisis.*

The Commission regretted to learn from the accredited representative's statement how seriously the world economic crisis had affected the economic, financial and social life of the territory. It trusts that the necessary retrenchments may be effected without any serious diminution in the educational, medical and the other public services which affect the native population and, in particular, that the system of native administration will not be compromised by the effects of the crisis (pages 27-28).

2. *Foodshortage in the Province of Bukoba in* 1929.

The Commission thanks the mandatory Power for its detailed reply to the question asked by the Commission in 1930 with regard to the famine in the province of Bukoba in 1929. It trusts that the steps taken by the Administration will prevent the recurrence of such calamities (pages 26, 30).

3. *Native Policy.*

The Commission is glad to learn that effective steps are being taken to cope with the congestion of the native population in the Arusha-Meru district (page 39).

Special Observations.

1. *General Administration.*

The Commission has read with keen interest the annual reports of the Provincial Commissioners of the mandated territory on native administration for the year 1930. It would be glad if these reports could be communicated to it regularly in future (page 29).

The Commission welcomes the statement of the accredited representative that the interesting experiment in native administration recently inaugurated is being continued (page 28).

2. *Agricultural Credit.*

The accredited representative informed the Commission that an expert on co-operative banks has been instructed to examine the question of agricultural credit in Tanganyika. It trusts that the mandatory Power will inform it next year of the steps that have by then been taken in consequence of this examination (page 31).

3. *Education.*

In view of the very limited opportunity for the education of girls in Government schools, the Commission hopes that the mandatory Power will spare no efforts in this important aspect of education, in spite of financial stringency (pages 37-38).

4. *Labour.*

The Commission is anxious that the system of labour inspection organised in the Labour Department should not suffer by the measures of retrenchment now being carried out (page 37).

5. *Public Health.*

The Commission notes the accredited representative's statement that, by an amendment to the legislation, doctors holding foreign degrees are permitted to practise in the mandated territory. It hopes that the next report will state the number and nationalities of the doctors (page 38).

Observation applying both to the Cameroons and Togoland under British Mandate and to the Cameroons and Togoland under French Mandate.

Liquor Traffic.

The Commission expresses the desire that neighbouring local authorities may give special attention to the liquor traffic across the frontiers and may conclude agreements and institute measures which will have the effect of making any attempt at smuggling unprofitable (pages 47, 138, 153).

C.P.M.1252(1).

Cameroons under British Mandate.

1. *General Administration.*

The Commission hopes that the efforts made by the Administration to put an end to the differences which have arisen between the Catholic Mission on the one hand and certain chiefs and natives on the other will be crowned with success (page 54).

2. *Public Health.*

The Commission, while thanking the mandatory Power for the information given in the report with regard to sleeping-sickness and leprosy, expresses the hope that steps for effectively combating these diseases will continue to be taken by the Administration (page 55).

C.P.M.1252(1).

Togoland under British Mandate.

1. *Public Finance.*

The Commission noted with satisfaction the statement of the accredited representative that future reports would contain the financial data for the year under examination and not only for the preceding year, as in the case of the present report (page 41).

2. *Liquor Traffic.*

The Commission observed that the consumption of spirituous liquors had considerably decreased in the territory. It desires to express its satisfaction at the excellent report of the Commission of Enquiry entrusted by the Administration with the study of the problem of controlling the consumption of spirituous liquors, and notes the conclusions of this report (page 47).

C.P.M.1264(1).

Cameroons and Togoland under French Mandate.

Observation applicable to Both Territories.

Public Finance.

The question of the subsidies granted by the territories to various propaganda institutions and bodies, which had already engaged the Commission's attention at its thirteenth, fifteenth, eighteenth and nineteenth sessions, was again dealt with.

From the information supplied in the reports for 1930, it appears that the mandatory Power has not yet taken steps in the direction recommended by the Commission. The Commission hopes that the forthcoming reports will give satisfaction on this point (pages 130 and 163-164).

C.P.M.1245(1).

Ruanda-Urundi.

1. *General Administration.*

The Commission read the very interesting statement of the " Guiding Ideas of the General Policy to be followed in Ruanda-Urundi " published as a preface to the annual report. It hopes that the work of the Administration will be successfully pursued along the lines laid down in that document (pages 16-17).

The Commission noted that chiefs and sub-chiefs have frequently been deposed, on the ground of passive opposition to the instructions of the Mandatory authorities. The Commission observed that the mandatory Power has this state of affairs at heart, and confidently expects more reliable and active co-operation from those called upon to succeed the chiefs who have proved unequal to their duties. It is most anxious to be kept informed of the results obtained in this direction (pages 17-20).

At its sixteenth session, the Commission was informed by the accredited representative of the proposal to transfer the capital of the territory from Usumbura to Astrida. At its nineteenth session, the Commission noted a statement by the accredited representative to the effect that " the proposal was rather to make a division between Usumbura and Astrida, the first remaining the administrative capital, the second becoming the principal centre for the institutions concerned with the educational development of the natives ". Learning at the present session that this proposal has been virtually abandoned, the Commission hopes that detailed information on this subject will be given in the next report (page 15).

The Commission was interested to learn that the project of transferring some of the people of Ruanda to form a colony in the Kivu district has been abandoned (page 22).

2. *Public Finance.*

The Commission trusts that the recently increased poll-tax will not prove to be in excess of the taxable capacity of the natives (page 21).

3. *Infant Mortality.*

In view of the high infant mortality in the territory, the Commission would like further information on this subject to be given in the next report (page 23).

4. *Education.*

The Commission would be glad to know whether the Administration contemplates having instruction in native customs by qualified native teachers introduced into the schools for chiefs' sons (page 18).

5. *Alcoholic Liquors.*

The Commission hopes to receive information in the next report as to the manufacture, alcoholic content and degree of harmfulness of native beers and other drinks consumed in the territory (page 23).

6. *Public Health.*

The Commission notes that, by a decree of June 21st, 1930, holders of foreign degrees may be permitted to practise medicine in the mandated territory. It hopes that the next report will state the number and nationalities of doctors authorised to practise in the territory (page 24).

The Commission observes that the efforts to deal with sleeping-sickness have not as yet yielded wholly satisfactory results. It thinks that more ample means should be employed to put down this disease (pages 24, 78-79).

TERRITORIES UNDER C MANDATE

C.P.M.1266 (1).

Islands under Japanese Mandate.

Population.

The Commission notes with regret that in ten years the native population of the island of Yap has decreased by about one-quarter. While appreciating the mandatory Power's efforts to ascertain the causes of this decrease, the Commission would suggest that it would be advisable to study this question, not merely from the medical, but also from the social standpoint (pages 84-85).

C.P.M. 1263 (1).

Western Samoa.

General Observation.

When examining the annual report for 1929-30, the Commission submitted to the Council observations, the last two paragraphs of which read as follows :

" The Permanent Mandates Commission noted these statements of the accredited representative, which indicate that order is re-established in Samoa, that the Samoans are beginning to abandon the attitude of systematic opposition to the Administration which they had taken up, and that the mandatory Power is fully alive to the circumstances which must determine its future policy.

" Under these circumstances, the Permanent Mandates Commission considered that any judgment on the nature of the troubles that occurred in this territory during 1929-30, and on the question of responsibility, would now merely revive feelings and hamper the efforts which the mandatory Power is making to restore peaceful conditions. It therefore proposes to follow with special attention the new policy which the mandatory Power has announced, and trusts that closer co-operation between the Administration and the native population will lead to definite and satisfactory results in the near future."

During the present session, the Commission noted that, as appears from the information contained in the annual report for 1930-31, the general situation in Samoa is improving and that, in particular, certain results have already been obtained in the direction of co-operation between the Administration and the native population. The Commission endeavoured to obtain supplementary information on the situation in Samoa from the accredited representative. His replies to its questions did not give any new information which would enable the Commission to form a clear opinion as to the present conditions in the country. The Commission hopes that the next report will afford more reassuring information as to the efforts made to restore the good feeling in the country (pages 145-151).

Special Observations.

1. *General Administration.*

The Commission is glad to hear that an anthropologist has been appointed to make an enquiry into the social conditions and customs of the half-castes and natives and that his report would be communicated to it (page 149).

2. *Legislation.*

The Commission learnt with satisfaction that a volume containing the ordinances concerning Samoa is being compiled and will be forwarded to the Commission (page 151).

3. *Missions.*

The Commission hopes to find in the next annual report more information as to the activity displayed in the territory by missions in general, and particularly in the educational sphere (page 152).

C. OBSERVATIONS ON PETITIONS.

At its twenty-first 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.[1]

Iraq.

(a) *Petitions, dated May 5th, 12th, 21st and September 23rd,* 1931, *from Mr. A. Hormuzd Rassam* (documents C.P.M. 1211, 1234, 1170 *(a)*, 1246) (pages 101 and 176).

Observations from the British Government dated October 14th, 1931, and October 28th, 1931 (documents C.P.M. 1235, 1234, 1236 and 1246).

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[1] The Commission recommends that copies of the petitions and observations of the mandatory Powers relating thereto should be kept in the Library of the League of Nations.

(b) *Petition dated June 16th, 1930, from Mr. E. H. Hollands* (document C.P.M. 1214) (page 176)

Observations from the British Government dated October 14th, 1931 (document C.P.M. 1237).

Report (see Minutes, Annex 6).

Conclusions.

Considering that the complaints put forward in these petitions are of the same nature as those considered by the Commission in June last, when it examined other petitions (see Minutes of the twentieth session, pages 217 to 219 and 234), and that, apart from the proposal to constitute in Iraq an enclave where the minorities might enjoy local autonomy, no new fact of importance has been adduced in these various petitions, the Commission does not feel called upon to recommend that the Council take any particular action on these petitions. Nevertheless, although unable to gauge how much credence should be attached to these petitions, the Commission regards them as further evidence of the apprehension to which the proposed termination of the mandate has given rise among certain elements belonging to the minorities in Iraq.

(c) *Petition, dated May 12th, 1931, from Rear-Admiral Paymaster H. Seymour Hall* (document C.P.M. 1181) (page 172).

Observations from the British Government, dated October 14th, 1931 (document C.P.M. 1228).

Report (see Minutes, Annex 7).

Conclusions.

Since Captain Cope, a British subject who was considered to be an undesirable person by the Government of Iraq, was not expelled without the representative of the mandatory Power first being consulted, the Commission is of opinion that there is no need to make any special recommendation to the Council in regard to the petition.

(d) *Petition, dated March 28th, 1931, from certain persons purporting to be Iraqi Kurds* (document C.P.M. 1218) (page 172).

Observations from the British Government, dated July 20th, 1931 (document C.P.M. 1218).

Report (see Minutes, Annex 8).

Conclusions.

The Commission, having examined a petition dated March 28th, 1931, from certain signatories purporting to be Iraqi Kurds ;

Having noted the observations put forward on this petition by the British Government on July 20th, 1931 :

(1) Notes that the mandatory Power disputes the qualification of the petitioners to speak on behalf of the Iraqi Kurds, and disputes the historical foundation for their complaints ;

(2) Notes that the petitioners, in stating their grievances, base themselves on legal texts whose meaning they manifestly distort ;

(3) Considers that this fresh manifestation of discontent in Iraq, whatever may be its sincerity and value, cannot call for any other observations than those which it already formulated last year in connection with other similar petitions ;

(4) Therefore decides to continue to pay the greatest attention to the unrest persisting among the Kurds and to draw the Council's attention afresh to the uncertain fate which lies before them if Great Britain's moral protection, which they have enjoyed for over ten years, were to be withdrawn, unless they are given equivalent guarantees.

(e) *Petition dated May 16th, 1931, from Mme. Assya Taufiq* (document C.P.M. 1250) (pages 116 and 173).

Observations from the British Government dated October 30th, 1931 (document C.P.M. 1250).

Report (see Minutes, Annex 9).

Conclusions.

The Commission, having examined the petition from Mme. Assya Taufiq complaining of her husband's arrest, considers that the question no longer arises, since her husband was released six months ago under a decision of the authorities of Iraq.

Palestine.

(a) *Petition dated March 19th, and May 2nd,* 1931, *from Dr. F. Kayat* (documents C.P.M. 1155 and 1159) (page 173).

Observations from the British Government, dated August 20th, 1931 (document C.P.M. 1222).

Report (see Minutes, Annex 11).

Conclusions.

The Commission, having examined the petition from Dr. F. Kayat, as well as the observations thereon made by the British Government, considers that, as the petition relates to a case which has been examined and settled by the courts, and as it seems, moreover, that a legal remedy is still open to the petitioner, there is no occasion to submit a recommendation to the Council.

(b) *Petition, dated May 10th,* 1931, *from Mr. Israel Amikam* (document 1216) (page 172).

Observations from the British Government, dated July 8th, 1931 (document C.P.M. 1216).

Report (see Minutes, Annex 10).

Conclusions.

The Commission, having examined the petition from Mr. Israel Amikam, and the memorandum containing the observations of the British Government, does not consider that the petition should form the subject of a recommendation to the Council, but trusts that the mandatory Power will from time to time re-examine the question of the transmission of telegrams in Hebrew characters in order to ascertain whether the technical and financial difficulties which have hitherto prevented the Administration of Palestine from allowing such transmission still prevail. The Commission will be glad to have information from the mandatory Power when the question has been definitely settled.

(c) *Petition, dated May 17th,* 1931, *from the Arab Executive Committee* (document C.P.M. 1215) (page 172).

Observations from the British Government, dated July 2nd, 1931 (document C.P.M. 1215).

Report (see Minutes, Annex 12).

Conclusions.

The Commission considers that no action should be taken on this petition, as its demands are incompatible with the terms of the mandate.

Cameroons under French Mandate.

a) *Petition, dated March 21st,* 1930, *from M. Joseph Mouangué* (document C.P.M.1133), (pages 143 and 173).

Observations from the French Government, dated November 10th, 1930 (document C.P.M. 1133).

Report (see Minutes, Annex 13).

Conclusions.

The Commission is of opinion that there is no need to make any recommendations to the Council on M. Mouangué's petition, since it deals with a question on which a final judgment has been pronounced by a regular court.

(b) *Petition, dated May 18th,* 1931, *from M. Vincent Ganty* (document C.P.M. 1185) (pages 142-143 and 172).

Observation from the French Government, dated June 4th, 1931 (document C.P.M. 1185)

Report (see Minutes, Annex 14).

Conclusions.

The Commission considers that no action should be taken on the petition, as the conclusions are inadmissible under the existing rules of procedure with regard to mandate petitions.

Togoland under French Mandate.

Petition, dated October 14th, 1930, from the "Bund der Deutsch-Togoländer" (documents C.P.M. 1220 and 1241) (pages 161-162 and 173).

Observations from the French Government, dated July 8th, 1931 (document C.P.M.1220).

Report (see Minutes, Annex 15).

Conclusions.

The Commission considers that no action should be taken on the petition, its conclusions being inadmissible, under the existing rules of procedure with regard to mandate petitions.

Tanganyika.

Petitions, dated October 20th, 1930, and January 10th, 1931, from the Indian Association, Tanganyika (documents C.P.M. 1164 and 1219) (pages 39-40 and 182).

Observations from the British Government, dated May 15th, 1931, and June 24th, 1931 (documents C.P.M.1164 and 1219).

Report (see Minutes, Annex 16).

Conclusions.

The Commission, having noted the communications of the Indian Association and the observations of the mandatory Power, recommends the Council to note the accredited representative's statement that the local Government of Tanganyika has always sedulously endeavoured to avoid any unfair differentiation in the treatment of the Indian or of any other community in the territory and to extend even-handed justice to all, irrespective of race, class and creed.

South West Africa.

Petition, dated January 15th, 1931, from Mr. N. van Wyk and from other members of the Rehoboth Community (document C.P.M.1213) (page 173).

Observations from the Government of the Union of South Africa, dated May 28th, 1931 (document 1213).

Report (see Minutes, Annex 20).

Conclusions.

The Commission recommends the Council to request the mandatory Power to have the text of the report by the Commission on their former petition fully explained to the petitioners, since the latter allege that they do not understand it ; and also to inform them that, in view of the conclusions of the Special Commission under Judge de Villiers, the Mandates Commission sees no grounds for challenging the validity of Proclamation No. 28 of 1923. It cannot but repeat its previous recommendation that the petitioners should be invited to discuss the agreement with the administrator and constitute a united community, which could work in harmony with the administration.

Western Samoa.

(a) *Petition dated May 19th, 1930, from Mr. O. F. Nelson* (document C.P.M.1073) (pages 148 and 182).

Observations from the Government of New Zealand, dated December 5th, 1930 (document C.P.M.1134).

Report (see Minutes, Annex 17).

Conclusions.

The Commission, in view of the fact that the allegations made by the petitioner have already been examined by the competent New Zealand judicial authority and by the Mandates Commission at a previous session, and, after hearing the explanations given at the present session by the accredited representative, concludes that no further action need be taken on Mr. Nelson's petition.

(b) *Petition, dated May 19th, 1930, from the Rev. A. John Greenwood* (document C.P.M.1071) (page 182).

Observations from the New Zealand Government, dated December 5th, 1930 (document C.P.M.1135).

Report (see Minutes, Annex 18).

Conclusions.

The Commission, having carefully studied the petition from the Rev. A. J. Greenwood is unable to give an opinion on the concrete cases referred to, as these have already been considered by duly constituted courts.

With regard to the accusations of a general nature, the Commission considers that these do not call for action by the Council.

(c) Petition, dated September 18th, 1930, from the Women's International League for Peace and Freedom (New Zealand Section) (document C.P.M. 1142) (pages 148 and 182).

Observations from the New Zealand Government, dated January 28th, 1931 (document C.P.M.1142).

Report (see Minutes, Annex 19).

Conclusions.

The Commission considers that it cannot give an opinion on cases which have been duly heard in the proper courts.

While regretting not to have found fuller information in the declaration of the accredited representative on this matter, the Commission feels that no conclusive reason has been advanced which would justify the carrying out of a further special enquiry by a special Commission with regard to the facts alleged in the petition.

D. OBSERVATION FROM THE COMMISSION ON THE REDUCTION OF THE NUMBER OF ITS SESSIONS DURING THE YEAR 1932 (pages 14 and 173).

The Commission has noted a decision taken by the twelfth Assembly to the effect that the budgetary estimates for 1932 only allow one session to be held in that year.

The Commission will make every effort to comply with the Assembly's decision and carry out, if possible, the essential part of its ordinary task and such other work as cannot be postponed until the following financial year.

The Commission feels bound to draw the Council's attention to the consequences which this decision would involve if it were to be maintained or renewed.

The Commission would be absolutely unable to fulfil the duties conferred upon it by Article 22 of the Covenant ; consequently, the whole mandates system, of which the Commission forms an essential part, would be prevented from working in an effective and regular manner.

The Commission has requested its Chairman to hold himself at the disposal of the Council to explain, if the Council so desires, the grounds on which the Commission's fears are based.

II.

COMMENTS OF CERTAIN ACCREDITED REPRESENTATIVES SUBMITTED IN ACCORDANCE WITH SECTION *(e)* OF THE CONSTITUTION OF THE PERMANENT MANDATES COMMISSION.[1]

CAMEROONS AND TOGOLAND UNDER FRENCH MANDATE.

Letter from the Accredited Representative, dated November 25th, 1931.

[*Translation.*]

By a letter dated November 21st, 1931, you were good enough to send me a typewritten copy of the observations of the Permanent Mandates Commission referring to the reports on the administration of Togoland and Cameroons in 1930.

[1] The accredited representatives for the islands under Japanese mandate, the Cameroons under British mandate and Iraq have informed the Secretariat that they do not wish to submit any comments ont the Commission's observations.

In reply to this communication, I have the honour to inform you that the only observation which I desire to have inserted in the report of the Commission is in connection with " Public Finance " and the question of subsidies granted by the territory to various institutions.

The wording of this observation is as follows :

" The mandatory Power has, on several occasions, explained to the Commission its point of view on this question. It is of the opinion that the grant of the subsidies referred to is, in the majority of cases, of the nature of valuable propaganda in favour of the territories."

(Signed) Maurice Besson.

WESTERN SAMOA.

Comments of the Accredited Representative, dated November 25th, 1931.

Whilst I am glad to learn that the Permanent Mandates Commission recognises the improvement in the general situation in Samoa as disclosed in the last annual report, I am sorry to note that the Commission feels that my replies to certain questions did not give any new information which would enable it to form a clear opinion as to the present condition in the country.

When the Prime Minister of New Zealand forwarded, on July 13th last, to the Secretary-General of the League of Nations the last annual report, he would, I feel sure, have taken the opportunity which that letter afforded of supplying any information on recent developments which was not contained in the report. The absence of additional information would seem to imply that nothing had happened since the report had been prepared which could be called " new ". I endeavoured to leave with the Commission the impression that the position appeared to be quite satisfactory and the future promising ; but, as I pointed out, no Government could guarantee that there would not be trouble of any kind. After a lengthy period of non-co-operation, one cannot expect the machinery of Government to function suddenly with that regularity to which we were accustomed before the Mau movement ; but there is every reason to believe that the improvement indicated is being well maintained.

With regard to the observation on General Administration, I am sorry if my reply to Lord Lugard's question gave the Commission to understand that an anthropologist had been appointed to make an enquiry into the social conditions and customs of the half-castes and natives. What I said was that Dr. Te Rangihiroa had been engaged in anthropologist investigation in Honolulu and was now in some islands of the Pacific, and I added that, if a copy of any report which he had made could be obtained, it would be supplied. Perhaps it was not made sufficiently clear by me that Dr. Te Rangihiroa had not been appointed by the New Zealand Government to make specific enquiries in Samoa.

(Signed) Thomas Mason Wilford.

RUANDA-URUNDI.

Comment of the Accredited Representative, dated December 2nd, 1931.

[*Translation.*]

The section of the report of the Permanent Mandates Commission dealing with General Administration mentions a statement to the effect that the proposal to retain Usumbura as the administrative capital of Ruanda-Urundi has been virtually abandoned.

To avoid any possible misunderstanding, the accredited representative of the Belgian Government thinks it advisable to point out that the question of the choice of the capital is simply being re-examined, and that it is impossible at present to foresee the outcome.

(Signed) Halewyck de Heusch.

ANNEX 22.

IRAQ.

SPECIAL REPORT OF THE COMMISSION TO THE COUNCIL ON THE PROPOSAL OF THE BRITISH GOVERNMENT WITH REGARD TO THE EMANCIPATION OF IRAQ.

1. On September 4th, 1931, the Council adopted the following resolution :

" The Council requests the Permanent Mandates Commission to submit its opinion on the proposal of the British Government for the emancipation of Iraq after consideration of the same in the light of the resolution of the Council of September 4th, 1931, with regard to the general conditions to be fulfilled before a mandate can be brought to an end ". [1]

The Council resolution regarding the general conditions which must be fulfilled before a mandate can be terminated is as follows :

" The Council notes the conclusions — appended to the present resolution — at which the Permanent Mandates Commission has arrived regarding the general conditions to be fulfilled before the mandate regime can be brought to an end in respect of a country placed under that regime. In view of the responsibilities devolving upon the League of Nations, the Council decides that the degree of maturity of mandated territories which it may in future be proposed to emancipate shall be determined in the light of the principles thus laid down, though only after a searching investigation of each particular case. The Council will naturally have to examine with the utmost care all undertakings given by the countries under mandate to the mandatory Power in order to satisfy itself that they are compatible with the status of an independent State and, more particularly, that the principle of economic equality is safeguarded in accordance with the spirit of the Covenant and with the recommendation of the Mandates Commission. " [2]

Iraq is one of those communities which, in the terms of Article 22 of the Covenant, " have reached a stage of development where their existence as independent nations can be provisionally recognised, subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone ".

The task entrusted by the Council to the Commission consists in giving its opinion as to whether the time for putting an end to the mandatory regime, as contemplated in Article 22 of the Covenant, has arrived in the case of Iraq, a regime which from its inception has possessed certain special features[3] and — if the Commission has correctly interpreted the Council's wishes — in defining the guarantees which would in that case be given by Iraq to the League of Nations. [2]

2. As the Commission pointed out in its report on its twentieth session, the question whether a people which has hitherto been under the mandatory regime has become fit to stand alone is above all a question of fact. In determining its ability to do so, it is necessary not only to ascertain whether the country desirous of emancipation has at present the essential political institutions and administrative machinery of a modern State, but also whether it gives evidence of such social conditions and civic spirit as would ensure the regular working of these institutions and the effective exercise of the civil and political rights established by law.

The Commission desires to point out that it has had no opportunity of observing at first hand the moral condition and internal policy of Iraq, the degree of efficiency reached by its administrative organisation, the spirit in which its laws are applied and in which its institutions function.

In judging the actual situation in Iraq, the Commission can therefore only endeavour to reach a conclusion on the basis of the annual reports of the mandatory Power and the special report entitled " Progress of Iraq during the Period 1920-1931 ", together with the explanations furnished year by year by the accredited representatives of the mandatory Power during the examination of these reports and the numerous petitions addressed to the League of Nations by inhabitants of Iraq or by third parties with the observations of the mandatory Power upon them.

The views of the British Government as to the political maturity of Iraq are the views of the guide who has constantly seen and directed the rapid progress made by that country during the mandatory regime. The full significance of these views is recognised when they are considered in conjunction with the declaration made by the accredited representative of that Government at the twentieth session of the Mandates Commission — the great importance of which the Council will certainly have appreciated — to the effect that :

" His Majesty's Government fully realises its responsibility in recommending that Iraq should be admitted to the League, which is, in its view, the only legal way of

[1] See *Official Journal*, November 1931, pages 2058.
[2] See *Official Journal*, November 1931, pages 2055-2056.
[3] See Minutes, pages 154, 175.

terminating the mandate. Should Iraq prove herself unworthy of the confidence which has been placed in her, the moral responsibility must rest with His Majesty's Government . . . " [1]

Had it not been for this declaration, the Commission would, for its part, have been unable to contemplate the termination of a regime which appeared some years ago to be necessary in the interest of all sections of the population.

In the report on the " Progress of Iraq during the Period 1920-1931 ", the Permanent Mandates Commission noted the following passage :

" They (His Majesty's Government) have never regarded the attainment of an ideal standard of administrative efficiency and stability as a necessary condition either of the termination of the mandatory regime or of the admission of Iraq to membership of the League of Nations. Nor has it been their conception that Iraq should from the first be able to challenge comparison with the most highly developed and civilised nations in the modern world." [2]

This conception of the requirements which must be insisted upon in emancipating a country hitherto under mandate has appeared to the Commission to be sound.

This was the point of view from which the Commission proceeded when formulating in the present report its opinion as to the existence in Iraq of *de facto* conditions which satisfy the general conditions contained in the Council resolution of September 4th, 1931.

3. Subject to these general *de facto* conditions, the Commission suggested in its report to the Council on the work of its twentieth session that the following conditions must be fulfilled before a mandated territory can be released from the mandatory regime — conditions which must apply to the whole of the territory and its population :

" *(a)* It must have a settled Government and an administration capable of maintaining the regular operation of essential Government services ;

" *(b)* It must be capable of maintaining its territorial integrity and political independence ;

" *(c)* It must be able to maintain the public peace throughout the whole territory ;

" *(d)* It must have at its disposal adequate financial resources to provide regularly for normal Government requirements ;

" *(e)* It must possess laws and a judicial organisation which will afford equal and regular justice to all."

The Council took note of these various suggestions.

The Commission endeavoured to determine, with the help of its usual sources of information and to the extent compatible with the nature of its functions and procedure, whether these conditions really existed in Iraq.

It has now arrived at the following opinion, based on the accompanying considerations :

(a) The accredited representative, while not claiming that the administration of Iraq had attained perfection, stated on behalf of the British Government that the first condition was fulfilled in Iraq.[3] As the Commission has no information which would justify a contrary opinion, it considers that the assumption may be accepted that Iraq now possesses a settled Government and an administration capable of maintaining the regular operation of essential Government services.

(b) The present military establishment of Iraq is not such that this country can be regarded as capable of maintaining its territorial integrity and political independence against a foreign aggressor by means of its own national forces. [4]

On the other hand, if Iraq should be admitted to the League of Nations it would enjoy the guarantees of security which all the States Members of the League derive from the Covenant. In the same eventuality the Anglo-Iraqi Treaty of Alliance of June 30th, 1930, would automatically come into force, and under Article 4 of this treaty the contracting parties are bound to afford each other mutual and immediate help in case of war.

In these circumstances, and if the termination of the mandatory regime is accompanied by the admission of Iraq to the League of Nations, the Commission considers that Iraq fulfils the second condition, interpreted in the sense attached to it by the Commission itself. [5]

(c) During the present session, the accredited representative of the mandatory Power also stated that the Iraq army and police would be sufficient to cope with anything that could be reasonably foreseen.[6]

The Commission accepts this judgment, having no information to the contrary. It expresses the opinion that the present situation in Iraq justifies the acceptance of the assumption that the Government is able to maintain the public peace throughout the whole territory.

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[1] See Minutes of the twentieth session of the Permanent Mandates Commission (document C.422.M.176.1931.VI), page 134.

[2] See special 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 " Progress of Iraq during the Period 1920-1931 ", pages 10 and 11.

[3] See Minutes, page 100.

[4] See Minutes, page 90.

[5] See Minutes of the twentieth session of the Permanent Mandates Commission (document C.422.M.176.1931.VI), page 177.

[6] See Minutes, page 102.

(d) The Commission does not propose to express an opinion on the solidity of the financial system of a State whose credit has not yet been tested and whose national currency has not yet been put into circulation. [1]

The present financial situation of Iraq is undoubtedly sound and the latent resources of the country are considerable. [2] Furthermore, the Commission found nothing in the information supplied by the mandatory Power which might lead it to suppose that Iraq, provided that the public revenues continue to be prudently managed and that steps are taken to encourage economic development, will not have at its disposal adequate financial resources to provide regularly for normal Government requirements.

(e) The Commission is of opinion that Iraq possesses laws and a judicial organisation which, subject to certain readjustment and improvements, the necessity of which was recognised by the accredited representative of the mandatory Power,[3] and provided that at least the same guarantees be assured as the Anglo-Iraqi Judicial Agreement of March 4th, 1931, will afford uniform justice to all.

4. In its report to the Council on the work of its twentieth session, the Commission suggested that, without prejudice to any supplementary guarantees which might be justified by the special circumstances of certain territories or their recent history, the undertakings of a new State should ensure and guarantee :

(a) The effective protection of racial, linguistic and religious minorities ;

(b) The privileges and immunities of foreigners (in the Near-Eastern territories), including consular jurisdiction and protection as formerly practised in the Ottoman Empire in virtue of the capitulations and usages, unless any other arrangement on this subject has been previously approved by the Council of the League of Nations in concert with the Powers concerned ;

(c) The interests of foreigners in judicial, civil and criminal cases, in so far as these interests are not guaranteed by the capitulations ;

(d) Freedom of conscience and public worship and the free exercise of the religious, educational and medical activities of religious missions of all denominations, subject to such measures as may be indispensable for the maintenance of public order, morality and effective administration ;

(e) The financial obligations regularly assumed by the former mandatory Power ;

(f) Rights of every kind legally acquired under the mandate regime ;

(g) The maintenance in force for their respective duration and subject to the right of denunciation by the parties concerned of the international conventions, both general and special, to which, during the mandate, the mandatory Power acceded on behalf of the mandated territory.

The Council took note of these suggestions.

(a) In the case of Iraq, the Commission is of opinion that the protection of racial, linguistic and religious minorities should be ensured by means of a series of provisions inserted in a declaration to be made by the Iraqi Government before the Council of the League of Nations and by the acceptance of the rules of procedure laid down by the Council in regard to petitions concerning minorities, according to which, in particular, minorities themselves, as well as any person, association or interested State, have the right to submit petitions to the League of Nations.

(i) This declaration, the text of which would be settled in agreement with the Council, would contain the general provisions relating to the protection of the said minorities accepted by several European States.

In addition, Iraq would accept any special provisions which the Council of the League of Nations, in agreement with the Iraqi Government, might think it necessary to lay down as a temporary or permanent measure to ensure the effective protection of racial, linguistic and religious minorities in Iraq.

Various suggestions as to how practical effect could be given to this protection were made in the course of the Commission's discussion.[4]

(ii) Iraq would agree that, in so far as they affected persons belonging to the racial, linguistic or religious minorities, these provisions would constitute obligations of international concern and would be placed under the guarantee of the League of Nations. No modification could be made in them without the assent of a majority of the Council of the League of Nations

Iraq would agree that any Member of the Council of the League of Nations would have the right to bring to the attention of the Council any infraction or danger of infraction of any of these stipulations, and the Council could thereupon take such action and give such directions as it might deem proper and effective in the circumstances.

Finally Iraq would agree that any difference of opinion as to questions of law or fact arising out of these provisions between Iraq and a Member of the Council of the League of Nations would be held to be a dispute of an international character under

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[1] See Minutes, page 94.
[2] See Minutes, page 94-95, 103-105.
[3] See Minutes, page 106.
[4] See Minutes, pages 64-68, 112-115, 157-158, 174-175.

Article 14 of the Covenant of the League of Nations. Any such dispute would, if the other party thereto demanded, be referred to the Permanent Court of International Justice. The decision of the Permanent Court would be final and would have the same force and effect as an award under Article 13 of the Covenant.

(b) As regards more particularly the safeguarding of the interests of foreigners in judicial matters, civil and criminal, the Commission considers that the Iraqi Government should give a solemn pledge to the Council guaranteeing those interests. This pledge, which would take the place of the capitulations which would normally be revived on the expiration of the Judicial Agreement of March 4th, 1931, should be based on that agreement, which has received the approval of the Council and of the Powers concerned, and should be subject to the consent of the said Powers. The majority of the Commission, however, is of opinion that it would be desirable that the foreign judges forming part of the judiciary of Iraq should not be exclusively of British nationality. [1]

(c) On the other hand, should there be a simple reversion to the system of the capitulations, it would be important to safeguard the interests of the nationals of those of the States Members of the League which did not enjoy capitulatory rights in the Ottoman Empire, or which had renounced them by treaty. In that case, therefore, Iraq should make a declaration to the Council guaranteeing the interests in civil and criminal judicial matters of foreigners who do not enjoy the benefit of the capitulations. The terms of this declaration, which would be determined by agreement between Iraq and the Council, might be based on the considerations outlined in the previous paragraph.

(d) Iraq should formally undertake before the Council in accordance with the resolution of September 4th, 1931, to ensure and guarantee freedom of conscience and public worship, and the free exercise of the religious, educational and medical activities of religious missions of all denominations, whatever their nationality, subject to such measures as may be indispensable for the maintenance of morality and public order.

(e) Iraq should also make a declaration before the Council with regard to the financial obligations assumed in regular form by the mandatory Power. This declaration should provide every guarantee for the application of the principle laid down in the Council's resolution of September 15th, 1925. [2]

(f) and *(g)* Iraq should likewise give an undertaking to the Council to respect all rights of every kind legally acquired before and during the mandatory regime and to maintain in force the international Conventions both general and special to which, during the currency of that regime, Iraq or the mandatory Power on its behalf has acceded, for the period of validity provided for in such Conventions subject to any right of denunciation which the parties may possess.

5. The Commission recommended that " the new State, if hitherto subject to the economic equality clause, should consent to secure to all States Members of the League of Nations the most-favoured-nation treatment as a transitory measure on condition of reciprocity ".

In its resolution of September 4th, 1931, the Council decided that it would have to satisfy itself that " the principle of economic equality is safeguarded in accordance with the spirit of the Covenant and with the recommendation of the Mandates Commission ". The Council therefore held that the concession of this latter advantage should be one of the conditions laid down for the termination of the mandate.

Iraq should therefore formally accept the obligation to grant most-favoured-nation treatment subject to reciprocity to all States Members of the League of Nations for a transitional period, the duration of which would be determined by negotiations with the Council.

* * *

Except as regards protection of minorities for which the procedure is provided above, the Commission recommends that Iraq should be requested to accept that any difference of opinion arising between Iraq and any Member of the League of Nations relating to the interpretation or the execution of the undertakings assumed before the Council may, by an application by such Member, be submitted to the Permanent Court of International Justice.

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[1] See Minutes, pages 169-170,

[2] Extract from the Council's resolution of September 15th, 1925 (see *Official Journal*, October 1925, page 1363):

" The Council,

" In view of the discussion of the Permanent Mandates Commission, in the course of its sixth session, on the subject of loans, advances and investments of public and private capital in mandated territories, and in view of the earlier discussions and enquiries and of the statements of the mandatory Powers on this subject :

" (1) Declares that the validity of financial obligations assumed by a mandatory Power on behalf of a mandated territory in conformity with the provisions of the mandate and all rights regularly acquired under the mandatory regime are in no way impaired by the fact that the territory is administered under mandate ;

" (2) Agrees on the following principles :

" (*a*) That the cessation or transfer of a mandate cannot take place unless the Council has been assured in advance that the financial obligations regularly assumed by the former mandatory Power will be carried out and that all rights regularly acquired under the administration of the former mandatory Power shall be respected, and,

" (*b*) That, when this change has been effected, the Council will continue to use all its influence to ensure the fulfilment of these obligations ".

* * *

6. Finally the Commission, in conformity with the Council's resolution of September 4th, 1931, examined the undertakings entered into by Iraq with Great Britain from the point of view of their compatibility with the status of an independent State.

After having carefully considered the text of these undertakings and having heard the explanations and information on the subject from the accredited representative, the Commission [1] came to the conclusion that, although certain of the provisions of the Treaty of Alliance of June 30th, 1930, were somewhat unusual in treaties of this kind, the obligations entered into by Iraq towards Great Britain did not explicitly infringe the independence of the new State. [2]

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[1] See Minutes, pages 171, 176, 177-181.

[2] See Minutes, pages 74-78, 100, 120-122, 171, 176.

INDEX

ABBREVIATIONS

Govt. = Government Memo. = Memorandum Int. = International
P.M.C. = Permanent Mandates Commission Resol. = Resolution

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