LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

MINUTES

of the

EIGHTEENTH SESSION

Held at Geneva from June 18th to July 1st, 1930,

including the

REPORT OF THE COMMISSION TO THE COUNCIL

and

Comments by the Accredited Representatives of the Mandatory Powers.

GENEVA, 1930.

LEAGUE OF NATIONS

ANNUAL REPORTS OF MANDATORY POWERS

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

According to Article 22 of the Covenant, the mandatory Powers have to submit to the Council of the League of Nations annual reports on the administration of the territory placed under their respective mandates.

The only reports which have been published by the League Secretariat are those for 1924. In order, however, to enable libraries and persons who are interested to obtain without difficulty the other reports, which are published by seven different Governments, the Publications Department of the League of Nations has obtained a certain number of such of these reports as are still in print and will supply them at cost price.

A complete list of the reports which can be supplied will be found in the general catalogue, which will be sent free of charge on application to the

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Geneva, August 6, 1930.

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PERMANENT MANDATES COMMISSION

MINUTES OF THE EIGHTEENTH SESSION

Held at Geneva from June 18th to July 1st, 1930.

All the members of the Commission took part in the work of the eighteenth 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.

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

Owing to the absence of the Marquis Theodoli, M. Van Rees acted as Chairman of the Commission during the whole session except at the third and fourth meetings.

The following members were unable to attend certain meetings : Mlle. Dannevig, the first to fifth meetings; Lord Lugard, the sixteenth to eighteenth meetings; M. Merlin, the fourth and sixteenth to eighteenth meetings; M. Orts, the sixteenth to eighteenth meetings ; M. Sakenobe, the seventeenth and eighteenth meetings.

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

M. R. de Caix, former Secretary-General of the High Commissariat of the French Republic for Syria and the Lebanon ; [1]
M. Franceschi, Honorary Director in the French Ministry of the Colonies ;
M. Bonnecarrère, Commissioner for the French Republic in Togoland ;
Mr. P. E. Coleman, Member of the House of Representatives of Australia ;
Major R. G. Casey, D.S.O., M.C., Australian Liaison Officer in London ;
Assisted by :
Mr. Chinnery, Government Anthropologist in New Guinea ;
Mr. D. J. Jardine, O.B.E., Chief Secretary of the Government of Tanganyika Territory ;
Mr. G. L. M. Clauson, O.B.E., of the Colonial Office ;
M. te Water, High Commissioner for the Union of South Africa in London ;
Mr. E. P. Courtney Clarke, Assistant Secretary for South West Africa.

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

[1] M. Henri Ponsot, High Commissioner for Syria and the Lebanon, came to Geneva and attended the thirteenth meeting in order to set forth the conditions in which the Organic Law of the territory had been promulgated and to explain the principal provisions of that law.

FIRST MEETING,

Held on Wednesday, June 18th, 1930, at 10 a.m.

Opening Speech by the Chairman.

The Chairman (M. Van Rees) spoke as follows :

I have the honour to declare open the eighteenth session of the Permanent Mandates Commission.

You are all aware of the reason for which I am opening the present session in place of our Chairman. When I learned the day before yesterday of the cruel blow which had overtaken him, I acted for the members of the Commission and at once sent him a telegram expressing our deep sympathy. I understand that, in obedience to a sense of duty which the Commission will highly appreciate, he is on his way back to Geneva, and will be with us this evening.

I am happy to welcome the accredited representatives of the mandatory Powers, who will give us their valuable assistance during the examination of the annual reports — assistance which, with every new session, we have found to be of increasing value.

Work of the Council.

As a result of the change in the date of the Council sessions, the report on our autumn session was this year examined two months earlier than in previous years. Thanks to the efficiency of the work of the Secretariat, the documents, including a volume of Minutes of more than 200 pages, were ready before the end of 1929, although the session ended only on November 26th. The Council considered these documents together with the report of its Rapporteur, M. Procopé, on January 13th.

I was glad to be able once more, at the request of our Chairman, to represent the Commission on this occasion. You have all received the documents referring to the Council's work on mandates, but a brief summary of the decisions taken may perhaps be useful.

The Council instructed the Secretary-General to communicate the Commission's observations on the annual reports to the Governments of the mandatory Powers concerned and to ask the Governments to comply with the requests made by the Commission. It also approved the conclusions regarding the various petitions examined. The Council further took note of the conclusions of the Commission on the question of postal rates in the territories under A and B mandates and requested the Secretary-General to bring them to the notice of the mandatory Powers concerned. On this point the representative of Germany made an observation to the effect that this question seemed to him to be indirectly connected with the principle of economic equality, but that, owing to the small practical importance of the point at issue, he did not wish to oppose the adoption of the Rapporteur's proposal. The British and French Governments were asked to furnish the additional information desired by the Commission regarding the purchase of material and supplies by the public authorities of the territories under A and B mandates.

In accordance with the recommendation of the Commission, the mandatory Powers were asked to forward to the Secretariat their observations on petitions from communities or individuals in the territories under mandate not later than six months after the receipt of these petitions by the authorities of the mandatory Power. The Council agreed to the postponement of consideration of Sir Samuel Wilson's report on certain aspects of the proposal for closer union between the mandated territory of Tanganyika and the territories of Kenya and Uganda.

On the subject of the status of the non-native inhabitants of South West Africa, the Council limited itself to taking note of the observations of the Mandates Commission. The German representative, however, made a detailed statement and pointed out that this question, which he considered of first importance, could not yet be considered as having been definitely settled, but might be examined at a future date by the competent organisations of the League. M. Procopé, although unable to accept all the arguments put forward by the German representative, agreed with this view.

Several interesting remarks were made on those portions of the Commission's and the Rapporteur's reports which dealt with the political situation of Iraq. After a discussion between the representatives of Italy and Great Britain and the Rapporteur, the Council adopted the following resolution :

> " Being anxious to determine what general conditions must be fulfilled before the mandate regime can be brought to an end in respect of a country placed under that regime, and with a view to such decisions as it may be called upon to take on this matter, the Council, subject to any other enquiries it may think necessary, requests the Mandates Commission to submit any suggestions that may assist the Council in coming to a conclusion. "

This very important question has been included in the agenda of our present session, and I hope we shall at least be able to have a preliminary discussion on the matter.

The Council took note of the telegram relating to the recent incidents in Samoa sent by the Government of New Zealand, and expressed its appreciation of that Government's action in spontaneously furnishing the particulars in question.

You have certainly noted this information with interest, and also that subsequently supplied by the mandatory Power last February.

I shall not, on this occasion, refer to the discussion in the Council concerning the arrangements for the extraordinary session of the Commission, discussions which now have only an historical interest.

The Council took note of the conclusions arrived at by the Commission at its last session on the subject of the institution of a special commission to deal with the rights and claims connected with the Wailing Wall in Jerusalem. You will remember that we did not find it possible under Article 14 of the mandate to recommend to the Council this proposal, but we of course realised quite well that the Council, which is vested with the final authority in the matter, could go further than its advisory commission. On January 14th, the Council, which had received a new communication on the subject, adopted, on the basis of Article 13 of the mandate in particular, a resolution in accordance with which the settlement of the question of the rights and claims of the Jews and Moslems with regard to the Wailing Wall should be entrusted to a special Commission consisting of three members of nationality other than British and at least one of whom should be a person eminently qualified for the purpose by the judicial functions he had performed. The members of the Commission should be appointed by the mandatory Power, but the names submitted for approval to the Council.

At its recent session, the Council, on May 15th, approved the appointment of the following persons for this important and difficult task :

M. Eliel Löfgren, former Swedish Minister for Foreign Affairs (as Chairman) ;

M. Charles Barde, Judge at the Court of Justice, Geneva ;

M. C. J. Van Kempen, formerly in the Colonial Service of the Netherlands.

You will remember that the Council, when passing on in September last to the mandatory Powers the observations adopted by the Permanent Mandates Commission during its fifteenth session, made an exception as regards the observations on South West Africa. The examination of this particular point was adjourned to a later session, at the request of the representative of South Africa. By a telegram dated December 12th, 1929, the Union Government informed the Secretary-General that it did not wish to oppose the adoption of the report of the Rapporteur on this point, and the Council on January 13th, 1930, decided that its resolution of September 6th, 1929, the effects of which had been suspended so far as concerned the territory of South West Africa, should henceforth apply to the observations relating to that territory. In a letter, dated May 16th, the South African Government stated that it accepted the definition of the powers of a mandatory contained in the report submitted to the Council by the representative of the Netherlands on September 8th, 1927, as well as in the report of the Finnish representative laid before the Council in September last and confirmed on January 13th, 1930.

The members of the Commission have certainly noted this letter with great satisfaction, and also the letter in which the mandatory Power informed the Council of the amendment to the South West Africa Railways and Harbours Act, 1922, to meet the observations expressed on several occasions by the Commission and approved by the Council. I think we should record our appreciation of the spirit in which the Government of South Africa adopted this last decision.

* * *

I am glad to see that several of our colleagues have recently tried to make certain aspects of our work clear to the members of various important organisations : Lord Lugard, at a special meeting of the Anti-Slavery and Aborigines Protection Society, M. Kastl, in the " Deutsche Kolonialgesellschaft ", and M. Merlin, in the " Comité national d'études sociales et politiques ".

Since our last ordinary session, the League of Nations has celebrated its tenth anniversary. Article 22 of the Covenant, which forms the basis of the mandates system, has accordingly been in force a little more than ten years, and ten years ago last December the Council approved the first draft mandates. It is not for me, as Chairman of the Commission which deals more particularly with the working of the mandates system, to express any opinion whatever on the merits of that system. I should like, however, to mention one or two points in this connection.

Ten years ago it might perhaps have been thought that the interest of the work of the Permanent Mandates Commission would be mainly centred on the first sessions, which were devoted in a sense to making a general survey of the administration of the mandated territories, but that later the discussions would be more or less academic, since the examination of the annual reports of the mandatory Powers would gradually become a mere matter of routine. Experience has, however, shown that these pessimistic views were not justified. Apart from the comparatively serious troubles in mandated territories which may necessitate the convening of the Commission in extraordinary session, such as that which opened on June 3rd, the administration of the fourteen territories under the authority of the League of Nations constantly calls for the examination of important problems.

Step by step the development contemplated by Article 22 of the Covenant is taking place in the various territories, although at a different rate. Administrative reorganisation is being carried out, and Constitutions are being promulgated or amended. New experiments are being made in the fields of public health, land tenure and labour organisation. The Permanent Mandates Commission, which has to follow the progress of administration in all its aspects, is concerned, not only with the normal and harmonious development of the activities of the mandatory Powers, but also with the various obstacles that may be encountered in certain particular cases in applying the principles of the mandates.

Moreover, the inhabitants of the mandated territories and organisations outside those territories are, to an ever-increasing extent, making use of the right of petition, as defined by the Council of the League of Nations in 1923. There is therefore no reason to be astonished at the fact that the agenda of the present session of the Permanent Mandates Commission is just as heavy as that of the previous ones. It would also be a mistake to think that our work will be lighter in the future. But I am certain that, thanks to the excellent spirit which has always actuated the members of the Commission as between themselves and in their relations with the representatives of the mandatory Powers, the Commission will successfully accomplish the work entrusted to it.

Statement by the Director of the Mandates Section.

M. Catastini made the following statement :

During the six months which have elapsed since the close of the Commission's last ordinary session, the work of the Mandates Section has proceeded normally. The examination and analyses of official documents and of the news appearing in the Press has been continued, and, as usual, the Section has communicated regularly to the members of the Commission the more important information it has been able to collect on the political, administrative and economic situation in the mandated territories and also the more important comments of the Press on the work of the League in connection with mandates.

For some time past the Secretariat has arranged for regular abstracts to be made from a certain number of newspapers published in Arabic, whose articles are very rarely reproduced in the European Press, and for the translation of the main passages of the contributions presenting sufficient interest. For the last two years the Mandates Section has sent a copy of this review of the Arabic Press to the members of the Commission.

In addition, the Mandates Section regularly examines a considerable number of newspapers and periodicals reflecting Jewish opinion in Palestine, Europe and the United States. It brings to the notice of the members of the Commission the more interesting news and comments published in these organs.

The instructions given to the Section at the Commission's last ordinary session have been carried out. The Minutes and report of this session, which closed on November 26th, 1929, were distributed on December 24th, *i.e.*, within four weeks.

As usual, a list of the official documents forwarded by the mandatory Powers has been prepared for each of the territories with which the Commission will deal at the present session (Annex 1).

The annual reports reached the Secretariat in the following order :

Territory	Administrative Period	Date on which received
Togoland under French mandate . .	1929	May 14th, 1930
Nauru	1929	May 20th, 1930
Tanganyika	1929	May 21st, 1930
Palestine	1929	May 22nd, 1930
New Guinea	1928-29	May 24th, 1930
South West Africa	1929	May 28th, 1930
Syria	1929	May 31st, 1930
Cameroons under French mandate .	1929	June 3rd, 1930

The examination of the annual report on the administration of the Cameroons under French mandate, which should normally have figured on the agenda of the present session, has been postponed to the autumn session by agreement between the Chairman of the Commission and the French Government. This step was taken in order to lighten the agenda of the session opening to-day. The annual report on the administration of Palestine was examined during the extraordinary session that ended yesterday, and has therefore not been placed on the agenda of the eighteenth session.

The full bibliography of books, etc., relating to mandates for the period 1920 to 1929, which was mentioned in the statements I had the honour to make at the beginning of the last two ordinary sessions, will be printed in the course of the summer and will therefore be communicated to the members of the Commission before the opening of the next session.

In future, the indexes of the Mandates Commission's Minutes will each cover a period of five years. The short indexes printed at the end of the Minutes of each session will be continued. The Secretariat will begin the compilation of the general card-indexes at the beginning of the third year of the period covered and will bring them periodically up to date for reference purposes.

General Questions : Present Position.

Liquor Traffic ; General Memorandum revised by the Mandatory Powers.

By its resolution of September 1st, 1928, the Council requested the mandatory Powers to revise as soon as possible the memorandum (document C.P.M.723) prepared by the Secretariat and containing various particulars regarding the liquor traffic in each of the territories under B and C mandates. The Secretariat only succeeded in obtaining the last particulars needed for this document a few weeks ago. The manuscript will be sent to the printers shortly.

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

In accordance with a suggestion contained in the Commission's report on the work of its sixteenth session, the Council requested the British and French Governments, by a resolution dated January 13th, 1930, to supply some supplementary particulars so as to enable the Commission to formulate its conclusions upon the enquiry it has undertaken with regard to the purchase of material by the Administrations of the mandated territories.

The British Government's reply, in regard to the territories under B mandate administered by it, was communicated to the members of the Commission in document C.344.1930.VI. (*Official Journal*, July 1930, page 843).

Procedure in regard to Petitions ;
Time-limit for the Submission of Observations by the Mandatory Powers.

The members of the Commission have already been made acquainted with the replies furnished by the British, South-African and New Zealand Governments concerning the recommendations made by the Commission during its sixteenth session and forwarded to the mandatory Powers under the Council's resolution of January 13th, 1930, relating to the fixing of a time-limit of six months for the transmission of petitions emanating from communities or individual members of the population of territories under mandate. These three mandatory Powers signified their intention of acting on the Commission's suggestion (document C.344. 1930.VI.) (*Official Journal*, July 1930, pages 843 and 844).

Treatment extended in Countries Members of the League of Nations to Persons belonging to Territories under A and B Mandates and to Products and Goods coming therefrom.

The three Powers invested with A and B mandates have communicated their replies to the question raised in the Commission's report on its fifteenth session concerning the procedure for remedying the absence of reciprocity in favour of territories under A and B mandates in respect of the advantages arising out of the " economic equality " which these territories are obliged to grant to States Members of the League (*Official Journal.* May 1930, page 389 and 390, and July 1930, page 839).

This question figures on the agenda of the present session.

Public Health.

All the mandatory Powers have communicated their replies to the four questions contained in the Commission's report on the work of its fifteenth session, with regard to the organisation of the public health services in the different territories under mandate (*Official Journal*, May 1930, pages 390 and 391, and July 1930, pages 840-842).

Replies of the Mandatory Powers to the Council's Decisions on the Observations made by the Commission in connection with the Examination of the Annual Reports of the Various Territories under Mandate.

By its resolution of September 6th, 1929, the Council forwarded to the mandatory Powers a recommendation contained in the Commission's report on its fifteenth session, asking that the mandatory Powers should send as soon as possible, and in the form of separate communications, their replies to the Council's resolutions regarding suggestions by the Commission concerning general questions, and that they should communicate their replies to the Council's resolutions relating to observations made by the Commission when examining the annual reports, in the form of annexes to the report for the following year. The Australian, Belgian and New Zealand Governments have informed the Secretariat that they will comply with this suggestion (*Official Journal*, May 1930, page 392, and July 1930, page 842).

List of General and Special International Conventions.

The members of the Commission will remember that the mandatory Powers were requested by the Council resolution of March 5th, 1928, to communicate revised lists of the general and special international Conventions applicable to the territories under mandate. In the statement

I had the honour to make at the beginning of the Commission's last ordinary session, I pointed out that the replies regarding Syria, the islands under Japanese mandate, New Guinea and Nauru had not yet been received. Lists of Conventions concerning Syria and the Lebanon as well as New Guinea have just arrived. It would perhaps now be well to collect in one document the communications so far received as a result of the Council's resolution of March 5th, 1928, and the lists relating to the other territories under mandate might be published later in the form of supplements.

Agenda and Programme of Work.

The CHAIRMAN asked whether the members of the Commission had questions to ask or observations to make on the statement of the Director of the Mandates Section.

He thanked M. Catastini for his statement and asked him whether the replies communicated by the mandatory Powers to the four questions in the report of the Commission on the work of its fifteenth session, concerning the organisation of the services of public health in the different mandated territories, had been distributed to the members of the Commission.

M. CATASTINI replied in the affirmative.

The CHAIRMAN thought that a special examination ought to be made of this question by one of the members of the Commission.

M. CATASTINI pointed out that the question was included in the agenda (Annex 2).

The CHAIRMAN proposed that M. Ruppel should be asked to draw up a report on the question.

M. RUPPEL accepted this task.

The CHAIRMAN would prefer to postpone the vote on the adoption of the programme of work until the return of the Marquis Theodoli.

The agenda, however, could be adopted or modified at once.

The Chairman added that the report prepared by M. Rappard on question A of No. IV of the agenda (" Treatment extended in Countries Members of the League of Nations to Persons belonging to A and B Mandated Territories and to Produce and Goods coming therefrom ") would, if possible, be studied during the present session.

The Chairman thought that the agenda of the present session was so full that, in all probability, it would not be possible to undertake the immediate study of the question of the entry of Iraq into the League of Nations. He had prepared a memorandum (Annex 3) explaining the different aspects of the question which ought to be examined with great care on behalf of the Council. He asked the members of the Commission to decide whether it would be best to deal with this question immediately or to postpone it until the next session.

M. RAPPARD pointed out that the examination of this question was of some urgency, but it seemed impossible to deal with it immediately. He suggested that the Secretariat should be asked to distribute the Chairman's memorandum to the members of the Commission so that they might be able to take a decision at the next session.

M. CATASTINI thought that it would be best to fix the procedure to be followed at the present moment and to reserve the final decision for the next session.

The CHAIRMAN agreed.

M. RAPPARD wished to ask one question. According to the agenda, the accredited representative for the examination of the annual report on Syria was M. Robert de Caix. He had thought that M. Ponsot himself would be present at Geneva, and he asked why he had not been designated as accredited representative.

M. CATASTINI replied that, according to the official letter from the French Government, only M. de Caix was appointed. [1]

The Commission adopted the agenda of the session.

Election of the Chairman and Vice-Chairman of the Commission for 1930-31.

The CHAIRMAN invited the members of the Commission to elect the Chairman and Vice-Chairman for 1930-31.

The Marquis THEODOLI *was unanimously elected Chairman.*

M. VAN REES *was elected Vice-Chairman.* He thanked his colleagues for this expression of their confidence.

(The Commission then went into private session.)

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[1] The Commission was later informed officially by the French Government that M. Henri Ponsot, High Commissioner for Syria and the Lebanon, would come to Geneva to make a statement on the Organic Law of the mandated territory.

Tanganyika: Examination of the Annual Report for 1929.

Mr. D. J. Jardine, O.B.E., Chief Secretary to the Government of Tanganyika, and Mr. Clauson, O.B.E., F.S.A., of the British Colonial Office, accredited representatives of the mandatory Power, came to the table of the Commission.

Welcome to the Accredited Representatives.

Before opening the discussion on the annual report, the Chairman was pleased to welcome Mr. Jardine and Mr. Clauson. The Commission had already had occasion to collaborate with Mr. Jardine the year before. It was deeply grateful for the interest shown in its work by the mandatory Power which had once again this year sent the Chief Secretary of the Government of the mandated territory as its accredited representative.

Form of the Annual Report.

The Chairman said he wished, before the general statement which Mr. Jardine doubtless intended to make to the Commission, to draw attention to the care that had been taken by those who had drawn up the annual report to give complete and detailed replies to the questions that had been put at the last session.

The form in which the report had been drawn up and the way certain questions in which the Commission had shown particular interest had been developed made it both easier and more interesting to consult this document.

Statement by the Accredited Representative.

Mr. Jardine made the following statement :

I thank you, Sir, for your kind words of welcome which I greatly appreciate.

Sir Donald Cameron had greatly hoped to come here to-day as the accredited representative ; and it has been a great disappointment to him that, after anxious consideration and discussion with myself, he was reluctantly compelled to arrive at the conclusion that the interests of Tanganyika demanded that he should not leave the country during a year that would normally be his last year of office as Governor of Tanganyika — a year in which several projects, with which he is intimately connected, must come to fruition only if he is on the spot to promote them. His absence from the country at such a juncture would inevitably have entailed delay in the realisation of those projects. He has asked me to express his cordial thanks for the kind message from your Chairman, sent to him through myself last year.

Economic Conditions ; Trade ; Finance.[1]

Despite drought and an invasion of locusts, the trade of the territory continued surely and steadily to expand in 1929 ; its total value increased from nearly £10,000,000 sterling in 1928 to nearly £11,000,000 sterling in 1929. The imports statistics reveal an increase of 14.7 per cent, which is attributable in some measure to the highly successful exhibition held in Dar-es-Salaam in September and, in some measure, to the importation of native foodstuffs to counterbalance the local shortage caused by drought. It is, however, particularly satisfactory to note that the main increases are in such useful commodities as machinery, hardware, corrugated iron sheets, motor lorries, and motor-cars. The exports show a decrease of 3.9 per cent, as compared with the record year of 1928. The export of groundnuts and grains showed a considerable falling-off owing to the climatic conditions, but fortunately, in compensation, the sisal industry enhanced its rate of progress. The fact that our domestic exports suffered so slightly in a year of drought and pestilence is an eloquent testimony to the fertility and general resources of the territory.

The Government's finances continue to be highly satisfactory. On March 31st, 1929, the surplus balance amounted to £1,025,415. When I left Tanganyika last month, it was estimated that the balance as on March 31st, 1930, was £858,861 or £16,365 more than we budgeted for in December ; this is a highly satisfactory state of affairs, considering that early in January the country was visited by rains on a scale unprecedented within living memory — rain which, continuing to the end of April, caused torrential floods that washed away a part of the Central Railway and dislocated traffic and trade. We have budgeted this financial year to reduce the balance to the neighbourhood of three-quarters of a million sterling and have increased our estimate of expenditure by £269,184. The additional money will be expended on urgent public works, on native administration and other services in the realms of education, health and agriculture destined to promote the moral, social, and material progress of the indigenous inhabitants.

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[1] The sub-headings have been inserted by the Secretariat.

The following figures illustrating the progress made in implementing Article 3 of the mandate, in which it is stated, *inter alia*, that the Mandatory shall undertake to promote to the utmost the material wellbeing and the social progress of its inhabitants, will, I think, be of interest to the members of the Commission. In 1924, 25 million yards of cotton piece-goods were imported. By 1929, the importation had gradually risen to nearly 37 million yards. But what is more remarkable, as illustrating the increased prosperity of the people, is that the increase occurred entirely in the more expensive goods which rose from 10 to 23,5 million yards, while the cheaper unbleached Americani fell from approximately 15 to 13,5 million yards. The native does not, of course, represent the sole consumer of such goods ; but, at the same time, the Asiatic immigrant must consume but an insignificant fraction of the total importation.

Another sign of growing prosperity of the native population is the substantial increase in the number of pedal bicycles registered. In 1925, 4,904 were registered ; in 1929, 8,268. The consumption of cigarettes is regarded in Tanganyika, as in other African countries, as a fair barometer of the spending capacity of the people. Imports of cigarettes have increased from 156,811 lb. (valued at £30,995) in 1925 to 380,950 lb. (valued at £75,116) in 1929.

Native Administration.

In the realm of native administration the year 1929 was an uneventful one. The truth is that the native administrations with their courts and treasuries have settled down as a simple, efficient, and progressive form of local government founded upon the traditions of the people, intelligible to them, and offering to every tribesman the opportunity not only of participating in the management of his own local affairs but also of making known to his local authorities and to the Central Government any disabilities under which he may believe himself to be labouring.

In previous years the Commission has evinced considerable interest in the work of amalgamating several small native administration units into one larger unit under one chief with one common purse. The Commission will again find in the report an account of the extent to which it has been found possible to continue this process of amalgamating small units. I must take this opportunity, however, to record that in one case the amalgamation of a group of small units in the Mbeya district under a single chief, approved by the Governor in December 1927 with some hesitation, turned out to be a failure and was dissolved during 1929, although the chiefs have agreed to the retention of a common treasury for the administration of their funds and will, no doubt, come together again in a Council at some future date when the jealousies consequent on the first amalgamation have subsided. It has to be admitted that a mistake was made in grouping these small chiefs under one of their number whom it was found, in practice, that they did not respect, and that the various units were not sufficiently closely connected to form a single unit of this nature at present. Other amalgamations have withstood the acid test of the first years of federation.

Many people, both in Europe and Africa, are apt to think and speak of the native chiefs in Tanganyika as if they were constitutionally autocratic monarchs. The truth is that the basis of authority among the people of Tanganyika is the corporate office of chief or head, whether it be of a tribe, or of a section of a tribe, or only of a clan. So far from being an individual autocrat, the chief is subject to many forms of constitutional control, for example, the control of the holders of certain hereditary offices, or again of the elders, or, in matters of great importance, of the will of the people themselves expressed in *Baraza*, that is to say, at a general public meeting. The authority of the chief, therefore, rests on the broad foundation of popular support. He has a very real personal relationship within the clan or the tribe reaching right down to the peasant in his village. This is a very valuable feature in the Tanganyika native administrations and great care is taken that nothing should be done to impair it.

The outstanding event of the year was the introduction of the Native Courts Ordinance, to which reference is made in the text of the report. The introduction of this Ordinance did not entail any immediate changes in the composition of the courts. In fact, there have been only minor changes in their jurisdiction and form. But they have been brought under the direct personal supervision not only, as before, of the district officer, but of the Provincial Commissioner with final appeal to the Governor. An African smarting under a sense of injustice desires a personal appeal to some one whom he knows. He is never satisfied that he has been fairly treated by a remote and impersonal authority. On this score alone the new Ordinance marks a great advance.

There are 650 native courts in the territory, and during 1929 they tried over 67,178 cases. These courts are constantly and regularly supervised by administrative officers ; and, in addition, their records are scrutinised from time to time by the Secretary for Native Affairs, who spends much of his time travelling. The courts are popular with the people and are doing good work, the quality of which shows improvement from year to year.

The work of the native treasuries continues to improve in quality and the range of their activities to extend. It is fully recognised that this is the most difficult branch of native administration work. Deliberate dishonesty is comparatively rare. But the African, vague and easy-going by nature, is not the best material from which to make accurate and reliable accountants. It will be a very long time before British officers will be justified in relaxing the extremely close supervision which is now enjoined on them.

The native administrations performed invaluable work in connection with the measures necessary to cope with an invasion of locusts. Not only did they supply prompt and accurate information regarding the movements of swarms but they also afforded a readily mobilised organisation for the destruction of the pest.

Labour.

Last year the accredited representative drew attention to the very low figure to which conscript labour for public purposes other than porterage and emergency work, such as the repair of a railway embankment, had dwindled in 1928. In that year only thirteen requests for sanction to resort to compulsion were received from public officers ; and it was only found necessary to grant two of these requests entailing the conscription of 200 men. It is with the greatest satisfaction that I record that in 1929 only two applications were received and in neither case did the Governor find it necessary to accede to them. In congratulating ourselves on this achievement, we bear in mind that at times of abnormal emergency there is no alternative to conscription under present labour conditions in Tanganyika. Such an emergency occurred early this year owing to the prolonged wash-aways on the Central Railway line, in which considerable lengths of the embankment were entirely destroyed, when it became necessary to organise large labour gangs to repair the havoc of unprecedented storms and floods. Everything possible was done to attract voluntary labour, and every expediency was tried, including the employment of the rank and file of the 2nd King's African Rifles.

Various factors combine to render the labour outlook in Tanganyika at the present juncture somewhat less favourable than in recent years. We have a far larger programme of public works to undertake in 1930-31 than in any previous year. Railway reconstruction, which is necessitated by serious wash-aways, alone will require 5,000 men for six months. The labour supply may simultaneously suffer some diminution in quantity. The very considerable mining developments in Northern Rhodesia will almost inevitably rob us of 3,000 to 4,000 Awemba labourers who in the past have crossed the border to seek work in Tanganyika ; at the same time, it is possible that our own natives may be attracted across the border in search of higher wages.

Native Education.

In the sphere of native education, the year may be looked back upon as one of progress and consolidation. Developments in the organisation of female education were perhaps the most satisfactory feature. Under the grant-in-aid scheme many Missions have availed, or intend to avail themselves, of the opportunity to establish girls' boarding-schools on lines which will accord with the Government's policy. The essentially practical nature of the education and the bringing of an increasing number of the elder pupils into personal contact with a maternity and child-welfare clinic, will tend not only to postpone marriage age, but to increase the percentage of those staying at school long enough to attain an adequate knowledge of mothercraft before entering upon its responsibilities. The Government school for native girls at Tabora is now open. For the moment, no more can be claimed than that the fringe of the problem of native female education is being touched and that a serious endeavour is being made to equip girls, so that in after life they may be suitable wives for the chiefs and teachers, who are the leaders in village communities.

The industrial sections of the boys schools continue to prosper, and the number of candidates for apprenticeship exceeds the accommodation available.

Conditions in Masailand.

In studying the report, members of the Commission will have noted with interest the passage which deals with the promotion of water-supplies in Masailand. Such works are, of course, primarily designed to assist the Masai in their immediate and pressing difficulties in providing water and grazing for themselves and their stock. But the existence of adequate water-supplies at a variety of centres is likely to have a considerable sociological effect on the tribe. So long as they are compelled to remain nomads, for ever moving from place to place in search of water and grazing, they must remain a primitive people. But if they are enabled to settle down in villages with a permanent sufficiency of water and grazing, then rapid progress in the path of civilisation is to be expected. Water-works were only commenced in Masailand on the loan system in 1927 ; but already the effects from a sociological point of view are beginning to come to notice. For example, one Masai elder, Kuya by name, had his water developed. Three wells were joined up by channels and a 5 h.p. Petter engine was installed ; also a stone reservoir holding 10,000 gallons and a concrete drinking-trough. The pump can deliver 60,000 gallons daily, working a ten-hour day. He paid for this himself, in cattle, a sum of nearly £400. As a result of these works Kuya has been able to settle down with his family in a village with the same sense of permanency as members of other tribes.

The other day he went to the Moshi school with his young son and enquired about education for him. When he was told that the course would last for seven years and that the fees would be from eight to thirty-five shillings a month, he produced notes and, to the embarrassment of the Superintendent of Education, offered to pay seven years' fees in advance. The boy is reported to be doing extremely well ; and the father and mother frequently go into Moshi in the family lorry to see him, and take a keen interest in all the doings of the school. It is thought that this is the first case of a well-to-do Masai voluntarily seeking education for his child, although from time to time, when drought and rinderpest have reduced the tribe to extreme poverty, a few children have been taken to the Missions *in extremis* and given some elementary education. We have a school in prospect in Masailand, and I understand that the district officer has already received sixty applications from the Masai for admission for their children as soon as the school is started.

The Chairman thanked Mr. Jardine for his interesting and useful statement.

As the members of the Commission probably knew, the accredited representative wished to leave Geneva that night for London, but he would be willing to remain to-morrow morning should the Commission find his presence necessary. In these circumstances, the Chairman hoped that the members would not refrain from questioning him, but he asked them to make their questions as short and precise as possible.

Native Administration.

Count de Penha Garcia pointed out that in the sphere of native administration the mandatory Power had wisely tried to preserve and strengthen native organisations by amalgamating the smaller units into larger districts, but he noted that, as a whole, no natives took part in the administration of the territory. The report explained this by the fact that there were no natives who were sufficiently representative who could understand and speak English. The Council, therefore, did not include a single direct representative of the natives. He had no wish to criticise this system at the moment ; moreover, on page 10 of the annual report it was said that a detailed account of the activities of the native administrations was being printed. He would like to have further details of this account in order to be better able to form an opinion, with full knowledge of the facts, on the way in which the natives were collaborating or would collaborate in the administration of the territory.

Mr. Jardine said that the special report of the Provincial Commissioners on the activities of the native administrations had been published before he left Tanganyika and that copies should shortly arrive at Geneva.

There were no natives on the Legislative Council for the reason that none of them knew sufficient English to understand or take part in the debates. The appointment of a European unofficial to represent the natives would violate the principle that members of the Legislative Council should not represent definite races, localities or interests. In practice, the unofficial members on the Council had proved themselves solicitous of native interests. In fact, he could recall no occasion on which, as a body, they had been unmindful of those interests.

Count de Penha Garcia recognised that the representation of the natives by a European would not be desirable. He had in mind rather the representation of native chiefs on the Council.

Food Shortage in Bukoba Province.

Count de Penha Garcia drew attention to the paragraph on page 13 of the annual report which said :

> " A serious food shortage occurred in Bukoba Province in the early part of the year and it is now stated that nearly five hundred persons died as a direct or indirect result of the shortage. "

He was somewhat astonished that an Administration that usually took such care of the natives in its mandated territory should not have been able to foresee and avoid this unfortunate famine. The number of deaths was considerable. It was difficult to explain the powerlessness of the authorities in such an unfortunate event.

Mr. Jardine agreed that it was a most unfortunate incident. It was most regrettable that the chiefs of the tribes had not reported the matter so that the necessary relief could be sent. Arrangements had been made for closer administration of that part of the Bukoba Province.

Count de Penha Garcia asked if the causes of this food shortage had been the difficulty of transporting food to the province or the difficulty of finding food at all.

Mr. Jardine said that at that time it was hard to find food in some parts ; but if the plight of these people had been reported to the European officer at the time, he would have been in a position to assist them.

In reply to a suggestion of the Chairman, Mr. Jardine agreed to give fuller information on the subject in next year's report.

Form of the Annual Report : Game Protection.

M. Rappard said that, while reading the report, he had been surprised by certain passages that showed a rather curious detachment on the part of the authors.

> " *Food Shortage in the Bukova Province.* — It is understood that the great majority of the deaths occurred before the situation was disclosed to the administrative officer at this newly opened station " (page 13 of the annual report).
>
> " *Game.* — Several letters were published in *The Times*, of London, in the summer of 1929 relating to the alleged indiscriminate slaughter of lions on the Serengeti Plains in Tanganyika. . . . An enquiry elicited the fact that indiscriminate shooting of lions had undoubtedly taken place in the country south of the Kenya-Tanganyika border " (page 23 of the annual report).

He asked whether these statements indicated lack of contact between the local and central administrations. He had not brought up this point in a spirit of criticism, because, as a whole, he appreciated the report before him and found it an interesting and sincere document.

Mr. Jardine agreed that in both cases the wording might appear curious.

In the first instance quoted, the food shortage was unknown both to the Governor and to himself, owing to the fact that through some error in the Provincial Commissioner's office a report on the incident was never forwarded to the central authorities. They had been greatly surprised to find a reference to this incident in the Provincial Commissioner's contribution to the annual report. Enquiries had immediately been made, but it had been impossible to include the results in the 1929 report.

As regards the alleged indiscriminate slaughter of lions in Tanganyika, it was true that the first intimation that the Governor had received had been through the medium of an article in *The Times*, although it was stated therein that the facts had been reported to the Game Department, but that Department had not passed on the information either to the Governor or himself.

Duties of the District Officers and Control of Native Treasury Accounts.

Lord Lugard said that *The East African Standard* for March 1930 had given an account of a Conference of Government officials in Tanganyika at which the responsibility of the police for the protection of the lives and property of non-natives in isolated areas was discussed, with reference to the responsibility of native authorities as regards natives under their jurisdiction. The subject of relieving district officers of duties other than their normal administrative duties was also discussed. Lord Lugard asked whether this Conference had been limited to officials and whether any report of the proceedings had been issued.

Mr. Jardine said that the Conference had been confined to the Governor and the Commissioners of the provinces and that no unofficials had been present.

In larger centres accountants were appointed to help the district officers. In the Northern Province there was to be a branch of the Land Office and in Tanga there was to be a sub-office of the Administrator-General.

Lord Lugard asked whether there was an adequate supervision of native treasury accounts, whether this was carried out solely by district officers who were overpressed with other work, or whether there was any specially qualified officer who made inspections from time to time.

Mr. Jardine said that the position seemed to be misunderstood. The work of which the district officers were being relieved was not connected with the native administrations but with licences, probate, land titles and other similar routine work. The district officer continued to be responsible for the supervision of the native treasuries and such officers were, in his opinion, better qualified than professional auditors for such work, in view of their knowledge of the vernacular and the habits and customs of the people.

Lord Lugard asked if it would not be possible to appoint an officer with such qualifications in order to check the native accounts.

Mr. Jardine said that all administrative officers went through a course of accountancy at an English University before going to Tanganyika and that, when they arrived in the territory, they were given further instruction. There was consequently no reason to suppose that they were not qualified to carry out the work.

Position of Women.

Lord Lugard asked if the accredited representative had anything to say upon a subject which had been much discussed, namely the position of women in Africa. It had been asserted that they were held in a state of practical slavery and so on. He was aware of the real facts, but would be glad to hear Mr. Jardine's view of their position in Tanganyika.

Mr. Jardine said that he was glad to have an opportunity to make a statement on this subject. The suggestion that African women lived in a state of servitude and had no rights was quite fantastic so far as Tanganyika was concerned or, for that matter, any other African country with which he was acquainted. It would, indeed, be more reasonable to argue in support of the view that they enjoyed so large a measure of freedom that it degenerated too easily into licence ; and that their need was for more, and not fewer, restraints.

The most casual visitor to Tanganyika would not fail to observe that the women were, generally speaking, happy and contented, enjoying an assured position in the world in which they moved and had their being ; that their physique compared very favourably with that of the men ; that they had a status in native law and before the native courts which was neither better nor worse than that of the men ; and that they were protected from hunger, destitution and excessive bearing of children far more effectively than were the working-class women of England.

The following practical illustrations of the African women's freedom and independence culled from the native court records of Tanganyika might interest the Commission :

(1) Suits by women against their husbands for divorce on the grounds of cruelty, desertion, failure to provide food and clothing are common.

(2) It is the tribal custom that, in a polygamous household, a man must divide his nights equally between his various wives, sleeping in their rooms on successive nights in rotation. Suits by women for damages or divorce because this right has been infringed are common.

(3) A woman has a right of property in the produce of any field cultivated by herself as well as the right to a share of the produce of any field cultivated conjointly with her husband. On occasions, women bring cases against their husbands for the recovery of food taken by the husband from the woman's share against her wishes.

(4) Women often bring cases against their husbands for failing to do their proper share of the family work in the fields.

(5) Women have been known to summon their husbands successfully for failing to give then the milk of the family cattle which they have tended.

(6) A careful scrutiny of native court records has failed to bring to light any case in which there has been any indication that the sex of the successful litigant has in any way influenced the native court's decision.

Finally, Mr. Jardine would remind the Commission that there were several tribes in Tanganyika with a woman for their chief and many villages with a woman as a head. This fact should show that the status of women was not inferior to that of men.

Scheme for " Closer Union " and the Question of White Settlements.

Count de Penha Garcia asked if the mandatory Power had taken any new steps to carry into effect the plan for the union of Tanganyika with certain neighbouring British colonies, suggested in the report of Sir Samuel Wilson in October 1929 (page 19 of the annual report). He asked if any decision had been taken on this question.

Mr. Clauson said that the Government would make a statement of policy in the near future and proposed to set up a Joint Committee of both Houses of Parliament to examine it.

The Chairman quoted from the British Parliamentary Debate (Commons) of May 21st, 1930, when Dr. Shiels had said :

" It is proposed to present to Parliament as a Command Paper the conclusions of H. M. Government regarding the question of closer union in East Africa on June 20th . . The Secretary of State for the Colonies proposes shortly after that date to move . . . for the appointment of a Joint Committee of both Houses to consider H. M. Government's proposal in this matter. "

In that case, all the Mandates Commission had to do was to wait for the issue of the White Paper.

M. Palacios said that he wished to profit by the presence of Mr. Jardine to ask a general question concerning the policy in Tanganyika : Might this policy be characterised by what had been called " white settlement " ? Did the policy of the whites, which had apparently come to Tanganyika from Kenya, progress in the Territory ?

If the answer were in the affirmative, had this policy produced, apart from the advantages which were well known, evils that were always to be feared in such cases ? That was to say, had it formed a powerful class of landlords in the country and were there great stretches of land that were uncultivated for lack of labour ; and, if that were so, was there, nevertheless, considerable speculation ?

Was the policy adopted that of reducing native reserves and restraining the freedom of movement of natives in the country, especially upon the lands of Europeans ?

Was there an increasing tendency to form a black proletariat and a class of poor whites ?

M. Palacios wished to know if the different points of view which had been expressed concerning the general policy in East Africa in connection with " Closer Union " reflected the present attitude toward the native problem as affected by the policy of the whites, for he found in the Wilson report which contained those points of view, that the Governor of Tanganyika had proposed to subordinate the installation of a " Closer Union " to a well-determined native policy, while the other Governors wished to see this " Closer Union " established at once, and without waiting for the organisation of that native policy.

The Mandates Commission (as was its duty) was always interested in the integrity of the territory and the defence of the native populations, which, in the case of an excessive white policy, would call for special protection.

In reply to a suggestion of the Chairman, Mr. Jardine said that he would prefer to reply to that question during the following meeting.

Situation and Attitude of the Indians in the Territory.

M. Palacios said that, according to a statement that had appeared in the *Tanganyika Herald* for April 23rd, 1930, the Hindu portion of the population of the territory complained that it was being assimilated, in certain circumstances, to the indigenous population and not to the subjects of other States Members of the League of Nations. Hindu opinion in Dar-es-Salaam considered that this policy was an infringement of the mandate and threatened to have recourse to the League of Nations. Could the accredited representative give the Commission some details on the attitude of the Hindus and on the relations of their followers with the authorities on the one hand and with the native and European populations on the other ?

Mr. Jardine replied that no discrimination of any kind was made against the Indians. The newspaper in question seemed to complain of the hospital accommodation at Dar-es-Salaam on the ground that Indians were treated in the same building as natives. He pointed out that any scheme for a separate hospital for Indians would be impracticable on account of the high cost involved, and their caste distinctions.

He wished to add that the relations as between Europeans and Indians in Dar-es-Salaam were extremely happy ; constant expressions of this goodwill were forthcoming both from European and Indian quarters. The newspaper from which M. Palacios had quoted could not, in his opinion, be regarded as representative of the best Indian opinion.

In answer to a question by Lord Lugard, Mr. Jardine added that there were three Indian members of the Council.

M. Palacios asked if the relations of Europeans and Indians in other parts of the territory were good.

Mr. Jardine replied in the affirmative.

M. Orts asked whether the events in India had had an effect upon the state of mind of the Indians in Tanganyika. The Press had reported that there had been some agitation when the news of Gandhi's arrest had been received, as well, it appeared, as a strike in protest.

Mr. Jardine said that, when news of Gandhi's arrest arrived, a public meeting had been called, but nothing serious had resulted. An editor of a newspaper had proposed that all Indian clerks should resign their positions, that Indian barristers should cease from practice, that Indian members should resign from the Council, and that the funds of the Indian Association should be utilised to repatriate Indians to India. This suggestion had met with little or no support, and he understood that the editor of the newspaper in question had been ejected from the meeting. It was true that a *hartal* had been declared, but he did not think that that had been taken very seriously. In some cases all that it amounted to was that the front doors of shops were closed, while the side doors remained open.

Most-favoured-nation Treatment.

M. Orts said it appeared from information given in the review *East Africa* (March 27th, 1930) that Canada had decided not to give imperial preference to Tanganyika coffee, contrary to the practice of other Dominions such as Australia and New Zealand. He wished to know if Canada maintained this decision.

He also asked if there were other States Members of the League of Nations which accorded Tanganyika the most-favoured-nation treatment.

Mr. JARDINE said that he would give information on these points in the next report.

NATURALISATION.

Lord LUGARD said that he had seen it stated in a reply given in the Legislative Council on July 10th, 1929, that residence in a mandated territory did not count as residence for the purpose of naturalisation. He was under the impression that a decision had been taken in the contrary sense.

Mr. JARDINE said that residence in a mandated territory did not at present count for the purposes of naturalisation. The whole question would be further discussed at the coming Imperial Conference.

Mr. CLAUSON said that service under a mandatory Government did count for purposes of naturalisation.

The CHAIRMAN said that the question had originally been raised by Australia and discussed at the Imperial Conference of 1923, and he asked if no progress had been made in the matter since then. In 1923, it appeared that Great Britain regarded the mandated territory on the same footing as a protectorate for the purposes of residence for naturalisation.

Mr. CLAUSON said that the situation had been complicated by the different status of colonies, protectorates and mandated territories. The various Governments of Great Britain and the Dominions hoped to be able to come to an agreement at the new Imperial Conference to provide identical legislation for the whole of the British Empire.

The CHAIRMAN recalled that a Commission had been set up in 1923 to investigate the matter and its conclusions had been in favour of the Australian proposal. He hoped that the views of the Commission would eventually be accepted.

Mr. CLAUSON said that he had 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.

ECONOMIC EQUALITY.

M. ORTS referred to a newspaper report that no undertaking would be given permission to establish itself in Tanganyika unless 55 per cent of the capital employed were British. He desired to give the accredited representative an opportunity to deny the allegation.

Mr. JARDINE denied that this was the case and said that he could not imagine how such a statement came to be made.

MISAPPROPRIATION OF FUNDS BY A NATIVE CHIEF.

M. RAPPARD drew attention to the serious defalcations of the Hut and Poll Tax made by an important chief in the Tabora district amounting to over £10,000. He thought that it was a matter of some surprise that these defalcations should have amounted to so large a sum before being discovered. Later in the annual report (page 12) it was said that, during the last four years, " Hut and Poll Tax to the amount of nearly £2,000,000 was collected by the native administration with a total loss from fraud and theft (apart from the loss mentioned above) of £967 ". It appeared to him that, in the light of the serious defalcations above mentioned, this was rather an optimistic statement, and he wondered how the Administration could be sure that, in fact, the further loss had been no more than £967.

M. ORTS observed that this event had had a widespread effect, in the first place, because of the importance of the chief in question, who was one of the most prominent native personalities in the country, and, secondly, because of the conclusions drawn from it by the adversaries of the system of native administration adopted in the territory under mandate. As an objection to the system it had been stated that it was difficult to control it. It had also been said as a criticism of the Administration that the chief Saïdi who had been condemned, then acquitted and then exiled to the coast had finally been pensioned : this seemed to be a rather mild fate for an avowed defalcator.

Mr. JARDINE said that the chief was one of the outstanding native personalities in Tanganyika and that he had ruled over one of the largest tribes. He had considerable influence with his people and had been greatly respected. His defalcations from the Hut and Poll Tax had been spread over a number of years. So far as could be ascertained, the chief had not used the money so acquired for his own aggrandisement or to satisfy a lust for money. It was not certain how he had spent this £10,000 ; but it was possible that much of it had been expended on public works or for semi-public purposes. The chief in question

had no fewer than 60 wives and 100 children; he was in the habit of dressing them well and giving entertainments on a lavish scale on such occasions as the visits of the Prince of Wales and of the Hilton-Young Commission.

His case had come before the Magisterial Court and the Assize Court in the ordinary course. In the latter court he had been pronounced guilty and sentenced to two years' imprisonment, but he had appealed to the Court of Appeal for Eastern Africa, and his appeal was upheld there in unusual circumstances. The law that dealt with the prosecution of a public servant laid down that such a prosecution must be sanctioned over the signature of the Governor or the Chief Secretary. Mr. Jardine himself in his capacity as Acting-Governor, had authorised this prosecution over his own signature. Unfortunately, this authorisation, which was addressed to the Acting-Chief Justice, was not brought to the notice of the Appeal Court ; but another document was submitted which carried neither the Governor's nor his own signature, and the appeal of the chief was upheld.

He considered it quite natural that these events should have aroused adverse criticism of indirect rule in certain quarters, but he was glad to say that the unofficial members of the Legislative Council had taken a reasonable view. The strongest criticisms had been directed against the allowance that had been granted to Saïdi, amounting to £30 a month. In this connection, it must be remembered that in Africa there were no workhouses and no Poor Law. In the case of illness or destitution or old age it was the tribe that provided for its members ; and, if the Government decided, for political reasons, to remove a man from his tribe and to deprive him of his means of livelihood, it was only reasonable that he should be given an allowance in compensation. Moreover, such an allowance was dependent on the ex-chief's good behaviour, and it gave the Government some hold over him and his future political activities. In this case Mr. Jardine thought that £30 a month was hardly in excess of the requirements of an ex-chief with such large personal commitments.

He explained that the figure of £967 given in the annual report was the total detected loss from fraud and theft. In the particular case of ex-chief Saïdi the administrative officers concerned had been culpably negligent. They had reposed too great confidence in Saïdi's integrity. He hoped that such carelessness would prove quite exceptional. Very detailed instructions had been issued to prevent a recurrence of such an incident.

M. Orts asked if the truth of these defalcations had been established.

Mr. Jardine replied in the affirmative ; both by independent enquiry and by a financial officer, and before the courts.

M. Orts asked if it was true that the chief had not served any sentence.

Mr. Jardine replied that the chief had not served the sentence of two years passed by the Assize Court.

M. Orts said that apart from this he had been removed to the coast, but it must be recognised that he had been dealt with most indulgently, and had got off very lightly.

According to articles communicated to him by the Mandates Section, the Press had let it be supposed that the Administration of Tanganyika had shown indulgence for political reasons.

Mr. Jardine agreed that this chief had got off lightly in the sense that he had escaped imprisonment ; but, in spite of that, he thought that he had received very heavy punishment. As a chief he had at one time received tribute calculated at £8,000 a year. More recently he had been in receipt of a salary of £1,800 a year. He had lost both those sources of income, also his power and prestige, his medal as a first-class chief awarded to him by the Sovereign of the mandatory Power, and he had been banished to the coast in dire disgrace. All that was a very heavy punishment, especially when one recalled the African's traditions, and the fact that Saïdi did not use the money he misappropriated for his own aggrandisement or to satisfy a greed for money.

SECOND MEETING

Held on Wednesday, June 18th, 1930 at 3.30 p.m.

Tanganyika: Examination of the Annual Report for 1929 (continuation).

Mr. Jardine and Mr. Clauson, accredited representatives of the mandatory Power, came to the table of the Commission.

Misappropriation of Funds by a Native Chief *(continuation)* : Indirect Administration.

M. Orts thought it necessary to explain the scope of the question he had asked during the previous meeting regarding the misappropriation of the native treasury funds of Tabora by the chief Saïdi.

Speaking personally, M. Orts was convinced of the merits of the system whereby native affairs were administered by the natives themselves, in conformity with native custom, and he wished to add that never, in his experience, had the system been installed and applied with a greater political sense and with greater care than in Tanganyika.

It was clear, nevertheless, that the two dangers of the system were the risks of the abuse of power on the part of the chiefs and irregularity in the payment of taxes and in the employment of funds.

The question which M. Orts had asked, therefore, did not in any way imply a criticism of the system but, since the system had been attacked, he would like to know whether, in these difficult circumstances, it had been well defended.

The explanations given by Mr. Jardine were satisfactory. It was certainly regrettable that this chief had escaped the exemplary judicial punishment which he deserved ; he had fallen from his high social position, he had lost his hereditary power and his fortune ; he had been obliged to leave the district. This was a very severe punishment, for, from his previous high position, he had fallen very low.

M. Merlin wished to add a few words to what M. Orts and M. Rappard had said. The indirect system of administration might undoubtedly have certain disadvantages. For instance, a chief unaccustomed to European methods had spent public money and had, in fact, thought he was free to spend it as he liked. He had spent it both on public works, and on entertaining notables and by means of it he had even partially supported his sixty wives. This was not necessarily due to a lack of honesty according to European ideas. He had confused the native methods, to which he had always been accustomed, with our European conceptions. He had not fully understood the new system which had been established, and it was a good deal to expect of the native chiefs that they should immediately conform to the severe rules of European public accountancy.

M. Merlin was entirely in favour of the régime of indirect administration and was particularly glad to support it in the presence of Lord Lugard who was one of those who in Nigeria had set up a form of administration which was a model for all colonial territories.

The native administration had great advantages. The European authorities only intervened in order to guide, control, redress the wrongs, which was really the duty of the responsible chief. Under the system of direct administration, the European official could, even with the best intentions, incur the enmity of the natives by falling foul of their customs, by causing disorder while he believed that he was working to obtain better order.

A good government according to Western ideas could sometimes develop a deplorable policy from the colonial point of view.

Lord Lugard thanked M. Merlin for his expressions of appreciation so far as they referred to himself. Coming from M. Merlin, who probably had a larger and more varied experience of colonial administration than any other member of the Commission, it was the more valuable. He was glad to note from information he had received that the system of indirect rule was being adopted in a greater or less degree in various French colonies.

The Chairman did not think any reply was called for. M. Merlin had simply made a statement of principle.

M. Merlin felt that such a statement might assist the mandatory Power.

Mr. Jardine was very glad to have M. Merlin's statement which would greatly encourage those charged with the administration of Tanganyika.

Legislative Council.

M. Ruppel asked whether the ten unofficial members of the Legislative Council were all of British nationality, and whether persons of another nationality were eligible for, or excluded from, membership.

Mr. Jardine replied that the Legislative Council of Tanganyika consisted of fourteen official members who were holders of high Government offices in the territory and ten unofficial members, seven Europeans and three Indians. The unofficials were not selected to represent any particular race, localities, or interests, or public bodies, but were selected by the Governor under the Constitution as being the most suitable men available to advise him in his legislative responsibilities. As far as Mr. Jardine knew, all the present unofficial members were of British nationality. All unofficial members were obliged to take the oath of allegiance to the Sovereign of the mandatory Power.

M. Ruppel observed that there was apparently nothing to prevent a non-British subject from becoming a member of the Legislative Council, provided he was prepared to take the oath of allegiance.

Mr. Jardine replied that the words of the oath were :

> " I . . . do sincerely promise and swear that I will be faithful and bear true allegiance to His Majesty King George, his heirs and successors."

M. Ruppel found very little information on the activity of the Legislative Council in the report. The only reference seemed to be made on page 13 (paragraph 19). It would be very interesting to hear more about the opinions expressed by the Legislative Council, and in particular by the unofficial members, on the more important questions relating to internal policy and order.

M. Catastini pointed out that the Minutes of the Legislative Council had been distributed to the members of the Commission and therefore to M. Kastl. As M. Ruppel had only recently been appointed a member of the Commission, he probably had not received them.

Mr. Jardine confirmed M. Catastini's statement, and added that, briefly, the work of the Legislative Council consisted of the enactment of legislation, which at the present stage of development was no light task, and in passing the annual financial budget in December or January.

M. Rappard had read the Minutes of the Legislative Council with interest. They were obviously edited with great care. He could not gather, therefrom, but he would like to know, whether the unofficial members were really effective members of the Council. He would also be glad to know whether paragraph 19 (page 13) meant that, although the unofficial members were in fundamental agreement with the correctness of the policy of the Government, they had some doubt " in regard to the rate at which the policy was being applied ".

Mr. Jardine had never been able fully to understand what was meant by the rate at which the policy was being applied. It might mean either that the policy was being applied too fast and too widely in one particular province, or that it was being applied to places that were not ready for it at all. So far as he could recall, the critics of the Government had not quoted any concrete cases of too precipitate an application of the policy.

In regard to the unofficial members, some of them had had distinguished careers in the British Army or in the Civil Service, others were successful business men or planters, and two were successful lawyers in Tanganyika.

The most important part of their work was done outside the Legislative Council Chamber. Every penny of Government expenditure had to be passed by the unofficial members, and they sat on a Finance Committee of which the Chief Secretary was Chairman. The Treasurer was the only other official member of that Committee. This Finance Committee scrutinised the annual budget, vote by vote, and any supplementary expenditure, as necessity arose; informal discussions took place on any subject arising out of the budget. In Mr. Jardine's opinion, the co-operation of the unofficial members was extremely effective. They were very well selected, and the territory was deeply indebted to them. He would not say, however, that they necessarily represented all phases of public opinion in the territory : undoubtedly, they did not represent the extreme views of certain people.

In reply to a further question by M. Rappard, Mr. Jardine said that the unofficial members served in a purely honorary capacity.

Scheme for " Closer Union " *(continuation)*.

Returning to the question of " Closer Union ", M. Ruppel thought it necessary to make the situation quite clear. In the previous year, the Commission had received, for its information, the Hilton-Young report and the Wilson report. A general discussion had then taken place

regarding the several aspects of this most important question, but the Commission had not come to a final conclusion. At a meeting of the Council of the League of Nations the British representative had said that, as soon as the British Government had reached definite conclusions, it would inform the Mandates Commission, which would have an opportunity of discussing them, taking up a position and submitting a report to the Council of the League of Nations, and that, until then, no definite action would be taken by the British Government. Up to the present no further information had reached the Commission. Under the circumstances, there was no need at the present moment for the Commission to discuss the whole question, but M. Ruppel would like to be assured that it would have, in time, a full opportunity of giving its views.

Mr. Clauson replied that the Commission would have two opportunities : it would be able to discuss the White Paper which would arrive at the beginning of the following week, and it would also receive the report of the Joint Committee of both Houses of Parliament, which would be based on the White Paper.

The Chairman understood that M. Ruppel wished to be assured that the British Government would not put its conclusions into force before the Mandates Commission had had an opportunity of commenting on them.

Mr. Clauson replied that that undertaking had been given to the Council some time ago.

The Chairman pointed out that, as the Commission would not be able to examine the question during the present session, it would have to postpone it until its November session. Would not this delay complicate matters somewhat ?

Mr. Clauson observed that it was quite clear that the Joint Committee could not possibly reach a decision by November.

Rectification of the Frontier.

Referring to the development of the Port of Kabnera on the Kagera river and the questions raised with regard to the rectification of the frontier, Lord Lugard said that it had been suggested by the Joint East African Board and others that application should be made for some rectification of the frontier. Could the accredited representative give any information regarding this scheme ?

Mr. Jardine had not seen any representations to the Tanganyika Government on the rectification of the frontier in question, although he believed that there had been some discussion of an informal nature in regard to the possibility of handing some small portion of the area to the Uganda Government to administer on their behalf. The road had not reached Kagera, when he left Dar-es-Salaam, and it would have been premature to allocate plots or to start town-planning. He believed, however, that a surveyor was now on the spot.

Ex-Enemy Properties.

Lord Lugard asked whether he was to understand from the sentence : " All ex-enemy properties scheduled for sale had been disposed of before the end of the year " (page 26 of the annual report), that the whole of the ex-enemy properties had been disposed of.

Mr. Jardine replied that this was, in fact, the case.

M. Ruppel reminded the Commission that an agreement had been concluded between Great Britain and Germany, which extended to the mandated territory of Tanganyika, under which property belonging to Germans which was not liquidated or finally disposed of should be released to the owner.

He called attention to the following passage in the report :

> " An Ordinance entitled ' The Enemy Property (Divesting) Ordinance ' was passed in July 1929 with the object of making free for disposal . . . certain properties . . . " (page 26 of the report).

Would that Ordinance be in the way if a German claimed that he had a title to an estate ?

Mr. Jardine replied that the Enemy Property (Divesting) Ordinance dealt with land which the Custodian of Enemy Property had at one time believed to belong to German nationals. On investigation, and after careful enquiry, however, it had been found that no valid title could be put forward, and consequently, the lands in question had been placed at the disposal of the Tanganyika Government, and were in precisely the same category as any other public land within the territory. If, at a later date, a German should come forward and prove that he had a valid title to the land, Mr. Jardine was quite sure that justice would be done.

M. Ruppel pointed out that the total amount expended in payment of claims in connection with liquidation was £831,639, and that a further sum of £80,951 was paid during the year to claimants against the German Government. If those two sums were deducted from the price

paid by the purchasers of ex-enemy properties, £1,344,600, it would be seen that there was a balance of about £432,000 sterling. What would happen to that sum ? Would it be paid into the general revenue of the territory or transmitted to the British Government ?

Mr. JARDINE said that the whole sum would eventually be paid out in connection with liquidations except for some small amounts which would be deducted to cover the cost of the Office of the Custodian of Enemy Property.

SCHEME FOR " CLOSER UNION " AND THE QUESTION OF WHITE SETTLEMENT *(continuation)*.

In reply to a question put by M. Palacios at the previous meeting in regard to land settlement, Mr. JARDINE made the following statement :

Before replying directly to M. Palacios' questions, I will, with your permission, summarise the history of land alienation in Tanganyika. Prior to 1914, the German Government had alienated much land to non-natives in many parts of the territory, and, by 1914, had come to the conclusion that in certain districts too much land had been alienated. During the war there was naturally no alienation of land. As early as 1923, the British Government, which had formed the same conclusions at which the German Government had arrived, namely, that too much land had been alienated in certain areas, had closed such areas completely to further alienation. The areas so closed to-day are the greater part of the Northern and Tanga Provinces, the Highlands of the Mahenge Provinces, and a part of the Central Province.

Until 1928, when a non-native wished to acquire land outside these closed areas, he selected the land for himself and applied for it. If we found that no native rights whatsoever, present or future, would suffer, and there were no other objections to the grant, a right of occupancy was put up to public auction. This arrangement resulted in prospective farmers " picking the eyes " out of the country and was discontinued in 1928. The present policy is for the Government itself, through the medium of a Land Development Survey Commission, to select land available and suitable for non-native settlement and then to put it up for auction. The areas which are being so treated are the Iringa Province, the Uluguru Mountains, the Songea District, the Mbulu District and the Highlands of Biharamulo.

The principle on which the British Government has acted throughout in Tanganyika is that the land is held for the benefit, direct and indirect, of the natives of the territory and their posterity ; and this principle is recited in suitable terms in the Land Ordinances.

To turn to M. Palacios' questions and to reply to them seriatim :

1. A policy of intensive white settlement, such as is known in Kenya, is non-existent in Tanganyika, although it is the policy of the Tanganyika Government to encourage non-native settlement in suitable areas, from which produce can be conveniently evacuated, when these areas are not required by the natives for their present or future needs.

2. The conditions in German and British leases are sufficiently onerous to prevent the creation of a class of absentee landlords or the division of land for speculative purposes.

3. There is no policy of " native reserves " such as is known in Kenya or South Africa, and there is no restriction whatsoever in the movement of natives throughout the Territory.

4. We see little danger of the creation of a class of landless native helots or " poor whites " although such possibilities are constantly borne in mind and guarded against by the local Government.

5. It is true that divergent views on native policy may lead to divergent views on closer union.

M. PALACIOS was glad that he had raised a question which had enabled the accredited representative to give a clearer and more satisfactory reply.

It appeared that those who were immediately responsible for the territory defended it against the invasion of the policy of colonisation by the whites which was practised in Kenya. Sir Donald Cameron had expressly referred to the mandate in the declaration which was included amongst the annexes to the Wilson report, and in which the Governor of Tanganyika attached particular importance to defining precisely the native policy, before the closer union was effected ; in this he disagreed from his colleagues in Kenya and Uganda. Was there not some danger, however, that the policy of these two last-named territories would prevail, seeing that in the Central Council (Wilson report, page 17) each colony would have had seven votes and that, in consequence, Tanganyika might have against it a majority of fourteen votes to seven ? M. Palacios did not ask for an immediate reply since the British Government had promised that the Mandates Commission should have an opportunity to discuss the scheme of reform before it was put into practice.

Lord LUGARD asked whether it was the policy of the Tanganyika Government to alienate land to Europeans in such a way as to form homogeneous units and settlements or to alienate anywhere land as detached farms without any idea of forming groups of non-natives.

Mr. JARDINE said that the policy of the Tanganyika Government was not confined to either alternative. It was prepared to alienate land to non-natives in any available area where the climate was favourable for them and the land suitable for the cultivation of economic crops. In a sense, therefore, the Tanganyika Government was prepared to alienate land in such a way as to form homogeneous units of non-native farmers concentrated in one particular area, provided that area was not required by the natives. Equally, it would not decline to alienate a farm in a district in which it would perhaps be the only non-native farm surrounded entirely by native cultivators. The policy was neither, on the one hand, to confine alienation to large concentrated areas nor to decline to alienate a suitable piece of land in a purely native area, provided it was not required by the natives.

Lord LUGARD asked whether a policy of isolated and detached farms would not be liable to give rise to great difficulty in the future, when these isolated Europeans might ask for autonomous government.

Mr. JARDINE did not himself foresee that possibility. He could recall a case in which the natives sent a petition to the Government asking for a settler to be sent to them. They saw that it would be to their advantage to have a European farmer who would be on friendly terms with them, helping them with their agriculture and giving them new ideas. It was certainly not the policy of the Government to refuse to alienate land in such a case, even though the non-native farmers would be entirely surrounded by native cultivators.

Lord LUGARD said that his point was that a group of Europeans could be given municipal or some form of autonomous government, but if they were scattered all over the country, autonomous government would involve placing the whole four million natives under a small minority of non-natives.

Mr. JARDINE agreed that such difficulties might arise in the future in the case of isolated Europeans.

PRESERVATION OF GAME *(continuation)*.

Lord LUGARD pointed out that it was stated in the report that no convention on the preservation of game had been brought to the notice of the Government of Tanganyika (page 8). He had now before him a copy of the Convention of May 19th, 1903.

PUBLIC FINANCE : TAXATION OF NATIVES AND NON-NATIVES.

M. RAPPARD wished to congratulate the mandatory Power on the extremely favourable financial situation of the territory. The position was favourable, not because there had been a policy of undue economic retrenchment, but because there had been a policy of development which had yielded large results in taxation. The territory had been particularly fortunate at a time when there were signs of economic depression elsewhere.

He noted that the yield of the Hut and Poll Tax for 1928-29 was £736,970 or 37.8 per cent of the total revenue (page 30). The amount estimated to be paid out to native administrations as their share in 1929-30 was £152,265 (page 36). The years were not the same, but he took it that the latter sum should be roughly added to the yield of the tax to the Territory Treasury. He came to that conclusion because he saw under expenditure no mention of payments by the Treasury of the Territory to the local treasuries, which would seem to indicate that the yield of the tax was greater than would appear, and that part of its yield was kept back by the local administrations.

Was it true that part of the yield of the tax was retained by the local administrations who collected it, and that the natives had actually paid more than £736,970 ?

Mr. JARDINE replied that the sum of £736,970 represented the total Hut and Poll Tax collected by the native administrations. The sum remitted back to them by the Central Government for their own purposes was included under expenditure in the sums shown against Provincial Administration on page 32.

M. RAPPARD was very glad that his interpretation was incorrect. He was struck by the heavy burden that even the sum of £736,970 must represent, especially as no direct taxes were levied on non-natives. Non-natives — Europeans and Indians — were not an entirely negligible part of the taxable population, and he took it that their standard of life was much above that of the natives. He would like to have the views of the accredited representative on the soundness of the present policy, which demanded very little of the non-natives and imposed what, even for a prosperous population, would be a serious burden on the natives.

Mr. JARDINE agreed that 37.8 per cent was a large proportion of the revenue. He could assure the Commission, however, that the sums paid *per caput*, which varied from 4/- to 15/-, were calculated very carefully according to the ability to pay of the various tribes and sections

of tribes. A most generous view was taken by the Governor, who personally investigated such questions, as to the amount which each tribe should contribute, and he would like, if possible, to dissipate any suggestion that the tax operated at all harshly on the natives.

The comparative freedom from taxation of the non-native inhabitants had been recognised by the Governor, the Government of Tanganyika and others for some time past. The great difficulty was the appropriate form of taxation for Europeans. He would give an example from the past year. As the Commission was aware, there had been insistent demands for European education, but the Government had refrained from giving the facilities demanded from existing revenue, until it had imposed a tax of 30/- per head of the European population to meet the cost. He did not suggest that, as a result of that tax, the Government was in a position to say that Europeans were now suitably taxed, but he asked them to believe that, with the existing basis of taxation, the local Government was not disposed to embark upon expensive schemes designed to benefit the non-native population without some *quid pro quo* in the form of additional taxation from that community.

Lord Lugard asked whether it would not be possible to introduce a crude form of income-tax to include wealthy native traders as well as non-natives.

Mr. Jardine replied that the native merchant had to take out a trade licence in addition to paying direct taxation. The trade licence might cost as much as 500/– annually. The amount varied according to the nature of the trade to be carried on.

M. Rappard was glad to know that the Administration appreciated the difficulty, and he was particularly happy that it should not have set up an educational institution for the exclusive benefit of the whites paid for exclusively by the blacks. That would have been a paradoxical situation.

He noted that expenditure on Provincial Administration had increased from £178,483 to £340,297, about 80 per cent, in the course of five years. Had that increase gone to the local administratiotn or to the non-local provincial administration of the mandatory Power ? Was the policy to increase the revenue of the local administrations and to strengthen and consolidate them ? Was that the general policy ?

Mr. Jardine said that the very considerable increase in expenditure was accounted for partly by a badly-needed increase in the European administrative staff throughout the territory and partly by increased contributions from the Central Government to the native treasuries.

M. Rappard hoped that, in future reports, the financial summary would show separately the amounts received by the provincial administration and by the local treasuries and the rate of increase in their receipts.

He noticed that within a few years — in 1933 — agreement would have to be reached with the British Government as to the funding of, or remittance of, interest on the loan of £1,075,508 which had been granted free of interest until that date (page 34). How did that question present itself to the minds of the local administrations ? Had they any reason to hope that the present situation would continue ? If not, had any steps been taken to prepare for the funding of the debt ?

Mr. Jardine replied that no representations had as yet been made to the British Government. He had no doubt that strong representations would be made when the time came.

Lord Lugard pointed out that he had omitted to correct an error in the Minutes of the fifteenth session. The figure of £2,219,532 quoted on page 116 as the public debt of the Territory at March 31st, 1928, should read £3,135,446.

M. Sakenobe asked how the non-native Education Tax Ordinance was working. If it applied to all the non-native male adult population, the tax seemed to be rather high for the non-native population other than European, for instance, Indians and Arabs.

Mr. Jardine said that it would be premature to give an opinion on the working of the Ordinance, which only came into force on April 1st. Provision was made in it for relief in the case of necessitous persons of any nationality. Arabs were excluded from the operation of the Ordinance.

M. Sakenobe asked what was the estimated amount to be raised by the tax.

Mr. Jardine replied that no exact estimate could as yet be made.

Invasions of Locusts.

M. Merlin asked whether certain districts were more liable than others to attack by locusts, whether the latter appeared at regular intervals, as in some countries, and whether it was quite impossible to foresee the approximate time when they might be expected to arrive. He would be interested to know what means were taken to avoid these plagues.

Mr. JARDINE said that in East Africa there were cycles of locusts at regular intervals, roughly about every ten years. They travelled north to south. Some parts of the country were naturally more attractive to them than others, and they had caused most serious damage in Northern Tanganyika, in the Tanga and Northern provinces.

The methods adopted by the Agricultural Department were manifold. He presumed that a detailed account of these methods was not required. Gangs of sprayers were sent out against the hoppers, and other known means of combating the pest were taken.

Lord LUGARD, who understood that M. Merlin was surprised to hear of locusts in that part of Africa observed that the native name for locusts was *nzige* and that the Swahili word for Lake Victoria was *Mutan-nzige* (" uncrossable by locusts ") which showed that they were endemic.

M. MERLIN asked whether the districts in question were attacked because they were the limit of the flight of the locusts or because the vegetation was more suitable ?

Mr. JARDINE replied that undoubtedly the locusts went to the most favourable vegetation, which was in the Tanga and Northern Provinces. They also went to other parts of the territory which were favourable in a lesser degree, so that it could not be said that the northern area was the limit of their flight.

ECONOMIC CONDITIONS : TRADE.

M. MERLIN noted that there was a very satisfactory increase in the cultivation of sisal. There was, however, a general extension of sisal cultivation in the world, and he wondered whether, in spite of all the purposes for which it could be used, there would not very shortly be over-production.

Mr. JARDINE said that this question had been agitating the minds both of the sisal-growers and of the Government for some time.

In reply to M. Merlin, Mr. Jardine explained that the slight fall in exports for 1929 as compared with 1928 was entirely attributable to the incidence of drought and locusts.

M. MERLIN noted with satisfaction the increase in imports of building and factory materials as well as of motor spirits. This indicated increased economic activity and was a most favourable sign. It indicated on the other hand that the roads were developing, and that the number of motor vehicles was increasing.

Mr. JARDINE was unable to give the actual number of motor-cars in the country. He stated, however, that, in 1929, 512 touring cars and 766 motor lorries were imported.

M. MERLIN observed that this would ensure the progress of the road system in the territory. Had the natives begun to own automobiles ?

Mr. JARDINE said that in a few cases the native chiefs owned automobiles for facilitating the carrying out of their duties. He did not know of any individual natives who owned automobiles.

M. MERLIN asked what were the prospects of mining in the territory. Mining in Africa was developing at the present time.

Mr. JARDINE said that his personal opinion was that there was a great future for mining, particularly in the case of diamonds.

M. MERLIN asked whether the Government had adequate labour to develop the mines.

Mr. JARDINE could only say that the labour supply in Tanganyika had not yet failed to meet requirements. He hoped that the necessary labour would be found to meet requirements in the future as in the past.

M. MERLIN had raised the point because a Government should keep in mind the due proportion between new enterprises and the amount of labour upon which they could count.

He noted that coffee was still a profitable export, in spite of the recent slump. He was interested to see that attempts were being made to improve the standard of the crop and that only high-grade coffee was exported. How was that being done ?

In his personal experience he had found considerable difficulty in the matter, and would be glad to have some precise information as to the means used to force producers and exporters to produce and export only good-quality coffee.

Mr. JARDINE replied that the principal means by which it was attemped to improve the standard of coffee produced and exported was the grading system, which had been started in the Bukoba province.

In view of the increase in the export of cotton piece-goods, M. SAKENOBE asked whether there was any possibility of the growth of the textile trade on a commercial scale in the mandated territory.

Mr. JARDINE replied that there was no immediate prospect of any such industrial development.

M. SAKENOBE pointed out that there was very little information on the home manufacturing industry. The Commission would be interested to have information on that subject.

M. ORTS asked what was the meaning of the re-export of bullion and specie, mentioned on page 40 of the report.

Mr. JARDINE assumed that most of it was specie or bullion exported by the local Government to the neighbouring Governments in cases where the Tanganyika Government had too much specie and bullion on charge, and had debts to neighbouring territories which were in need of more specie and bullion. He would see that a fuller explanation was given in the next annual report.

M. RUPPEL could not find any indication of the distribution of exports between the countries of destination.

Mr. JARDINE did not think there would be any difficulty in giving that information in the next report.

CUSTOMS TARIFF AND RAILWAY RATES.

Referring to the report of the Tanganyika Tariff Committee, Lord LUGARD asked whether, in agreeing to certain protective duties, especially on the export of maize and the import of timber, the Government of Tanganyika was satisfied that no injury would be done to native interests.

Mr. JARDINE thought the position had been misunderstood. There was a common basic Customs tariff with the same duties for Kenya, Uganda and Tanganyika, but commodities like bacon and ham, butter and cheese, ghee, maize and maize meal, wheat and wheat flour, sugar and timber were subject to suspended protective duties. Each territory was absolutely free to decide for itself, from the standpoint of its own interests only, whether such suspended protective duties should be levied or not, and if levied, to what extent. The Government of Tanganyika levied protective duties only on bacon, and ham, and wheat and wheat flour. Such duties were levied because it was considered to be in their own domestic interest to levy them. The Government of Tanganyika was not in the least influenced by what Kenya or Uganda did in this matter.

In reply to a further question by Lord Lugard, Mr. Jardine said that he did not anticipate that the absence of protective duties would lead to smuggling of the commodities in question.

Lord LUGARD asked whether final agreement had been reached in regard to railway rates. The exports from the Kenya highlands had only about 450 miles' freight to the coast, whereas the bulk of the native population of Tanganyika lived in the lake basin and had 800 miles of rail freight to pay for produce sent to the seaport.

Would the Tanganyika railways suffer by the equalisation of rates ?

Mr. JARDINE thought he could safely give an assurance that they would not suffer.

In reply to a further question by Lord Lugard, he said that Tanganyika had no steamers on Lake Victoria, but owned steamers on Lake Tanganyika.

Tanganyika relied largely on a very complete system of feeder roads to the Tabora-Mwanza Railway.

The bulk of the traffic from Mwanza Province went by feeder road and then by railway to Dar-es-Salaam.

POSITION OF INDIANS IN THE TERRITORY.

M. SAKENOBE remarked that certain questions had been raised with regard to the Indian population in the territory which seemed to be growing in importance. Could the accredited representative give some detailed information as to the rôle which they played in the economic and industrial activity of the mandated territory ?

Mr. JARDINE explained that the great majority of the Indian population in Tanganyika were clerks and traders. A certain number were lawyers, medical men and farmers. Many of the 2,000 Indian immigrants who arrived each year came in as clerks with agreements either with the Government, with private employers or with the railways. Many of them came in as shop assistants to Indian traders, and a few were medical men or lawyers, or had in view the acquisition of some small plantation or farm.

M. SAKENOBE asked what was the East-African-Indian National Congress.

Mr. JARDINE had no precise information, but understood it to be a political congress which met in Kenya to discuss the rights and status of Indians.

M. SAKENOBE observed that it appeared to have given very free expression to its views.

CATTLE-RAISING AND CATTLE DISEASES.

M. MERLIN noted that inoculation had kept down the mortality from rinderpest to 23,000. Could the accredited representative give the total number of live-stock ?

Mr. JARDINE said that rinderpest was confined to the Northern and Mwanza Provinces. The number of cattle in these provinces was estimated at 1,121,347 and 538,394 respectively.

M. MERLIN asked, in connection with trypanosomiasis, whether the livestock in Tanganyika were sometimes or generally in districts where they mixed fairly freely with game known to transmit the disease, such as antelopes and gazelles.

Mr. JARDINE said that, in parts of Masailand, game and cattle were undoubtedly found in close proximity ; in other parts of the country the same would apply in some degree.

ELECTRICITY CONCESSIONS.

Lord LUGARD referred to a question which he had put on the previous day. The *Tanganyika Standard* had published a letter addressed to the Chief Secretary of the territory, which stated that it had been agreed that the tender of the Power Securities Corporation for the supply of electric power from the Pangani Falls for Dar-es-Salaam, Dodoma, Tabora, Mwanza and Kigoma on the Central Line and to a radius of 60 miles from the Pangani Falls had been accepted by the Government. The newspaper stated that the principal townships of Tanganyika from the capital to Kigoma on Lake Tanganyika and Mwanza on Lake Victoria would be supplied with electricity. This statement appeared to contradict what Mr. Jardine had said. Was he to understand that it was untrue ? What control was exercised by the Government in a service so vital to the country ?

Mr. JARDINE said that the writer of the letter was confusing two different concessions. One was for the generation of electricity from the Pangani Falls, primarily for the use of sisal estates within a radius of 60 miles from the Falls and including Tanga town. The other concession, which was still under discussion, was for lighting in the towns of Dar-es-Salaam, Kigoma and the other places mentioned.

The Pangani Falls concession would be granted to a private company. The idea in the case of the five-towns concession was that a public-private company in which the Government would participate should be formed. The Government had a not inconsiderable asset in the form of electricity stations in the various towns.

JUDICIAL ORGANISATION.

M. RUPPEL said that the report gave, on pages 15 and 16, the reason for placing the native courts under the supervision of the administration officers in their administrative capacity instead of under the supervision of the High Court.

It gave an outline of the new system as introduced by the Native Courts Ordinance, passed in 1929.

Could the accredited representative tell the Commission how this reform was accepted by the natives and how it had worked during the short time which had elapsed since its promulgation ? He had seen in *The Times*, of London, a letter by a former judge criticising it.

Mr. JARDINE could safely say that the reform was highly acceptable to the natives themselves in whose interests it had been carried out. In the short time in which the Ordinance had been in operation it had worked successfully. It was not acceptable, however, to certain judges and other professional lawyers.

PRISONS.

Referring to the gradual increase of young criminals (page 42) M. SAKENOBE asked whether there was any special accommodation for them and whether any measures were taken to improve those young criminals.

Mr. JARDINE admitted that the position in regard to juvenile offenders was very unsatisfactory. The prisons in Tanganyika were on the " association " basis and juvenile offenders

were unavoidably brought into touch with hardened offenders. The question was receiving earnest consideration, but no decision had yet been taken regarding the best way of dealing with what was a very difficult problem.

M. SAKENOBE asked what were first, second and third class prisons.

Mr. JARDINE explained that the first-class prisons were large prisons in large towns like Dar-es-Salaam, in which persons sentenced to any term of imprisonment, however lengthy, were liable to serve their sentence. Second-class prisons were prisons where there was a limit to the sentence imposed. Third-class prisons were nothing more than the ordinary "lock-up".

DEFENCE OF THE TERRITORY.

M. SAKENOBE asked in what way the efficiency of the King's African Rifles would be increased or at least maintained as heretofore as a result of its reorganisation, and what economy would be effected as a result of the substantial reduction in the forces.

Mr. JARDINE said that it was difficult to reply while the reorganisation was still in progress. The estimates for the current year showed a saving of £27,645. That did not take into account the fact that there would probably be capital and recurrent expenditure in connection with the mechanisation of the force in compensation for the loss of man-power.

M. SAKENOBE asked what was meant by the statement that one battalion would be in reserve (page 44).

Mr. CLAUSON said that, as he understood it, the position was roughly that the two battalions which were, so to speak, in the front line, were divided into detachments at small garrisons, whereas the battalion in reserve was concentrated at a single point where it could devote itself entirely to training.

M. SAKENOBE asked how the troops would be recruited under the new scheme.

Mr. JARDINE replied that the 6th battalion was recruited solely in Tanganyika Territory, and was liable for service in the territory only. The 2nd Battalion was recruited from outside the territory and might be used on foreign service.

M. PALACIOS asked whether this constituted a military base.

Mr. JARDINE replied that the scheme did not constitute a military base.

Lord LUGARD asked whether extra expense would be incurred in connection with the reorganisation.

Mr. JARDINE replied that a saving would be effected.

In reply to M. Ruppel, he stated that the headquarters of one Southern Brigade were at Dar-es-Salaam.

ARMS AND AMMUNITION.

M. SAKENOBE said that the figures given on page 46 of the report on the total number of firearms registered in the territory at the end of 1929, compared with the figures given in the report for 1928, showed an increase of : 1,146 arms of precision, 662 shot guns and 1,530 muzzle-loaders.

Did this mean that there was an actual increase, or simply more accurate registration ?

Mr. JARDINE replied that the increase in the arms of precision and shot guns reflected an increase in the non-native population. No doubt the increase in muzzle-loaders reflected an increase in the prosperity of the natives.

DEMARCATION OF NATIVE AREAS.

Lord LUGARD had noticed the phrase " the demarcation of native areas " in a report by Mr. Wolfe, the Assistant Agriculturist. What was meant by that phrase ? There were no native reserves.

Mr. JARDINE said that it sounded to him like very loose writing.

NATIVE INITIATION CEREMONIES.

In reply to a question put by Lord Lugard at the previous meeting as to the prevalence of native initiation ceremonies in Tanganyika and the Government attitude towards them, Mr. Jardine read a detailed statement on this subject.

The accredited representative took the opportunity of supplying the Commission with information concerning the native initiation ceremonies involving feminine circumcision. He assured the Commission that the Government was making every effort to cause such practices to cease as soon as possible. [1]

Labour.

Lord Lugard said that the labour system adopted in Tanganyika seemed to be most successful and thoroughly worked out. The report of the Labour Commissioner was very full and very satisfactory. He would like to congratulate the Government on having introduced payment for the repair of roads.

The Chairman handed to the accredited representative the following note from Mr. Weaver, the representative of the International Labour Organisation, who was unable to attend :

" The labour section of the report is very full and calls for little comment on the part of the representative of the International Labour Organisation.

" He is grateful to the Administration for the explanation given in paragraph 67 of the alleged forcing of women and children to pick coffee by the Mangis of the Wachagga, with regard to which Mr. Grimshaw put a question to the accredited representative at the fifteenth session.

" The indication in the report of the further development of the labour policy adopted by the Administration and of the beneficial results of that policy are also particularly welcome. Such indications are the increase in the number of labour camps, the appointment of additional labour officers and labour supervisors, the increasing substitution of mechanical transport for head-porterage, the improvement in the health of the workers and the reduction in the number of convictions for desertion under the Masters and Servants Ordinances.

" Although no fresh labour legislation was introduced during 1929, it is interesting to note that Section 90 of the Mining Ordinance of 1929 contains the principles that compensation must be paid when a native is killed or injured, unless it can be established that the accident was due to the serious and wilful misconduct of the native concerned. This principle does not appear to have been embodied in the Masters and Servants Ordinances, and although it would seem that compensation is paid in the case of every accident of a serious nature, the representative of the International Labour Organisation would like to ask the accredited representative whether the incorporation of the principle of Section 90 of the Mining Ordinance in the Masters and Servants Ordinances is in contemplation.

" The report shows that mining operations have extended considerably during the last few years. It would be very useful if the next annual report could contain information with regard to labour conditions in the mines.

" No immediate reply is required. Perhaps the information could be given in the next report. "

M. Palacios asked who had made the application for forced labour, to which reference had been made at the previous meeting.

Mr. Jardine believed there were only two requests during the past year so far as he could remember ; one came from the Forestry Department. Forced labour was never permitted to private employers, and none of them, so far as he knew, had ever made a request for such labour.

In reply to M. Merlin he said that the requests would be for essential public works.

M. Merlin said that the report stated that, under Section 12 of the Ordinance, power was given to approved employers to impose small fines for certain offences. Apparently, however, that provision had not been applied.

Mr. Jardine replied that the power to give such authority still remained, but no one had applied for it.

Count de Penha Garcia asked whether the wages referred to on page 46 included maintenance. Was a labour contract generally entered into for a fairly long period, or was food also supplied to labourers working by the day ?

Mr. Jardine replied that, as a general rule, food was not supplied to labourers working by the day near their homes, but only in the case of labourers from a distance on comparatively long contracts.

The normal labour contract for labourers coming from a distance would be six months.

Count de Penha Garcia understood that the labour inspection offices were intended to supervise the labour conditions, but he asked whether their activities extended throughout the whole territory. Had the workers wage-cards or books ? These afforded an excellent means of supervision.

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[1] *Note by the Secretariat.* — The full text of the statement made by the accredited representative is kept in the archives of the Secretariat.

Mr. JARDINE said that they had wage-cards.

Count DE PENHA GARCIA expressed a desire, as a matter of personal interest, to see a copy of the wage-card of Tanganyika.

Was recruiting allowed in labour camps or were they simply camps where labourers stayed ?

Mr. JARDINE said that no recruiting was allowed in the labour camps, which were occupied by labourers proceeding to some place under contract to work or in search of work.

Count DE PENHA GARCIA noted that the figures for porterage covered about 2,000 days' labour a year. Was that paid for at the normal labour rate ?

Mr. JARDINE replied in the affirmative.

Count DE PENHA GARCIA asked whether there was an age-limit for children.

Mr. JARDINE said that there was no minimum age, but the Commission could rely on the chiefs, who were anxious for the welfare of the children of their tribes, to see that children of too tender an age were not employed on unsuitable work.

Count DE PENHA GARCIA asked what were the rights of the chief. Could he call on labour for personal services ?

Mr. JARDINE said that the chiefs could not be regarded in any sense as recruiters of labour. In actual practice employers employed recruiting agents. The chiefs would advise their people, if they considered it to be to their advantage, to go out and work, but they would not bring any pressure to bear on individuals.

Count DE PENHA GARCIA said that was not exactly his question. Apparently in some cases the chiefs had extensive powers ; in the case, for instance, of an invasion of locusts, 4,000 men went out unpaid, taking food with them, into an area outside that of the tribe. That indicated that the chief had considerable powers.

He did not want to know what were the powers of the chief under the provisions of the Native Ordinances, but what they were in practice. Not only in the case of locust invasions but also in anti-tsetse-fly campaigns the chiefs had apparently been able to obtain labour, and generally voluntary labour. Could they obtain it merely by appealing to their men ? Did they make use of this power for their personal use ?

Mr. JARDINE said that the chiefs in Tanganyika constantly called out their people for action against the tsetse fly, for organised drives against pigs and baboons which were ruining their crops, or for dealing with any other kind of vermin which was destroying the crops. In such cases, full labour wages would not be paid. It was customary for a chief to call upon his people to deal with situations affecting the whole tribal community and to expect willing assistance. The obligation to render personal services was abolished with the tribute.

M. RAPPARD thought it obvious that, if a common danger threatened a community, the chief should call upon his followers and they would spontaneously respond. That was not forced labour, and the question of payment did not even arise. The real question was whether these services were voluntary or not. He imagined that there were, even in Tanganyika, indolent individuals who preferred to have their locusts killed by others. What means of compulsion, besides public opinion, was used to make them play the game ?

Mr. JARDINE replied that there undoubtedly would be recalcitrant tribesmen who would decline to co-operate, and that the British courts would not take cognisance of such an offence.

Lord LUGARD asked whether the recalcitrant tribesmen would not be summoned before the native court for defying a lawful order of the chief ? The Administration would be responsible for ensuring that it was a lawful order.

Mr. JARDINE concurred. He had had the British courts in mind. He had overlooked for the moment the fact that the tribesmen would be brought before a native court.

MISSIONS.

M. PALACIOS asked whether the missionary societies carried on work among the labourers on plantations and were granted facilities by employers. Were the missions centred in one part of the territory or were they generally scattered throughout the entire area ?

Mr. JARDINE said that they were scattered throughout the territory. The missionaries would not, he thought, in the ordinary course attend plantations to minister to Christian labourers, but Christian labourers would be expected to attend the missions in the neighbourhood for religious and secular purposes.

THIRD MEETING

Held on Thursday, June 19th, 1930, at 10.30 a. m.

The CHAIRMAN (Marquis Theodoli) thanked his colleagues for the sympathy they had shown him in his recent bereavement and for the honour that they had done him once more in re-electing him Chairman.

Tanganyika : Examination of the Annual Report for 1929 (continuation).

Mr. Jardine and Mr. Clauson, accredited representatives of the mandatory Power, came to the table of the Commission.

EDUCATION.

Lord LUGARD asked what was the meaning of the " provisional list " of teachers (see page 53 of the annual report).

Mr. JARDINE said that the provisional list was a temporary makeshift. It had been formed soon after the Tanganyika Government had set up its Education Department, when it was found that there was not a sufficient number of fully-qualified teachers available. The list comprised those teachers who possessed some, but not all, of the qualifications required by the Government.

Lord LUGARD asked if the two Advisory Boards on Indian education and European education mentioned on the same page were under the Director of Education and whether they were represented on the Central Advisory Committee.

Mr. JARDINE replied that the Advisory Committee advised the Government solely on matters relating to native education. The two Advisory Boards would be confined respectively to Indian and European education. They would be three quite separate organisations.

Lord LUGARD asked what was meant by the statement on page 55 :

> " Several mission societies . . . are now nearing the stage when they will be able to apply for recognition as a central school."

If a school had four standards, was it not, *ipso facto*, a "central school" whether aided or not ?

Mr. JARDINE replied that it meant that various missionary societies possessed schools which it was hoped would attain, in the near future, a sufficiently high standard of education to enable them to be recognised as central schools. This would imply that not less than four standards were taught in English.

Referring to the statement on page 58 that there were about 1,000 European children in the territory, Lord LUGARD asked about how many of these children would be of school-age and what was the estimated cost of education per head. Did the tax of 30/– per annum cover the cost, including boarders ?

Mr. JARDINE said that he could not reply, as one term, "school-age", had not been defined. A tax of 30/– per head per annum would probably cover the recurrent cost of their education in the immediate future.

Lord LUGARD, referring to the table of expenditure on education given in paragraph 80 on page 59, said that the percentage of revenue spent on education was very satisfactory. He asked if this figure included both European and Indian education.

Mr. JARDINE replied in the affirmative. The amount spent on European and Indian education in the past, however, was so comparatively small that it would hardly affect the percentage.

M. RUPPEL noticed in paragraph 78, page 57, that seven group schools for European children now existed. There was, in the first instance, one Government school (the Government Junior European School, Dar-es-Salaam). Of the remaining six groups, three were assisted by the Government and three were not. It was further stated that the Government hoped to make grants to elementary schools conducted on approved lines, and was confident that a mutually

satisfactory compromise on the language question would be arrived at in the near future. Did that mean that the three groups of unassisted schools (the four German schools, the White Fathers' school and the Kindergarten school) would also receive assistance ?

Mr. JARDINE said that the Government was faced by the problem of organising a system of education for a large number of children of foreign nationals with a variety of mother-tongues scattered all over the territory. The Government had no objection to such foreign nationals setting up schools where the teaching would be conducted in their own language, but they could not be subsidised from the general revenue. The Government could only subsidise those schools whose general scheme of education led up to a State Central School, where the medium of instruction would be the official language, namely, English. The statement in the report that the Government was confident that a mutually satisfactory compromise would be arrived at in the near future meant that it hoped that the schools to which M. Ruppel doubtless referred would come into line and so arrange their curriculum that the pupils would profit by instruction in English when they proceeded to a State school.

M. RUPPEL said that, in that case, he could not understand the Government's policy. How could the Government refuse to assist the schools of foreigners when all white people, including foreigners, paid 30 shillings per annum education tax.

Mr. JARDINE said that the tax appeared to him quite equitable. The Government was fully prepared to subsidise any school which came into line and to provide secondary education in the central schools. It could hardly be expected to subsidise schools which did not conform to the Government's policy.

M. RUPPEL asked if a secondary school for European children was already in existence.

Mr. JARDINE said that a school was about to be started in the Northern Province, and the Church Missionary Society had in view a school at Dodoma which would doubtless be subsidised by the Government.

M. SAKENOBE said that he was pleased to note that satisfactory progress had been made in general education during the year. In spite of the fact that a gratifying effort had been made to increase the number and to raise the standard of the teaching staff, it appeared that there was still a shortage in the number of teachers. He asked that the next report might contain the number of candidates, both men and women, who had been trained at Government training schools and at missions.

He also asked if the figure of ninety-five Government schools (page 53) included schools under native administration in villages.

Mr. JARDINE replied to the latter question in the affirmative.

As regards the question of teachers, the Government was fully alive to the fact that a lack of sufficiently qualified teachers was a serious handicap to the educational cause, but in spite of that it steadfastly had refused to lower the standard demanded. Full statistics would be given in the next report. During the past year, out of fifty-three candidates for Grade I certificates, only thirteen had secured Grade I certificates, and nineteen Grade II certificates. Out of 431 candidates for Grade II certificates, only 156 had been successful.

M. SAKENOBE asked if he was right in thinking that there was only one Government training school.

Mr. JARDINE replied in the affirmative.

LIQUOR AND DRUGS.

Count DE PENHA GARCIA said that the present annual report confirmed the fuller report on drugs given in 1928 and showed that the consumption of drugs was of very little importance in Tanganyika.

On the other hand, the report showed that the consumption of alcohol (presumably for the white population alone) had increased. This might perhaps be a normal increase, in that it was due to the corresponding increase of population, but the fact that each white appeared to consume £22 worth of wine, beer and spirits per annum was worthy of note. It must be remembered, however, that a large amount of beer was consumed by the natives and, accordingly, this figure might not appear to be excessive. He noted that there had only been twenty-five breaches of the Liquor Ordinance during the past year ; but perhaps this Ordinance was not severely enforced.

Mr. JARDINE reminded Count de Penha Garcia that, apart from the 5,000 Europeans, there were about 10,000 Indians, some of whom had to be taken into account.

Count DE PENHA GARCIA thought that the religion of the Moslems forbade them to drink.

Mr. JARDINE said that all Asiatics were not Mohammedans.

Count DE PENHA GARCIA asked what were the native liquors the manufacture, sale and consumption of which were regulated by the Native Liquor Ordinance (page 60).

Mr. JARDINE replied that the only native liquor was native beer.

Lord LUGARD reminded Mr. Jardine that much " tembo ", a potent liquor, was made from the " madafu " or green cocoanut.

Count DE PENHA GARCIA asked if the Native Liquor Ordinance contained the rules that were said on page 62 to be general throughout the province, and he asked if these regulations had been published.

Mr. JARDINE said that the Ordinance had been promulgated and made public as were all other Ordinances. The rules quoted on page 62 had been made by the chiefs.

Count DE PENHA GARCIA said that the system seemed to be : " freedom of production for home consumption ", while, under certain circumstances set forth on page 62, consumption was also allowed in public.

Mr. JARDINE replied in the affirmative.

Count DE PENHA GARCIA drew attention to the last paragraph on page 62, which said :

> " There is a certain amount of drunkenness among plantation labourers which is due, partly, to the presence of large numbers of men at places distant from the control of their tribal authorities and, partly, to the absence of any form of recreation."

He asked if any steps had been taken in the labour or tribal regulations to put a stop to this.

Mr. JARDINE said that it was naturally in the interests of employers of labour to try to keep down drunkenness among their men. Many employers were in the habit of arranging for a licence for one man to brew and sell beer to the labourers on their plantation.

Count DE PENHA GARCIA inferred from the fact that the report mentioned that the excesses were due to the absence of recreation and the lack of tribal authority among the native workers that no efficient control was exercised over plantation labourers.

Mr. JARDINE said that it was a question of good private employers and bad private employers. The good private employer was anxious to provide recreation for his men and to keep them out of mischief if possible. In one case that had come to his notice, the employer had gone so far as to set up a cinema on his plantation. On the other hand, another type of employer would make little or no attempt to provide forms of recreation for his labour or to control the habits of his employees.

Count DE PENHA GARCIA suggested that the authorities might deal with the matter, which might be covered by the labour regulations.

Lord LUGARD drew attention to the following statement on page 62 :

> " Where there is a ready sale for grain, the women see to it that not too much is wasted in beer-making."

He said that it confirmed what the accredited representative had already said about the status of women in Tanganyika.

PUBLIC HEALTH.

M. RUPPEL said that the working of the Health Department seemed to be satisfactory and the Government appeared to have put considerable sums, amounting to 12.4 per cent of the whole expenditure, at the disposal of the health services. He noted that the number of European medical and health officers on the staff was fifty-three, the same as last year, whereas the number of Asiatic assistant and sub-assistant surgeons had increased from fifty-two to sixty-six. He asked of these surgeons were all Indians.

Mr. JARDINE replied in the affirmative.

M. RUPPEL asked if they were born in the country or whether they only came to Tanganyika after passing their qualifying examinations in India.

Mr. JARDINE replied that they were born and educated in India and came to Tanganyika under agreement with the Government.

M. RUPPEL noted that the number of private doctors registered as medical practitioners had increased from thirty-one to thirty-four, the most of whom were attached to missions. He asked if there were any private doctors not so attached, and, if so, what was their number ?

Mr. JARDINE said that he had no accurate statistics at hand, but he believed that there were private practitioners in Tanga and Dar-es-Salaam.

M. RUPPEL asked if there were private doctors in the territory who were not registered.

Mr. JARDINE thought that most of them were registered. He believed, however, that some of the private doctors attached to the missions were unregistered.

M. RUPPEL asked what were the conditions of registration ? Was it necessary to be the possessor of a diploma granted by a British university ?

Mr. JARDINE was unable to answer fully without having the Ordinance before him. He said that the policy of the Government regarding doctors who had qualified in countries other than Great Britain would be defined by a Bill which was being drafted and which would enable certain doctors with foreign qualifications to practise in Tanganyika. This Bill was already overdue, but it had been difficult to know what specific qualifications to insist upon and what criterion should be adopted. But the principle of recognising certain foreign qualifications had been accepted.

M. RUPPEL drew attention to the fact that the number of mothers attending clinics had increased from 27,745 in 1927 to 148,006 in 1929 (page 64).

He asked if the tribal dressers mentioned in paragraph 91 (page 65) were trained in special schools.

Mr. JARDINE replied that they were natives who had been trained by the Education and Medical Departments in co-operation. They were not highly qualified, but they had done much useful service.

M. RUPPEL asked if they were under permanent supervision.

Mr. JARDINE replied that all such tribal dressers serving under the native administration would come under the supervision of the medical officer of the district.

M. RUPPEL asked that an account might be given in the next report of the results of the investigations made by the subdivisions of the Medical Department mentioned in paragraph 95, page 66 (Kahana district and Kilimanjaro).

Mr. JARDINE promised to give a fuller account in the next annual report, on condition that the Medical Director agreed that the time was ripe to publish some account of the results of this investigation into the social life, customs, morbidity and mortality of the natives living in the Kahana district and of the tuberculosis investigation which was being carried out on the slopes of Kilimanjaro.

In connection with sleeping-sickness, M. RUPPEL drew attention to the statement on page 71 that " no new focus was discovered in the year under review " and compared it with the fact, that in 1929, the new cases diagnosed had been 3,262 against 360 in 1927. He asked if this meant increased activity on the part of the doctors or increased prevalence of sleeping-sickness.

Mr. JARDINE attributed this increase to an augmented staff and more efficient medical organisation, the effect of which was to bring more cases to light.

M. RUPPEL asked how many sleeping-sickness officers there were. On page 63 only one was mentioned, whereas on page 71 it was said that " the two medical officers, infected in 1928, continue to be fit and well, etc. "

Mr. JARDINE explained that there was one sleeping-sickness officer in special charge of sleeping-sickness measures. There were, however, other medical officers engaged on the work.

M. ORTS noted that additions and improvements had been made in certain native hospitals (paragraph 87, page 64). He asked the accredited representative whether he was satisfied with the installation and equipment of the native hospital in Dar-es-Salaam.

Mr. JARDINE replied that the Government was not satisfied with the hospital in question, which was open to criticism on many grounds. It was hoping to erect a modern native hospital in Dar-es-Salaam, for the construction of which £90,000 had been applied for from the Colonial Development Fund.

M. ORTS asked if this hospital was not a foundation established as the result of a legacy.

Mr. JARDINE replied in the affirmative.

Lord LUGARD suggested that the next annual report might contain a table similar to that for the expenditure on education on page 59, showing the amount spent on the health service, both by the Government and by native treasuries from year to year.

Mr. JARDINE took note of this suggestion.

Lord LUGARD said that the information contained on pages 71 and 86 about the ravages of sleeping-sickness and the tsetse fly contained no mention of the damage done to cattle by the latter. It would be interesting to have information on this point next year.

Mr. JARDINE took note of this suggestion.

Lord LUGARD asked if the accredited representative had any information about the Government training school.

Mr. JARDINE replied that the establishment of a medical training school was being discussed by the departments concerned ; application had been made for money from the Colonial Development Fund.

LAND TENURE.

M. VAN REES said that in paragraph 99 (page 72) it was said that " an Ordinance to amend the Land Ordinance was passed during the year ". It appeared that the 1923 Ordinance had suffered many modifications, and it was difficult to know exactly how it stood at the present moment. In these circumstances he asked if the text of the Ordinance might be included in the next report.

Mr. JARDINE said that the text had been published in the revised edition of the laws (1929).

M. VAN REES drew attention to the statement in paragraph 100 that " so far no native has applied for a right of occupancy in respect of the agricultural or pastoral land which he occupies ". He asked if that was because the natives considered that a written title did not give them any greater security than they already had, so that they did not see the need of obtaining further guarantees.

Mr. JARDINE replied in the affirmative. He said that the idea of right of occupancy was alien to the native mind.

M. VAN REES pointed out that on the other hand it appeared that the natives possessing urban lands frequently applied for a written title conferring the right of occupancy.

Mr. JARDINE said that this was true. Natives in towns who had land to let to non-natives looked at the question from an entirely different point of view.

M. ORTS suggested that the reason was because the land near towns had real value, whereas outside the towns there was abundant available land which, under the native methods of cultivation, did not require permanent occupation. It was therefore unnecessary to confirm the right of occupancy.

Mr. JARDINE agreed with M. Orts.

M. VAN REES said that in paragraph 102 it was stated that 124,293 acres of agricultural land had been disposed of during the year. He asked if all this land had gone to non-natives.

Mr. JARDINE replied in the affirmative.

M. VAN REES asked if natives who wished to cultivate unoccupied land had to apply for right of occupancy under the Land Ordinance.

Mr. JARDINE replied that this was not necessary.

M. VAN REES asked if the Uvinza Salt Works referred to in paragraph 110 were the same as the Nyanza Salt Mines.

Mr. JARDINE replied that he could only suppose that the Uvinza Salt Works were also known as the Nyanza Salt Mines.

M. VAN REES asked if the Nyanza Salt Mines still belonged to the territory and whether their exploitation was in the hands of a company in which the Government owned half the shares.

Mr. JARDINE replied in the affirmative.

M. VAN REES asked if there were other salt mines belonging to the territory.

Mr. JARDINE replied in the negative.

M. ORTS asked what was the maximum quantity of land that could be ceded to a European.

Mr. JARDINE replied that there was a limit of 5,000 acres for land for general agricultural purposes and of 10,000 acres for land for pastoral purposes. Larger concessions, however, might be made with the consent of the Secretary of State for the Colonies.

M. ORTS asked if it were possible to establish larger properties by obtaining successive adjacent concessions.

Mr. JARDINE replied in the affirmative ; but he pointed out that in each case the leaseholder, or an agent approved by the Government, would have to be in effective occupation.

M. ORTS asked if there was not a proposal to cede 100,000 acres to a Settlement Association.

Mr. JARDINE believed that such a concession had been suggested ; but, so far as he knew, no action had yet been taken.

FISHERIES.

M. SAKENOBE said that the last annual report mentioned that the survey of the Victoria Lake Fishery was finished. He asked what had happened to the report of this survey.

Mr. JARDINE said that the report had been published and sent to the League of Nations.

M. SAKENOBE asked if the Government had taken any action to encourage fishing.

Mr. JARDINE said that the answer was in the negative.

POPULATION.

M. ORTS drew attention to the interesting statistics given on page 88. The population of the territory had increased from 4,063,300 in 1913 to 4,106,890 in 1921 and 4,740,706 in 1928. Between 1913 and 1921, the population had been decimated by the war and its after effects, famine and plague. Sir Donald Cameron had described the effects of the war when he had appeared before the Mandates Commission. In spite of that, a considerable increase had been recorded since 1921. This was a rather rare phenomenon in that part of the world.

He wished to ask if this increase was real or apparent, that was to say, was it not due to the fact that the Census of 1928 was more complete than previous ones ?

Mr. JARDINE replied that it was a fact that the statistics for 1928 were the most accurate that had yet been obtained and that this was largely due to the efficiency of the native administrations. He would say that the increase was both real and apparent.

M. ORTS observed that in that case it was better for the Commission to reserve its conclusions to which these statements might give rise, until a later census had been taken which would make it possible to compare the figures on a sound basis.

Mr. JARDINE agreed with M. Orts. He added that he had no wish to detract from the credit due to the Medical Department in connection with the increase of population. It had undoubtedly saved many thousands of lives, for example, by the treatment of natives for "yaws". In his opinion, the population was quite definitely on the increase, and to the Medical Department the credit for this largely belonged.

M. RAPPARD thought that it was of great interest that the statistics gathered on the basis of native returns were considered more accurate than the Census carried out by the Administration in 1921.

He had been very struck by the increase recorded; but he was not surprised as the whole report showed that the territory was in a condition of great prosperity. He asked the accredited representative if he could explain why the two provinces of Lindi and Mahenge were the only two whose population had decreased.

Mr. JARDINE pointed out that in Lindi there had been an increase of 30,000 people since 1921. He thought that the decrease in Mahenge during the last ten years was of no significance and might perhaps be due to the fact that provincial boundaries had been altered.

CLOSE OF THE HEARING.

M. RAPPARD understood that Mr. Jardine, in his opening statement, had said that this would probably be the last year of the administration of Sir Donald Cameron. If this were so, he thought it would be a cause of general regret, since Sir Donald's term of administration had obviously been exceptionally successful.

Mr. JARDINE said that, as the term of office of a British Colonial Governor was normally confined to six years, and this was the sixth year that Sir Donald Cameron had been Governor of Tanganyika Territory, it was only natural to assume that it might be his last.

The CHAIRMAN, speaking in the name of all his colleagues, thanked Mr. Jardine for the full collaboration and assistance he had given the Mandates Commission.

Mr. JARDINE thanked the Chairman for his courtesy and said that he regarded it as a privilege, as well as a great pleasure, to collaborate with the Commission.

FOURTH MEETING

Held on Saturday, June 21st, 1930, at 11.30 a.m.

General Conditions that must be fulfilled before the Mandate Regime can be brought to an end in respect of a Country placed under that Regime.

The CHAIRMAN recalled that on January 13th, 1930, the Council adopted the following resolution :

> " Being anxious to determine what general conditions must be fulfilled before the mandate regime can be brought to an end in respect of a country placed under that regime, and with a view to such decisions as it may be called upon to take on this matter, the Council, subject to any enquiries it may think necessary, requests the Mandates Commission to submit any suggestions that may assist the Council in coming to a conclusion."

This question had been included in the agenda of the present session and several members had mentioned this fact during the opening meeting.

He thought that the Commission was not in a position to deal with the substance of the matter during its present session with all the attention that was necessary. On the other hand, it would be rather difficult to postpone complete study until the autumn session. In these circumstances he thought that it might decide to nominate a sub-committee which would meet once or twice in the interval between the present and the autumn sessions. This sub-committee might perhaps be composed of three members. M. Van Rees had already made a personal study of the matter and had drawn up a memorandum on it. Count de Penha Garcia and M. Rappard on their side had shown particular interest in the question. It was probable that these three members of the Commission would be at Geneva at the time of the Assembly and they would thus be able to meet in sub-committee to study in the first place the programme of work.

The Chairman added that he thought that this sub-committee ought, in conformity with the Council resolution, to deal with the whole of the question and not limit itself to the case of Iraq.

Count DE PENHA GARCIA also agreed that the question should be studied in its entirety, and that thereafter the general theory on which the Commission had agreed should be applied to the concrete case actually before it.

The Commission decided to appoint a Sub-Committee composed of Count DE PENHA GARCIA, M. RAPPARD, M. PALACIOS *and* M. VAN REES *to study the question.*

Date of the Nineteenth Session.

After an exchange of views, *the Commission decided that its nineteenth session should begin on Tuesday, November 4th,* 1930.

New Guinea : Procedure for examining the Annual Report (1928-29).

The Commission examined the question of the procedure to be adopted in considering the annual report (1928-29) on the administration of New Guinea.

The CHAIRMAN announced that Mr. Chinnery, Anthropologist of the New Guinea Administration who had come to Geneva for the examination of the annual report on New Guinea had brought a collection of about 100 lantern slides, showing various aspects of the life of the natives, etc., in this mandated territory.

If the members of the Permanent Mandates Commission wished, Mr. Chinnery would be prepared to show them this collection. He would prefer to do it, if possible, before the examination of the annual report.

It would eventually be possible to arrange to show these slides somewhere in the Secretariat.

After an exchange of views, *the Commission decided to be present at the projection of these slides on Monday afternoon, June 23rd.*

FIFTH MEETING

Held on Monday, June 23rd, 1930, at 11 a.m.

New Guinea : Examination of the Annual Report for 1928-29.

Mr. Coleman, Member of the House of Representatives of the Commonwealth Parliament of Australia, and Major R. G. Casey, accredited representatives of the mandatory Power, and Mr. Chinnery, Government Anthropologist, came to the table of the Commission.

Welcome to the Accredited Representatives.

The Chairman (M. Van Rees) was glad, in the name of the Commission, to welcome the accredited representatives, Mr. Coleman and Major Casey.

The Commission greatly appreciated the effort made by the Australian Government to give satisfaction to the recommendation of the Council that the mandatory Powers should be good enough, so far as possible, to send as representatives to the sessions of the Commission persons with direct knowledge of the conditions prevailing in the territories under mandate.

During his parliamentary career, Mr. Coleman had had particular opportunity of becoming acquainted with the problems of the mandated territories and would doubtless be able to provide the Commission with valuable information. The Chairman also extended a cordial welcome to Mr. Chinnery, Government anthropologist, who had full knowledge of the life of the natives in the territory and the measures taken by the mandatory Power on their behalf.

The Chairman noted with gratitude that the mandatory Power had been good enough to give particular attention to the observations of the Permanent Mandates Commission at its fifteenth session, as well as to the remarks made by the various members of the Commission during that session.

Mr. Coleman, on behalf of his colleagues and himself, desired to thank the Commission for its cordial welcome. It was the wish of the accredited representatives to afford the fullest possible information in regard to the territories for which the Government of the Commonwealth of Australia was responsible. They felt sure that frankness and candour would be appreciated and accepted in the spirit in which they were offered.

He ventured to refer to the tragic passing of the late Mr. Grimshaw. The Australian Government shared the Commission's profound regret and sorrow at his untimely end.

General Statement by the Accredited Representative.

Mr. Coleman made the following general statement :

I have very much pleasure in acceding to the Chairman's wish that the examination which I and my colleague, Major Casey, are about to undergo, should be prefaced by a statement as to the policy the Government of the Commonwealth of Australia is pursuing in the administration of the mandated territory of New Guinea.

This Commission, no doubt, follows the trend of overseas politics and is, I presume, aware that a Labour Government assumed office in Australia in October last. I should like to say that its attention is and has been concentrated on many important domestic problems, but I am to tender an assurance that the responsibilities, attached, to carrying out the obligations imposed by the mandate which we have accepted, are fully recognised by the Government of the day in Australia. Not only is the Government fully seized of its responsibilities, but it also desires in every way to facilitate the arduous duties which are performed by the distinguished personnel comprising the Permanent Mandates Commission.

It will be within the knowledge of the members of this Commission that the civil administration of New Guinea came into existence with almost insuperable obstacles confronting it — without a trained or efficient colonial service, without money, without forced labour, but with the recognised heavy obligation to the League of Nations.

A number of years have passed in which there has been sufficient time to judge by impartial appreciation, whether the Administration has efficiently carried out the duties entrusted to it ; whether a reasonably efficient Civil Service has been created ; whether there has been moral and material advancement of the natives and whether, subject always of course to the preservation of the interests of the natives, the white population is being fairly treated. Permit me at the outset to say that the Government of Australia holds no two opinions on the foregoing ; it definitely affirms that the Administration is sound, that we are not without the problems associated with colonisation, but that there is and always has been a sincere and earnest endeavour on the part of all participating in the administration of the territory to build up a service

of which future generations will be proud, and the efforts of which will be reflected in the higher level of culture to which the native population will eventually be raised.

I think a general outline of the policy of the Australian Government was placed before this Commission by a former accredited representative, so I will not go over the many functions which my Government regards as of paramount importance in the development of the territory. Such matters as the preservation of useful native laws and customs, the abolition of harmful practices without destroying the native institutions of which they form part ; the eradication of disease, the prohibition of traffic in arms, etc., the protection of native labourers, agriculture, and the participation of the natives to an increasing extent in the administration of the territory, are all well known to you, and your close and critical examination of the reports submitted to you from time to time has no doubt informed your minds as to what has been done in these matters. Nevertheless, every day sees some effort being made in New Guinea to perfect the existing methods of administration and to put into being some creative effort which will be reflected in greater efficiency, in the sounder economic development of the territory, and in the furtherance of the interests of the natives.

Primarily, of course, the mandatory Power is fully seized of the necessity for staffing the Administration with officials who can acquire by training and experience a sympathetic understanding of the psychology of the natives, as it is realised that officials cannot be expected to succeed in furthering a programme of native welfare unless they are able to " think black " — that is to say, that they are able to see things and understand problems from the native point of view.

When Australia accepted the mandate for the territory of New Guinea, it could with a reasonable amount of truth be said that the natives were a disease-stricken race, some of them mal-nurtured and many of them suffering from what has been termed the " psychological factor in depopulation " — the almost invariably fatal apathy which is a primitive race's first reaction to the shock of contact with white people. Our first task, therefore, was obviously that of concentrating on the restoration of the health of the indigenous population. The Australian Government realises that it was and is a duty of first importance to prevent the introduction of disease into the territory ; to eradicate existing diseases ; and to do everything that is possible for the medical care and welfare of the natives. To this end an efficient medical staff has been organised which can be increased as necessity requires. You of course know that native hospitals have been established throughout the Territory, in fact, in every district under control, while to ensure facilities being available for Europeans, hospitals exist at all the principal centres of administration.

We have a very excellent system in New Guinea of medical patrols, which make certain that medical treatment will not be confined to natives in the immediate vicinity of the hospitals, but that it is constantly being extended to the inhabitants of areas far removed from the administrative centres. These patrols also investigate the incidence of morbidity, which is recorded and mapped at Administrative Headquarters, thus keeping the central authorities in touch with the requirements of each district. I understand that for the better and more efficient analysis and diagnosis of disease, a laboratory staffed by qualified personnel has been established at Rabaul, and it is the intention that, as circumstances permit, branches of this institution will be opened up at the principal headquarters of the various districts.

While on the subject of health matters, I would draw attention to the fact that the expenditure of the Department of Public Health for the year ended June 30th, 1929 was £71,726, and that a very substantial portion of the annual grant of £10,000 which is made by the Commonwealth Government for the welfare of the natives, was allotted to the medical services of the territory.

As regards the question of depopulation, I should like to say that Mr. Chinnery, the Government anthropologist, has been making an intensive study of this interesting and important question, and in regard to certain areas, has prepared exhaustive data which, if any members of the Commission are interested, he will be only too glad to explain. I am informed that this information will be published by the Commonwealth Government at an early date, and I have no doubt will be circulated to members of this Commission. These data, and the system of research devised and adopted by Mr. Chinnery, are, I believe, the first of their kind to be applied in any part of the Pacific, and experts with whom they have been discussed have been unanimous in agreeing that they will afford the means of enabling the Administration to determine definitely and to cope with many hitherto obscure aspects of the problem of depopulation.

Restriction as to the arms, liquor and opium traffic are so well known to the Commission that I need make no more than passing reference to them. The Ordinance which covers these questions has, I understand, been reviewed by the Commission on a number of occasions, and more recently the Intoxicationg Liquors Ordinance has been brought into operation, which prohibits natives from being employed in any bar-room for the purpose of serving liquor or being left solely in charge of any licensed premises or bar-room, and I feel that the Commission will admit that the steps which the Australian Government is taking in combating this traffic are worthy of the highest commendation.

One question, and perhaps next in importance to the preservation of the health of the natives, is that of native labour. Those who have been in contact with the natives of New

Guinea for any length of time will tell you that the early history of the natives indicates that every man used to be a warrior. Now he is forbidden to fight, and native laws and practices which are repugnant to civilised thought have been abolished, involving the creation of a new social system and the substitution of new interests. The practices and interests of modern civilisation are gradually being inculcated into the native mind, and not the least of these interests is the replacing of war by work. The Administration seeks to build a virile race and, in a sentence, its policy is to interfere as little as possible with native laws and customs and gradually to get the natives to appreciate the value of their labour and understand their obligations to employers.

The Government's policy in respect of native labour is embodied in the Native Labour Ordinance which was modelled on that in force in the adjoining territory of Papua, and which has been modified and amended from time to time to tighten up the regulations under which native labour may be sought and used. I shall not enlarge upon the many provisions of the Ordinance to which I have referred and with which you are no doubt acquainted. It is a comprehensive measure and provides what we consider to be the most satisfactory method of coping with the peculiar conditions at present prevailing in the territory. If the opportunity occurs during this examination, Mr. Chinnery will be able to give the Commission first-hand information as to the conditions under which natives are employed and treated, and the methods adopted for their recruitment.

I understand that many of the members of this Commission have had long and varied experience in colonial administration, and it is unnecessary for me to stress the fact that agriculture is a basic foundation for healthy industrious village life. The difficulty which confronts the Administration in New Guinea is not dissimilar from that which in the past confronted colonising Powers elsewhere. The New Guinea natives are indifferent agriculturists, and the difficulty of instilling the principles of cultivation of the soil in the minds of natives of the mentality of those in New Guinea is a prodigious task. Nevertheless, there are hopeful signs that the encouragement of native agriculture by the Administration is slowly succeeding, and this is in a large measure due to the means which the Government has devised of usefully occupying the time of the natives and assisting them in maintaining some definite interest in life and creating a trend of thought in the direction of their future.

To such an extent has the Administration gone into this question, that a system of native agriculture has been inaugurated for the cultivation of food-stuffs and economic crops by the natives under trained instructors and inspectors. I should perhaps add that it was discovered that crops grown by natives in many parts of the territory were found to be deficient in essential food values, *i. e.*, vitamins, and therefore the natives, although receiving an adequate quantity of food, were not being nourished. This has now been rectified, and an endeavour is being made, wherever possible, to introduce the system of rotation of crops.

Having very briefly touched on the question of agriculture, my trend of thought is immediately directed to what has been termed the economic exploitation of mandated territories, and this question of economic development not infrequently arouses different opinions according to the point of view taken. There are many who believe that economic development is opposed to the real interests of the native population. It may be that this is not the necessary result, but it is one that in some countries has always followed in the past. If this be true, the alternative is for the territory to remain in an undeveloped state and for the natives to be left in their primitive condition. On the other hand, there is a strong and indisputable current of opinion which rightly argues that economic development is vitally necessary if the natives are to be raised in the plane of civilisation. If this is so, it is necessary to find ways and means of doing this, in which the dangers of capitalistic exploitation will be avoided. There is no doubt that this is difficult, but I can tender an assurance that my Government is fully aware of the dangers in this direction and that the closest watch will be kept to ensure that the economic development of the territory goes hand in hand with the development of the mentality of the native, so that in time to come the natives will take an increasing part in its administration and will reap the benefit of the efforts which the Administration is putting forward to develop the territory and the mentality of the native concurrently.

I have just referred to the lifting of the native mentality, and my Government considers it is a matter of the greatest importance that facilities for obtaining education should be afforded to all natives of the territory, and that it should have a controlling influence over the nature of the education to be imparted to the natives. Competent authorities on native education stress the importance of a technical or utilitarian education as compared with a purely literary one. The advantages to be gained from making the native an artisan, a producer or a generally useful member of the community are too obvious to need comment; nevertheless, efforts are being directed towards the scholastic training of some of the better type natives, with a view to subsequently entrusting some of the administrative duties of the territory to members of the indigenous population who develop or show the necessary aptitude for this class of work. Of course it will be many years before the natives of New Guinea reach such a stage of civilisation as to be capable of administering their own affairs or participating in the general administration of the terriory to the extent which has been found possible in a number of the more highly developed colonial territories.

I should now like to refer very briefly to what the Administration is doing in the matter of opening up new territory.

In the first instance, let me say that Government influence over the natives has been widely increased, and, since the inception of civil administration, many new and difficult areas have been brought under control by district officials whose duty it is to establish initial contact between natives and white men. In this exploratory work Mr. Chinnery, who has had twenty-one years' experience in Papua and New Guinea of this highly specialised phase of native administration, has taken a leading part, and he is here to tell you, if you wish, of the problems peculiar to this type of work under New Guinea conditions, and the methods adopted by officials in the delicate task of peaceful penetration. I should perhaps add that the policy of the Administration in the matter of penetration of new areas is to consolidate influence in areas which are opened up and which do not come under complete control. It is therefore the practice to proceed with the two phases of work concurrently, that is to say, the energies of the district administration staffs are expended partly in opening up new areas and partly in consolidating influence in areas previously penetrated.

The Administration's native policy has produced few spectacular effects, but in its nine years of office it has achieved concrete results of which Australia has every reason to be proud, and which are, if thoroughly examined, a complete vindication of the principles of the mandate, the true test being the confidence manifested by the indigenous population towards those administering the mandate, notwithstanding certain relatively unimportant setbacks.

The evolution of civilised races has been a slow and painful process, and even with the generous help of the Australian Government the evolution of the New Guinea native cannot be hastened very much. If there has been any ground for criticism of the Administration's native policy — and I do not for one moment agree that such criticism would be justified — it is that too much has been attempted. Transcending all other considerations, there is, behind the mind of the Administration, the will of the Australian people to ensure the wellbeing of over half a million natives, living on the mainland and some six hundred odd islands, of a total area of nearly ninety-two thousand square miles, scattered over a million square miles of tropical seas.

I do not want to take up the time of the Commission with a very lengthy statement, but, having come direct from the seat of Government, I feel it incumbent upon me to afford the Commission every opportunity of obtaining as much information regarding the Administration as possible. My colleagues and I will, during the next day or so, endeavour to satisfy the Commission on every particular point raised, but of course my Government does not regard the passing of the scrutiny of the Mandates Commission with credit as being the only object to be achieved. We realise that the aim of the mandates system is to put the responsibility of controlling backward races and their territories definitely upon the shoulders of efficient civilised nations in a position to exercise control and, so far as Australia is concerned, we are taking a distinct pride in the successful discharge of our great trust. This is the main basis upon which our responsibility rests. My Government regards the exercise of its responsibility as implying a higher rôle than the mere passive discharge of duty, and, in carriying out the terms of the mandate, the Australian people feel that their first consideration is the spiritual uplift and development to a higher level of culture of the natives in this vast territory.

Mr. Coleman added that he wished to correct the impression that he had had practical experience in the territory. He had not actually visited it, though he had watched its administration with great interest. The importance of his presence was that it would enable him to report back to the Government of the Commonwealth of Australia upon the work of the Commission and the weaknesses, if any, in the manner in which the mandate was being administered.

Relations between the Mandates Commission and the Mandatory Power.

The Chairman thanked the accredited representative for his general statement on the policy adopted by the mandatory Power.

Before opening the discussion on the report, he wished to say a few words regarding the rather discouraging way in which the work of the Commission had been received, in particular, by the Australian Press. He was sure that no member of the Commission had ever thought of underestimating the very great difficulties which the mandatory Power experienced in administering the mandated territory of New Guinea, owing, not only to the geographical situation of this territory, which consisted of a mainland of vast extent and a very large number of more or less important islands, but, above all, because the territory, as a whole, was occupied by widely differing populations which were in an extremely backward state of civilisation.

Nor had the Commission ever thought of criticising the legislation itself which the mandatory Power promulgated in the territory. On the contrary, that legislation scrupulously observed the provisions and prohibitions of the mandate ; it had even gone beyond what was required by the latter ; for instance, it absolutely prohibited all forced or compulsory labour, even for public works and services, although the mandate permitted such work for these purposes.

If, nevertheless, the Mandates Commission could not refrain, from time to time, from expressing certain doubts, if it showed some anxiety, it was because it remembered, and must remember, the general obligation formulated in Article 2 of the mandate according to which

the mandatory Power shall promote to the utmost the material and moral wellbeing and the social progress of the inhabitants of the territory under its guardianship. This provision, the spirit of which was not generally understood by publicists, who took it upon themselves to criticise the Mandates Commission, and which, nevertheless, covered the whole activity of the mandatory Power explained the doubts and fears to which he had just referred.

The observations of the Mandates Commission always related to the practical action taken by the mandatory Administration and not to its legislation ; there was no doubt that that action had already been intensified to a large extent as was clearly shown by the last annual report, but greater efforts were still necessary before it could be said that the mandatory Administration had covered the whole of the territory, of which, up to the present, not more than about a quarter had been placed under its direct control.

It was to the extension and intensification of these efforts that the Commission wished to contribute its modest assistance, not in a narrowly critical spirit, but in collaboration with the accredited representatives on the basis of perfect cordiality. It was possible that this desire to collaborate, which implied complete frankness on both sides, had not always been appreciated. It was for this reason that the Chairman had thought it his duty to emphasise the point before opening the discussion on the report which the Commission had before it.

Mr. Coleman hoped that the Commission would not attach too much importance to the highly coloured and exaggerated statements that had appeared from time to time in regard to Australia's administration of the mandate. His Government fully recognised that the Commission was conscientiously discharging the duties imposed upon it by the sacred trust vested in the League of Nations in regard to the administration of mandated territories. His Government welcomed the Commission's co-operation, and regarded it as co-operation.

The accredited representatives had endeavoured to come to the Commission well prepared to reply to any questions put to them, but, if he might make a suggestion, it would perhaps facilitate the Commission's work and relieve the accredited representatives of a good deal of tension and uncertainty if a few days' notice could be given of the questions likely to be asked. That would enable them to cable for the information, if necessary. He realised that, during the examination, questions arose out of other questions, but he hoped that his suggestion would appeal to the Commission.

He was glad to know that it appreciated the difficulties encountered by the Government of a huge continent with a small population in administering the primitive and undeveloped areas represented by the mandated territory of New Guinea.

The Chairman replied that the members of the Commission would discuss Mr. Coleman's suggestion among themselves. In the meantime, it was difficult for him to express an opinion regarding it.

Lord Lugard wished to endorse very cordially the Chairman's appreciation of the fact that the Australian Government had sent to Geneva Mr. Chinnery, the Government anthropologist, who had had actual experience of the mandated territory. The Mandates Commission had consistently considered it its duty to collaborate with the mandatory Power, but it felt that it had not been entirely successful in its desire for collaboration in the case of New Guinea.

There had been many criticisms of the administration of New Guinea in the Press, which had been echoed in the Australian Parliament. For his part he believed that no mandatory Power was more anxious than Australia to carry out the mandate in its full sense. If, however, a member of the Mandates Commission asked a question with a view to affording the accredited representative an opportunity of denying false accusations or explaining the circumstances, and, if the accredited representative was not sufficiently familiar with the facts to give the necessary explanations, the question when recorded in the Minutes appeared to be merely an echo of hostile criticism.

There were two particular questions which Lord Lugard had put during the thirteenth session in 1928 and in the fifteenth session in 1929, to which no clear reply had been received. He would recall them briefly. The first was of a general character. He had received from a personage, whose name commanded universal respect, a letter enclosing a very disquieting statement from a person familiar with conditions in New Guinea. This communication had been made to him solely in his capacity as a member of the Mandates Commission. He had, therefore, considered it his duty to inform the accredited representative of the purport of that letter and to invite a reply. The mandatory Power had taken exception to his reference to a letter, the name of the writer of which was not disclosed, and the Secretary of State had asked him if he could not communicate the name. He had at once sent the letter to the Secretary of State and was given to understand that the writer himself had made his identity known. When reference was made to the matter in 1929, Lord Lugard was fully under the impression that the accredited representative was *au fait* with the circumstances and knew who his informant was. The matter had now become ancient history, and he did not propose to reopen it further than to mention that M. Orts and M. Rappard had asked for the full report of the Minister for Home and Territories after his visit to the islands, which, so far as Lord Lugard was aware, had never been sent.

The second question referred to the recruiting of labour, and was a quotation from the published comments made by the judge of the High Court at the trial of certain persons for outrages in regard to the recruiting of native labour for the gold mines. That was also ancient history, and he would not have referred to the matter again had it not been that the same

judge, as late as March of the present year, had complained that his warnings were apparently unheeded. Lord Lugard hoped that the accredited representative would give the Commission some assurance which would dispel the natural misgivings to which statements by such high authorities gave rise. The Commission fully realised that scurrilous attacks in newspapers or by disgruntled individuals, or a hostile parliamentary opposition were no evidence of the allegations made, indeed often quite the contrary. The Mandates Commission itself sometimes shared the abuse.

On the other hand, the special correspondent of *The Times*, of London, in two long articles, had given a most favourable account of the New Guinea administration, which, however, he had said obtained little help or sympathy from the white community. The *Sydney Morning Herald* had also concluded a series of articles in March 1929 by saying that the mandatory Power had discharged its duty supremely well, and the *Melbourne Argus* had written in the same strain.

The Administration appeared to be getting rid of unsuitable officers, and paragraph 9 of the present report stated that forty-four — a very large proportion — had been dismissed in four years. They were being replaced in the administrative services by thoroughly well-trained cadets, of whom eleven had already taken up their positions. There seemed, however, to be a good deal of discontent in the services due, it was said, to inadequate salaries and allowances. That was a common grievance and, if there were any substance in it, no doubt the mandatory Power would take steps to remedy it. It went without saying, however, that, in its initial stages, the administration of New Guinea and the surrounding islands must cost a very large sum of money if it were to be effective, more, indeed, than an annual subsidy of £10,000.

The Prime Minister had stated in Parliament that the question of another ministerial visit was under consideration. If that should be decided upon, Lord Lugard hoped that the Commission would be given a full and frank account of the impressions gained.

Mr. Coleman noted the observations of Lord Lugard. The main issue raised referred to the " disquieting statement " which he had received, and which was the subject of Appendix D of the report. Mr. Coleman could only say, on behalf of his Government, that, whilst noting Lord Lugard's observations and appreciating the fact that he was guided by a desire to help the administration to correct abuses that might appear to exist, it disputed the accuracy and the motives which had inspired the information of which he had been the recipient. The Government knew the informant and the channel through which the information had reached the Commission, but, unless the whole purport of the charges were made the subject of an official statement by the Commission, his Government must rest on the reply previously given, and must protest against any communication, the source of which was not known officially, being made the subject of specific charges against or severe criticism of the Administration.

In regard to the other points raised by Lord Lugard, Mr. Chinnery was prepared to give practical information based on his experience in the territory.

Mr. Coleman understood that the discontent in the service was at present being considered by the Government which, he would remind the Commission, had only assumed office in October last. Although the whole of its energies were being directed towards very serious economic and social problems, it was nevertheless not losing sight of its obligations in regard to the mandate and the necessity for a contented public service. The public service of New Guinea had a right to approach the Prime Minister, and he believed that representations had been made and were under consideration.

With regard to the ministerial visit, he would say that visits were made from time to time by Ministers and Members of Parliament with the very laudable purpose of familiarising themselves with the problems of New Guinea.

Before he left, there had been a discussion as to whether a further parliamentary delegation should visit the territory. He mentioned this to show that visits might be made which had no material significance, but he could give Lord Lugard and the Commission every assurance that his Government did not desire to conceal anything from the Commission that in any way affected it.

If the other statements made by Lord Lugard could be the subject of specific questions or could be handed to him in the form of a statement, he would deal with them categorically.

The Chairman hoped that Mr. Coleman's reply did not in any way imply that the Commission was not at liberty to make use of information other than that supplied by the mandatory Power. On the contrary, it was its duty to take note of any information which it received, retaining only that which seemed to it worthy of being retained. It frequently made use of this information, merely in order to give the accredited representatives an opportunity, if necessary, of denying the statements. This also constituted a means of collaboration with the mandatory Power. Although, for obvious reasons, this practice must be continued, it was clear, on the other hand, that the mandatory Power was at liberty to deal, only in so far as it thought good, with the questions based on unofficial information.

Mr. Coleman noted the observations of the Chairman, which he would bring to the notice of his Government. At the same time, he would suggest that reference to disquieting information received from an unknown source without any specific particulars placed the mandatory Power in a very unfair position. He had no directions from his Government whereby he was in a position to indicate that there could be any modification of the attitude expressed in the Appendix, which more or less confirmed the attitude referred to in the previous report.

He realised that, in the normal course of its investigations, the Commission received information from many channels and of necessity did not wish to have its hands tied by a protest on the part of the Australian Government that the source of information was such that the Government refused to deal with the subject-matter of the criticism. Perhaps, however, if categorical charges or statements were made by the members of the Commission in the form of questions, the difficulty would not arise.

Lord Lugard remarked that he personally was very careful not to act on any information which was not absolutely authentic.

Development of Means of Communication.

Count de Penha Garcia said that the statement of the accredited representative had made an excellent impression on him. He was glad to note the readiness of the mandatory Power to carry out its duties under the mandate. About one-quarter of the population of the territory, however, was not as yet under administrative control (page 115) and had not been reached by the Government. He understood that the main difficulty was the lack of means of communication with certain areas to which it had only been possible quite recently to apply the preliminary stage of the system, which consisted in effective occupation, or, as it might be called, the military occupation of the territory. He did not wish for an immediate reply, but drew attention to the matter, not in a spirit of criticism or reproach, but in the hope of influencing the future policy of the mandatory Power towards the development of roads and means of communication in order to be able to control the population.

Mr. Coleman replied that Mr. Chinnery would be able to give practical evidence of the difficulties with which he himself had had to contend in his twenty-one years' experience as a patrol officer and resident magistrate, possessing, as he did, a knowledge of the dialects and psychology of the natives.

There was no need for Mr. Coleman to do more than refer to the insuperable difficulties created by nature itself in the rugged mountain ranges which could be crossed by aeroplanes in forty-five minutes but took fifteen days to traverse, by the presence of cannibal tribes, and by the refusal of the mandatory Power to utilise forced labour for public purposes.

Question of the Communication to the Commission of the Report of the Minister for Home and Territories on His Visit to New Guinea.

In view of the accredited representative's statement that the mandatory Power had nothing to conceal, M. Rappard ventured to ask for the communication of the report of the Minister for Home and Territories on his visit to New Guinea, to which Sir Granville Ryrie had referred during the fifteenth session of the Commission.

Mr. Coleman understood that no confidential report was submitted to the Government. The only information he could give was that contained in the Appendix.

M. Rappard said that Sir Granville Ryrie must have been mistaken. He had certainly informed the Commission that there was a report of a confidential nature.

Mr. Coleman said that he would look into the matter.

SIXTH MEETING

Held on Monday, June 23rd, 1930, at 4 p. m.

New Guinea : Examination of the Annual Report for 1928-29 (continuation).

Mr. Coleman and Major Casey, accredited representatives of the mandatory Power, together with Mr. Chinnery, came to the table of the Commission.

Question of the Entry of Germans into the Territory.

M. Ruppel drew attention to the fact that there was an Ordinance still in force in the territory of New Guinea prohibiting former German residents from entering the country without the special consent of the Australian Government. It appeared that, except in a few instances, such consent had been refused. Did not such action amount to discrimination exercised to the detriment of the nationals of a State Member of the League of Nations ? He realised that the principle of economic equality laid down in the Covenant did not apply to territories under a C mandate, to which New Guinea belonged, but he did not think that the exceptional treatment to which he had referred was compatible with the spirit of the mandatory system. The mandate should be exercised in order to promote the interests and welfare of the natives. Did the exclusion of former German residents of the territory in any way contribute to its welfare ? Australia was the last mandatory Power maintaining such exceptional restrictions since New Zealand had admitted Germans last year into Samoa.

He asked whether the Government of Australia intended to repeal the Ordinance in the near future and to remove any special restrictions upon the entry into the country of former German residents ?

Mr. Coleman said that no discrimination was exercised against Germans as such. He had anticipated the question which had been addressed to him, and had cabled to his Government on June 10th. His Government had replied to the effect that the Immigration Law applied in New Guinea did not discriminate against Germans, and that the Administrator had been instructed to refuse foreign nationals admission to the territory, only in cases where permission to enter Australia would be similarly refused by the Australian immigration authorities ; in other words, admission would only be refused when there were moral or physical grounds for excluding particular persons. The Administrator had been instructed to use his authority to refuse admission sparingly and to confine it to cases in which the peace of the territory might be endangered by the admission of undesirables. He could assure M. Ruppel that the present Government of Australia did not sanction any discrimination to the detriment of a particular country.

M. Ruppel thanked the accredited representative for his declaration which gave him satisfaction to a certain extent. He asked whether it would be possible for the Australian Government to repeal the Ordinance to which he had referred ? This would put Germans on the same footing as other nationals.

Mr. Coleman said he sympathised with the views expressed by M. Ruppel, and he would bring the matter to the attention of his Government with a view to the repeal or redrafting of the Ordinance.

Chinese Immigrants.

The Chairman enquired whether the above principle applied also to Chinese immigrants ?

Mr. Coleman said that the immigration law of the Commonweath of Australia was applied in New Guinea. Chinese immigrants were not admitted, but certain exceptions were of course made.

The Chairman noted that, according to immigration statistics given in paragraph 273 of the report, a certain number of Chinese had entered and left the territory in the year 1928-29.

Mr. Coleman said that the Chinese who were resident in New Guinea might leave the country for certain purposes and were free to return.

ORGANISATION OF THE ADMINISTRATION: OFFICIALS.

Lord LUGARD, referring to the statement of expenditure given in paragraph 223 of the report, asked how many administrative officers were included. Apparently they were, for the most part, included under " District Services " (page 76), but there was also a Department of Native Affairs and another showing cost of central administration. Would it not be possible to show the numbers and rate of pay of each grade of officer borne on the Estimates? It would then be possible to distinguish those who were directly concerned with administration from the technical staff.

He would also ask whether there were any more cadets in training in addition to eleven who had joined the service.

He noted in paragraph 9 of the report that there had been 161 changes in the staff during a period of four years. How many of these were administrative officers and how many belonged to technical departments ? The latter were frequently engaged on temporary agreements, but the administrative officers must be permanent if there was to be any continuity of policy of administration. How many of the 191 shown as permanent in paragraph 8 were on the administrative staff ?

Finally, he had learned from various articles in the Press or from questions in the House that there was some discontent in the service. What was the cause of this ?

Mr. COLEMAN said he would hand in a list of the present staff of the Administration. The particulars requested by Lord Lugard would be given in the next report.

The numerous changes of staff recorded in paragraph 9 were partly due to the sudden exploitation of the goldfields, which had attracted a certain number of officers from the Administration. Certain officers had also left to take up lands in the territory. He did not think that there was any material dissatisfaction with the conditions of service in the territory.

Lord LUGARD pointed out that forty-four officers had apparently been dismissed because their services were unsatisfactory.

Mr. COLEMAN said he understood that these dismissals had been rendered necessary owing to the fact that, during the period of the gold rush, many inexperienced officials who had been engaged to fill temporary posts had proved to be unsuitable.

He would refer Lord Lugard to paragraph 6 of the report in answer to his question concerning the cadets.

The CHAIRMAN enquired how many of the officials dismissed for unsatisfactory service had belonged to that portion of the administrative staff which was in direct contact with the natives ? He noted on page 119 of the report that, during a period of two years ended June 30th, 1929, sixteen officers of the public service had been charged with offences under the provisions of the Public Service Ordinance and Regulations. Were the persons mentioned in this statement higher officials who were directly responsible for administrative work ?

M. SAKENOBE, referring to the details given in paragraph 8 of the report, noted that in the previous year there had been 258 permanent officials; the year before there had been 224 such officials. In the present year, however, there were only 191. What was the explanation of this reduction ?

Mr. COLEMAN said that a possible explanation was that, owing to recent resignations, there had been a considerable number of vacancies. The officials appointed to these vacancies were for the moment on probation and would not appear as permanent officials until next year. The information would be given in the next report.

The CHAIRMAN said that the question of the appointment of officials was extremely important for the territory of New Guinea. The Commission would certainly like to have more detailed information in regard to the various services, and would more particularly desire to know the exact number of officials who were in direct administrative contact with the natives.

Mr. COLEMAN said that he had handed in to the Secretariat a list of officials, giving particulars as to their grade, duties and salaries.

M. SAKENOBE asked whether the rate of allowance fixed under the Superannuation Ordinance was on the same scale as the Australian rate.

Mr. COLEMAN said that the rate had been determined by actuaries who had taken into account climatic conditions and the different periods of service involved by appointment to posts in the territory.

M. SAKENOBE noted that the rate was rather low and that increased benefits were under consideration.

He would enquire whether there was any change of attitude on the part of the natives in the uncontrolled area to officials. He had noted in last year's report that in the uncontrolled area

patrols had been attacked or resisted. No such incident was recorded in the report for the present year.

Mr. COLEMAN said that in the conduct of any exploration or development work there must always be a measure of tension and uncertainty involving some risk of disturbance.

M. RAPPARD, referring to the changes of staff recorded in paragraphs 8 and 9 of the report, — 161 changes in five years for a total of 233 positions — enquired whether the Administration regarded them as necessarily arising out of the nature of the territory and the general conditions of service. Or were they the result of special circumstances and the need of improvising staff at short notice ?

Mr. COLEMAN referred to the analysis of the causes of resignation given in paragraph 9.

M. RAPPARD enquired whether this process of adaptation was likely to continue.

Mr. COLEMAN replied in the negative. Exceptional circumstances had prevailed from 1925 onwards owing to the discovery of the goldfields.

M. RAPPARD pointed out that only thirty-two officials had resigned owing to the discovery of gold in the territory.

Mr. CHINNERY said that the discovery of the goldfields had created a great deal of excitement and induced many officials to leave the service. Moreover, during last year a number of expropriated properties had been sold. Attached to the Administration were officials who had come to the territory primarily in order to take advantage of the sale of these properties. Some had left in order to take over properties acquired by them. There had been, however, few changes among the higher administrative officials. Two assistant District Officers had acquired expropriated properties.

The CHAIRMAN said he hoped that in the next report more details would be given in regard to the reorganisation and services of the officials. He would repeat that the Commission was particularly interested in the matter.

Referring to the question of administrative staff and the need for the building-up of a satisfactory permanent service, Mr. COLEMAN asked permission to read the following statement :

" Such members of the military force as remained in the territory continued their administrative duties in a civilian capacity, and, as opportunity offered, were either appointed as civilians to the staff of the Administration or were returned to Australia.

" On March 22nd, 1922, an Ordinance was made for the regulation of the public service of the territory, and, later in the same year, the service was classified by an Inspector of the Commonwealth Public Service. The service was later reclassified by a Commonwealth Public Service Inspector.

" Only natural-born British subjects are eligible for appointment, and preference, subject to competency, is required to be given to returned soldiers, but from time to time officers of the Commonwealth Public Service and the Public Service of Papua have been seconded for duty in the territory to fill positions requiring special skill or experience.

" The building-up of a satisfactory permanent staff has been a long and difficult process, and is not yet complete.

" The experience of the first few years of civil administration made it apparent that the satisfactory means by which the efficiency of the public service of the territory could be maintained and a sufficiency of competent officers for appointment to vacancies in the more important positions — particularly those of district officers and assistant district officers — could be assured, was the selection of well-educated young men to undergo special training for service in the territory. It was, therefore, decided to institute a system of cadetships and, as a commencement, six cadets were appointed to the service during 1925. The cadets were selected from young men of good physique and character, who had passed the intermediate and leaving certificates of the Australian Universities. Their appointments were probationary for two years, during which period they received a systematic training by competent senior officers in the following subjects :

" *(a)* Tropical health and hygiene ;
" *(b)* Tropical products ;
" *(c)* System of keeping accounts, and general clerical duties ;
" *(d)* Short introduction to criminal law procedure ;
" *(e)* Map-making and map-reading ;
" *(f)* Ethnology ;
" *(g)* Matters relating to native labour and native administration and organisation ;
" *(h)* General duties of a district officer, an assistant district officer, and a patrol officer.

" On the completion of their course of training, the cadets were required to pass an examination in the subjects in which they had received instruction.

" All passed the examination and, being otherwise suitable for employment in the territory, have been permanently appointed to the public service, but, before taking up duty in a permanent capacity, were sent to the University of Sydney to undergo a course of instruction in anthropology.

" As the most pressing need for trained officers is in connection with the positions of district officer, assistant district officer and patrol officer, the six cadets referred to were specially trained for employment on the staffs of the district offices.

" Eleven cadets have now been completely trained."

Creation of a Legislative Council : Representation of Native Interests.

Lord Lugard said he had noted a statement in the House of Representatives on March 12th that the Government of Australia had decided to give a measure of self-government to the territory. Had any steps now been taken ? Did the Government intend to include any direct representation of native interests in its scheme ? Did the statement refer to New Guinea only or to other large islands like New Britain where the capital, Rabaul, was ?

Mr. Coleman said that his Government believed in the principle of direct representation. He could not, however, give any details as to the nature of the scheme which would be put forward, without referring to his Prime Minister for instructions.

Lord Lugard referred to a statement, paragraph 263, No. 6, to the effect that six natives had been *selected* in the Wapi district for appointment as Luluais. Were these native officials selected by the Administration and not chosen by the natives from among themselves ?

Mr. Coleman said that no Luluai would be appointed who was not clearly acceptable to all groups in his village. The district officers were expected to be acquainted with, and to appreciate the importance of, the native clan organisation.

He would point out that the medical Tultuls referred to in the passage under reference were natives who were trained in simple medical treatment.

Lord Lugard said that he had not referred to the Tultuls, who were Government employees.

M. Orts noted a statement in paragraph 2 of the report to the effect that a Bill to amend the New Guinea Act to provide for measures of self-government in the territory had been introduced in the Parliament of the Commonwealth of Australia. The Bill had not passed through all the stages of Parliamentary Procedure when the House had been dissolved.

Could not the accredited representative inform the Commission of the main outlines of the regime for which provision was made in the Bill ? He asked the question because the conditions in the territory did not seem to be such that it was possible to introduce autonomous institutions, the native population in New Guinea being pre-eminently backward and the white community not exceeding 2,000 persons.

Mr. Coleman said that, as a result of the dissolution of Parliament, the Bill to which M. Orts referred had necessarily lapsed.

The Bill had been based on a similar measure which had been introduced in Papua, and which applied only to the non-indigenous populations. The matter would be more fully dealt with in the next report.

Liquor Traffic.

Count de Penha Garcia thanked the accredited representative for the replies given in the report to his questions of the previous year. He noted that there had been an increase in the number of convictions and offences against the liquor laws on the part of the natives. These convictions pointed to a more strict enforcement of the law, but pointed also to a need of continuous control and supervision, more particularly as the number of licences had been increased.

Mr. Coleman said that police control and supervision had been strictly applied. The figures contained in the report compared well with those of other colonial dependencies.

Count de Penha Garcia enquired whether it was possible to indicate in the schedule given in paragraph 39 of the report the alcohol content of the various liquors.

Mr. Coleman noted this request.

Public Finance : Taxation of Natives and non-Natives.

M. Rappard noted in paragraph 219 of the report a statement to the effect that the Administration was considering the question of reducing taxation owing to the favourable financial position of the territory. A similar optimism was expressed in paragraph 222. He

would point out, however, that the revenue for 1928-29 had diminished by some £14,000 as compared with 1927-28. Meanwhile, expenditure had increased by £46,000 and the public debt by £37,000.

Mr. COLEMAN said that there had been a considerable slump in the trade in copra and the Government had been obliged to reduce the export duty. This reduction had affected the revenue. There had also been a decline in exports owing to the fall in prices of copra.

M. RAPPARD enquired why this state of affairs should be described as an " improvement in the financial position " (paragraph 222, foot of page 67).

Mr. COLEMAN admitted that there appeared to be a certain looseness of expression in the drafting of the report. The position did not seem to be in any way better than in the previous year.

M. RAPPARD noted, in paragraph 224, that loans to the amount of £54,425 had been accorded by the Commonwealth Government to the Administration of the territory. It was stated, in paragraph 230, that the amount lent by the Commonwealth Government for the same period amounted to £91,937. These two statements appeared to be inconsistent.

Mr. COLEMAN said that he would look into the matter and explain the discrepancy later.

M. RAPPARD noted that the gold royalties had been increased from 1 to 5 per cent. The royalties were expended for the benefit of the territory and brought in a total of from £5,000 to £7,000 per annum. He understood that the miners were taxed in Australia by the Commonwealth Government on the income which they made from the gold mines. The amount derived from this income-tax was, he supposed, considerably greater than the amount derived from the royalties levied in the territory. Did the Commonwealth Government feel that this was an equitable arrangement ? The gold mines were a source of considerable wealth, which was being extracted from the territory, and the revenue derived from the taxation of this wealth should perhaps be expended for the benefit of the territory.

Mr. COLEMAN said that a miner, if domiciled in Australia, would necessarily have to pay income-tax on his income derived from any source. He was not aware that there had been any agitation or resentment arising from the facts to which M. Rappard had referred.

M. RAPPARD emphasised that the principle of the mandate required that the mandatory Power should not derive any direct financial benefit from the exploitation of the territory. Considerable wealth had been discovered in the territory of New Guinea, but that wealth was not apparently enriching the territory.

Mr. COLEMAN said that the wealth derived from the territory did not directly enrich the Commonwealth Government any more than it did any other State. Persons of any nationality might come into the territory and work the mines, if they so desired, and only such miners as were domiciled in Australia would pay income-tax to the Commonwealth Government.

M. RAPPARD said that the object of his question was to suggest that possibly the gold royalties might again be raised in order that the mandated territory might benefit more fully from the mining operations.

Lord LUGARD, referring to M. Rappard's previous question, asked whether the accredited representative was satisfied that the royalty was sufficiently high to meet the expenditure on the goldfields ? It amounted only to £9,400 (paragraph 238), while the extra staff mentioned on page 71 appeared to cost about £12,000 and the goldfield another £12,000 (page 78).

Mr. COLEMAN was not in a position to indicate what might be the future lines of Government policy. The development of the goldfields was, however, a matter of importance to the economic future of the territory, and the mandatory Power had no desire to discourage it by unduly penalising the effort to obtain capital. The 5 per cent royalty appeared to him to be high. On the other hand, the cost of the construction of roads was non-recurrent expenditure, and apart from the utility of roads in the development of the goldfields, they obviously played a part in the development of unpenetrated areas and of the country as a whole through which they passed. Land admirably situated at a height of 3,500 feet, with a perfectly healthy climate, which was suitable for coffee and cocoa cultivation and had tremendous timber resources could be opened up for development by the construction of a road.

Lord LUGARD asked what was the nature of the imports to the goldfields which were free of duty.

Mr. COLEMAN said that that referred to machinery (most of which was carried by aeroplane).

M. RAPPARD noted in paragraph 223, at the foot of page 70 of the report, that compensation had been paid to certain persons in respect of medical treatment by the Administration.

Mr. COLEMAN said that this had been due to the fact that a medical officer had improperly prescribed in certain cases.

Lord LUGARD asked whether the non-native population, including companies, were bearing their fair proportion of taxation. The business and income taxes had been abolished (paragraph 220) and it was said that, in return, they paid licence fees and Customs dues, but the former were mostly for value received and did not form an important addition to the revenue. The increased duties were chiefly on articles that were not necessities. On the other hand, the copra tax had been reduced to £1.

Dr. Cilento, in his report on the " Causes of depopulation " page 50, remarked that " the surcharge of £1 is no hardship since the planters buy for £5 and sell for £20 or more without any responsibility other than the re-bagging and shipping of the produce". Apparently, therefore, the reduction in the Customs duty would benefit them, but would not much help the native producer — who, according to *The Times* correspondent, grew 20 per cent of it. The same writer said that Europeans who had bought their estates on the basis of a 25/– tax would benefit.

On page 65 of the report, it was stated that imports by non-natives to the goldfields were admitted duty free. The impression was that the non-natives had been considerably favoured in the matter of taxation. In the amount spent directly for native benefit (page 80), the whole cost of schooners was included, but the total was less than 38 per cent of ordinary revenue.

Mr. CASEY pointed out that the amount of copra produced by the natives and bought for export under the conditions described by Lord Lugard was but a small proportion of the whole copra produced in the territory.

Mr. Casey went on to read a memorandum directly bearing on the first part of Lord Lugard's remarks — the division of the burden of taxation as between the natives and the non-indigenous population.

" On page 124 of the current report, it is stated that the extent to which the natives contribute to the revenue of the territory is indicated in paragraph 220 of this report.

" The suggestion (made by M. Rappard in 1929) is that the mandate is being exploited for the benefit of the non-indigenous population, and without due regard to the welfare of the natives.

" The economic development of the territory is a civilising influence, provides means of contact between the whites and the natives and provides funds for native welfare to a much greater extent than would be otherwise possible.

" Whilst the Commonwealth only provides £10,000 a year directly, the Australians resident in the mandated territories by their work and enterprise provide, by heavy taxation, the greater part of the large annual sums that are spent directly and indirectly on native welfare.

" Actually, all activities of the non-indigenous population tend towards more rapid progress in bringing the fruits of civilisation to the natives.

" Civilisation can only be achieved by work, and work can only be provided by the successful economic efforts of the non-indigenous population ; in other words, the economic development of the territory is the only alternative to the uneconomic method of a subsidy of several hundred thousands a year by the Commonwealth Government, which would have the disadvantage of failing to bring the natives into contact with whites — other than a handful of Government officials.

" That the privilege of developing the territory is being purchased at no inconsiderable cost will be seen from the following figures :

" 1. *Total Revenue and Revenue from Taxation.*

" The total revenue from all sources was, for the year ended June 30th, 1929, £350,967 11*s.* 8*d.* (paragraph 222 ; page 67)

	£	*s.*	*d.*	
The revenue from taxation (import and export taxes, licences, etc.) was	233,969	9	11	(paragraph 222 ; page 66).
Less native head-tax	22,198	19	8	
Total revenue from taxation of non-indigenous population	£211,770	10	3	

" Thus 60.3 per cent of the total revenue was derived from the taxation of the non-indigenous population. (This figure should perhaps be very slightly reduced on account of purchases by the natives of goods on which import duties have been levied.)

" 2. *Taxation per head of the non-Indigenous Population.*

" The total non-indigenous population of the territory on June 30th, 1929, is given as 3,928 (paragraph 282, page 98).

" If the 314 Government officials be deducted and also an allowance made for missionaries and Asiatics, the number of tax-paying citizens amounts to certainly less than 3,000. But

for the purpose of calculation the figure has been taken as 3,000. (The total *European* population was 2,630 including Government officials.)

" Thus the *per capita* taxation works out as follows :

$$\frac{£211,770\ 10s.\ 3d.}{3,000} = £70.6$$

" 3. *Cost of Native Administration and Welfare, exclusive of Native Education Trust Fund and Commonwealth Grant.*

" Paragraph 229, page 80, gives an estimate of the above expenditure as £132,417.

" To obtain the amount provided by the non-indigenous population, a deduction of £22,199 obtained from native head-tax must be made. The figure thus becomes £110,218 or £36.7 *per capita.*

" The above does not take into account £12,402 paid into the Native Education Trust Fund by employers of indentured native labour, or the annual grant of £10,000 made by the Commonwealth Government and expended on native welfare. The £12,402 amounts to a further contribution of over £4 a head by the non-indigenous population.

" Some part at least of the Loan Fund expenditure can also be said to be spent in the interests of the natives.

" It should be noted that no proportion of the cost of the undermentioned departments has been charged against this estimate :

	£
Department of the Government Secretary and Central Administration	18,363
Judiciary and Magistracy	4,673
Police and Prisons	14,302
Treasury	38,137
Audit	4,405
Lands, Mines, Surveys and Forestry	22,365
Agriculture	8,878
Public Works	28,621
	139,744

" 4. *A Comparison with the Commonwealth of Australia.*

" The preceding paragraphs have shown the undermentioned facts :

" *(a)* A percentage of 60.3 of the total revenue of the territory is derived from taxation ;

" *(b)* Such taxation amounts to £70.6 per head of the non-indigenous population ;

" *(c)* The non-indigenous population contributes £36.7 per head per year towards native administration and welfare.

" It is interesting to compare these figures with similar taxation statistics for the Commonwealth of Australia, in order to see what responsibilities the settler arriving from Australia has to assume towards the welfare of the native population in return for the privilege of carrying on a vocation in New Guinea.

" The total revenue of the Australian States and Federal Government for the year ended June 30th, 1928, was £180,651,000 (see page 29, *Finance Bulletin*, No. 9).

" The total taxation — Commonwealth and States — for the same year amounted to £87,785,761, or 48.5 per cent of the total revenue.

" The total taxation (direct and indirect) — States and Federal — was £14 1*s.* 7*d.* per head of the population (see page 29, *Finance Bulletin*, No. 9).

" It will thus be seen that the incidence of taxation per head in the mandated territory is £70.6 compared with £14.1 per head in Australia — or five times as heavy.

" The actual *per capita* contribution to direct native welfare expenditure is £36.7 or over two and a-half times greater than the total taxation of an Australian resident in the Commonwealth.

" No account has been taken in the above statement of any expenditure of Loan moneys, some proportion of which, at least, is expended on native administration.

" Commonwealth and States figures are not complete for the year ended June 30th, 1929. A similar analysis of figures for the immediately preceding year in both New Guinea and Australia gives an almost exactly similar result.

" 5. *Taxation under German Administration.*

Year	White population	Total revenue	Taxation	Taxation per head	Subsidy from German Imp. Govt.
		£	£	£	£
1907	529	29,800	10,600	20.0	74,700
1910	687	77,750	42,450	54.5	46,150
1913	968	87,750	47,750	49.3	66,350

" When comparing these figures with the taxation per head in 1929, it should be noted that, in the above, only Europeans have been included. For 1929, all non-indigenous inhabitants were included, less an allowance for Government employees, etc.

" If the *per capita* taxation of Europeans only in 1929 were calculated, it would be found to amount to :

$$\frac{211,711}{2,630} = £80.5$$

" Although the Commonwealth subsidy amounts only to £10,000, compared with the German Government's £66,350 in 1913, the amount spent directly on native welfare and administration is :

	£
	110,218
Education tax levied.	12,402
Commonwealth grant	10,000
Total . .	£132,620

" This amount exceeded the total revenue from taxation plus German Imperial Government subsidy in 1913 (£114,100) by £18,520. No estimate appears to be available of the proportion of the sum above mentioned which was spent by the German Administration on native welfare. It seems safe to assume that 50 per cent would amply cover this. In that case, the amount so spent would be in the vicinity of £52,000 or less than half that being now allocated. "

Lord LUGARD thanked Major Casey. He would read the figures carefully. The calculation must of course be based on the determination of how far each item of expenditure benefited the native and in no way benefited the non-native, and *vice versa*, or to what degree it benefited both.

AGRICULTURE AND DEVELOPMENT OF INDUSTRIAL CROPS.

M. MERLIN noted that seven out of thirteen posts in the Agricultural Department appeared to have been vacant at one time. That was a large proportion. Was it accidental ? If not, what was the reason (paragraph 144) ?

Mr. COLEMAN understood that difficulty had been experienced in obtaining suitable men to undertake duty in New Guinea owing to climatic and other factors. The posts of entomologist and superintendent had now been filled. In the report for the previous year, it was pointed out (page 21) that a reorganisation and a reclassification of the staff was taking place. Following on that reorganisation and reclassification, it was reasonable to assume that the vacancies would be filled in due course.

M. MERLIN asked what courts dealt with cases relating to the Copra Ordinance, 1928 (paragraph 147).

Mr. COLEMAN replied that they would be brought before the district courts.

M. MERLIN wondered whether the district courts were competent to deal with this essentially agricultural matter.

Mr. COLEMAN replied that under subsection 4, paragraph 7, of Ordinance 9, of 1928, if the owner of any copra condemned under that section were dissatisfied with the decision of the inspector, he might apply to the district court for an order calling upon the inspector to show cause why it had been condemned. The district court heard such evidence as might be relevant to the question and made such provisions as seemed just. Experts were called in, if necessary.

M. MERLIN asked whether the new agricultural school was largely attended and how it worked (paragraph 180).

Mr. COLEMAN said that the trainees were recruited from the following districts : Aitape, 5 trainees ; Madang, 1 trainee ; Manus, 3 trainees.

Mr. CHINNERY added that the agricultural school was established for the training of natives in intensive methods of cultivation, which it was hoped would in time replace the present method of shifting cultivation. It had so far been difficult to induce natives to come in for training.

Lord LUGARD asked what were the " specified products " on which bounties were payable under the Papua and New Guinea Bounties Act 1926 (page 122). Did the natives benefit by these bounties ?

Mr. COLEMAN replied that bounties were given on cultivated products. The natives were being encouraged, as part of the economic policy, to grow economic crops, and the bounty was intended, in the first instance, to encourage the development of non-indigenous products, such as kapok, etc. The Act made no discrimination in regard to native products. It simply

said that the total amount of the bounty falling to be paid in any one year should not exceed the sum of £25,000 and that the benefits should be payable on certain products mentioned in the schedule.

M. SAKENOBE pointed out that according to the explanation given in the report the object of the Act was to provide an incentive for the cultivation of certain economic crops. The bounties were granted to the exporters and the goods must be exported to Australia. He would like to know, if the object of the act was to encourage cultivation, why the bounties were not granted to the agriculturists instead of to the exporters. How did they benefit the agriculturists and how was production encouraged ?

Mr. COLEMAN explained that the provisions of the Act were in conformity with the general policy adopted by the Australian Government in the payment of bounties, which were extensively granted in Australia. The basic principle was that the exporter was able to obtain a higher price. After all, the buyer of the raw products took all the risk of subsequent sale, and the Australian Government thought the principle was a sound one and not likely to act to the detriment of the natives.

M. SAKENOBE appreciated the motives which had led to the adoption of the bounties system. The fact, however, that the object of the Ordinance was not very well attained was shown by the statistics, at any rate so far as cocoa beans were concerned which was, in his opinion, the only product receiving bounties at the moment. The production had not increased and the export had even decreased.

Mr. COLEMAN pointed out that in the past copra had been such a profitable and easily grown product that there had been little incentive to embark upon other forms of cultivation. Since the slump in copra, there was undoubtedly an impulse towards growing other crops. There had been extensive enquiries into the conditions under which bounties could be obtained, but presumably they were not attractive, since very little use had been made of them.

M. SAKENOBE pointed out that a considerable amount of rice was being imported and asked if the cultivation of rice was under consideration.

Mr. COLEMAN said that rice was the staple diet of the indentured labourers, and the Oriental population consumed a large quantity. The production of rice cultivation in the territory was under serious consideration. Rice was grown in large quantities in Australia itself.

M. MERLIN would like to know how the communal village plantation system worked (paragraph 188). Was the produce divided among the villagers by the chief ?

Mr. CHINNERY said that the district officers encouraged the people in each village to plant coconut palms, pointing out to them that, in time, the latter would yield a good return which would enable owners to purchase any articles they required. Each individual planted his own coconuts and owned them. They were inherited by his descendants under the ordinary rules of inheritance. The leading man of the village had no right to anything but what he produced himself.

The arrangement was communal to the extent that the natives helped one another and shared the produce just as they shared other things among themselves.

The travelling inspectors and instructors of the Agricultural Department constantly visited village coconut groves and advised the natives on planting, on dealing with pests, and other matters affecting the value of the groves.

M. MERLIN asked what results had been obtained from the introduction of birds for controlling insect pests.

Mr. COLEMAN said that the entomologist was at present in collaboration with the Director of Agriculture in regard, among other things, to the desirability of importing certain birds with the object of reducing parasites. The whole question of parasitical diseases was being reviewed. He added that the Commonwealth of Australia had created an extensive scientific organisation known as the Commonwealth Institute of Scientific Research, with a staff of highly-trained scientists, to whom the peculiar problems of New Guinea would subsequently be referred.

The Planters' and Traders' Association of New Guinea had submitted to the Administrator of the mandated territory for transmission to the British Empire Marketing Board an application for the temporary attachment to the Administration of scientific officers for research purposes.

MISSIONS.

M. MERLIN asked why there was no information from the Roman Catholic Missions.

Mr. COLEMAN replied that there was no lack of co-operation on the part of the Roman Catholic Missions. He assumed that the return was not available when the report was compiled.

Exports to France.

M. Merlin wondered what was the reason for the sudden development in the exports to France, figures for which were shown for the first time. There was the same phenomenon in shipping.

Mr. Coleman pointed out that direct steamship services between French ports and New Guinea had recently been established, whilst the New Caledonian service also called at Rabaul. It was a reasonable assumption that France previously obtained through Australia or other channels copra which was now shipped direct.

SEVENTH MEETING

Held on Tuesday, June 24th, 1930, at 10 a. m.

New Guinea: Examination of the Annual Report for 1928-29 (continuation).

Mr. Coleman and Mr. Casey, accredited representatives of the mandatory Power, and Mr. Chinnery came to the table of the Commission.

Judicial Organisation.

M. Ruppel drew attention to the fact that, from the statistics appearing in paragraphs 13, 14 and 15, it would appear that more than 400 non-indigenous inhabitants of the territory had appeared before the courts in the year under review. This figure represented more than 10 per cent of the total non-indigenous population. Out of a total population of 340,000, 3,000 natives, or less than 1 per cent, had been before the courts. Did this not seem to show that the white population had not any very great respect for law ?

Mr. Coleman agreed that the percentage of non-indigenous inhabitants who had appeared before the courts was somewhat high. He had no definite information as to the cause, but an analysis of the figures would show that a fair proportion of the cases appeared to be of a minor character. Details would be furnished in the next report. He would, however, emphasise the fact that the Administration was tightening up police supervision in every direction, which meant that in a case in which the provisions of an Ordinance were broken or misconduct was committed, proceedings followed at once. The Commission should also remember that a gold rush to New Guinea had taken place, with the result that a percentage of adventurers might have entered the territory.

M. Ruppel said that in the *Public Service Bulletin*, No. 4, January 1930, published by the Public Service Association of New Guinea, reference was made to a certain action on the part of the police. The result was that proceedings had been taken in the court against a senior police officer for assault and wrongful imprisonment. Judgment had been given against him and the Administration for £100 and £20 costs respectively. The amounts would be a charge against the public funds. Was any further information available ?

Mr. Chinnery gave certain explanations *in camera*.

M. Ruppel enquired whether the fines in question had been paid out of public funds.

Mr. Chinnery was unable to say whether this practice had been followed in the case in question.

Mr. Coleman said that, if a police officer in the discharge of his duties committed a technical offence, it was only right that the costs should be met out of public revenue. In British jurisprudence, assault might often be a purely technical offence, and this might have been so in the present case. In law, it was justifiable to bring an action for damages in such cases.

M. Ruppel noted that there was very little information available regarding prisons (paragraphs 279 and 280). He asked for more details in the next report, especially in regard to their number and the health conditions in them.

Mr. Coleman undertook to supply the information desired.

Lord Lugard said that it had been pointed out that the High Court of Australia was the only court available for appeals from the territory. Was there any possibility of establishing

a court of appeal in the territory itself, for it was maintained that the cost of appeal to the High Court of Australia was so high as to make it, in practice, almost impossible for anyone to lodge an appeal.

Mr. COLEMAN replied that the observations to which Lord Lugard was referring concerned a deputation which had appeared before the responsible Minister. The practice in the territory was that a convicted person could appeal from the district officer to the central court of the territory. An appeal from the central court had to go before the High Court of Australia. It was a very debatable point, in view of the present development of the territory, whether the Australian Government would be justified in incurring the expense of setting up a special court of appeal in the mandated territory. In Australia the right to appeal to the High Court was regarded as of great value, and persons resident in the mandated territory might raise objections if that right were removed and a new appeal court established. More information would be given in the next report.

Lord LUGARD replied that in many Crown colonies, local appeal courts had been established, consisting of the Chief Justices of neighbouring territories sitting as a full court. Could not some such system be adopted in New Guinea and Papua ?

Mr. COLEMAN agreed that perhaps some such system would be possible. An appeal court thus constituted could deal with cases from Papua as well as from New Guinea.

Lord LUGARD asked what were the functions of the courts for native affairs mentioned in paragraph 15.

Mr. CHINNERY replied that there were two lower courts in the mandated territory, a district court which dealt with general offences and European offences, and a court for native affairs, dealing purely with native matters. No native assessors sat as yet on that court, which was presided over by district officers and dealt purely with minor offences. The jurisdiction of both courts was set out in the Ordinances.

Lord LUGARD enquired the difference between " murder " and " wilful murder ", and in what the offence of " being in possession of property suspected of being stolen ", mentioned in the list of offences on pages 14 and 15, consisted.

Mr. CHINNERY, in reply to the latter part of the question, said that the latter offence would, among other things, cover the case of natives caught outside their dwellings in prohibited hours with European property upon them which obviously did not belong to them. When they refused to say how they obtained it, they were brought to court.

Mr. COLEMAN, in reply to Lord Lugard's first question, said that, as far as he knew, there was no distinction between murder and wilful murder in the legislation of New South Wales. The definitions would no doubt be found in the New Guinea Criminal Code.

Count DE PENHA GARCIA enquired in what the offence " neglected to plant crops " consisted (paragraph 15).

The CHAIRMAN (M. Van Rees) thought that this heading covered offences against the Ordinance requiring natives to plant crops for the production of food for their consumption.

Mr. COLEMAN agreed. He would submit the text of the Ordinance.

STRIKE OF JANUARY 2ND AND 3RD, 1929.

M. RAPPARD was somewhat bewildered by the information given concerning the strike (page 107) which had occurred on January 2nd and 3rd, 1929. It would appear from the *Anti-Slavery Reporter and Aborigines' Friend*, of July 1929, that twenty-one of the defendants had received the maximum sentence of three years' imprisonment, and six others from thirty to thirty-three months' imprisonment with hard labour. It seemed to M. Rappard that the crime of these persons had hardly been well defined.

Mr. COLEMAN said that he was unable to interpret the mind of the Administration in this matter. A good deal of excitement, however, had been caused, and had strong measures not been taken, serious consequences might subsequently have occurred. This was the first occasion in which there had been a serious outbreak. Anyone knowing the psychology of the natives would certainly have taken strong measures in order to prevent a recurrence of the trouble.

Mr. CHINNERY said he was in Bougainville at the time. He understood, however, that the " boys " (indentured labourers) of Rabaul had gone on strike. Usually, such an event could not have happened because the police would have warned the authorities of the impending disturbance. In this case, however, most of the police had joined the strikers. The circumstances of the strike were fully explained in the report. When the time had come for adjusting the situation, the police naturally had been severely punished because of the serious nature of their

offence. In addition, a few leading strike-makers had also been sentenced under the provisions of the Criminal Code dealing with cases of conspiracy.

M. RAPPARD understood why it was necessary to punish the police severely. It appeared, however, that some two hundred had been arrested. Were the police so numerous in the territory that it was possible for so large a number to be arrested by their colleagues ?

Mr. CHINNERY replied that the police were arrested without difficulty and were now serving their sentences in various parts of the territory. Rabaul was a training centre for the police. Special police had been enlisted for duty during the period.

M. RAPPARD asked why it had been necessary to pass such severe sentences on the strikers.

Mr. CHINNERY replied that only the ringleaders had been sentenced. They had had no real reason for striking. One of the leaders, for example, had been a " boy " in receipt of £7 or £8 a month as wages.

M. RAPPARD continued to think that three years' hard labour was severe.

Mr. CHINNERY replied that he had no official information as to the sentences imposed.

Lord LUGARD observed that the persons concerned had been tried by the magistrate in Rabaul. Had no appeal been made against his sentence ?

Mr. CHINNERY said that in all native cases before the central court and serious cases before a district court the native defendants were defended either by counsel paid for by the Administration or by a competent officer of the Native Affairs Department. In the case in point this procedure had been followed. The persons defending the " boys " could therefore have appealed on their behalf. The Administrator had the right to receive petitions in regard to any sentence imposed by the central court, and had the power to modify such sentences.

Mr. COLEMAN regretted that the information at his disposal did not allow him to give a comprehensive reply in regard to the alleged severity of the sentences. He realised the seriousness of the case in view of the publicity attending it. He would take special note of M. Rappard's observations and give details in the next report.

Mr. CHINNERY pointed out that the European population in Rabaul was very small and consisted of men, women and children, whereas there was a native labour force of about 3,500, who could very easily be worked into a frenzy by agitators. Strictness was therefore essential. If native agitators were to be allowed to create an inflamed public opinion against Europeans, a very serious situation might arise. The strikers in the case in point had had no reason at all for striking. They had merely been prevailed upon by a few agitators, and had left their work with the object of seeing what was going to happen. So fruitful a field, however, did they provide for agitators that they might easily have been turned into a mob of potential murderers. A severe sentence therefore upon the agitators would probably prevent future riots.

As a district officer, he had been compelled frequently to deal with agitators, who were usually cunning men, ex-labourers, returned to their home villages in search of power. He had known cases in which a native agitator had, within a week or two, succeeded in transforming several villages of peaceful ancestor-worshippers into a mob of hysterical individuals offering a fantastic ritual to a supreme being, of whom the agitator was the sole earthly representative. It was quite possible for an unscrupulous native agitator to inflame three or four hundred usually peaceful persons and make them capable of murdering anyone. The sole motive of the agitators appeared to be a desire for power and, with it, personal gain.

Outside influences had also been at work. For example, natives from the West Indies, firemen on board ships passing through Rabaul, had jeered at the local natives and taunted them because they worked for such low wages. Passing white seamen had also taken a hand in promoting the disturbances by saying the same thing. It had been impossible to deal with these outside agitators, as ships only remained two or three days at Rabaul and then went away.

Mlle. DANNEVIG asked whether the " boys " who had struck had been under the influence of missionaries in the mission schools, or whether they had come for the first time into contact with the white man when they had begun their term of labour.

Mr. CHINNERY said most boys employed had already come in contact with the missions and had attended mission schools. Every facility was allowed them to attend divine service in Rabaul, where each denomination was established.

Mlle. DANNEVIG concluded that the boys were very easily influenced.

Mr. CHINNERY replied that the missions had a very great influence, but, whether natives were mission-trained or not, they were capable of being swayed by any exciting influence.

POLICE ORGANISATION.

M. RUPPEL asked what measures had been taken after the strike to fill the vacancies caused by the dismissal of two hundred police. The total number of the native police force was, he noted, 535. Had nothing been done to increase their reliability ?

Mr. CHINNERY replied that the usual method of recruiting police was for headquarters to instruct district officers to recruit police for general service in the territory. The district officer then invited certain men to enlist. Candidates presenting themselves were examined and, if found suitable, were signed on. This had been the procedure in the case in point. Sometimes difficulties were experienced in obtaining recruits.

To guard against further disturbances in the force, the Administration was making every effort to bring European police officers into close personal touch with the rank and file, so that the police themselves would not be too completely under the sway of their native non-commissioned officers. The police were trained in general duties and drill. Formerly, this training had taken place at Rabaul. Now, however, police were trained in the district headquarters, and the base at Rabaul was used chiefly for the training of non-commissioned officers.

Mr. COLEMAN said that a school for non-commissioned officers had been established at Rabaul.

M. SAKENOBE hoped that the training would be moral and intellectual, for, as the present case showed, the police seemed quite unconscious of their position and their heavy responsibilities.

Mr. COLEMAN said that this fact was to be explained by the psychology of the natives. They were very easily affected by mob hysteria, though in this they were not altogether an exception. Even people in highly civilised countries sometimes became infected by the same spirit. If those outbursts had been recurrent, criticism would be justified. The disturbances, however, had been purely isolated and had been due mainly to a lack of understanding between the higher officials and the junior ranks. This had now been remedied. It was very necessary for the senior officers to keep in constant touch with the natives in order to realise their grievances.

Mr. CHINNERY said it was never possible to know how a native would react. To give an example. Once when on a patrol, he was washed away in a swollen river with two mountain natives who could not swim. He himself was a strong swimmer, but the natives in question would have been drowned had they not held on to him until help arrived. A few weeks afterwards, one of the natives in question offered him a fat pig as an expression of gratitude. The other, however, in a moment of greed, stole Mr. Chinnery's dog and ate it.

ARMS AND AMMUNITION.

At the request of M. Sakenobe, Mr. COLEMAN undertook to furnish in the next report the number of different arms registered in the territory.

SOCIAL CONDITION OF THE NATIVES.

Lord LUGARD said that there was very little information on this subject in regard to the islands ; some of them like New Britain with the capital at Rabaul were very large and important. Could the next report contain information as to native welfare in the islands, which numbered 600 in all ?

Mr. COLEMAN said that the mandatory Power would do its best to supply the information desired. It had not entered into greater detail in regard to the matter because it had not wished to overload the report.

LABOUR. RECRUITING.

M. ORTS recalled that the accredited representative, in his general statement, had stated that the Administration disliked having recourse to forced labour for public works. On the other hand, when a member of the Commission had urged the necessity for opening up roads to hasten the development of the territory, the accredited representative had replied that there was no labour available for this purpose, and that the mandatory Government did not wish to have recourse to forced labour. What was the reason for this attitude on the part of the mandatory Power in view of the fact that the mandate itself authorised forced labour for public works ?

Mr. COLEMAN replied that the matter was one of policy. When the New Guinea Act had been presented to the Australian Parliament in 1920, a provision had been included in it allowing forced labour for public works. Parliament in its wisdom had deleted this provision, and, by the terms of the Act, forced labour was therefore specifically prohibited.

The Australian Parliament had probably been actuated by motives of humanity, as forced labour was unknown in Australia. The Administration of New Guinea had repeatedly applied to the Government, asking that it should be allowed to enforce this provision of the mandate, but all Australian Governments since 1920 had refused this permission, and it was very unlikely the present Government would have recourse to the practice. He said this with the greater confidence because he had been instructed by his Government, when attending the International Labour Conference, to support any Convention for the suppression of forced labour in all its forms.

The CHAIRMAN said that it certainly would not be for the Mandates Commission to criticise this attitude of the mandatory Power.

M. MERLIN enquired how labour was recruited in the mandated territory.

Lord LUGARD said that he had asked some questions last year regarding abuses in recruiting labourers for the goldfields, in consequence of the severe strictures passed by the chief judge. To those questions he had received a satisfactory reply, namely, that an enquiry had been held and those responsible had been punished. Mr. Grimshaw also read what he termed a " very distressing passage " from the report of the Mission Conference, and the accredited representative had said that he would draw the attention of the mandatory Power to the matter.

No information, however, was given in the reply on page 123 of the report for 1928-29 as to whether the charges made were true, and what action had been taken to put an end to such practices. Reference had just been made to the fact that the Mandatory prohibited forced labour, even for works of urgency. In an article in the *Sydney Morning Herald*, of November 22nd, 1929, " by an Ex-President ", describing the usual method of recruiting, it was stated that, as soon as recruits were engaged, they were " put under a guard to prevent them deserting ". Was this statement accurate and were recruiters allowed to take armed guards with them ? Was it the case that £25 per recruit was paid. Again, were the majority of recruiters very uncrupulous Chinese, as stated in a brochure by an American writer, Mr. L. H. Evans (" New Guinea under Australian Mandate Rule ", page 16) ?

It was stated in the annual report, paragraphs 14 and 20, that the annual number of desertions had been 1,768, or about 6 per cent of the total number recruited. This seemed to show that the natives were not willing workers.

In Section 23 of the annual report, it was stated that there were married women who accompanied their husbands. Were labourers encouraged to bring their wives as recommended by the conference between the officers of the New Guinea Administration and the representatives of the missions ? The conference had recommended that, on the completion of labourers' contracts, they should be returned to their homes, instead of being left at Rabaul to spend their money.

The term of indenture — three years, or two in the mines — seemed very long, especially if a man were separated from his wife and family throughout that period. It was difficult to reconcile such a term of indenture with the declared object of the mandatory Power to encourage village life.

It appeared that private employers were required to house their men, and Lord Lugard was glad to see that the Government was now taking steps to do the same for Government employees at Rabaul, as the result of the general strike. The *Public Service Bulletin* maintained that hitherto natives working for the Administration had had to erect shelters for themselves. Were there any regular labour camps with proper huts and sanitation for labourers elsewhere than at Rabaul ? Had hospitals been establised at the mines ?

What progress had been made towards the system of " free labour " viz., without indenture ? A series of articles in the *Sydney Morning Herald* had stated that a new Labour Ordinance was in contemplation, by the terms of which the indenture system would be abolished, and labourers only be recruited with their wives. Was there any hope of an early enactment of such an Ordinance ?

Mr. COLEMAN explained that Mr. Evans had taken this information from various reports. He submitted that everyone was subject to such criticism. He felt bound to give at some length the Administrator's considered reply to the statement made in the article in question. Certain points raised by Lord Lugard in regard to labour would also be dealt with.

Mr. Coleman then read the following letter from General Wisdom :

" I have before me a pamphlet named ' New Guinea under Australian Mandate Rule ', written by Luther Harris Evans, and reprinted from the *South-Western Political and Social Science Quarterly*, of June 1929, Austin, Texas.

" It is possible that some of the allegations and statements made in this pamphlet may be brought forward by the Permanent Mandates Commission, and, should this happen, my comments, as set out herein, will enable the accredited representative to reply to any queries arising out of the matters in question. The pamphlet itself is returned herein, together with External Affairs File No. 8.

" I do not desire to comment on the introductory portion on pages 1 and 2, although it seems to me that some of the conclusions are not warranted by the facts.

" In regard to statements contained in the final paragraph on page 11, and the first two paragraphs on page 12, the system of official headmen or Luluais and Tultuls is suitable to the state of advancement of the natives. No comparison is possible between our natives and the much more advanced Samoans. The Administration does appreciate to the full the responsibility towards the natives. It needs no special ' urge '. It realises its duty under the mandate, which is explicit, and is doing it to the best of its ability and resources.

" With reference to the opening paragraphs of Part II of the pamphlet, the necessary and desirable presence of Europeans does not complicate the problem of government. As a matter of fact, it simplifies it. The problem of promoting to the utmost the moral and material wellbeing, and the social progress of the inhabitants, would be impossible of solution without economic *progress*, and it is to the judicious and carefully controlled progress *of the white* residents we must look for this.

" The safeguards of native interests have been well considered, and are carefully enforced, as the economic development by the white residents must take in its train not only the economic progress of the native, but a general improvement in his conditions.

" It would seem here that the writer is following an ideal which has been put forward by certain missionaries and anthropologists from earliest times that the natives should be surrounded by a ring fence, inside which only missionaries and scientists should be permitted, and that the natives should continue to live in all their primitive conditions and never take any part in the economic life of the territory. The economic development of the territory is quite compatible with the wellbeing of the natives. In fact, material welfare and social progress cannot be promoted to the utmost without such development.

" That the territory is developed in the interests of the European population is absolutely incorrect, as is made quite evident in our laws specially devised for the well-being of the natives ; in our medical arrangements, and in our field organisation, and in many other ways. It may be noted that most of the criticism of our Administration has been to the effect that we do too much for the natives.

" The immediate and ultimate benefit of the natives has always been kept in view in our dealings with economic matters. Our protection of native interests regarding the purchase of land shows conclusively that native interests take first place.

" On page 14 will be found a reference to the profit earned by the New Guinea Trade Agency being paid to the revenue of the Commonwealth. The ' apparently adequate explanation ' was proved ' absolutely adequate ' by the fact that the surplus over the cost of the Agency was returned *pro rata* to those concerned.

" At the foot of the same page it is stated ' only Australian ships were allowed to trade with New Guinea '. This is not so. It is true that only Australian ships could trade between Australian ports and the territory. This was all changed when the Coastal Shipping Clauses of the Navigation Act were repealed so far as this territory is concerned. The change was in no way due to any criticism in the Mandates Commission.

" The statement, that ' the territory has been a haven for a number of retired veterans ' on page 15, is absolutely false, and without any foundation or authority whatever. It is useful, however, as indicating the bias of the writer and the trend of his criticism, also the lack of care or scruple in ascertaining facts.

" I quote from the same page ' darkness is apt to veil important happenings '. What darkness ?

" The next paragraph refers to recruiting and native labour.

" On my arrival in 1921 most of the plantation recruiting was done by Chinese, a system continued from the German régime. On learning of the undoubted abuses practised by the Chinese recruiters, all licences held by Chinese were cancelled and measures were taken to supervise recruiting to the utmost. The abuses ceased, and there have been only a few sporadic cases since. These have been drastically dealt with, and recruiters now realise that it does not pay to play tricks on the natives.

" It is quite wrong for the writer to assume that sufficient labour could not be obtained except by foul means. As a matter of fact the needed labour was obtained the more easily

as the conditions on plantations improved under Administration action, and by purely voluntary recruitment.

" It cost, however, the recruiter, and consequently the employer, more to get labour. The opening up of new country also largely helped.

" I have not before me sufficient data to enable me to make a comparison of the death rate as between the native labour of this territory and that of other countries and British dependencies. I note, however, that the writer first states ' the death rate among recruited labourers *appears* to be *rather* high ', and then immediately afterwards he assumes it *is* a high death rate by referring to ' the high death rate '. He makes no comparisons with other places.

" Comment is also made on page 17 on the ' high ' rate of labourers who desert their work. The report for the year 1928-29 shows deserters apprehended as 830, and the number of deserters unapprehended on June 30th, 1929, as 938. It must be remembered, however, that a proportion of the 830 deserters apprehended would be men who deserted during previous years, and that the 938 deserters unapprehended on June 30th, 1929, also includes natives who deserted during previous years. A figure which gives a more reliable basis to work on is the number of convictions for desertion as set out in the report mentioned above, namely, 393. The total of unapprehended natives is a paper one only, as, beside being spread over a period of years, it has been found in districts that a percentage (up to 80 per cent) of reported deserters continually return to work within a few days from the time of ' absenting themselves without leave '. The employers lodge notices of desertion and when the labourers return, fail to withdraw them, thus swelling perpetually the ' unapprehended ' figures. Measures are being taken to reduce this fictitious figure.

" The total number of labourers on June 30th, 1929, was 30,325 and the convictions for desertion were, as already stated, 393, so that the proportion of convicted deserters to labourers would be slightly over 1¼ per cent. In many instances primitive natives run away on account of a quarrel with a fellow-labourer or for some (to us) trivial reason. The figure scarcely indicates lack of proper care and treatment.

" The spirit in which the pamphlet is written cannot be more clearly indicated than by the first two paragraphs on page 18. In the first, details are given of certain disciplinary punishments in vogue during the Military Occupation, yet in the second bare mention is made only of ' improvements ' to the labour law, without any detail, and with the final remark ' otherwise the conditions of labour remained, in the main, those established, under the provisions of the 1920 Ordinance summarised above', thus leaving it to be inferred that the old disciplinary punishments were still in force. This is not so. Such punishments were abolished by the first Native Labour Legislation made under civil administration, and since then the sole disciplinary punishment left in the hands of the employer is a stoppage of the tobacco issue to the labourer, and this only under certain safeguards.

" On page 18 I find — ' the recruiting of labourers in some districts has been stopped because of the depletion of the number of able-bodied males '. This distorts the real position. We lay down a rough proportion of males and females — when that is reached, we stop recruiting. The closing sentence of the same paragraph is mere assumption, without any knowledge or authority.

" As for the remarks on the voluntary recruiting system, labour contracts and free labour, on page 19, the recruiting system is purely voluntary, as voluntary as it can be made ; the man is an absolutely free agent, and our district staffs see that it is so.

" Free labour, so called, is encouraged wherever possible, but no one having any authority to express an opinion has, so far as I am aware, denied that for a time the contract system must continue.

" Our health policy is the direct opposite to that as set out at the foot of page 19. During the year 1928-29, the amount expended by the Public Health Department for the welfare of the natives was over £51,000, whilst the expenditure which may be regarded as the cost of maintaining medical services for Europeans, over and above the amount of hospital charges, etc., paid by Europeans, was £3,500.

" In connection with the third last paragraph on page 30, there has been considerable opening up of new country and consolidation since the inception of civil administration. However, with our system of peaceful penetration, and our policy of not opening up country unless we can follow this up by establishing administrative control or influence over it, progress in this direction is necessarily slow."

Lord Lugard remarked that he had made no reference at all to Mr. Evans' brochure except to the one statement that Chinese recruiters were employed. He was glad to hear that this

had been stopped long ago. His questions had been either put with a view to obtaining information regarding passages in the report or based on statements made in reportable Australian papers. He was glad to hear that the figures in the report regarding desertions were " fictitious " and misleading.

In reply to the specific points raised by Lord Lugard, Mr. CHINNERY said that he had fully explained the policy of native labour, treatment and control in 1926 at a meeting of the International Health Conference held at Melbourne, the results of which had been published, and at which Dr. Norman White, of the League of Nations medical staff, had been present. The report, which dealt with the matter very fully, could be placed at the disposal of the Commission.

With reference to the question regarding the troubles on the goldfields, Mr. Chinnery said that, in the early days, there had been a great deal of ill-health among the labourers, and food had had to be taken up to them, as well as medical stores. Much difficulty had been experienced in securing and maintaining labour and this had resulted in the setting-up a few years previously of a Royal Commission, which had considered the matter fully and made certain recommendations. As a consequence, one officer and several recruiters had been punished, as had already been reported to the Commission.

The position on the goldfields at present was that no loads or stores were carried up at all, all the transport being done by aeroplanes. If natives walked from the coast to the goldfields, they did so without any load, except their food for the journey. Most of them were taken up and down in aeroplanes.

The condition of the labourers on the goldfields was good. Each man employing labour realised that the boys were a great asset to him, and he took special care in their treatment, in the hope of inducing them or their friends to re-engage with him.

The Ordinance made special provision for the treatment of labourers on the goldfields on account of the climatic conditions there ; the boys had singlets and all kinds of special food ; their pay was higher than that of ordinary labourers.

As to recruiting, there were no Chinese recruiters ; no licences were issued to Chinese. In the early days of the goldfields, when men were anxious to start work, large sums used to be offered to attract labourers to recruit ; in some cases recruiters were paid about £20 per boy. That had now been modified, and the present price for a labourer working on the goldfields did not exceed £12. So far as the rest of the territory was concerned, the ordinary price for a three-years labourer was about £10.

If a man wished to become a recruiter of native labour, he applied to the district officer of the division in which he happened to be. The district officer went into his application, made enquiries about the man, if unknown to him, and recommended that the Commissioner for Native Affairs should either approve or reject the application for a licence. The Commissioner for Native Affairs usually acted on the district officer's advice unless he had doubts about the applicant. In recent years consideration had been given to the moral character of the recruiter, and every precaution was taken to see that recruiting licences did not fall into the hands of unscrupulous people. Each recruiter had to provide a guarantee of £50 for good behaviour, and that made the people giving these guarantees careful as to which individuals they supported.

Each village in the territory under control — and these were the villages to which recruiters went to look for labourers — had an administrative staff of two natives and a medical staff of one native. If the recruiter went into a district and attempted to get boys by unfair means, it was a simple matter for the administrative staff, who were constantly in touch with their district officer, to go quickly to him and report the proceedings.

Assuming that the recruiter induced the boys to recruit by fair means, they were taken to the nearest district officer, accompanied by the recruiter, who on the prescribed form wrote out the contracts by which the boys would be bound, and took the boys before the medical officer. The latter ascertained the nature of the work, studied the physique of the boys, and if the latter were suitable for the work in view, he endorsed their contracts, " physically fit ". If a boy were not suitable, the medical officer might recommend light labour, or, if obviously unfit to work, reject him.

Lord LUGARD asked whether the recruits were put under guard as stated by the " Ex-President " in the *Sydney Morning Herald*.

Mr. CHINNERY replied that there was no guard at all. Any sort of guard would come under the definition of coercion. Men going into the Bush were armed with shot guns as the territory abounded in game, but in every case reported to the Government in which recruiters had gone into the native villages armed and had used any form of coercion, the culprits had been punished and their licences taken away.

Once the recruits had passed the medical officer, the district officer took every precaution to see that they had been fairly recruited, that they understood the nature of the work

and the period of their contracts. The recruits having passed the district officer, the contracts were duly concluded, and the boys went to their place of employment.

While at the place of employment, they were inspected at regular intervals by the district officers and inspectors, and every precaution was taken to see that, from the moment they left their homes, the boys were properly looked after by the employer. There were of course cases of evasion, but the district organisation was very comprehensive and it was almost impossible for a recruiter to do anything underhand and escape unnoticed.

The natives, of course, sometimes changed their minds. Mr. Chinnery had frequently induced natives to carry his stores when he had been entering a new country or patrolling certain native districts, and on many occasions, natives, who had been willing to come with him, had thrown down his baggage and left him after they had carried for him for an hour or two. The same thing happened with recruiters. A boy might be perfectly willing to be recruited and then, half-way to the district officer, would change his mind and run back to his village. But if, in a case of that sort, the recruiter were to use force, it would be an offence against the Ordinance and, once detected, would be punished.

The policy of the Government in regard to the recruiting of women was to encourage it, and many employers liked to get married labourers. A great many of them made special provision for families ; they had separate compounds on the plantations where married men brought up their families and were allowed to have a small plot of ground on which to grow native food.

Lord Lugard understood that women were not recruited. He had referred only to the question of married men bringing their wives with them.

Mr. Chinnery replied in the affirmative, but added that, if the woman wished to work as well as her husband, in certain cases she was allowed to do so. There was, however, no such thing as the recruiting of women apart from their husbands, except that a single woman might be signed on with a European woman to do, for instance, housework.

Lord Lugard asked what was the length of the term of indenture.

Mr. Chinnery answered that the full term of indenture was three years, and it had been the policy of the Government to see that the labourers were returned at the end of that time. Amendments, however, had recently been made allowing a boy to re-engage, if he wished, for a further period of two years.

Lord Lugard asked whether there was any chance of the new enactment being carried out abolishing the indenture system.

Mr. Chinnery thought that, until the natives came to realise the need for money, and until they took more interest in, and developed a greater need for, work, it would be impossible to rely on universally free labour.

The labour camps in all parts of the territory were constantly inspected. The plantations and other places where labour was employed were at no great distance from the headquarters of the Government Station, and the district officers themselves were constantly moving about amongst them. In addition to the district officers, there was a staff of district inspectors, whose duty it was to inspect the work of the district officers to make special inspections of plantations and to send reports thereon to the Commissioner for Native Affairs. These inspections by the special officers were most minute ; the condition of dwellings, etc., was fully reported.

It was not advisable to limit recruiting to married people only ; it would be impossible to get the number of recruits required for the territory. Frequently, a man might be quite willing to work but did not wish his wife to go with him. The choice had to be left to each individual ; if a man wished to take his wife and the employer wished to employ the couple, the wife went with her husband and every provision was made for her.

Some employers of labour had not the slightest difficulty in recruiting in the same districts time after time, and had no desertions ; others, although their conditions might be good both as regarded work and the treatment of the labourer, did not appear to have the same success. It largely depended on the employer and on the overseers who worked for him. In the copper mines there had been a thousand labourers and not one boy had ever been lost by desertion. In other places, where the conditions of work were just as favourable, boys deserted frequently.

Lord Lugard thanked Mr. Chinnery for his admirably clear and exhaustive account. Such a statement from an official who had personal knowledge should go far to set at rest all doubts and suspicions. The conditions described by Mr. Chinnery were excellent. He ventured to suggest that the term " casual labour " should be substituted for " free labour ", for the latter term led persons unacquainted with the facts to imagine that labour other than " free labour " was compulsory.

Lord Lugard pointed out that the annual report contained no heading dealing with labour questions and reminded the accredited representative that a chapter on native labour had been promised previously. He suggested that the annual report should follow the subject headings and in the same order as was adopted by the Permanent Mandates Commission in putting its questions.

Mr. Coleman replied that he would make a strong recommendation to that effect.

M. Merlin welcomed the mandatory Power's intention to dispense with forced labour for public works, but pointed out that in a territory where there were no public works, it was easy for the Government to renounce the idea of forced labour. From his knowledge of conditions in similar territories he could say that, however closely the Government supervised recruiters of native labour, there were bound to be a number of labourers who had been recruited unwillingly. The recruiters would always attempt to circumvent the Government's Ordinances by deceit and other means.

Mr. Coleman pointed out that there were certain public works in the mandated territory, for instance, roads, wharves, district offices, courts, hospitals, etc. Human nature being imperfect, there were sure to be a certain number of abuses. The Government endeavoured to attain its object by means of ordinances, but it was always possible, of course, for these to be disregarded or circumvented.

Count de Penha Garcia said that it was possible that the Administration might be satisfied with the present position in regard to native labour, but he wondered whether the Mandates Commission could quite share that satisfaction. He wondered too whether the natives were satisfied. It appeared that in the previous year as many as 6 per cent of the native labourers deserted, and it was a curious fact that more than half of the deserters had even escaped capture. The number of desertions was very enlightening as regards the voluntary nature of the contracts. It appeared that one-third of the male population under effective control were natives working under labour contracts. That fact was worthy of the Commission's attention.

There was one point to which Count de Penha Garcia wished to draw the attention of the accredited representative. He referred to the increase in the mortality rate among the natives, especially in the Morobe district, that was to say, in the goldfields, where the rate had risen sharply. He merely desired to call the mandatory Power's attention to the fact that health conditions did not seem to be entirely satisfactory and to suggest that the Government might consider whether special measures were not needed to improve health conditions generally and more particularly in the district of Morobe.

Finally, Count de Penha Garcia asked whether natives were still recruited on nine and twelve-year contracts, as had previously been the case.

Mr. Chinnery replied that all contracts were for three years. After the completion of the first three years, a native might, under certain conditions, renew his contract. Those natives who in former days had been absent from their homes for twelve years had renewed their contracts every three years.

Count de Penha Garcia drew attention to the statement in paragraph 19 :

> " The term of a labourer's contract for his first service is three years. For second and subsequent terms . . . he may be signed on for any period up to three years. "

It appeared accordingly that renewed contracts were for periods of three years.

Mr. Coleman pointed out that there was a special exception for renewed contracts of three years —, namely the condition that the labourer's place of employment must be within twenty miles of his village, as was stated in paragraph 19; otherwise, the renewal was for two years only.

Mr. Chinnery added that, formerly, natives had been allowed to enter into successive contracts for three years each, but that this practice had now been stopped.

Count de Penha Garcia asked whether it would be possible to include in the next report particulars concerning the food rations. It appeared that a native labourer earned six Swiss francs a month plus his food.

Mr. Coleman pointed out that the information requested had been given on a previous occasion. At the same time, he was quite prepared to give it again. The alternative diets for native labourers covered at least two pages of the report.

Count de Penha Garcia said that, if no change had been made in the food rations, he would be satisfied if reference were made to the particulars given in the previous report.

Mr. Coleman replied that the diets were constantly changing.

Count de Penha Garcia drew attention to the compulsory work required of natives for the production of certain crops. This appeared to him to be a kind of forced labour. In spite of the feeling of the mandatory Power against forced labour, one form of it certainly existed in the territory.

Mr. COLEMAN agreed that it was a kind of forced labour, but, if he might say so, this was a case where the exception proved the rule. The Committee of which he had been a member in the International Labour Office had carefully preserved the Government's right in this case with regard to forced labour.

As regards Count de Penha Garcia's other points, he would ask for the information requested to be furnished in the next report, but pointed out that of the total expenditure on health amounting to £60,000, as much as £50,000 had been devoted to native health. This latter sum was equivalent to 20 per cent of the total revenue of the territory. Mr. Coleman affirmed that this expenditure compared favourably with that in any British colony and was far larger than that spent by many other colonial administrations on public health.

The CHAIRMAN said that Mr. Weaver, the representative of the International Labour Office, who was unable to attend the meeting, had sent in the following questions in writing.

" *New Native Labour Regulations* (Page 103 of Report).

" The new Native Labour Regulations are more detailed than those formerly in force and contain improvements in various respects. Nevertheless, there are a few points on which the representative of the International Labour Organisation would be glad to receive further information.

" 1. In the first place, while he notes with satisfaction that ' arrangements have been made for the furnishing of reports periodically as to the effect on the health of the native of night work and as to the precautions taken to ensure that natives employed on night work sleep during the day ', he would like to ask why it was found necessary to introduce night work in mining.

" 2. The fixing of a maximum number of hours of overtime, of a rate of pay for overtime and of a minimum rest period of 10 hours between two periods of work appears to be an improvement on the former regulations. The representative of the International Labour Organisation would, however, like to ask whether the maximum number of hours' overtime is frequently required, and whether the question of limiting the number of days on which a native can be required to work overtime — as four hours overtime added to the normal 10 hours make a 14-hour day — has been considered.

" *Recruiting.*

" 1. The representative of the International Labour Organisation would be glad if the accredited representative could inform him what measures have been taken, or are in contemplation, regarding the reform of the recruiting system, and, in particular, whether it is now proposed to abolish the practice of paying bonuses to chiefs in respect of each man recruited.

" 2. On a point of detail, the representative of the International Labour Organisation is not sure, and would be obliged if the accredited representative could inform him, whether a recruiter must report to the district officer of the district in which he is carrying on recruiting operations, and whether he must inform the said district officer of the natives recruited in his district.

" 3. What is the practice in regard to the length of time during which recruiters' licences are valid ?

" 4. Is it possible to say to what extent recruiters' licences are issued to non-Europeans who are also non-natives ?

" *Repatriation.*

" An Article in the *Rabaul Times* of February 7th, 1930, alleges various abuses in connection with repatriation. Could the accredited representative say whether the Administration has any knowledge of the facts regarding these allegations ?

" *Inspection of Native Labour.*

" Would it be possible in the next annual report to give a little more information regarding the reports on the inspection of native labour conditions ?

" *Non-indentured Labour.*

" Could the accredited representative give the Commission any information about the difficulties which have hitherto prevented the Administration from introducing provisions for the employment of natives other than under the penal sanction contract system now in force ? (Page 18, paragraph 25, of report.)

" Proportion of Population recruited.

" It would be very interesting to know what steps have been taken to ascertain the proportion of the adult male able-bodied population recruited, and whether it is proposed to fix any maximum proportion for such recruitment. "

The Chairman suggested that the accredited representative might perhaps ask that the answers should be given in the next report, in so far as the questions had not already received a reply in the course of the discussion.

Mr. Coleman undertook to comply with this request.

Admission to Uncontrolled Areas.

M. Palacios put the following question to the accredited representative :

An Ordinance " to control admission into uncontrolled areas " (No. 45 of 1925, Law VI, page 67, paragraph 6) authorises the Administrator " to grant to any person, upon such conditions as he thinks fit to impose, a permit to enter an uncontrolled area ".

It would be interesting to know how this Ordinance was applied in the case of missionaries and traders. Did the Administrator in either of these cases habitually impose any conditions, and, if so, what conditions ?

Mr. Chinnery replied that the Uncontrolled Areas Ordinance had been promulgated in order to control people entering the goldfields. The object was to keep people of undesirable character or without sufficient funds to support themselves or to look after the natives they employed from going into the areas in question. Under the Ordinance the Government had to specify each area to which it applied. The areas at present consisted of the goldfields and certain other areas specially declared uncontrolled, for instance, Namatanai, where the Ordinance had been promulgated, in consequence of the murder of four Europeans, in order to allow the Government to restore order.

Missions.

M. Palacios raised the following point :

In the *New Guinea Gazette* (Supplementary) of March 9th, 1929, were to be found the terms of reference of a Commission of Enquiry appointed to enquire into and report upon " the policies and activities of the Missions functioning in the district of Kieta in the said territory (New Guinea) and the activities of the members and adherents of such Missions in so far as such policies and activities affect the maintenance of peace and good order amongst the residents of the said district ". It was stated in the introduction that : " Complaints have been made . . . that the activities of missionaries in the district of Kieta . . . have caused unrest amongst the natives in that district ".

It would be interesting to have some information as regards the nature of the complaints and the findings of the Commission of Enquiry.

In the annual report there was no reference to the appointment of this Commission, except an item of expenditure contained in the statement on page 76 : " Commission — Investigation Mission Conditions — Kieta District . . . £55 17*s.* 0*d.* ".

Mr. Coleman said that the Royal Commission's report had not yet been made available to the Government, but he would see that eventually the Mandates Commission was made acquainted with it. Mr. Chinnery could give details on the point raised by M. Palacios, as he had reported on the particular area mentioned.

M. Palacios asked the following question :

In the replies to the observations of the Permanent Mandates Commission given on pages 119 *et seq.*, the following paragraph was to be found :

> " The request for information as to the opinions expressed and the proposals made as a result of the Mission Conference in regard to the system of collaboration which existed between the Missions and the Administration, and of the scope of the activities of the former, has been noted, and will be the subject of a further communication for the information of the Commission. "

When might a communication on this subject be expected ?

Mr. Coleman replied that the report of the Missions Conference was a very comprehensive one. It must be remembered that there had been a change of Government in Australia only eight months previously. He would bring the matter to the notice of the Government and endeavour to ensure that the information requested was given in the next report.

M. Palacios said that he would be glad to have further particulars in the annual report concerning the religious work of the Missions. Thus, the report under discussion merely said

that the Missions were interested in certain establishments and undertakings of an economic character, for example, sawmills (page 86), that they recruited labour and had compounds (page 108) and that they were more or less involved in a strike (page 107). No information was given as regards their work for the conversion of the natives. Referring to one of the above examples, namely, that of the various missions which worked sawmills, the work of which was considerable, M. Palacios asked whether these establishments were professional schools or merely commercial enterprises. He would like to have information regarding the religious, economic, commercial and even administrative work of the Missions in connection with the government of the territory.

Mr. Coleman said that the attitude of the Government to the Missions was that it did not wish to interfere with the liberty of religious conscience. He understood that the sawmills mentioned by M. Palacios were partly intended for educational purposes and partly run in the economic interest of the Missions operating them. The Administration endeavoured, as far as was practicable and consistent with public morality and civilisation, not to interfere with native customs and religious practices, or, for that matter, with the practice of the Christian religion. If, at the same time, there was any specific information that could be obtained from the Missions on the point raised by M. Palacios, Mr. Coleman would bring the matter to the notice of the Government, so that a special chapter might be devoted to the question in the next report.

As to collaboration between the Missions and the Administration, a number of recommendations made by the Missions Conference had been carefully examined and absorbed. Collaboration, however, existed already. On a recent patrol Mr. Chinnery had taken a missionary into new territory, and thus had assisted in starting new work.

With regard to the economic aspects of the Missions' activities, it must be recollected that that phenomenon appeared in European countries as well, where laundries and other concerns were run by religious communities for the benefit of outcasts. The former Government of New Guinea had insisted that such concerns, when run by Missions, should be registered as ordinary companies.

M. Palacios said that he had been still more struck by the fact that the Commission of Enquiry had gone so far as to say that two missionaries of great authority had been recognised as being in no way responsible for the native labour strike. But for that statement it would never have occurred to him to suppose that they had taken any part in the strike (pages 107 to 109 of the report).

Mlle. Dannevig thought that it was the duty of the missionaries to protect the natives against abuses on the part of their employers. It would be to the credit of the missionaries to do so.

Mr. Coleman warmly agreed with Mlle. Dannevig. The prejudice felt against missionaries for protecting the natives was also felt against the Government because the latter co-operated with the missionaries in this work.

M. Palacios stated that nothing that he had said was in contradiction with the remarks of Mlle. Dannevig and Mr. Coleman. He quite agreed with them.

Education.

Mlle. Dannevig said that the report gave the impression that practically the whole of native education in the territory was left to the Missions. There were only two Government elementary schools and one technical school, with a total of about 200 pupils, whereas the total number of pupils at the Mission schools was over 36,000. In the previous year, a question had been put to the accredited representative concerning the possibility of making a grant to the missions for education. That question was answered to a certain extent by the passage on page 123 of the report, stating :

> " During the Mission Conference, the Administrator stated that, if the Missions were subsidised, it would be necessary for the Administration to exercise supervision over their work, in order to satisfy itself that the monies paid to the Missions were properly expended. None of the Missions were in favour of a subsidy. "

Mlle. Dannevig thought this statement somewhat surprising in view of the very different attitude adopted by the missions in other mandated territories. Perhaps there was some connection between this attitude and another question raised the previous year, in the sentence reading :

> " Complaints made by the representatives of the Missions at the Conference were to the effect that district officers were not active in inducing children to attend school. "

Mlle. Dannevig understood that the complaint had been of a more serious nature, to the effect that Government officials had been inducing children to stay away from school in order to work on the roads, that was to say, to perform Government work.

On the same page in the report it was said :

> " There is no legislation in the territory providing for compulsory education. "

Mlle. Dannevig observed that it would be absurd to have compulsory education in a territory like New Guinea.

Again, on the same page, there occurred a passage reading :

> " As the enforcement of instructions to children to attend school would be impracticable, it was considered inadvisable that any instructions be given by the officers of the Administration in regard to the matter. "

Mlle. Dannevig did not understand what this sentence was intended to mean.

She would be glad to have in next year's report further information about the relations between the Administration and the Mission Schools. The reports for other mandated territories usually contained a full chapter on education, but very little was said on the subject in the report for New Guinea.

Mr. Coleman said that the questions raised by Mlle. Dannevig would be brought to the notice of his Government. If she desired, he would endeavour to reply to each question at once, but it was difficult to do so without further notice. He might say immediately that a Royal Commission had been appointed to enquire into education in the mandated territory. The Commission's report was now under consideration by the Commonwealth Government. A Commissioner of Education had been appointed, and his duties would presumably be to enquire into the questions of the Mission schools, co-operation between the Missions and the Government and whether any reforms were necessary in the curricula of the Mission schools.

The Missions were paid no subsidy, because they objected to Government control over their activities and preferred to remain independent. There was a good deal of rivalry among the various missions, as in other parts of the world, and the economic activities which they carried on would make it difficult to grant them a subsidy without having some sort of supervision.

As regards labour on the part of young natives, Mr. Coleman had been advised that no pressure, whether moral or otherwise, was brought to bear on the young natives in order to make them work. It must, however, be pointed out that, in the villages, there was a communal obligation to keep the tracks free from encumbrance, and this was becoming increasingly important as civilisation and material prosperity progressed. In various parts of the country the natives now rode bicycles and, therefore, insisted on the tracks being kept free. The natives had an elaborate system of discipline in their villages, enforced by themselves.

He was sure that the report of the Royal Commission, when made available, would be a comprehensive report and would be found to constitute a valuable contribution to the improvement of conditions in the mandated territory. Lastly, it must be remembered that there was a very human reluctance among native children to go to school without some sort of compulsion.

Mlle. Dannevig said that she would read the report of the Commission with great interest. It did not, however, appear to be a satisfactory situation that the great bulk of education should be left in the hands of the Missions, without any form of subsidy and inspection. She supposed that it would prove too expensive for the Administration to undertake the entire cost of education. The amount spent on teachers' salaries and other expenses in connection with the Government schools appeared to be unduly high for the number of pupils educated in them.

Mr. Coleman said that, no doubt, Mr. McKenna gave very careful attention to the various aspects of native education.

Mlle. Dannevig said that in the previous year a question had been asked concerning the education of boys and girls over twelve years of age. A reply to that question was given in the report on page 123, but she had some difficulty in understanding the allusion to section 89 of the Native Labour Ordinance 1922–1928. Did that section mean that no native boy or girl could stay on at a mission after the attainment of twelve years of age for further education unless he or she entered into a labour contract and worked at the mission ?

She would also be glad to know why the costs of the European schools were entered under the heading of " Native Education " (see page 79).

The Chairman proposed that the accredited representative should reply to Mlle. Dannevig's question at the next meeting.

EIGHTH MEETING

Held on Tuesday, June 24th, 1930, at 3.30 p.m.

New Guinea : Examination of the Annual Report for 1928-29 (continuation).

Mr. Coleman and Major Casey, accredited representatives of the mandatory Power, together with Mr. Chinnery, came to the table of the Commission.

Education *(continuation)*.

The Chairman (M. Van Rees) said that the accredited representative had expressed a wish to answer certain questions relating to education which had been put by Mlle. Dannevig at the seventh meeting.

Mr. Coleman said that there would shortly be available a report of a Royal Commission on Education which would deal with all the questions raised or likely to be raised in regard to that subject. That report would be put at the disposal of the Mandates Commission.

Mlle. Dannevig had referred to Ordinance No. 89, dealing with native labour. Under that Ordinance natives were subject to a tax unless they were indentured as labourers or employed as students. This measure was considered necessary in the interests of the natives. Up to the age of twelve years the previous consent of a native was not regarded as necessary, before he could be brought under the system of mission education. After that age, however, the consent of the native must be obtained, and that consent must be given before the district officer.

Full details as to the scheme of education for natives would be given in the report of the Royal Commission.

Lord Lugard said he hoped that the report of the Royal Commission would go thoroughly into the question of native education and that there would be no further delay, since the present conditions appeared to be very unsatisfactory. He noticed, for instance, in paragraph 228 of the report, that the Native Education Trust Fund was £2,148 in credit at the beginning of the year. The receipts during the year had amounted to over £12,400 in addition to this credit, whereas the expenditure had amounted to only £7,431. The reason given at the end of the paragraph was that the Government was still awaiting the visit of the expert and there was a reduction under all heads from the expenditure of the previous year. It was stated that the expenditure was incurred mainly in respect of literary education at Rabaul. He asked whether there was any expenditure on village schools in other districts. At the top of page 124 it was said that " owing to the expansion of the general education system ", a Board of Education would be set up. The figures quoted did not indicate expansion, but the reverse.

Mr. Coleman said that these subjects would be dealt with in the report of the Royal Commission. The object of the Administration, as he had already explained, was to give the natives practical and technical instruction in order to equip them for economic life.

He would ask permission to read the following note on native education :

" The missions are organised as educational establishments. They teach all ordinary subjects (the curriculum is given in a recent report). The district officers and the Administrator pay friendly visits to the missions regularly.

" In addition, there is an elementary school in Rabaul (and also another local one at Kavieng) into which children from all over the territory are admitted. They arrive at the school about 9 years old and stay there till they are 20. They are trained with a view to their becoming pupil-teachers for the future establishment of local schools all over the territory.

" The Administration cannot compel attendance, and districts vary a great deal in their keenness to send children.

" There is also a Government Technical School which takes any boy who wants technical education from anywhere in the territory. They are taught carpentry, plumbing, engineering and any such subjects which fit them for a useful part in the ordinary industrial life of the territory. These boys when trained can be absorbed as fast as they are turned out. Good jobs are always waiting for them.

" There is also an Agricultural Experimental Station fourteen miles from Rabaul, which is also to be used as a training station for natives in agricultural methods.

" The Agricultural Department sends travelling inspectors all over the territory, who advise the natives regarding pests, economic and food crops, etc.

" There is an Agricultural Department sub-station for experimental work on many varieties of tropical crops (including cotton) at Adzera — 100 miles up the Markham river, in the Morobe district. "

Mlle. DANNEVIG enquired why the salary of a teacher in a European school was entered in the budget under the section for the Department of Native Affairs.

Mr. COLEMAN said that the teacher in question had been sent to Rabaul in order to teach carpentry.

M. SAKENOBE noted that two native pupils had been sent to Australia for a course of advanced tuition. The head master of the school at which these natives were being trained reported that they were making splendid progress. Was it the policy of the Administration to send native pupils to Australia in order to train them for administrative or educational work in New Guinea ?

Mr. COLEMAN said that this point would be dealt with in the report of the Royal Commission.

Mlle. DANNEVIG asked how the excellent progress made by the two pupils to whom M. Sakenobe had referred was consistent with statements which had been made to the effect that the natives were incapable of educational training.

Mr. CHINNERY said that the two pupils in question had been sent to Australia as an experiment with the teacher of the Rabaul school who had recently resigned to take up a position in Australia. He had taken charge of the two pupils. They had shown ability, and were being trained in rather exceptional circumstances.

PUBLIC HEALTH.

M. RUPPEL said he thought the section of the report dealing with public health, which gave very detailed information, was extremely interesting. He had received the impression that very satisfactory progress was being made. The Administration was spending over £70,000 on medical and sanitary services — a sum which represented about one-fifth of the total revenue of the territory.

He observed that according to a report of the Director of Public Health, attached to the Report of the League of Nations Medical Survey Mission two posts of medical officers (Manus and Aitape) had not been filled for a long period.

Mr. CHINNERY said he did not know why qualified medical officers had not been appointed to these posts. In each of the districts in question there had been a senior medical assistant, but a qualified medical officer was now stationed in Manus.

M. RUPPEL observed that two European hospitals were in course of construction at Kieta and Manus and another at the Wau. He would ask, in this connection, what provision had been made for supplying the goldfields with adequate medical assistance.

Mr. CHINNERY said that there was a medical assistant and a hospital on the goldfields and that the fields could be reached by aeroplane in three-quarters of an hour from the station of Salamaua where a qualified medical officer was stationed.

M. RUPPEL enquired whether the missions carried out any medical work, and whether they had their own doctors.

Mr. CHINNERY said that the missions co-operated with the Administration, which assisted them with drugs, etc.

M. RUPPEL enquired as to the herbalists who were stated to practise in the territory.

Mr. COLEMAN said the Chinese community preferred to be treated by their own herbalists. They could, of course, secure European treatment, if they considered it to be necessary, on the same conditions as the Europeans themselves. The herbalists were to be found everywhere as well as in New Guinea, and the Chinese usually preferred to have recourse to them.

M. RUPPEL enquired as to the arrangements referred to in paragraph 60 under which the Administration would take over the Commonwealth health laboratory for local pathological and biological work.

Mr. COLEMAN said that a laboratory had been established in Rabaul to secure a more complete system of diagnosis. Other laboratories would be established as circumstances permitted in other stations.

Lord LUGARD congratulated the Government on the large proportion of revenue, about 20 per cent, devoted to health purposes and in particular on the training of Tultuls who now numbered nearly 2,500 (paragraph 58). He enquired whether the Administration accepted responsibility for the medical care of the planters and the European population, or whether these classes relied entirely on private practitioners.

Mr. Coleman said that there were private practitioners, but the planters had access to the hospitals and Government medical officers ; they were, however, expected to pay for treatment in the same way as Government officials, and the receipts were paid into revenue.

Lord Lugard asked whether the Government medical officers were allowed to engage in private practice.

Mr. Coleman replied in the negative.

Mlle. Dannevig noted that the matrons and nurses included in the budget received salaries less than those accorded to the lowest type of clerk.

Mr. Coleman pointed out that the matrons and nurses were resident in the hospital, and were thus provided with board and lodging.

Land Tenure.

Lord Lugard asked what were the " native reserves " referred to in paragraph 197. Was there any reason for creating native reserves ?

Mr. Chinnery explained that, owing to an over-alienation of land in pre-war days, some of the natives had insufficient land. Certain areas, therefore, had been resumed by the Administration and proclaimed native reserves. These reserves were held in trust for the natives.

Mr. Coleman said that a map showing these reserves would be given in the next report.

The Chairman noted in paragraph 232 that an area of 259,801 hectares had been alienated up to June 30th, 1929. Did this figure include the expropriated estates of the German farmers ?

Mr. Coleman said that the figure in question covered all such lands. The German estates in 1914 had amounted to 76,847 acres.

The Chairman noted in paragraph 235 that a procedure had been set on foot to determine the titles to lands in force in the territory. He did not quite understand how such items as " Contributions to Assurance Fund " came to be included among the matters dealt with under the Lands Registration Ordinance, and he would further enquire what was the item of revenue referred to in this paragraph.

Mr. Coleman said he could not quite explain how these particular items came to be included among matters dealt with under the Ordinance.

M. Ruppel said he understood that persons who had bought the German expropriated estates had met with difficulties and had begged strongly for a moratorium on the ground that they were unable to meet their liabilities. Was it a fact that the purchasers of these estates were suffering hardship, and had a moratorium been granted ?

Mr. Coleman said that the decline in the price of copra had certainly led to serious hardship on the part of planters. The planters were purchasing the land by instalments and were finding it difficult to meet their payments. He could not at present indicate what the policy of the Government would be in dealing with this matter. The question would be dealt with in the next report.

The Chairman said that the Commission had been informed that the lands in question had been mostly purchased by returned soldiers. They had doubtless found it difficult to adapt themselves to the land. Was there any indication that the situation had since improved ?

Mr. Chinnery said that most of the planters had been in the territory for a long time waiting for the properties to be sold. Some had been in Government service and others had gathered experience as plantation assistants and managers. The majority were now capable planters.

Demographic Statistics : Peaceful Penetration of the Territory.

M. Rappard noted in the report that exact figures in respect of population were given for lands under control. Estimated figures were given for lands under patrol. No figures were given for the remainder of the territory. Was it possible to form any idea of the number of inhabitants in the territory which was still unexplored ?

Mr. Coleman said that the population of the unknown region was perhaps greater than that of the rest of the territory. It was, however, very difficult to form an estimate.

M. Rappard enquired whether the Administration had yet formed any idea as to when the whole of the territory would be under effective control. Had the Government any definite programme of penetration ?

Mr. Coleman said that the process must naturally be gradual. Further penetration into the country involved considerable expenditure and danger. The policy followed by the Administration was one of slow and peaceful advance.

Mr. Chinnery added that officers in charge of the various districts were constantly adding to their sphere of influence. In cases where prospectors moved towards new country, the district officers endeavoured to get into contact with the natives in advance. In normal circumstances, however, the process was one of gradual penetration and development.

Mr. Coleman reminded the Commission that New Guinea had first been brought under civilising influences in 1885. He thought that the relative rate of progress at present being achieved reflected some credit on the mandatory Power.

M. Ruppel referred to the schedule giving particulars of the non-indigenous population classified according to nationalities under paragraph 282 of the report. It would be interesting to have a classification of this population according to race. He was told that not more than 2,000 Europeans lived in the territory.

Mr. Coleman said that it would be quite easy to classify the population according to race. In the table as given, however, race might be inferred from the nationality. There were, for example, no Indians among the persons classified as British.

The Chairman enquired why the statistics of native population given in Table I of Appendix C were exclusive of indentured labourers.

Mr. Coleman said that for the purposes of vital statistics indentured labourers were regarded as floating population. The figures for indentured labourers were given according to districts in paragraph 20 of the report. These figures might in future be included in the table to which the Chairman referred.

The Chairman, referring to the table given under paragraph 271, enquired as to the distinction to be drawn between areas under control, areas under influence and areas under partial influence. He noted that there was a further column giving the areas penetrated by patrols.

Mr. Chinnery said that the areas under influence were under partial control. They were areas in which there were Luluais and Tultuls, but in which there was no complete census. He was not quite sure where the line would be drawn between areas under influence and areas under partial influence, excepting that the latter indicated a lesser degree of control. He understood that the definitions had been set out in an earlier report.

M. Sakenobe drew attention to the fact that the statistics in the table under reference were inconsistent with the statistics given in the previous report, and requested that, if certain explanations were to be given in next year's report, the reference should be made to last year's statistics.

Mr. Coleman informed the Commission that the Commonwealth of Australia had subsidised a journalist to write a compendium on the history and problems of New Guinea, which would no doubt be made available to the Commission in due course.

Nauru : Examination of the Annual Report for 1929.

Spirits.

M. Rappard drew attention to the tables relating to Customs duty on alcoholic liquors (page 6). Were the rates of 11 /6 for wines, 1/3 for cider and 14 /– for spirituous liquors imposed according to the value or according to the alcoholic content ?

Mr. Coleman presumed that they were imposed on the alcoholic content which of course affected the value.

Leprosy.

M. Rappard drew attention to the following passage.

" The majority of the patients in the Leper Station are treated with . . . Esters of *Oleum Hydnocarpus Wightiana*, also Potassium Iodide orally.
" The remainder . . . are treated with . . . Alepol.
" It is intended that Alepol will eventually replace injections of Esters of *Oleum Hydnocarpus Wightiana*."

Was it intended first to use up the existing stock of the former remedy ? Should not Alepol be used immediately if it were recognised as a better form of treatment ?

Mr. Coleman said that he had no information in regard to this change in the treatment of leprosy. It was stated in the 1928 report, however, that the latest developments in curative treatment had been introduced.

He was informed that every means was being adopted to rid the island of the scourge, care being taken to avoid widespread expenditure and to ensure economic administration.

Public Finance.

M. Rappard asked what was the police contribution mentioned as having yielded £1,000 in the year ending 1929.

Mr. Coleman replied that it was a contribution by the British Phosphates Commissioners towards the maintenance of order in the land.

M. Rappard noted an item of £105 for Nauruan Affairs. What did that represent ?

Mr. Coleman said that, in order to assist the Administrator to deal with native affairs, a new department of the Administration had been created. The Superintendent of that department formerly held the position of Postmaster. He was a native of Nauru and of very high character and ability. He in fact constituted the Department of Nauruan Affairs, the cost of maintaining which was at the moment very small.

Justice.

M. Ruppel asked whether the present Administrator had any legal training, and if not, how he was assisted in handling legal questions. What supervision did the mandatory Power exercise over his judicial actions ?

Mr. Coleman said that the Administrator was not legally qualified, though prior to his appointment he had had very wide administrative experience.

He understood that no difficulty had arisen owing to the exercising of judicial powers by the Administrator. No doubt if there had been cause for complaint, the inhabitants generally would have made representations through the proper channel. The natives were well aware that they had the right to petition the League of Nations, but no petition had been submitted during the year.

For practical purposes the system was working well, and in view of the small population the Government would not be justified in arranging for a separate judiciary.

M. Ruppel asked whether there was a right of appeal to the High Court in Australia.

Mr. Coleman said that the judicial organisation of Nauru was dealt with extensively on pages 47 and 48 of the report for 1928. No reference was made there to the right of appeal, but he assumed that it was an inherent right.

M. Sakenobe said that, if he understood aright, an appeal against the judgment of the central court could be made to the Administrator, who consequently did not take part in the court.

Mr. Coleman observed that he would see that the question was dealt with in the next report.

M. Ruppel noted that out of a population of 1,099 Chinese there had been 442 convictions (page 13). That was a very high percentage.

Mr. Coleman replied that, although the total convictions in the district court, 473 for the year, might seem large, actually there were very few serious cases. Beyond the opium offences (58 in all) and offences against the Leprosy Suppression Ordinance (3) the remainder were mostly of a minor nature. Petty thieving was responsible for the large number of 185. Some of the Chinese workers were inclined to steal from one another or to steal their employers' food for the purpose of feeding pet animals and pigs. In order to prevent the Chinese from taking the law into their hands, it had been customary for these cases of petty theft to come before the district court, where nominal penalties were imposed. If the Chinese were permitted to settle these cases themselves, acts of violence would result.

Breaches of the Public Health and Sanitary Ordinances numbered 65 during the year. These usually comprised offences such as committing nuisances and hoarding rubbish and filth. Careful watch was kept in order to guard against breaches of the sanitary laws.

Breaches of Chinese and Native Labour Ordinances numbered 65. These usually comprised offences such as using naked lights and endangering property, failing to keep premises in a cleanly condition, selling rations, failure to observe conditions of agreement.

Breaches of Native Movement Ordinances numbered 24 during the year. These usually comprised offences such as being absent during prohibited hours, trespassing, etc.

Close of the Hearing.

The Chairman, in declaring closed the hearing on the reports on New Guinea and Nauru, said that the members of the Commission appreciated the assistance given by the accredited representatives. It had shown the importance of the co-operation of persons with direct knowledge of the conditions in the territories.

He would ask Mr. Coleman to be good enough to convey to the mandatory Power the Commission's appreciation of its efforts in that direction. He was certain that Mr. Coleman would make the mandatory Power and the Australian Government and Parliament acquainted with the Commission's conception of its task and the spirit in which it believed its work should be carried out.

He hoped Mr. Chinnery would give the officials administering the territory the impression that the Commission followed with sympathy the problems which they had to solve. The Commission had no greater desire than to collaborate with the mandatory Power in the accomplishment of the mission entrusted to it under Article 22 of the Covenant, while at the same time carrying out the duties of supervision laid down in the same article.

Mr. Coleman said that the experience of appearing before the Mandates Commission had been very interesting for him. This was the first occasion on which the Australian Government had sent a legislator, and the Australian Parliament would no doubt gain from his personal contact with the Commission. He thanked the Commission for the sympathy it had shown.

Mr. Coleman, Major Casey and Mr. Chinnery withdrew.

Collections of Press Comments on the Work of the Permanent Mandates Commission, the Council and the Assembly concerning Mandates.

M. Catastini read the following note :

" For administrative and budgetary reasons, the Secretariat of the League of Nations has recently taken steps to reduce the number and size of the documents it distributes. The Mandates Section has therefore been obliged to consider the possibility of applying these measures to the documentation of the Permanent Mandates Commission.

" In recent years, the Mandates Section has prepared and distributed twice a year to the members of the Commission a review of the Press commentaries relating to the work of the Commission and to the activity of the Council and the Assembly in the matter of mandates. I have had the impression that this review, which enabled the members of the Commission to appreciate the reactions of various circles, is of some value to the Commission.

" Nevertheless, it is becoming more and more difficult to prepare and consult the document in question owing to the steadily increasing number of commentaries made by public opinion. On the other hand, the preparation of a summary of these articles would mean a considerable increase of work and there would be some risk of depriving the commentaries of their real interest. For that reason the competent services have suggested to me that, in order to reduce the expense of reproducing these rather voluminous articles, the Commission might be asked whether it thought it desirable in future for the Mandates Section to confine itself to submitting a list of the commentaries which appear. The dossier containing these articles will always be kept in the Section and placed at the disposal of those members of the Commission who wish to consult it."

After an exchange of views, *the Commission decided that, as a measure of economy only, two half-yearly lists of all the articles received, with an indication of the object of those articles, would be drawn up by the Mandates Section. In addition, all the newspaper cuttings received would be kept in the Mandates Section and two or three articles a year only would be published.*

Collection of the Observations of the Commission concerning Palestine and other Mandated Territories.

M. Catastini stated that all the members of the Commission had received a document drawn up by the Secretariat in which the observations of the Commission regarding Palestine had been collected. It was simply in the nature of an experiment. Did the members of the Commission consider that the same method should be adopted for the other territories under mandate ?

After an exchange of views, *the Commission decided that it would be useful if a similar collection could be drawn up for all the countries dealt with by the Mandates Commission.*

Petitions rejected in Accordance with Article 3 of the Rules of Procedure in respect of Petitions : Report by the Chairman.

The Commission approved the Chairman's report Annex 4.

Iraq : Petition of the British Oil Development Company, London, dated May 27th and September 17th, 1929.

The CHAIRMAN commented on his report (Annex 6 C). It concerned a concession to the Iraq Petroleum Company. According to the terms of this concession the Company had a right to choose, within a period of six years, twenty-four plots of land, consisting of 8 square kilometres. It had not yet chosen these plots. It was at the present moment in the act of doing so. It had invoked *force majeure* to explain the delay in order to obtain an extension of the time-limit. The British Government and the Government of Iraq had agreed to its request on the basis of Article 39 of the Convention concluded between the latter Government and the holder of the concession and stipulating among other things that, if it were a case of *force majeure*, the time-limits fixed under Article 5 of the Convention should be extended. The British Government, on the other hand, although it submitted all the observations required regarding the petitioner's allegations, was of opinion that the consideration of his grievances was not a matter which fell within the competence of the Mandates Commission.

M. RAPPARD was surprised that the Mandates Commission was unable to consider and obtain information in regard to this petition, because there had been a claim of *force majeure*. It seemed that it was faced with a somewhat arbitrary act by the Administration of the Government of Iraq.

The CHAIRMAN observed that the execution of the obligations of the League was suspended in the case provided for under Article 39 and that the Government of Iraq was the sole judge whether that case had arisen.

Lord LUGARD considered that, if there had been a violation of the Agreement between the two parties, the matter could be referred to a court. In that case, it would, in accordance with the Rules of Procedure regarding petitions, be outside the competence of the Mandates Commission.

M. MERLIN drew attention to the legal point of view. A contract existed between two parties — the Company and the Administration. The Administration had specified that the obligations of the Company did not apply in the event of *force majeure*. The two parties had agreed that there was *force majeure*. A third party then intervened to declare that there was no *force majeure*. M. Merlin could not account for the manner in which the third party had been able to intervene, since the Chairman had rightly said in his note that the contract had been complied with and that the two parties had agreed to recognise that they were faced with *force majeure*.

The CHAIRMAN explained that the third party claimed the land which had been conceded to the Turkish Petroleum Company, stating that the Convention between the latter and the Government of Iraq was null and void, because the Company had not observed the obligations of the contract. That was precisely the principal point. Was the Convention null and void ? Under the terms of Article 39, the two contracting parties, as well as the British Government, replied in the negative. It did not seem that this reply could be contested.

M. RAPPARD stated that it seemed that the whole question was based on the policy of the mandatory Power in granting equitable concessions of land under the same conditions to everyone. The Government of Iraq claimed that it had already granted a concession of this land to a company, that the latter had not respected the period of delay which had been granted, but had invoked a case of *force majeure* and that the Government recognised that that claim was well founded. Then the petitioner observed that the international obligations of the mandatory Power compelled it, in virtue of the principle of economic equality confirmed by Article 11 of the Anglo-Iraq Treaty of October 10th, 1922, to put the land at the disposal of all the concessionaires on the same conditions.

M. Rappard considered that it was alleged that there had been an act of favouritism on the part of the mandatory Power in respect of the Company to whom the concession had been granted. The question, it would seem, should be cleared up.

The CHAIRMAN remarked that the concession in question had been granted during the Turkish regime and covered the two vilayets of Mosul and Baghdad. The concession itself could not be contested. The only question was whether it was still valid. This concrete question had nothing to do with economic equality.

M. RAPPARD stated that, while he admitted that the original Convention was binding on the parties, it could not bind the mandatory Power in the interpretation of the circumstances involving a postponement of periods of delay. Indeed, the mandatory Power could not prolong these periods without duly considering its obligations concerning economic equality.

M. MERLIN repeated that there was a contract between two parties with a *force majeure* stipulation in favour of the contracting party. The latter stated that there had been *force majeure* and asked that the stipulation should operate. The party granting the concession recognised that the request was reasonable, and it alone had the right to do so. If the third party stated that there was no *force majeure*, it should refer the matter to the courts and demand that the Company should lose its rights.

He thought that the Commission ought not to settle this question and there was no need for it to make an attempt to decide what was meant by the expression *force majeure*, which was a very difficult matter from the legal point of view.

The Chairman thought that the Commission might say that, since the petitioner had protested against the decision of the conceding party in favour of the contracting party, this grievance could only be submitted to a competent tribunal on the ground that damages had been incurred by the claimant. The question, therefore, was outside the competence of the Mandates Commission.

M. Rappard wished to have a sentence inserted in the report to show that the Mandates Commission had completely taken into account the international aspect of this question. It was quite clear that a Convention was in existence which was binding on the two parties, but the interpretation of this Convention seemed to raise a question relating to the principle of economic equality. It was important that the mandatory Power should only grant and renew concessions in accordance with this principle.

Lord Lugard thought that the Commission should inform the petitioner that he should submit his case, should he so desire, to the competent tribunal. Only in the event of the tribunal giving a decision contrary to the international obligations of the mandatory Power or if an Iraqi court gave a judgment which the Mandatory considered to be palpably contrary to justice, as in the Bahai case, would the Mandates Commission be justified in accepting a petition.

The Chairman did not agree. It was not the duty of the Commission to advise the petitioner. It ought to do no more than say whether it was able to deal with the question or not.

Count de Penha Garcia thought that, if the Commission agreed that the decision of the Iraqi Government would lead to the creation of a *de facto* monopoly, it should draw attention to that fact. It was for the Commission to decide whether the principle of economic equality had been more or less neglected, and it was to the text of the Convention itself that it ought to refer in order to find out.

He agreed with Lord Lugard that the question should be referred to the tribunal, if this method were juridically possible.

M. Palacios was also of Lord Lugard's opinion.

The Chairman on the other hand supported the proposal of M. Merlin.

He asked his colleagues if they preferred to have the question adjourned so that they could examine all the pertinent documents at their leisure.

The Commission decided to adjourn the examination of this question.

Togoland under French Mandate : Petition dated March 15th, 1929 and January 1st, 1930, from the Notables of Agou-Nyogu.

The Commission adopted the report of M. Rappard (Annex 7), *subject to certain drafting modifications, and decided that the last paragraph of this report should be inserted in the report to the Council.*

Treatment extended in Countries Members of the League to Persons belonging to Territories under A and B Mandates and to Products and Goods coming therefrom.

M. Rappard presented his report (Annex 5).

Count de Penha Garcia said that he could not accept a solution which represented a too active intervention or a moral constraint. He thought that it would be somewhat dangerous to give to the special principles resulting from the creation of the mandates an interpretation which entered into the legal domain of each State, while realising at the same time, that the situation created by the mandate was somewhat illogical. He asked, moreover, whether many recommendations had been made on the subject.

M. Rappard replied in the affirmative.

M. Catastini read the resolution of the Council dated September 1st, 1928, and the reply of the Mandates Commission :

> " The Council requests the Permanent Mandates Commission to institute a general enquiry into the whole question of the treatment of persons belonging to mandated territories in countries Members of the League of Nations and of the produce and goods coming from these territories, and to communicate to it the result of this enquiry. "
>
> " The Permanent Mandates Commission, after studying the question at its fourteenth and fifteenth sessions, has the honour to recommend to the Council to ask the mandatory Powers in charge of A and B Mandates, whether they consider it necessary and expedient to contemplate the conclusion of an international convention intended to secure to the territories under A and B Mandates the benefit of reciprocity in respect of economic

equality which these territories are obliged to grant to States Members of the League of Nations, or whether, in their opinion, it would be preferable and sufficient for them to pursue the end in view by means of direct and bilateral negotiations. "

Count DE PENHA GARCIA questioned the principle of reciprocity from the legal point of view. At the present moment it was impossible to make a comparison between States Members of the League of Nations and territories under mandate. Reciprocity could not exist between them. On the one hand there were the sovereign Powers and on the other hand territories under mandate ; he thought it would be a false step, from the point of view of international law, to put them on a footing of equality.

The CHAIRMAN pointed out that the States Members of the League had themselves required that the territories under A and B Mandates should grant them certain advantages ; these territories were obliged to grant those advantages to all States Members of the League of Nations. In principle, therefore, he did not see that there was any objection to taking some steps to ensure that the mandated territories in question, placed under the guardianship of the League of Nations, should have the advantages which the League required them to grant to its Members.

M. RAPPARD thought that it would be a great mistake if the Commission declared that it had made a false step and abandoned the question.

Count DE PENHA GARCIA pointed out that by dealing with this question the Commission touched the very principle of the mandate, since it implied a certain modification of the special system that had been set up for territories under mandate.

M. CATASTINI observed that the Mandates Commission and the Council of the League of Nations had been committed to this path since 1925.

M. RAPPARD pointed out that he proposed two different methods in his report ; the suggestions he made were extremely modest.

Count DE PENHA GARCIA said that the early proposals of the Mandates Commission had made it necessary to have recourse to the creation of bilateral obligations between the States. The report of M. Rappard seemed to suggest a much more active intervention on the part of the Council.

M. MERLIN did not think that this would happen. M. Rappard had simply made a recommendation, and, if his report contained anything beyond that, M. Merlin could not adopt it.

M. RAPPARD pointed out that he had merely said :

" If even the preparation of a multilateral convention by the Assembly or by some future Economic Conference were regarded by the Council as inexpedient, it might ask all the States Members of the League to give a favourable response to any requests received from the mandatory Powers . . . "

M. MERLIN thought that the Commission could quite well approve of M. Rappard's report since his proposals were so modest. He considered that that was the very least it could do.

Lord LUGARD supported M. Rappard's proposals.

M. PALACIOS proposed that the Commission should not take its decision yet, but should adjourn the definite study of the matter until a later date.

Count DE PENHA GARCIA would like the drafting of this report to take into account the fact that the mandates regime would be modified if any agreement was realised, for economic equality had been included in the mandate system in order to protect the inhabitants. It was not therefore a duty, but an advantage.

After an exchange of views, *the Commission decided to postpone the definite study of this question until a later date.*

NINTH MEETING

Held on Wednesday, June 25th, 1930, at 10.30 a. m.

Togoland under French Mandate: Examination of the Annual Report for 1929.

M. Franceschi and M. Bonnecarrère, accredited representatives of the mandatory Power, came to the table of the Commission.

Welcome to the Accredited Representatives.

The Chairman (M. Van Rees) welcomed M. Franceschi, representative of the mandatory Power, and M. Bonnecarrère, Commissioner of the French Republic in Togoland. It gave him pleasure that these two important officials had been appointed to work with the Mandates Commission, which had already had the opportunity of appreciating the collaboration of M. Franceschi last year and of M. Bonnecarrère five years previously. At that time M. Bonnecarrère had revealed himself to the Commission as a colonial administrator who had succeeded, by means of his personal qualities, his splendid devotion and profound knowledge of local problems, in endowing the territory under his guardianship in a short time with a model organisation and administration, and in creating a state of affairs which was in complete harmony with the prescriptions and spirit of the mandate.

The Chairman thanked the mandatory Power for the clear and complete report it had supplied and for the detailed answers to the questions which had been raised by the members of the Commission during the last two examinations of the situation in Togoland.

The Chairman invited the accredited representative to make a general statement, if he wished to do so, on the situation in the territory.

M. Franceschi wished, first of all, to thank the Chairman on behalf of M. Bonnecarrère and himself for his kind words of welcome. He was all the more happy to have M. Bonnecarrère at his side, since the Commission had already had occasion to hear him in 1925. M. Bonnecarrère had just been in Africa and he could therefore supply the Commission with information on the recent situation. M. Franceschi preferred to leave his colleague to make the statement asked for by the Chairman.

General Statement by the Accredited Representative.

M. Bonnecarrère made the following general statement :

Five years ago I had the honour to lay before this Commission the programme which I hoped to carry out concerning the general administration of Togoland under French mandate and at the same time to point out the methods I intended to use. My programme has remained the same, and my methods unchanged.

Togoland under French mandate has lived for the last five years in a state of complete peace and security. It has been able to preserve its social, political and economic equilibrium in spite of the disturbances which trouble the entire world to-day.

It has been possible to maintain social equilibrium, thanks to the policy of association with the native population. This policy has been followed up by close collaboration with the native Councils of Notables. I have profited by the special situation in this part of Africa ; I have taken into account the very happy evolution of the population of Togoland and have established my policy on the advice and counsel of these notables. I have thus been led to create the Councils of Notables of which I have spoken in previous reports.

I wish here to emphasise the enlightened and, I may say, loyal and devoted collaboration which the counsellers among the notables of Togoland have given me. Thanks to their help and their advice, I have also been able to draft a code of native customs.

As a matter of fact, I believe in the principle that the land must be dealt with before men. At all times (and the history of the world proves it) land has dominated man ; whether in ancient Rome, or, in the Middle Ages, in France and other countries, man has remained attached to the land.

Consequently, I have first dealt with the land. I have, so to speak, codified the relations of civil law which might exist between the natives. This code of customs once drawn up has been able to serve as a *vade mecum* for the native jurisdictions. It has represented the codification of verbal customs which already existed in the different regions, in the same way as the French codes sprang from verbal customs, then from written customs which, moreover, varied in different provinces.

This real statute is the point of departure which will make it possible later, at some date which is not yet fixed to establish the personal status of the native. Each period gives rise to new needs and, with them, the necessity for new measures.

If, thanks to the Councils of Notables and to the code of native customs, I have been able to create what I may call a small middle class, a stable element that is indispensable in a new country, I have also given thought, as you know, to what we may call the proletariat. Some years ago labour legislation was already drawn up, and quite recently I set up a Labour Office and a Labour Inspection, whose duty it is to look after and control the execution of the legislative measures.

Dealing still with the social sphere, the reports have enabled you to follow the work of native medical assistance and instruction that I have attempted to carry out.

Social work has developed considerably during the last five years. You yourselves have been able to appreciate this from the figures of the expenses we are bearing for the benefit of native medical assistance. I had the honour quite recently, when I disembarked at Lomé, to be received by the Colonial Under-Secretary of State who is dealing particularly with the medical question in our colonies. I had a conversation with my hierarchical chief who assured me that social work would be even more developed in the future than it had been in the past, thanks to a larger number of doctors as well as to a subsidy granted by the mother-country.

Two or three years ago a centre of trypanosomiasis was discovered. This is not exceptional in Africa. Local outbreaks of this disease occur spasmodically and disappear later. Thus during the German occupation before the war, a centre of trypanosomiasis existed which has, so to speak, disappeared. I sincerely hope that, when we have marked out the limits of the area ravaged by the disease, we shall succeed in repressing this scourge and shall finally cause this centre to disappear. We have already made good progress. My hope is all the stronger, since the race that has been attacked is prolific and very resistant.

As regards education, I have attempted to improve the work in schools both in quality and quantity. Instead of the three teachers, which I found in 1922 when I was first appointed, there are to-day fifteen European teachers and one primary inspector who is the director of the service. The methods employed have been much improved, always with the aim of developing the scholastic work, both from the point of view of quality and quantity. I have attempted to give more support than I had previously done to the religious missions ; thus, to-day, the administration of the territory pays two-thirds of the salaries of the teachers and native instructors. I wish to add that the religious missions have given me much devoted help.

In the economic sphere, we have been able to maintain equilibrium, thanks to the different crops which are cultivated. Togo is naturally a poor country. The Germans worked hard there before the war and planted a great deal. The work I have undertaken in this sphere has been the normal result of that begun by our predecessors. The result has been that Togo benefits from very varied production and from the extended cultivation of foodstuffs which enable us to export into the neighbouring colonies economic crops and rich products, such as cocoanut, palm oil, coffee, cocoa, kapok, cotton, ground nuts and, at a later date, castor-oil. The result is that trade can support a fall in the market prices of one product in the hope of making good on something else. Other colonies have suffered much more than Togo from the crisis which prevails over the whole world at the present moment, because they rely on one product only.

I have encouraged this culture of different crops by various means. First of all, I have led a strong campaign in the south of the territory in favour of the cultivation of the palm oil tree, with the help of bonuses granted to the natives and the agricultural credits which I have just set up. A few years ago I tried to organise agricultural syndicates. This attempt was not crowned with success. It was very difficult for me to make even very progressive, almost Europeanised, native notables understand that their personal interests should be subordinate to the general interests. I found them a well-meaning, well-disposed audience, until the moment came to share expenses or even to share receipts. For that reason, being forced to renounce these agricultural syndicates, which had been set up three or four years previously, I thought of creating a State agricultural credit.

Independently of it, and parallel to this State agricultural credit, I undertook the development of large administrative plantations, of which you will have found an account in preceding reports, especially that of 1928. These administrative plantations had a double aim. First of all, they were intended to show the natives that the right kind of plantation, built up in a rational and methodical way, is capable of giving excellent results. They were also intended to show European private enterprise that it was possible to accomplish in Togo what other enterprises had managed to accomplish in richer neighbouring colonies. The details of this agricultural organisation are given in the *Official Journal* of May 1st, 1930. I have sent the Colonial Minister a proposal to draw up a special budget for agriculture, just as we have already established a special budget for railways and a special budget for public assistance.

The second measure that I took to increase the production of the territory was the creation of villages of colonisation ; information regarding this scheme has been given you during preceding sessions of the Commission. I wish now to explain at greater length what I have tried to do in creating these villages.

First of all, I noticed that in the north-east of Togo there was a very dense population whose conditions of life were very difficult. I refer to the Cabrais district, which is occupied by a very prolific and industrious population that works extremely hard and cultivates an exhausted soil. The natives of these parts had come to the point that they could no longer supply themselves with food. Although I am no doctor, I may say that, if sleeping-sickness has appeared in this exhausted region contrary to all expectations, it is precisely because this population was very dense and lived in a territory which had become so sterile that the natives had not sufficient physical resistance and became very receptive ground for trypanosomiasis.

In 1922, therefore, I advised these peoples to come and settle down in the central district of Togo, which is and has always been an unpopulated region, though there is no reason that it should remain so, since the soil is rich (I have been able to assure myself of this fact by having it analysed) and because there are many new water-courses.

My first aim, therefore, was to relieve the Cabrais region of its congestion.

Secondly, I made arrangements to prepare the lines which would make it possible to construct a railway at some later date. It was my principle that, before gathering an important population together at the same spot, there must be no doubt that they can be fed ; four or five years, therefore, before the first stroke of the pickaxe, I set up these villages, the occupants of which immediately devoted themselves to the cultivation of foodstuffs, and also to economic crops.

Thirdly, I have tried to bring nearer to the coast the people who were situated at a distance. I have done so without using any force and, I think I may say, by persuasion alone. Time was certainly necessary in order to succeed, but to-day I am obliged to ask the natives not to descend in large numbers into the new villages since such mass movements make precautions necessary. At the present moment there are thirty-three new villages in the central district to which I referred above. The region crossed by the Atakpamé-Sokodé road is entirely transformed to-day. Where formerly there were six villages and very little cultivated land, thirty-nine villages are to-day to be found along the road and on both sides the traveller sees nothing but immense stretches of cultivated land bearing foodstuffs and cotton. My effort will not cease there, and I propose in the coming years to create a hundred more new villages on both sides of the new railroad that we have begun to build.

Thus the district which will be crossed by the new railway has already, as it were, improved. The freight is already assured, first by the cultivated land along the railway and then owing to the extension of the economic crops which are being grown in the north of Togoland. I have in mind, in particular, kapok and karité. Previously, the north of Togoland which, according to the last census, had a population of 424,000 inhabitants, did not in any way participate in the economic life of the territory as a whole. Consequently, in order to ensure material and social progress, it was necessary to enable the natives to trade, to give them the means to produce and to acquire the commodities which were essential to human life. The Administration has encouraged the natives, without compulsion, however, to make plantations. To-day the production of kapok and karité is increasing. Later on, we shall also undertake the production of ground nuts and perhaps the castor-oil plant. When the railway has reached Sokodé, the freight as well as the financial stability of the new line will be fully assured.

The Mandates Commission is familiar with the extensive works which have been undertaken for the last eight years in Togoland. I will only enumerate the more important, and I will begin by telling you of the wells with a depth of from 75 to 80 metres which I have had bored by means of a fairly powerful drill. These wells were indispensable to the natives, first, for providing them with water, and, secondly, for the cultivation of their land.

In addition, I have created an electrical centre at Lomé, a model centre, the only one, except that at Dakar, throughout the coast of French Africa. This centre furnishes power and light. It enables radioscopic examinations and radiography to be carried out. It has also transformed the material life of the native in the town of Lomé itself. Thus the inhabitants have been encouraged to build houses of durable material, whilst in the past — and even at present, apart from the large agglomerations — the natives lived and still live miserably in huts of clay or leaves. In this connection, I had occasion to tell you jokingly five years ago that the future belonged to corrugated iron. I will explain myself to-day by telling you that corrugated iron represents a step forward in the sense that the native can construct his house in durable materials, and that in doing so he participates in civilised life. He thus preserves a little of what he has earned, and he is protected from the inclemencies of the weather.

I have had constructed a new wharf, which is considered to be the model of its kind among the wharves on the coast of Africa. It is the longest and the best equipped. It is lighted at night, so that boats can arrive at any hour and leave as soon as their work is finished. It is unnecessary for me to tell you how this improvement has facilitated the economic progress of the territory.

To-day, the country is also provided with a complete road system, and I do not even anticipate the necessity for extending it for some years.

I now reach the question of the construction of the new railway, which is, in fact, the continuation of the central line of Togoland.

As I have just told you, the north of Togoland did not participate in the economic life of the territory. Its population experienced the greatest difficulty in reaching the coast for the purpose of obtaining food or exporting its produce. Everyone is aware that the greatest obstacle to be overcome in Africa is distance. The desert region exists along the whole coast of Africa from Senegal to the Cameroons. The coastal district is generally very rich. On penetrating further inland one finds an intermediate district, quasi desert and, lastly, the savanna district, generally peopled but very little or not at all developed. It is therefore necessary to overcome this great obstacle of distance, and to enable the inhabitants of the north to participate in the economic life of the territory. It is for that reason that I have taken up again the scheme which was conceived by its former occupants. But I have taken it up with a variation, and this variation is explained by the fact that Togoland has been divided into two parts. The German route was not therefore any longer suitable for Togoland under French mandate. It was necessary to connect as rapidly as possible the northern part of the territory, the district of Mango, and the colony of Haute-Volta, which is contiguous to Togoland.

We are endeavouring to develop the railway on a modern basis. The ideas which are directing the carrying out of this work are somewhat different from those of the past. In the first place, I prepared the work in 1922 by sending to the spot labour entrusted with the task of preparing the crops necessary for supporting the staff employed in constructing the line. In the second place, I purchased very expensive equipment in America, Germany, England and France. This equipment will permit us to dispense with a great deal of labour, and the decrease in the number of workers required will leave the greatest possible number of natives available for the cultivation of crops.

It is obvious that, if 1,500 workers are employed instead of 3,000, they will be more easily fed and cared for. It is also obvious that the greater the number of workers left in the fields the more intensive will be the cultivation of crops. Nevertheless, there is a slight obstacle in the way of this new point of view. It is obvious that a specialised European staff is necessary to deal with the somewhat complicated modern machines. A Diesel shovel is not worked like a simple pickaxe ; technical experts are necessary. It might be concluded that the cost of the railway will consequently be higher. That is not the case, however, for with modern machinery the work will advance more quickly, and the overhead expenses will be reduced in consequence. In addition, less labour is necessary. It would seem, therefore, that the employment of modern machinery combines all the advantages.

I am also engaged in organising workyards in as practical a way as possible, in that I am first of all dealing with the feeding of the natives. In addition, the health service is well-organised and well-equipped. Thus, from the beginning of the work, which started in July last, only eight deaths have been registered. The coefficient of invalidity is 1.7 per cent. I believe therefore that, thanks to these methods, the work will be concluded even more rapidly than I expected and under the best possible conditions, without involving the country in any difficulties.

The Commission will have noted in Chapter XIV, in reply to a question which it has asked, that the percentage of natives working in public or private undertakings is insignificant. In relation to the total population it is only 0.76 per cent.

I will conclude this statement by saying a few words on the financial situation. You have been justly preoccupied on different occasions with the incidence of taxation, as well as with the capacity of the native to pay. I hope that you have found in the report all the necessary and useful explanations to clear your minds in regard to this matter. I can conscientiously state that the burden imposed on the taxpayer in Togoland is less heavy than anywhere else. I think that a great many nations — even European — might envy Togoland, for the taxpayer pays only 0.76 per cent of his income, in estimating which, moreover, I have minimised his resources. The limit of his ability to pay is therefore, far from being reached. I have as a proof of this the views of the Councils of Notables. Many of them have stated that they could pay a great deal more. It cannot then be claimed that the native is taxed too heavily.

The question of the head-tax has often been discussed. In this connection, I venture to express a personal opinion. It is obvious that indirect taxes are more acceptable to the taxpayer, because he does not take them directly into account. If there is a higher duty on sugar and flour, the taxpayer does not appreciate clearly the effect that this increase has on the retail price, which alone interests him. He therefore more readily accepts the burden. Nevertheless, in new countries, where the spending capacity of man is very limited, the head-tax has its justification.

The native is thus induced to work in order to pay his tax, however small it may be, just as the goods in a depot incite him to work in order to procure them. The native in the natural state has very few requirements, because he lives in a primitive condition like our ancestors of the stone or iron age. The duty of colonisation, therefore, is to create for him needs which will improve his wellbeing. It is not, in fact, normal for a man to live without clothes, exposed to the intemperate climate, to continue to live miserably, to nourish himself inadequately or badly, not to improve his methods of cultivation, not to utilise convenient household utensils, in a word, not to benefit from progress and life.

When the normal requirements of Africa are sufficiently developed, however, it may be possible to suppress the head-tax. In reality, this tax should be imposed at the beginning and not at the end. When the situation becomes normal, financial equilibrium will be attained by means of indirect taxation. That is the way in which I look at the fiscal question.

In regard to the Reserve Fund the disproportionate increase of which has been followed by the Commission in the annual budgets, I have to state that at present it does not exist. While awaiting the voting of the railway loan by the French Parliament — which will not be long delayed, since the Minister has given me assurances in this matter — work has been begun by means of the Reserve Fund. I have devoted to it nineteen millions. I have already, in eight years, been able to realise, without overburdening the taxpayer, about fifty millions for important works and, at an opportune moment, I shall contract a loan of sixty-five millions for the construction of the railway.

I said at the " opportune moment " because, as I have explained in my report, there are favourable and unfavourable moments for loans. In fact, during past years money was borrowed in France at rates varying from 10 to 12 per cent.

If I had contracted a loan of fifty millions in 1922, I should in reality have had to repay in fifty years 250 millions, whereas I should only have received fifty millions. Moreover, in order to pay the annuity of five millions, I should have been obliged to levy taxes. The idea of issuing a loan had therefore to be discarded.

On the other hand, at the present time the interest in France is at about 4 per cent, and the rate for amortisation would be about 5½ per cent. It would therefore be advantageous and

opportune to contract a loan. Out of the loan of sixty-five millions which I have in view I should have to refund to the Reserve Fund the nineteen millions which I have used for the preliminary work on the railway. If, however, the financial situation did not make it necessary to refund that sum to the Reserve Fund, I should reduce by that amount the total of the loan.

In conclusion, I wish to point out that, at the beginning, some difficulty was caused by the special currency created in 1923 for Togoland, on account of its co-existence with English currency. To-day, however, there are none of these special coins in the Exchequer. They have had such success that I have been compelled to ask the Department for an authorisation to strike three millions more. That is an indication of the prosperity of the territory ; since, as the native possesses a reserve — for it is not trade which holds this money — he will later be able to buy imported goods.

I have now concluded my statement and I thank you for the kindness with which you have been good enough to listen to me.

The Chairman thanked M. Bonnecarrère for his clear statement and for the great efforts which he had made in Togoland as well as for the results attained. That statement had given the members of the Commission a general view of the very judicious conceptions which had guided M. Bonnecarrère in the accomplishment of his work.

The Chairman hoped that he would find in the collaboration of the Mandates Commission encouragement and moral support in persevering in the paths which he had traced for himself.

Form of the Report.

Before proceeding to the examination of the report according to the order adopted for questions, the Chairman invited the Commission to make any general observations on the report as a whole.

For his part, he wished to point out a misprint on page 148 of the report, the title of which referred to the fourteenth and fifteenth sessions instead of the thirteenth and fifteenth.

Concerning the first question on this same page 148, the text seemed to imply that the observation emanated from one of the members of the Commission. The point in question referred to a remark made by M. Van Rees himself (page 23 of the Minutes of the fifteenth session). There M. Van Rees merely quoted the work of Mr. Buell :

> " Mr. Buell alleged ", he had said, " that neither the Togoland nor the Cameroons Administration had observed the rule whereby the natives concerned were obliged to furnish labour for a fixed number of days exclusively for the purpose of certain public utility undertakings. "

The Chairman requested that those who were responsible for drawing up the annual reports should be so good henceforward as to indicate on what page of the Minutes of the Mandates Commission each of the questions to which a reply was given was to be found.

The Chairman had no observation to make on the report itself. He admired the way in which it was ordered and its clearness, and it appeared to him excellent as a whole.

Lord Lugard asked if it would be possible for the report to follow the official order of the questions adopted by the Commission.

Delimitation of the Frontier between Togoland under British and French Mandate.

M. Palacios asked for explanations concerning the following declaration (page 141 of the report) :

> " Only the great dispute which arose between the villages of Honouta in the British zone and of Womé in the French zone has not yet been settled. "

This matter had previously been brought up before the Mandates Commission.

On the same page it was said :

> " It had been agreed (general provisions of the Protocol) that, as regards the landed property on both sides of the frontier, the individual and collective rights of the populations already acquired in this connection would be fully preserved, notwithstanding the slight difference subject to which they had been established. "

The Permanent Mandates Commission attached a great deal of importance to this question.

M. Bonnecarrère explained that, long before there had been any question of settling the boundaries of the territories under French and British mandate, disputes had arisen between the inhabitants of the villages of Honouta and Womé concerning the right ownership of Mount Fiametito, where the inhabitants of Womé had planted cocoa. At the time of settling the boundaries the mountain had been included in the British zone and the French Government had left the British Administration to deal with this dispute. The Commissioner of the British district had returned from leave a few days before the departure of M. Bonnecarrère and would shortly take a final decision.

M. Bonnecarrère added that the inhabitants of Honouta and Womé had chosen an arbitrator in a third village who, as in the fable of the oyster and the suitors, declared that the mountain

in question belonged to the third village. The quibbling spirit of the natives was well known, for they never considered a suit as definitely settled and seized every occasion to have it judged afresh.

The Chairman pointed out that in connection with the settling of the boundaries (page 141 of the report) most of the changes that had been made appeared to be of small importance. Article 1 of the French mandate for Togo laid down that the line of demarcation :

> " . . . may, however, be slightly modified by mutual agreement between His Britannic Majesty's Government and the Government of the French Republic where an examination of the localities shows that it is undesirable, either in the interests of the inhabitants or by reason of any inaccuracy in the map (Sprigade 1:200,000, annexed to the declaration), to adhere strictly to the line laid down therein.
>
> " The delimitation on the spot of this line shall be carried out in accordance with the provisions of the said declaration.
>
> " The final report of the Mixed Commission shall give the exact description of the boundary line as traced on the spot ; maps signed by the Commission shall be annexed to the report. "

The Chairman asked M. Bonnecarrère if he thought that the changes in the frontier mentioned in the report ought to be submitted to the Council or could be settled directly between the British and French Governments. Personally, he thought it was useless to submit the matter to the Council.

M. Bonnecarrère agreed.

M. Merlin recalled the fact that he himself, when Governor-General of French West Africa, had been engaged in 1919 with Lord Miller in marking out the frontiers of the territory of Togo under French and British mandate. All the legal contests raised by the natives could not at that time be settled on the merits of the documents in hand, and their detailed settlement had been left to the local administrators.

It seemed useless, therefore, to submit to the Council the slight changes that had been made since that time, and he thought it would be enough, when the boundary had been definitely marked out, to send the Council an exact description, together with maps.

Count de Penha Garcia also acquiesced in this point of view, and pointed out that the Council and the Mandates Commission had always been well informed on the question.

M. Bonnecarrère said that, as far as the only important change in the frontier was concerned, the Franco-British Mission of Delimitation had merely sanctioned the agreement made between the British and French Governments in 1920.

Question of prolonging the Time-Limit for the Receipt of Tenders.

M. Ruppel said that a notice of a tender to supply railway and wharf material published on December 7th, 1929, fixed a time-limit which had expired on February 7th, 1930. He thought that this period was so short that it would quite definitely prevent any European firms from presenting a tender within the time-limit. He asked if it might be possible in future to arrange for longer time-limits in such cases, in order to take into account the time that was necessary for correspondence.

M. Bonnecarrère agreed that this remark was justified. He said that in the case in question, he had, in answer to the demands of business men, prolonged the time-limit by a fortnight.

Nevertheless, it should be realised that the Administration was often urgently in need of material offered by tender, and that, if the representatives of European business houses took the trouble to cable their offers, the replies would be received within the time-limit.

In answer to another question of M. Ruppel, M. Bonnecarrère added that, in practice, those business houses that had representatives in Togo were the only ones that were in a position to offer tenders.

Customs Relations between Togo and Dahomey.

M. Orts recalled the fact that, during the fifteenth session, there had been a discussion on the Customs relations between Togo and Dahomey. The explanations then given made it clear that there was no Customs union between the two countries, but that, as a matter of fact, the Customs barrier had been suppressed between them. It appeared now that this barrier had been re-established, and M. Orts wished to know for what reason.

M. Bonnecarrère explained that he and M. Merlin, who was then Governor-General of French West Africa, had thought that it was very important, in the interests of the natives who inhabited the two banks of the Mono, to facilitate the exchange of all kinds of produce between them. It was essential that these transactions should not be hindered in any way, for the rich foodstuffs of Togo nourished Dahomey as well as the other neighbouring countries. It was with this aim in view that the Customs barrier had been done away with ; but its suppression made a single Customs regime necessary for the two territories.

Until the last year or so, this arrangement had given excellent results, but recently various Governments had levied taxes on business turnover, and whereas Togo only levied 0.50 per cent on exports and 3 per cent on imports, the figures in Dahomey were 5 per cent both for imports and exports.

Naturally, the immediate result was a marked tendency for certain goods and produce to pass through Togo, especially since Dahomey had taken certain Customs measures which were inconvenient for the native population and had led to some trouble. A report had been sent to the Colonial Minister by the Governor of French West Africa, and M. Bonnecarrère intended to devote all his attention to this question when he was in Paris, for he thought it was extremely important to facilitate trade between the natives as far as possible. He believed, moreover, that M. Merlin shared that way of thinking.

Export and Import Trade.

M. Rappard had been interested to study the detailed comparative table for goods exported (page 132 of the report). He asked if it would not be possible in future to have a table showing the relative importance of the imports and exports from different countries as was done in certain other reports.

M. Bonnecarrère took note of this request and said that France was at the head of the figures of imports and exports, followed by Great Britain, and that trade with Germany was showing steady development.

Mixed Communes.

The Chairman had noticed in the *Annales Coloniales* that the Colonial Minister, together with M. Bonnecarrère, had authorised the creation of mixed communes in Togoland on November 6th, 1929. He asked for explanations concerning these communes.

M. Bonnecarrère stated that it was at his request that the decree authorising the creation of mixed communes had been promulgated. He had not yet, however, thought it desirable to apply the decree. The French Government had instituted them in other colonies for more than twenty years. They were a kind of municipality with restricted powers, assemblies responsible for the administration of certain municipal services (electricity, roads tramways, etc.). Their budget was met by subsidies from local budgets, by the collection of " centimes additionels " or by special taxes.

In asking for authority to create such mixed communes in Togoland, M. Bonnecarrère had wished to have the legal power to convert them into larger communities. The present conditions were, indeed, hardly favourable for their immediate creation. The mixed communes superseded the Government in that they were responsible for certain public services. The road, water and electricity services would then be managed by these mixed communes which would collect the necessary rates. M. Bonnecarrère considered that, at a time of economic crisis, it was preferable to avoid new taxation.

The Chairman asked whether the creation of these mixed communes would not constitute a step towards native participation in the administration of the country.

M. Bonnecarrère replied that he had set up Councils of Notables who participated in the administration of the territory more than the mixed communes would do. The latter were presided over by the district official *(commandant de cercle)* and included European and native members, whilst the Councils of Notables had been presided over since 1924 by a native. The district official only attended the meetings.

The Chairman deduced from M. Bonnecarrère's reply that the object of the mixed communes was not in any way the gradual political education of the population.

M. Bonnecarrère confirmed that the object of creating these communes would not in any way be political but purely administrative.

M. Merlin emphasised that it was the present economic crisis which had induced M. Bonnecarrère to postpone the setting up of the mixed communes and not any hesitation in his own mind.

In reply to a question by Count de Penha Garcia, M. Bonnecarrère explained that the term " mixed " had been given to these communes in order to indicate not that they were composed of whites and natives, but for two different reasons.

The first was that these groups of people were something between the commune as it existed in France and even in Europe, where the municipality had more complete powers of administration, and the system of direct administration by local government. Examples of this existed in Senegal where there were communes in full working order.

The second reason was the fact that the individuals composing these groups were officials and European and native traders.

Partial Communication to the Commission of the Minutes of the Councils of Notables.

The Chairman said that during the fifteenth session the Commission had raised the question of the partial communication of the Minutes of the Councils of Notables. The accredited representative had promised to furnish a precise reply, but up to the present time no information had reached the Commission.

M. Franceschi pointed out that it was on his own proposal that certain of the statements made by Mr. Buell had been considered as petitions on which the mandatory Power was invited to furnish data for a reply. He had nevertheless pointed out that, instead of asking his Government to obtain a reply by telegram, which was bound to be lacking in detail, it would be better to wait until the next session, so that there might be sufficient time to receive definite and detailed explanations regarding these partial Minutes.

He read the letter from the Commissioner of the French Republic in Togoland to the French Government, dated January 27th, 1930 :

> " In reply to your undated telegram in regard to the preparation of the report to the League of Nations, I have the honour to enclose herewith a copy of the Minutes of the three meetings of the Council of Notables of Lomé, dated April 19th, 1923, August 26th, 1924, and September 27th, 1924. These Minutes, which were reproduced in the reports to Geneva for 1923 and 1924, have been criticised by Mr. Buell in his book " The Native Problem in Africa ". He accuses the Territory of having voluntarily suppressed certain passages which might have led to observations by the Mandates Commission. In a letter dated August 1st, 1929, I forwarded a copy of these Minutes, but in view of the observations which have been made, I desired to make a thorough enquiry. I have therefore had investigations made into the written archives of the district *(cercle)* and I perceive that the passages mentioned by Mr. Buell actually exist. If, however, they did not appear in the reports for 1923 and 1924, it was certainly because it was not desired unduly to burden the annex to these documents.
>
> " I would point out that it was so little in the mind of the Administration of the territory to desire to withhold the passages for fear of the observations of the Commission that these omissions, made with the sole object of shortening the documents, have been faithfully reproduced by all the native typists since that time. This explains why I have had to refer to the manuscript, and why the Minutes which you received in August last contained the same mistakes.
>
> " However that may be, I agree with you that the affair should be closed and I would very respectfully ask you to be good enough to give our representative to Geneva all the necessary instructions to that end.
>
> *(Signed)* Bonnecarrère. "

M. Franceschi handed the Secretary of the Commission the original text of the Minutes in question.

The Chairman stated that he was completely satisfied with the explanations given. He had only mentioned the question because it was raised at a previous session and he did not in any way insist on it.

M. Merlin wished to take advantage of the present opportunity to draw the attention of the Commission to its tendency to accumulate too large a number of documents in its archives. If the Minutes *in extenso* of all the Councils of Notables or similar bodies in the territories under mandate reached Geneva, the space available would soon be insufficient. To read all these documents was impossible, and, if they were not to be read, it was not necessary to have them.

He considered that the Commission should only ask for the communication of certain documents when the mandatory Power appeared to be at fault.

M. Franceschi observed that in 1923–24 the Commission had not asked the mandatory Power for any document of that kind. It was the latter which, in an excess of goodwill, had submitted the documents in question.

He thanked M. Rappard for having insisted during the fifteenth session on the necessity for giving the mandatory Power the time necessary for showing the good faith of its administration.

M. Rappard considered that the mandatory Power had been wise to study the question thoroughly, for Mr. Buell's book, which was often consulted, continued to give rise to a certain mistrust.

Cabrais Migration.

Referring to the creation of *Cabrais* village settlements in the centre of the territory (page 156 of the report), M. Orts asked what was the figure for the population thus transferred.

M. Bonnecarrère replied that it was about 5,000 persons.

Lord LUGARD had been particularly interested in the statement relating to these settlements. In similar attempts which had been made elsewhere some reluctance had been shown by the natives to abandon the tombs of their ancestors.

Had M. Bonnecarrère experienced any difficulty from this source ?

M. BONNECARRÈRE replied that this observation was very true. The native could only be considered as having definitely emigrated when he had installed the tombs of his ancestors in his new residence. At the same time, in the case of the colonisation of Central Togoland, the facilities for communication offered by roads and motor lorries enabled the natives to return regularly to their native villages and to perform the traditional rites on the tombs every year or two, or sometimes even every six months.

M. FRANCESCHI pointed out that, when the natives of Togoland emigrated towards the Gold Coast, they did not install their tombs there. They bound themselves either for one season only, or for two or three years, signing a kind of *métayage* contract which secured to them a-third of the produce of the soil which they cultivated. The present economic crisis permitted one to hope that they would return in greater numbers to their native land.

Lord LUGARD asked M. Bonnecarrère whether he had found it useful to have the houses which sheltered the fetishes transferred. He considered that the question of the redistribution of the population in Africa was of capital importance in view of the vast territories which had been depopulated by the slave-trade and bygone epidemics.

M. BONNECARRÈRE was entirely of that opinion. Africa was an under-populated continent. That state of affairs was due on the one hand to banditry and the slave-trade which formerly existed, and on the other to epidemics such as smallpox, sleeping-sickness, etc.

The measures which would be taken to remedy this under-population would doubtless give good results, but it would be necessary to wait a long time for them. The density of the black population in Africa varied from 1 to 20 inhabitants only per square kilometre ; it was essential to restore to their native land the populations which for various reasons had left certain easily cultivated districts.

Africa had hardly broken away from the feudal system. In Europe, in the Middle Ages, when a lord was too exacting, the serfs left the plains to take refuge in the mountainous districts; they only returned to the plains when peace was definitely established. M. Bonnecarrère was endeavouring to solve in Togoland the problem of the return of the natives to the rich lands.

Lord LUGARD considered that it was the Commission's duty to give the greatest possible publicity to any successful experiments made in this sphere for the benefit of other Administrations which might wish to make them elsewhere.

In reply to the question put previously by M. Orts, M. BONNECARRÈRE pointed out that the figures for the population of the new villages in the central district of Togoland were given on page 157 of the report.

He stated that he hoped to create about a hundred of these villages in all. They offered a great many advantages ; thus, for instance, the native of the Cabrais country, attacked by sleeping-sickness (which did not spare this savanna district, however little damp there was there), far from spreading the disease when he reached the new villages, was placed under the strict supervision of the doctor. The latter, thanks to the roads, was able to visit the village each week by automobile, to become acquainted with the cases and to attend to them under good conditions. He could also exercise greater supervision over confinements and the health of children, thus making possible a very rapid increase in the population of these villages.

Lord LUGARD pointed out that similar experiments were at present being made in the territories under Belgian mandate.

TENTH MEETING

Held on Wednesday, June 25th, 1930, at 3. p. m.

Togoland under French Mandate : Examination of the Annual Report for 1929 (continuation).

M. Franceschi and M. Bonnecarrère, accredited representatives of the mandatory Power, came to the table of the Commission.

CABRAIS MIGRATION *(continuation)*.

Count DE PENHA GARCIA said that he had been much interested in the transfer of the native populations which had been effected by the Administration of Togoland in order to achieve a better social and economic distribution over the territory. He would be glad if the Commission

could be informed, in later reports, of the results obtained. In this connection, he informed his colleagues of a similar experiment carried out some time previously in a Portuguese colony, Angola. As in Togoland, a new native village had been created, in order that the population might be distributed more satisfactorily. For that purpose the elements of the population to compose the new village had first been selected, with the assistance of the health services. Then these people, men and women, had been taken to the territory which had been chosen and which had been prepared by the agricultural services. Native dwellings had been built, advances of grain and agricultural implements had been made and all the necessary steps had been taken to settle and maintain the natives on the land. Care had also been taken to see that the conditions of family and economic life were good. The help given by the missions had been very useful in connection with educational work in the new village.

The results had been very convincing, the cultivation of foodstuffs had been intensified and the natives had quickly been persuaded to cultivate also crops for sale. The coffee plant had been chosen. The natives were now in good health and better dressed than their neighbours, which was a very characteristic sign of wellbeing in these countries of primitive habits.

Count de Penha Garcia pointed out that these experiments were very delicate and difficult. As a matter of fact, the natives often preferred to return to their old customs and to leave the village which had been created. For that reason, he would be pleased to have further information in the next report.

M. Bonnecarrère declared that the French Government had been guided, in carrying out these removals, by the same considerations as the Portuguese Government. It was certainly not an easy matter to succeed in transporting native peoples from one country to another. It was necessary to act gradually and to take time. He personally had taken care to make a preliminary examination of the ground that had been chosen by the doctors and the agricultural services. When he knew that the ground was suitable for cultivation and immune from the tsetse fly and that sleeping-sickness was not prevalent there, he had then exercised the greatest care in the transport of the natives. At first 50 men had been installed on the ground that had been chosen and marked out. Then these men, after constructing their huts had returned for their wives and children and all this transport had been carried out by means of lorries. The Government had given them seed and agricultural implements gratis and had paid them a salary during three months, considering them as attached to a Government agricultural station. In his opinion, these were indispensable precautions that had to be taken if such delicate removals were going to be carried out with success.

M. Merlin also considered that these removals of the people were an excellent work. As a matter of fact, the population was badly distributed in Africa. The people had taken refuge too often in the poorest and most distant regions because they had been driven from better soil by the bands of brigands who had devastated Africa. It was the duty, therefore, of the countries that were responsible for these territories to restore these natives to better conditions of existence, to grant them fertile land and to do all this with great care, as had been done by M. Bonnecarrère.

M. Rappard agreed with M. Merlin. This was a useful work and the natives willingly took part in it. The Mandates Commission should, therefore, defend these removals against the blind attacks, to which they might be subject, of badly informed philanthropists, whose activities Count de Penha Garcia had seemed to fear.

Lord Lugard assumed that the move was entirely voluntary on the part of the villagers.

M. Franceschi pointed out that there was so little doubt about the voluntary character of these removals that in 1929 the local administration had made preparations to set up five new villages, but it was unable to set up more than two, because it considered that since the Cabrais population had been asked to supply the greater part of the workers on the railway, they ought to be left near the yards where they were going to be engaged, and where they would receive sufficient pay and good food. Then had occurred a curious fact which showed the value of this institution in the eyes of the natives. The natives had clamoured for the creation of new villages, and nine new ones were set up during the year, not by the Administration, but by the natives themselves.

Lord Lugard said that he had been very interested in the success of the Administration in inducing the hillmen to come down into the plains and make villages without breaking up their tribal organisation. He asked if the inhabitants of the plains did not complain of the appropriation of land by them for purposes of cultivation.

M. Bonnecarrère replied that quite the contrary, they asked for these removals to be more numerous because the inhabitants of the mountains worked for them.

M. Franceschi pointed out that they had even offered to pay for seed and for the board of these natives during the period of fusion.

Activities of the Councils of Notables.

M. Sakenobe had learnt with considerable satisfaction that the Councils of Notables of Togoland were acquitting themselves well of their task. He wished to know if they also took

interest in the execution of what they had discussed and decided ; for example, did they make any attempt to find out if the natives paid their taxes regularly, if school attendance were satisfactory, etc. ?

M. Bonnecarrère replied that the members of the Councils of Notables took great care over questions of general interest, and had even surprised him by the control they exercised in the spheres of medical assistance, teaching, taxes, etc. The Minutes of the Councils of Notables would also make clear how anxious were the members of these councils to make certain that their advice was followed.

Lord Lugard congratulated M. Bonnecarrère on the close collaboration which he had described as existing between the Government and the Councils of Notables, to which he had generously said he attributed his success. Lord Lugard hoped he would be able to entrust the chiefs with individual responsibility and so increase their usefulness.

Public Finance.

M. Rappard said that the Mandates Commission would recollect that during the last few years it had been surprised by a growing surplus of receipts which might perhaps prove to be a too heavy charge on future generations. The person who had been responsible for drawing up the annual report had doubtless carefully read the Minutes of the Mandates Commission, and had taken care to point out several times that the situation was neither so bright nor so regrettable as the Commission appeared to think. In order to make the situation clearer, he had drawn up what he called a "moral statement" which he hoped would be more within the compass of the Mandates Commission than an administrative account.

M. Rappard said that on page 67 of the report it was stated that the surplus of income had fallen from 7,023,661 francs in 1927 to 2,693,517 francs in 1928. He asked what was the reason for the decrease in the figures of this surplus.

On the previous page it was said that the total ordinary receipts for 1928 had been 32,882,505 francs, whereas the total of expenses for the same year was 28,188,987 francs, which made a surplus of about 4,693,517 francs. Under the total of ordinary expenses there was a heading "Unforeseen expenses" which amounted to exactly 4,693,517 francs ; by adding the total of the ordinary expenses and of these miscellaneous expenses, the total of the ordinary receipts was reached almost exactly. He wished to know what method the mandatory Power had employed when adding these unforeseen expenses to the other ordinary expenses.

M. Bonnecarrère pointed out that the statements of the accounts of financial administrations did not always conform with reality.

He declared, in the first place, that there were two budgets — an ordinary and an extraordinary one. The normal income of the year supplied the ordinary budget ; the extraordinary income — *i.e.*, levies on the reserve fund — the extraordinary budget. The ordinary budget contained the chapter for miscellaneous expenses *(dépenses d'ordre)* and general supplies. These supplies meant the stocks that the administration of the territory supplied at need, such as cement, iron, sheet-iron, etc. This chapter was a chapter for miscellaneous expenses, which was endowed with no credit in French colonies.

He had thought that, in order to correct the financial management of the territory, this chapter would have to be furnished with a lump sum represented by these 4,693,517 francs, but in order to keep the balance he had included an equal sum in the budgetary estimates of revenue, because, on December 31st of each year, according to regulations in force in the French colonies, the excess of stocks was carried over to the following financial year.

M. Rappard pointed out that he had put his question after examining the table on page 66. He merely wished to ask the accredited representative how this figure of 4,693,517 francs had been arrived at.

M. Bonnecarrère said that the figure of 4,693,517 francs represented the expenditure actually incurred for general supplies. This expenditure, added to the repayments made from the Reserve Fund to ordinary and extraordinary expenditure, should equal the revenue obtained if the final accounts were to be correct.

M. Rappard observed that the figure given on page 67 in the section of ordinary payments for 1928, namely, 30,188,987 francs, would be found to be somewhere between the total ordinary expenditure and the total expenditure if the unforeseen expenses were added. How were these differences explained ?

M. Bonnecarrère said that, if he had rightly understood M. Rappard, he considered that there was a marked difference between the total ordinary payments and the total ordinary expenditure.

M. Rappard replied in the affirmative. He added that there might be a misprint in the text, for the figures for hundreds of thousands were absolutely the same.

M. Bonnecarrère replied that that was true. There was certainly a typographical error.

M. Rappard observed, moreover, that the most important fact to be noted was the continued surplus over ordinary revenue. This surplus, moreover, would not be long in disappearing as a result of an event on which the territory was to be congratulated : the construction of the railway.

M. Rappard had read with interest on page 61 of the report that the mandatory Power had endeavoured to collect positive indications which would permit of a reply to the anxiety expressed by the Mandates Commission regarding the fiscal burden imposed on the native taxpayers. The mandatory Power, with a view to ascertaining the taxable capacity of the native, had wondered what was the average income of a Togoland family. For that purpose it had taken an average family of one man having a wife and one child, living in conditions which were not very favourable. On page 64 of the report, however, it was said that that was not the average type of family in Togoland, which were mostly polygamous. From the statistics given on page 96, however, that did not appear to be the case.

M. Bonnecarrère replied that that was certainly the case, but that, on the other hand, polyandry was found in certain districts.

M. Rappard stated that the report showed that the average family in Togoland was not at all heavily burdened from the fiscal point of view. Nevertheless, it should be observed that, in spite of that, the families with an income below the average might be liable to excessive burdens, for the head-tax, which was the same for everyone, was paid by the poorest as by the fairly rich families.

On the other hand, the report stated (page 64) that not more than 115.50 francs was imposed on the natives or more than 200 francs on the whites. It followed that the proportion seemed greater for the natives than for the whites, for the maximum income of the whites was certainly higher than the maximum income of the natives.

In reply to M. Rappard's first observation, M. Bonnecarrère stated that a distinction should be drawn between districts in the territory of Togoland. Actually the native had one or several wives, according to the district. Polygamy was most common in the southern districts between Atakpamé and Lomé.

M. Bonnecarrère then stated that for three years the Administration of the territory had prepared demographical statistics, but too much should not be expected from those statistics. For the moment, the doctors who collected them could only take soundings in certain villages. In fifteen or twenty years the information would be more precise, and the exact number of households with one or two wives would be known.

M. Orts observed that according to the census, the results of which were given on page 88 of the report, the proportion of men was much greater than that of women. If polygamy existed, however, this must surely give rise to social difficulties.

Mlle. Dannevig was also surprised that polygamy existed in the territory when there were fewer women than men.

M. Bonnecarrère repeated that the whole question depended on which district was in question. He pointed out also that many of the men were bachelors.

M. Rappard pointed out to the accredited representative that he had asked a question in regard to the payment by the natives of the head-tax.

M. Bonnecarrère replied that the Europeans who lived in the territory were nearly all petty officials or trade employees. They were much less well-off than the natives, who paid at the most 115.50 francs. It should not be forgotten that a native cocoa-planter was a multi-millionaire, while the official or the European employee had only his pay or his salary. Nearly all the well-off natives had automobiles, while the officials or the employees were compelled to go on foot or bicycle.

Lord Lugard said that, in his opinion, it would be a mistake to abolish the head-tax. A direct tax was an unfortunate concomitant of civilisation in every country.

M. Merlin was of the same opinion.

M. Rappard noted from page 72 of the report that the expenditure on publicity and information in regard to Togoland amounted in 1928 to 360,337 francs. It was the duty of the Mandates Commission to draw attention to the fact. Doubtless, it might be said that expenditure on publicity contributed indirectly to the prosperity of the country and, in consequence, of the natives. It was possible, however, to go too far in employing that argument. It seemed to him desirable also to repeat the recommendation already made by the Mandates Commission, that the mandatory Power should be good enough to provide for Togoland, as for the Cameroons, a complete and detailed list of the expenditure on publicity and information, and should endeavour to restrict it as far as possible.

The Chairman (M. Van Rees) observed that the budget for miscellaneous expenditure showed that the publication of the annual report to the League of Nations had cost 36,000 francs. No reference was made under receipts, however, to the proceeds of the sale of this report.

M. Bonnecarrère replied that the proceeds of the sale of the annual report were entered under the heading : " Economic Agency of Togoland and the Cameroons ". This Agency had its own receipts and expenditure. Its receipts consisted in the sale of publications and pamphlets on Togoland, and also the sale of the report to the League of Nations.

Economic Régime and Movement of Trade.

M. Merlin had little to say in view of the exceptional progress made in Togoland. He was glad, in particular, to note that the present economic conditions permitted the carrying out of public works and the issue of loans which were more and more necessary. On the other hand, as the exchange markets were at present becoming favourable to securities with a fixed yield, the moment was ripe for issuing loans for meeting the requirements for economic equipment.

M. Merlin was very glad to note that the construction of the railway started by the Germans before the war was being continued. In this connection, he observed that numerous discussions had taken place and that some people had wondered whether the railway would be of use to the territory itself. In his opinion, it could always be said that a railway was useful, except when it was badly planned. This railway, in particular, would serve distant and prosperous districts and would put them in touch with the coast. It would thus be an excellent element in progress and, on the other hand, would ensure communication with neighbouring territories. He could therefore only approve the policy of the mandatory Power in this matter.

Like Lord Lugard, he was in favour of maintaining the head-tax, which was easy to levy.

He pointed out to the accredited representative that the exports for 1929 had decreased by two million francs, and that the imports, on the contrary, had increased by 12,623,000 francs. He was not surprised, however, in view of the present instability of the position of trade throughout the world.

M. Bonnecarrère pointed out to M. Merlin that tonnage, on the contrary, had increased.

M. Merlin stated that that had nothing to do with the purely financial question he had raised. He would content himself with drawing attention to the matter, which he believed was transitory and would end in a year or two.

He asked whether there were, at present, large stocks of goods to be disposed of in Togoland.

M. Bonnecarrère replied that he had been dealing with this question before leaving the territory. He had asked traders to furnish him with approximate figures. In April, the stock was about 25 million francs which was an insignificant figure, seeing that the annual consumption amounted to about 100 million francs. Moreover, traders had affirmed that orders had been given and arrivals announced. It could therefore be said that the world crisis had not yet occurred in Togoland.

Nevertheless, M. Bonnecarrère did not think that economic prosperity would be restored in two years. He stated that the value of export products had fallen about fifty per cent, and the same could not be said of imports. Some of them had fallen only ten per cent (for instance, cotton goods from England and Germany). The result was a lack of balance, and the purchasing power of the natives was decreased by fifty per cent. For his part, he did not see the factor which would solve the situation, and he believed that it would be wiser to await a crisis the result of which would be the production of deficits in the local budgets of Togoland.

M. Merlin did not think that the situation was as bad as M. Bonnecarrère suggested. He himself thought that, as a result of the present restrictions, the stocks which had been built up would be exhausted, and the result would be an increase in the demand for raw materials in a year or two.

Judicial Organisation.

M. Ruppel asked whether the village chiefs exercised any jurisdiction of a repressive nature. Could they inflict disciplinary punishments on their followers ?

M. Bonnecarrère replied that their power was exclusively that of conciliation.

M. Ruppel asked for explanations as to what was to be understood by the table entitled " Persons prosecuted and sentenced ", to which reference was made on page 57.

M. Bonnecarrère replied that there were in Togoland two kinds of courts : the sub-divisional courts dealing with matters of lesser importance and the district courts which handled the more important matters. In addition to these two courts, there was the Chamber of Homologation with powers of appeal and homologation. It was composed of European magistrates and officials and native assessors. This Chamber heard appeals from those decisions of the district courts on which appeal could be made. On the other hand, like the Court of Cassation in France, it had power to cancel sentences. It had a public prosecutor who exercised supervision over all sentences.

In reply to M. Ruppel's question, M. Bonnecarrère stated that the tables on page 57 referred to persons sentenced under the three jurisdictions.

Lord Lugard observed that M. Bonnecarrère had stated in his opening speech that the native customary law was being codified. He thought it was of great value to ascertain to what extent this customary law was based on tradition or upon superstition and what were the native conceptions of crime and of justice, but he doubted whether it would be an advantage

to codify it. There was always a danger in stereotyping native law, for it was necessarily subject to change as the people adopted civilised customs.

M. Bonnecarrère replied that it was true that native custom constantly evolved. In constituting the native customary law he had desired to enable the natives to take decisions with full knowledge of the matter. This customary law was subject to new modifications as circumstances required.

In reply to Lord Lugard's second question, he stated that the customary law in Togoland was based solely on tradition. Superstition exercised no influence. In Togoland, in fact, there was a form of fetishism which was not based on magic, but on the belief in one god with representatives on the earth (the spirit of evil, the spirit of good, etc., and spirits favourable to the village, to the family and to the tribe). But fetishism exercised no influence on the legal position of the natives. Civil affairs were settled in accordance with tradition handed down from generation to generation. That tradition, moreover, was quite consistent, and the greatest difficulties were experienced in interpreting it.

M. Merlin was certain that M. Bonnecarrère had done very valuable work in fixing the customary law.

Police.

M. Ruppel pointed out that, according to the report, the effective strength of the police force was 305 native guards and 115 reservists. On the other hand, it was stated that a decrease in these forces was thought possible and was at present under consideration. The budget of Togoland for 1930, however, provided for 434 native guards. How could that be explained ?

M. Bonnecarrère replied that as a result of the works on the railway the effective strength of the district guards had been increased with a view to the supervision of the natives employed in the workshops. It was true that the effective strength of the police force would be decreased in order that the district guards already existing could be increased. The present increase was therefore quite temporary, and would cease when the railway works were terminated.

M. Sakenobe observed that on page 34 of the report it was stated that in 1929 the effective strength of the police force was increased as a result of the construction of the railway. He asked what was the object of this increase.

M. Bonnecarrère replied that the passage referred to the corps supervising the natives working on the railway for the purpose of preventing them from committing murders, thefts, and other offences.

Militia.

M. Sakenobe stated that the Decree of 1927 set up a militia reserve. Was this reserve ready, and were any periods of service contemplated for 1930 ?

M. Bonnecarrère replied that, in accordance with the terms of the mandate, this reserve was only called upon in case of a general conflict. No period of service was in view.

In reply to another question of M. Sakenobe, he stated that the Administration was satisfied with the training, health conditions and discipline of the militia.

Arms and Ammunition.

M. Sakenobe had read with pleasure on page 14 of the report that the local administrations were considering for 1930 the collection of a tax on gunpowder to be levied in the factories and private depots in the territory. He hoped that this measure would be carried out, and that thereby they would obtain a decrease in the consumption of gunpowder.

M. Bonnecarrère did not believe that the consumption of gunpowder was a danger in Togoland. The natives were very peaceful people and were content at the most important ceremonies to shoot their rifles ; they also used gunpowder to protect themselves against wild beasts. Personally, he was convinced that an increase in the consumption of gunpowder was a sign of prosperity, because it showed that there was more land under cultivation to be protected against wild beasts.

M. Sakenobe said that in the district of Lomé there had been 7,714 shot-guns in 1929. He asked if these guns were not used for other purposes besides rejoicings.

M. Bonnecarrère replied that they were only used for protection against wild beasts and at public rejoicings.

M. Franceschi pointed out that each holder of a rifle had the right to a kilogramme of gunpowder. There were 25,000 rifles in the territory, but only 12,500 kilogrammes of powder were consumed. There was consequently no need for any anxiety in the matter.

Labour.

Lord Lugard said that, although on page 7 of the report it was stated that the subject of slavery was of no interest for the territory because it no longer existed in Togo, the statement on page 9 that " the conditions in which the Cabrais worked on behalf of a notable of the coast were regrettable both from the point of view of the duration of daily work and from the point of view of housing and sanitation ", appeared to imply that conditions analogous to slavery still existed. It would be interesting to know under what conditions the natives were recruited by the notables and what were the salaries paid by them. Was M. Bonnecarrère satisfied that the measures taken to put an end to these abuses were efficient and strictly enforced ?

M. Bonnecarrère thought that this observation was very just. He had to proceed with rigour against a native notable who had employed some Cabrais, supplied by the Administration, under the most regrettable conditions, both from the point of view of the daily duration of work and also from that of housing and health. This notable had been warned that henceforward he could not count on manual labour recruited from the bush. As a matter of fact, it might now be affirmed that all natives were paid a salary of 8 to 8.50 francs per diem.

Lord Lugard said that he had understood that the Administration hoped at an early date to abolish labour levies *(prestations)* and to rely solely on voluntary labour and the direct tax. What proportion of the labourers thus compulsorily levied were able to commute ?

M. Bonnecarrère replied that 90 per cent of the natives commuted their levies. He pointed out, however, that these levies were not compulsory, but were looked upon rather as a tax.

Replying to another question by Lord Lugard, M. Bonnecarrère declared that soldiers were never used as manual workers.

He added that each inhabitant of the village was naturally obliged to clean the roads in front of his hut and around the village. Apart from this particular case, the work of the natives was always remunerated and voluntary.

As regards recruiting for public works, M. Bonnecarrère was in a position to affirm that, in 1930, all the labour necessary could be found in Togo on condition that the natives were well fed and well paid. He said that when the Administration wished to recruit workers in Togo to work, for example on a railway, it was necessary to use the native chiefs as intermediaries, who informed their dependents of the conditions offered by the Administration.

As regards the work on the railways now in hand, it had been noted that forty of the labourers who had been rejected had gone on foot to the yards and had been engaged as voluntary workers.

The native chief in Africa acted as an employment agency.

Lord Lugard asked if the chiefs had the right to compel the natives to work for them without receiving any remuneration.

M. Bonnecarrère replied that this was very probably the case. The Administration was unable to watch constantly over the native chiefs, but he thought that there was no reason to exaggerate the danger. It was rather a matter of mutual assistance than of forced labour with penalties.

Lord Lugard asked if it would not be possible to give salaries to the chiefs so that they could pay for the work done for them.

M. Bonnecarrère replied that the chiefs already received a salary from the Administration which was only intended to provide for the expenses of their entertainments. Obviously a chief did not give actual pay to the natives whom he employed for his own particular work, but he rendered them other services.

M. Bonnecarrère thought that a comparison might be made in this connection between the native chief and the ancient feudal lord who protected the inhabitants of the land near his castle. In the same way, a native chief protected his subjects against the incursions of neighbouring tribes. In exchange for this protection the natives worked for the chief.

M. Bonnecarrère also pointed out that there was a tendency for native authority to disappear. The great native chiefs who had existed at the time when Africa was first colonised were becoming fewer and fewer. There only remained a swarm of small native chiefs whose authority was very weak. That was why the Administration of Togo had always attempted to substitute the authority of the Councils of Notables for that of native authority.

Education.

Mlle. Dannevig had been satisfied by the very full information given in the annual report for 1929. She had noted, however, that, although the report declared that expenses had increased, it did not give the total sum spent. On the other hand, she had noted that the number of pupils tended to diminish. Perhaps the next report might give information regarding the reasons for this decrease.

M. Bonnecarrère replied that the decrease in the number of pupils attending the schools was due to the disbanding of a large number of older pupils who did not derive sufficient profit from school. School attendance had increased considerably in the villages and the natives

were very anxious to be educated, but the schools had become overfull and the masters could no longer give sufficient attention to each particular pupil. For that reason a large number of young people from seventeen to twenty years of age who derived no benefit from the instruction given had been disbanded, since it was thought that it was better to concentrate on quality than on quantity.

M. Bonnecarrère assured Mlle. Dannevig that the next report would certainly show the number of pupils attending each school.

In answer to another question from Mlle. Dannevig, he declared that children who did not attend school received no education beyond initiation into the rites of fetishism.

Mlle. Dannevig asked if the children received some moral instruction.

M. Bonnecarrère replied that the children of Togo had the moral conceptions of good and ill that had been inculcated by their parents. He pointed out, in this connection, that the influence of the religious missions was excellent in the new countries, because they taught children morality as it was understood in Europe.

Mlle. Dannevig pointed out, however, that according to the report the Administration had no very good opinion of mission schools from the scholastic point of view.

M. Bonnecarrère admitted that the religious missions were not able to instruct African youth in a satisfactory manner. Unlike the lay schools they had not the necessary means at their disposal (such as money). That was why M. Bonnecarrère had himself helped these missions and paid half the salary of the native teachers and instructors employed. Moreover, these teachers and instructors were obliged to pass examinations and, consequently, their educational worth was guaranteed up to a certain point.

In reply to a question from Lord Lugard, M. Bonnecarrère added that these teachers and instructors were not all natives, there were some Europeans, for instance, White Fathers, directors of schools.

Mlle. Dannevig asked if the Administration looked after the education of girls. The report declared that they received less education than the boys. She asked if that was because they were less intelligent, or because their status was inferior to that of men.

On the other hand she had noticed that a certain number of schools of domestic economy had been created. She asked how many.

M. Bonnecarrère replied that there were six schools of domestic economy in the territory — one for each district. He pointed out that native women held a different social position from that of European women, but they were not slaves.

Mlle. Dannevig asked if the position of women was especially bad in Togoland.

M. Bonnecarrère replied in the negative. To take an example, he declared that it would be found in a Catholic or Protestant household composed of a progressive and educated native who had married a young native girl of the same religion and also fairly well educated, that the marriage had taken place at the church or the chapel with all the proper rites, that there had been celebrations and that for four days the woman had taken her meals with her husband, but that afterwards she had been banished to the kitchen where her only business was to prepare the household meals. It had even been noticed that certain natives, who were agents of large French or English business houses, who dressed immaculately, and spoke French, English and German correctly, had married native women who held the same social position as their husbands abroad ; but within the family the customs of native life came to the surface and the women became the servants to whom he had referred above.

M. Bonnecarrère pointed out, however, that the native women did not complain in the least. They were accustomed to this existence in that they had played the same part when they had lived with their parents before their marriage.

Mlle. Dannevig had read in the report that the life of women in Togoland was very hard and that in consequence of fetishist customs their health was often in danger, particularly at the time of confinement.

M. Bonnecarrère recognised that fetishism gave rise to serious difficulties during illness and confinement. The medicine man *(féticheur)* was obviously the enemy of the doctor in this department.

Mlle. Dannevig asked whether the Administration could help the women to improve their status by providing for them a course of training, for instance, in schools of domestic economy, which would make them more respected in the community in general and by their husbands in particular.

M. Bonnecarrère replied that the Administration would do all it could in that direction. He would point out to Mlle. Dannevig, however, that these women were not fundamentally very unhappy. Apart from their culinary work, which occupied the greater part of their time, they took part from time to time in joint secret meetings.

He added that, in the Gulf of Benin, the palm tree grew in a natural state. The products of this tree were palm oil and palm kernels, which were exported as they were to Europe, or even crushed on the spot. It was the woman, who manufactured the palm oil. As to palm kernels, they were her property. The native woman received these kernels, crushed them

and sold them in the market. With the money obtained from the sale she bought imported goods which she required for the house.

Mlle. DANNEVIG pointed out that in the schools of domestic economy only a very small number of hours was devoted to domestic work. Were these schools chiefly attended by the daughters of chiefs ?

M. BONNECARRÈRE replied that the Administration could increase the number of hours devoted to domestic work. He added that the schools were not reserved for the daughters of chiefs. The younger girls were given teaching in the schools which would later be useful in their housekeeping and, in addition, were given the rudiments of education, with a view to raising their moral and intellectual standard.

In reply to another question by Mlle. Dannevig, he stated that the teaching of hygiene was not neglected in the schools of domestic economy.

M. MERLIN thought that it might be possible to give some idea of the care of children in these schools.

M. BONNECARRÈRE ventured to draw attention to the *Oeuvre du Berceau* which he himself had instituted and which had greatly developed since its institution. This society had at present seven branches, which were very successful among the natives, allthough it might have been feared, on the contrary, that the native women would refuse to attend a clinic for fear of the " matrone " or the medicine man. Women with children went of their own accord to the hospital, where each child received an individual case-book. He himself considered that it was not only in the school of domestic economy, but in the maternity hospital, that the young women learned to take care of their children.

Like M. Merlin, he attached great importance to the care of children, which was one of the best means of remedying infant mortality, one of the principal causes of depopulation in Africa. Out of six births in Africa, indeed, at least four or five deaths occurred during the first year. The improvement of this situation was one of the most important problems to be solved in Africa.

He added that the number of doctors in the territory was out of proportion to the number of inhabitants. There was only one doctor for about 70,000 inhabitants. A larger number of doctors alone would obviously not suffice to repopulate the territory. It would be necessary to add — and for his part he would do so — second-class European sanitary officers and, finally, nurses and native doctors.

Mlle. DANNEVIG had learned that the Administration had decided to grant a bonus to white teachers who had learned the native languages. Had that bonus already been distributed ?

M. BONNECARRÈRE replied that this distribution of bonuses was simply a proposal. He pointed out that he had instituted an advisory education Committee including, among others, the head Bishop of the Catholic Mission and the head Pastor of the Protestant Mission. He was studying educational problems with them, and this collaboration would doubtless be very profitable.

SPIRITS.

Count DE PENHA GARCIA had noted with pleasure a considerable decrease in the importation of alcohol. He had also been glad to note that the Administration was endeavouring to replace alcohol by wine and beers of good quality. The importation of these products was increasing : that was a good sign.

In regard to native drinks he considered that they could be rendered harmful as a result of a defect in manufacture, even if the alcoholic strength was weak. He had seen in this connection that the mandatory Power, in accordance with his request, had studied the question of palm wine which was an excellent drink when it was very fresh, but became injurious later as it grew older, for its alcoholic strength then became stronger. The analyses made of the beer in Togo had proved that it became injurious as a result of contamination with the water which was added after fermentation. He had been glad to note that the results of the investigations undertaken had confirmed his point of view and had justified the misgivings which he had expressed in the previous year. One of the best results attained by the substitution of hygienic drinks for harmful alcoholic drinks was the decrease in drunkenness throughout the whole of the country, which confirmed the experience gained that it was advantageous to substitute for alcohol and other dangerous beverages, wine and beer of good quality and normal alcoholic content.

M. ORTS asked the accredited representative whether the application of the Convention of St. Germain had given all the results expected in the territory or whether experience had proved that it should be amended. This Convention became due for revision at the end of ten years. Did the accredited representative think that, when that time had expired, the Convention would have to be revised ?

M. BONNECARRÈRE replied that his personal experience of the coast of Africa led him to believe that any measure likely to decrease the importation of alcoholic drinks was good and desirable. On the other hand, he considered that any measure the object of which was the absolute prohibition of the importation of alcoholic drinks, though in itself desirable, would be impracticable. Even if it were supposed that all the Colonial Powers would agree to

prohibit the importation of any alcohol into their colonies, it was obvious that, in reality, this would result in smuggling and in an increase in the consumption of native alcohol.

In this connection he pointed out how impossibie it was for the Administration to control the consumption of native alcohols. In the ordinary course of events the native drank palm wine, which was usually fresh. It was only at the time of important ceremonies that he consumed fermented palm wine. He readily supported the use of this drink. In the north, the native drank beer made from millet or maize. Millet beer was nourishing, for the natives ate the solid part of this beverage. In these circumstances, he wondered whether absolute prohibition could conscientiously be considered practicable. This view was not based on budgetary considerations (for the Administration gained from the importation of good wine and good beer). In his opinion, it would encourage smuggling and would lead to certain undesirable physiological results. All imported alcohols were analysed. If they were smuggled, no supervision would be possible.

M. Orts explained his idea. It was not his intention to propose the application to the coast of Africa of a system of absolute prohibition ; he simply wished to know whether the St. Germain Convention of 1919 was fully adapted to the conditions and whether its application did not give rise to difficulties.

M. Bonnecarrère replied that the Convention was a very convenient weapon and was quite sufficient for the Administration. Any measure that strengthened, within the framework of the St. Germain Convention, the prohibition of the importation of alcoholic drinks in order that they might be replaced by hygienic drinks was very desirable.

In reply to a question by the Chairman, he stated that the natives did not employ Eau de Cologne or mouth-wash as a drink. Moreover, the Administration had taken measures to apportion the importation of all industrial alcohol.

Lord Lugard observed that the revision of the St. Germain Convention had been advocated in order that, amongst other things, a better definition should be obtained as to " Trade Spirits ". Formerly, the cheap liquor known by this name was only consumed by natives and was used for trade and barter, but now very cheap whisky, brandy or gin was imported and largely bought by the natives. The system of drawing up a list of brands which might be imported was obviously open to objection.

M. Bonnecarrère replied that so far no difficulty had been experienced at Lomé in distinguishing between trade spirits and good alcohol. Should a business house import a certain brand of alcohol, it had to furnish itself with a certificate of origin and of analysis made out in Europe and then obtain authority to import. For this purpose samples were sent which were examined in the chemical laboratory at Lomé. When the laboratory had announced that the alcohol contained no harmful ingredients, it granted a certificate authorising importation. If the business house endeavoured to introduce alcohols which were not in conformity with the samples, they ran the risk of severe punishment.

He added that perhaps there might be a stricter control in the country of origin. Those business houses that wished to import alcohol into Africa might perhaps be compelled to submit their samples to a scientific committee which would give a visa and authorisation.

Lord Lugard thought that the St. Germain Convention might be revised in order to make its provisions stricter, for natives had become richer, and could buy spirits, even though more highly priced.

M. Rappard asked if alcoholism was actually a serious danger in Togoland.

M. Bonnecarrère replied in the negative. In Dahomey, Nigeria and the Gold Coast the natives were strong, healthy, and very little addicted to drunkenness. He added that a Committee that had met on the Gold Coast to discuss all these questions had announced that, during a period of five or six years, out of x post-mortem examinations only four people had died as a result of over-indulgence in alcohol, and of these four two were natives and two Europeans.

Public Health.

M. Ruppel was satisfied to see on page 51 of the report that 20 per cent of the total income had been expended on health. He asked the accredited representative, however, to explain why the actual expenses in the years 1927, 1928 and 1929 were considerably less than the estimates of the medical service.

M. Bonnecarrère replied that, when the Administration had made its estimates for the budget, it had provided for a complete effective European staff. But this effective number had often not been reached, because of the number of people ill or on leave. He pointed out that the reasons for the surplus in the preceding years was that the salaries of the Europeans had not yet been readjusted. He added that the surplus income had been carried over to the medical assistance budget for the following year.

He drew the attention of the Commission to the fact that among the credits set apart for the year 1928–29 figured extraordinary expenses for bringing water to the town of Lomé. This sum ought, therefore, to be subtracted from the figures given in the report. He said that he had thought it better to delay this very expensive scheme for bringing water, and he hoped to arrive at the same result in a more economical way. The actual surplus therefore was, in reality, 600,000 francs.

M. Ruppel asked if it was easy to find doctors in France who were willing to go out to the colonies.

M. Bonnecarrère replied that in Togoland there were three doctors under contract and nine military doctors. In a talk he had recently had with the Under-Secretary of State for the Colonies he had been assured that there would soon be a much larger number of French doctors for the colonies, because of the increase in the number at the School of Colonial Medicine at Marseilles.

In reply to another question by M. Ruppel, M. Bonnecarrère declared that there were twelve European doctors in the territory at the moment, and that the number would soon be increased to fourteen, whereas, under the German rule, the whole of the former territory of Togoland only had had thirteen doctors.

M. Ruppel said that there was a slight error in the report : in 1914 there had been sixteen European doctors in Togoland.

M. Bonnecarrère replied that at that time there had been a centre of trypanosomiasis, at Kluuto, where there were five doctors.

Land Tenure.

M. Orts had been very interested to learn that the Administration had set up State agricultural credits. He wished to know whether it was a scheme for which the State had supplied the funds, or whether it was merely one supported by private moneys, but in which the State took an interest or which was under State control.

M. Bonnecarrère replied that M. Orts would find the details of the above institution in the draft budget published in the *Journal Officiel du Togo* on May 1st, 1930. This budget made it possible for the territory to grant bonuses to native planters and credits to landowners for industrial plantations. These advances were repayable at the end of five years, without interest, but safeguarded on mortgage.

In reply to another question of M. Orts, he said that the natives were getting more and more used to the idea of property, and that the number of registrations of land was increasing.

Demographic Statistics.

M. Rappard merely wished to ask that for the sake of clearness and conciseness the next report should contain the results of, and not the raw material for, statistics. He wished, moreover, to thank the mandatory Power for all the information it had been so good as to provide once more this year.

Close of the Hearing.

The Chairman said that the examination of the report might now be considered as closed, although a certain number of questions had not been asked by his colleagues or by himself, in order to shorten the examination of the report.

In the name of his colleagues and on his own behalf, he thanked M. Franceschi and M. Bonnecarrère for their valuable collaboration, as well as the French Government for having allowed the Governor of the mandated territory to come to Geneva to give the Commission the fruits of his personal experience.

ELEVENTH MEETING

Held on Thursday, June 26th, 1930, at 10.30 a.m.

Syria and Lebanon: Examination of the Annual Report for 1929.

M. de Caix, late Secretary-General of the High Commissariat of the French Republic in Syria and the Lebanon, accredited representative of the mandatory Power, M. Chauvel and Captain Terrier came to the table of the Commission.

Welcome to the Accredited Representatives.

The Chairman welcomed M. de Caix in the name of the Commission. For several years his regular collaboration had made the examination of the administration of Syria and Lebanon a matter of great interest, which was a cause for great satisfaction.

The Chairman also welcomed M. Chauvel, Chief of the Diplomatic Service attached to the High Commissariat, and Captain Terrier, of the Information Service of the High Commissariat.

The Chairman believed that M. de Caix had returned from Syria a few weeks previously. As in previous years, he had probably gathered much information which he would impart to the Commission, and would give it a personal impression of the actual situation in the territory. This information doubtless put him in a position to reply fully to the questions which the members of the Commission would raise on the various points in the annual report, and which appeared to them to need further development or supplementary information.

Before asking M. de Caix to sum up the situation in Syria and the Lebanon, the Chairman wished to thank the French Government in the name of the Commission for the clear and rational form in which it had drawn up the report for 1929. The new way in which the contents were arranged, the detailed analytical table, and the detailed information in the various chapters made it possible to get a very definite idea of the progress realised in all branches of the administration.

The Chairman had just learned that M. Ponsot, the High Commissioner of the French Government in Syria and the Lebanon, had come to Geneva to speak to the Commission on the country in which he exercised powers on behalf of the mandatory Power. His presence at Geneva within a few weeks of the promulgation of the Organic Law which was provided for by Article 1 of the Mandate, and had been so long awaited, would enable the Commission to obtain from the person who was most qualified to give it all the information it wished on this Law which, in future, would form the basis of the whole of the administration of the mandated territory.

The Chairman regretted to have to inform his colleagues that M. Ponsot had met with a slight accident and was unable to be present at the meeting. As it was probable that he would be able to come on the following day, the Chairman proposed that the Commission should reserve the examination of the Organic Law of Syria and the Lebanon until then.

M. de Caix said that he would not make an exhaustive statement on the situation, since the Commission would hear the High Commissioner himself later. As a matter of fact, M. Ponsot would not be able to speak on the Organic Law without speaking, at the same time, on the general situation of the territories under mandate.

M. de Caix would merely state, in regard to the situation of Syria and the Lebanon, as he had stated last year, that conditions in the territory had been entirely tranquil during the whole of the year 1929. It was true that the opposition of certain of the Syrian leaders to the doctrine of the mandate had not changed in any way. Nevertheless, there had been an improvement in feeling, owing to the personal relations established between the representatives of the mandate and the notables as a result of the gradual change in the economic situation.

The road system was nearly completed, and had resulted in a striking change in the life of the country. Security reigned everywhere, property was better safeguarded, even pending the carrying out of the survey. Finally, efforts had been made to control the administration, and, even if these efforts were not all that could be desired, they had resulted in an appreciable reduction of the abuses from which the country had suffered for generations. The mandate was gradually ensuring to the country a state of order which it had never known.

The result was that, in spite of opposition, native opinion was beginning to show a certain amount of goodwill. It had also been remarked — and this was largely due to the personal action of M. Ponsot — that, although the Syrians in opposition in no way renounced their opinions and were no more willing to admit the mandate to-day than they had been at the beginning, yet their personal relations with the authorities of the mandatory Power had improved every year. They showed a mixture of mutual goodwill and dogmatic opposition which he had himself noted, and which justified the hope that, even if the present opponents of the mandate were not reconciled to the conception of the mandate, a moral position was gradually being created which would facilitate the progress of the country.

M. de Caix added that he was prepared to answer all questions that the members of the Commission might wish to ask.

The Chairman declared that the accredited representative, for ohvious reasons, had refrained from speaking about the Organic Law. Nevertheless, he thanked him for his introductory remarks which, as always, were characterised by clearness and precision.

M. Rappard wished to ask a question concerning this preliminary statement. He had been struck by the remark that there prevailed in Syria among the Syrian population an opposition to the mandatory Power and its policy which was more dogmatic than really effective. He would be glad to know the actual importance which was attached to this opposition. Was it not a fact that, quite recently, Syrians had made violent threats of disturbance and massacre ? Could these be described as merely a form of dogmatic opposition ?

M. de Caix replied that he would not have drawn attention to the new atmosphere which was gradually being created in Syria if he had merely wished to show that good personal relations existed between the representative of the mandate and the notables, including those of the opposition. The present situation was such that it gave to those concerned every reason to endeavour to obtain, by the constitutional means which were open to them, the satisfaction they desired.

Syrian Delegation.

The Chairman thought that it would be convenient to ask the accredited representative to give certain explanations with a view to enlightening the Commission on the subject of the " Syrian delegation ".

M. Merlin declared that this delegation was for the most part composed of " uprooted Egyptians ".

The Chairman asked if there was a Syrian delegation with a regular mandate.

M. de Caix replied that, in reality, there was a kind of " auto-delegation ". Originally, it had been formed by the union of a certain number of Syrian notables, certain of whom might claim to speak on behalf of the rest. The delegation, however, had no mandate from a regular representative group in Syria.

Count de Penha Garcia said that the Commission had received two petitions concerning Syria. He asked if there was an important political party supporting these petitions.

M. de Caix replied that there was a nationalist party opposed to the mandate which had a predominant influence over the constituent Assembly. That party was of real importance in political circles, but these circles were far from constituting the mass of the population.

Count de Penha Garcia put his question in a different way, and asked if there was an important nationalist party which designated persons to represent it abroad. He added that he thought that the importance and rôle of this party in the political life of Syria was exaggerated. Nevertheless, it represented a movement of opinion which must not be overlooked.

M. de Caix replied that he did not know in what circumstances the petitioners had been delegated. In any event, what they said was in harmony with the doctrine of the party. Nevertheless, the existence of this delegation was not a proof that the majority of the Syrian population wished to act against the mandate.

Count de Penha Garcia observed that the adaptation of elective institutions in certain countries encountered difficulties owing to a lack of understanding and to the temperament of the people. In one of the petitions, reference had been made to a secondary election in which the electors had behaved with such violence that, in spite of the intervention of the police, the disturbance had only ceased with the withdrawal of one of the candidates. This was a conception of popular representation which in no way corresponded with European mentality. The candidate who had withdrawn had apparently had a majority in his favour.

M. de Caix said that a distinction must be drawn between the political situation in Syria and the disturbances to which Count de Penha Garcia had referred. Those disturbances had taken place in the Lebanon, where there were conflicts between both persons and clans.

It was difficult to believe that there might be in Syria free elections in the sense given to that expression in Europe. If the mandatory authority refrained from exerting pressure, as had been the case in the last Syrian elections, other forms of pressure might be brought to bear, which were facilitated by the traditions of a long and irresponsible past, and by the social conditions of the country, which did not permit of any possibility of independence for a large proportion of the rural population.

M. Palacios observed that the Syrian delegates claimed to represent an international organisation which would work for the creation of a federation of Arab States to include Syria and Palestine. Was this a regular organisation acting through a congress ?

M. de Caix replied that, originally, there clearly existed a Pan-Arab tendency which had been particularly pronounced in the years immediately following the war. That tendency

had been represented by congresses and committees, without it being possible to affirm that it had possessed a regular representative body acting on behalf of the populations concerned.

M. SAKENOBE asked for details concerning the development of the anti-nationalist movement in the mandated territory.

M. DE CAIX replied that there did not exist any anti-nationalist party, but there was a party which desired immediately to suppress the mandate; whereas the moderates thought that they would be able to realise the nationalist aspirations of Syria under the mandate. There existed, moreover, a minority which was anxious to establish autonomous institutions from which they benefited under the mandate.

M. RAPPARD said that the criticisms made by Syrians who were discontented with the administrative subdivision which resulted from the presence of the mandatory Power took various forms. He wished to know what was the exact effective strength of this discontent.

The CHAIRMAN said he would prefer these questions of a political character to be raised at the meeting on the following day, when M. Ponsot would be present.

M. DE CAIX observed that, within the Sunnite majority, there was a party in favour of unity. That party had not ceased to protest against the autonomous institutions created in 1920. The organisation, which had already lasted for ten years, tended, in fact, to win approval, especially as it was supported by the minorities. It was to be hoped that a solution would finally be reached by means of an association of the various States and Governments and not by the destruction of the autonomous institutions.

PETITION BY AHMED MUKTAR EL KABBANI, DATED AUGUST 12TH, 1929.

The CHAIRMAN said that the members of the Commission had each received a petition signed "Ahmed Muktar el Kabbani" concerning the payment of pensions in paper money by the Government of the Lebanon. He had asked the Secretariat for information concerning the date of this petition, and had been told that it had been sent to the President of the Council of the League of Nations on August 12th, 1929. As it was a petition from the inhabitants of the mandated territories (being dated from Beirut), the Secretariat had returned it to the petitioner, in conformity with the usual procedure, drawing his attention to the fact that petitions from the inhabitants of mandated territories should be sent to the League of Nations through the intermediary of the mandatory Power.

The Chairman had further learned that Ahmed Muktar el Kabbani had informed the Secretary-General in a letter, dated from Beirut, April 24th, 1930, that he had sent in his petition again to the League of Nations through the medium of the High Commissioner at Beirut.

As this petition had not been communicated to the Commission, he wished to ask the accredited representative if it had been duly received by the mandatory Power, and if the mandatory Power intended to send it on to the Secretary-General of the League of Nations.

M. DE CAIX replied that it was quite true that the petition in question had been sent to the mandatory Power. It dealt with a question of detail, namely, the amount of the pensions paid by the Lebanese Government to persons placed on the retired list.

The CHAIRMAN asked if the mandatory Power had made any comments on this petition.

M. DE CAIX said that he was in possession of this commentary.

The CHAIRMAN thought it would be better to forward to the Secretary-General of the League of Nations both the petition and the reply of the mandatory Power.

M. DE CAIX replied that the petition would be forwarded with the reply of the mandatory Power, but that the form of the reply would have to be slightly modified.

MUNICIPALITIES IN THE LEBANON.

The CHAIRMAN said that he had a request to make for information concerning a passage in the report of the mandatory Power (page 114, paragraph 11) referring to municipalities in the Lebanon. He asked the accredited representative to give an explanation regarding the substitution of committees nominated by the Government for the elected councils of twenty-six out of a total of 129 municipalities in Lebanon.

M. DE CAIX replied that the substitution for these councils had not been in any way a political operation, but had been effected merely with the desire of securing an administration appropriate to centres in which the municipalities had failed in their purpose. He would observe that a new Syrian system of regulation would enable the heads of the provinces and of the districts to be appointed Presidents of the municipalities in the absence of suitable Presidents.

THE ALAOUITES STATE.

M. MERLIN referred to paragraph 3, page 4, of the report concerning the Alaouites and asked what had been the result of the Alaouite elections.

M. DE CAIX replied that the elections had taken place quite peacefully. The new representative Council resembled to a considerable extent the Council which it had replaced. The elections had turned upon questions of personalities.

LEBANESE GOVERNMENT.

M. MERLIN noted that the Lebanese Cabinet presided over by M. Eddé had been overthrown. Had the reforms proposed by this Cabinet been interrupted, or could it be hoped that they would shortly be continued ?

M. DE CAIX said that he could not reply definitely in the affirmative or the negative. In principle, the reforms of the Cabinet were maintained. The number of the courts had been decreased, and economies had been effected. It seemed, however, that, by devious ways, a large number of the Lebanese officials had been reinstated, these officials being persons who had not been abandoned by the political authorities of the Lebanese Republic.

There was no doubt that the fall of the Eddé Cabinet was due to the hostility of the Lebanese chiefs against the reforms imposed. Moreover, those chiefs had a large body of supporters.

M. RAPPARD wished to put a general question, for he desired thoroughly to understand the general position. Did the Lebanese Cabinet exercise a real authority and had it a certain degree of stability, or was it overthrown at the slightest reform it proposed ? Was the régime being consolidated under the influence of the mandatory Power, or was the organisation of the country fundamentally corrupt ?

M. DE CAIX replied that the mandatory Power, which had inserted the text of the Lebanese Constitution among those which, as a whole, constituted the Organic Law, had decided to maintain the Lebanese régime. Doubtless, that régime did not exclude a certain amount of administrative caprice ; but the position would gradually improve, and the mandatory Power was there to exercise the influence which it was bound to continue, whatever might be the institutions with which the mandated territory was endowed.

M. RAPPARD said that he would put a question which might seem somewhat naïve. He quite understood that, after so many centuries of arbitrary rule, the present political situation was not yet satisfactory. Was it possible, nevertheless, to note a certain progress in the Lebanon and the beginnings of certain praiseworthy administrative habits after four years of the mandate system, or, on the contrary, did the country only carry on, thanks to the extra constitutional intervention of the mandatory Power ? Could it be hoped that the existing state of affairs would improve owing to the goodwill of the inhabitants ?

M. DE CAIX replied that a gradual improvement might be expected. The public discussions which were taking place rendered the continuation of abuses less easy. Those discussions tended, in spite of the bad conditions of the country, to bring practice gradually into harmony with the principles which were continually being proclaimed. It should be added that the influence of the mandate differed profoundly, in its spirit and method, from the influences which had prevailed under the former régime. Elements of progress did, in fact, exist.

INTELLIGENCE SERVICE.

The CHAIRMAN asked for some explanations regarding the Intelligence Service in the country under mandate. He wished to form an exact idea of the working of this Service.

Were the officials of the Intelligence Service in permanent contact with the country ? Did they exercise supervision over the Press ? How did the Service work ?

M. DE CAIX replied that a distinction must be made between the questions raised. He would first state that the Intelligence Service had no influence on the local Press, over which it exercised no authority. He would add that there existed two kinds of Intelligence officers : (1) the officers who worked at the High Commissariat, and (2) the officers who, in the smaller districts, were in contact with the population. The latter rendered important services, in view of the fact that they were witnesses of any abuses that might occur and that their presence rendered those abuses more difficult. There were numerous cases in which abuses had been prevented by these officers. The Intelligence officers had special duties to perform on the Turkish frontier and among the Bedouin tribes, where their task was very different from that of the officers of other districts.

M. RAPPARD recognised that it was of the greatest importance to the mandatory Power to have a well-organised Intelligence Service, which constituted, so to speak, the metal fabric of the administrative framework. These officers apparently played the salutary rôle of redressing wrongs. Were the populations thus protected disposed to show gratitude for their services ?

M. ORTS asked what training these officers had received. Were they acquainted with Arabic ? Were they trained in North Africa or in Syria itself ? Were the seventy-one officers attached to the Intelligence Service all French, or were there any Algerians and Tunisians among them ?

M. DE CAIX replied that the gratitude of the population towards the officers of the Intelligence Service was shown by the fact that, when the suppression of one of these posts

was announced, the population sometimes petitioned that the post should be maintained. The reproaches addressed to these officers were doubtless often inspired by the embarrassment which they caused to persons who were in the habit of abusing, with impunity, the more modest elements of the population.

M. de Caix added that the officers of the Intelligence Service were all French from Europe, although some of them had lived in North Africa. They had to undergo two years' training before they were appointed permanently. He added that it would be impossible to do away with these officers. Life in the interior of Syria was often hard, and the civilians were reluctant to serve in most of these districts, especially those who were married.

He had been able to see for himself the conditions under which officers of the Intelligence Service lived in certain small towns in the interior. They lived a life which was deserving of all praise. Except for them, there would be no European witness of what passed in many of the districts, and such a position would be contrary to the responsibilities of the mandate.

The CHAIRMAN expressed the hope that the accredited representative understood that the Commission in no way desired to see the Intelligence Service disappear. On the contrary, the question had been put because, in another territory, there had been abuses owing to the absence of such a service.

The Chairman also asked whether the officers in question were divided into two categories, sedentary and travelling.

M. DE CAIX replied that the Intelligence officers, even when they had a fixed post, which was the case in respect of all officers who were not attached to the tribes, made frequent tours and could not be properly described as sedentary officers.

The CHAIRMAN asked whether these officers had the confidence of the Syrian population. Did the latter bring them information on the political situation and on events which were about to occur ?

M. DE CAIX replied that Captain Terrier was particularly qualified by his personal experience to give the explanations asked for.

Captain TERRIER explained that the population tended to appeal much more willingly to the Intelligence officers than to the local authorities. There were in the mandated territory districts inhabited by populations which were still backward. These populations were often armed, in spite of the regulations in force in the territory. The effect of the presence of the Intelligence officers was to co-ordinate civil and military action. In particular, it enabled effective action to be taken in the Euphrates district, where there were nomads who were placed directly under the administrative authority. Moreover, the officers of the Intelligence Service were accustomed to travel vast distances. They followed the nomads without losing sight of them. As was inevitable, the administrative authorities often lost contact with this shifting population.

Returning to the point with which he had dealt at the beginning of his statement, Captain Terrier said that he had sometimes seen the office of the Intelligence Service besieged by individuals who demanded its intervention. The Intelligence Service, however, did not respond too readily to such requests. The presence of its officers was deemed by the persons concerned to be a sufficient safeguard, as was shown by the fact that the population had petitioned the return of these officers, particularly in the districts of Aleppo and the Euphrates, after the post had been suppressed.

M. RAPPARD also considered that the Intelligence Service constituted the nucleus of the Administration of the mandated territory. In his opinion, however, there seemed to be an inevitable contradiction between the continuation of a service of this kind and the Organic Law which aimed at liberating the country from the guardianship of the mandate.

M. DE CAIX replied that there was certainly a contradiction between the principle of the independence of the country and the presence of supervisory officials. That, however, was a kind of contradiction necessitated by the existence of the mandate itself, as the Mandatory had need of certain organs in order to fulfil its responsibilities. As long as those organs existed, the Mandatory would require the staff necessary to detect abuses and to be able to redress them. Doubtless, this staff should become a civilian staff. They were civilian agents whose duty it would be to follow the administration of the native authorities and to draw the attention of the delegates of the High Commissioner, when necessary, to facts which called for intervention on the part of the Governments to which they were accredited.

The British in Iraq had set up a similar system.

He would add that the first civilians accredited to the district authorities should be chosen from among the best officers of the Intelligence Service for the reasons which had just been given.

M. ORTS asked whether the officers of the Intelligence Service knew Arabic.

M. DE CAIX replied that the majority of them had at least a certain acquaintance with that language.

Lord LUGARD asked whether Armenian linguists were available.

M. DE CAIX replied that, as there was a large number of Armenians who spoke French, contact with this element of the population was easily maintained.

M. Orts asked whether the officers of the Intelligence Service were able to check the translations of their interpreters.

M. de Caix replied that the officers spoke Arabic more or less competently. As soon as they began to be acquainted with this language, an interpreter would expose himself to serious risks if he took liberties in making the translation.

M. Rappard asked how long was required for an officer of the Intelligence Service to learn sufficient Arabic.

Captain Terrier replied that at least a year was necessary. Arabic was a difficult language, if the aim was to speak fluently with the population. At the same time, it was less difficult to check the translation of an interpreter. What was essential was to prevent the Intelligence officer from being at the mercy of his interpreter, and that was easily done. Even if the officer spoke Arabic well, he wrote it less easily, and an interpreter was indispensable to write official Arabic, since the Intelligence Service often received requests which must be translated.

M. Orts asked whether the officers held posts of responsibility during their period of probation.

Captain Terrier replied that the officers on probation usually understudied the permanent officers in the posts which they occupied. On the expiry of their period of training, they were appointed third-class Intelligence officers.

Press Supervision.

The Chairman noted that the question of Press supervision was still in the background. The accredited representative had stated that the Intelligence Service did not supervise the local Press. In those circumstances, was there a service distinct from the Intelligence Service which supervised the Press ?

M. de Caix replied that, properly speaking, there was no such supervisory service. An office of the High Commissariat, however, was entrusted with the duty of communicating information to the Press, and, except in certain cases, which were becoming more and more rare, the repression of Press abuses was ensured by the local Governments.

The Chairman said that he understood that the High Commissariat nevertheless kept itself informed on Press questions.

M. de Caix replied that such was the case, and no other course was possible. The Press constituted a factor in the general political life of the country.

Armenians.

M. Orts asked what was the total number of Armenians settled in the territory.

M. de Caix replied that there were about 100,000.

M. Orts referred to page 35 of the report concerning the agricultural settlements of the Sanjak of Alexandretta. Reference was made in this paragraph to the special character of the occupants and the difficulties arising from the living together of Armenians and Turks. Could the accredited representative give any information on this matter ?

M. de Caix replied that the point in question turned upon the peculiar character of the Armenians themselves, and that their position in that sanjak did not present any great difficulty. The Armenians occupied certain domains and properties voluntarily purchased without any pressure on either side. These purchases had been made from large landowners. The peasants did not own the soil which they cultivated, and this was an additional reason why the settlement of a few hundred Armenians had not given rise to any difficulties with the Turkish or Arab peasants in the sanjak.

M. Orts asked whether there was a large proportion of these Armenians in the sanjak.

M. de Caix replied that there were perhaps about 10,000 there. Some of them were old inhabitants of the country. In the mountains, there were Armenian groups which dated from the Middle Ages. The largest number of immigrants were in the town of Alexandretta, but this was a much less important group than that of Aleppo.

M. Orts asked whether the settlement of the Armenians had sometimes given rise to protests on the part of the population.

M. de Caix replied that the protests which had been made in the various towns of Syria had been prompted by two reasons. First, there were the misgivings of the nationalists in view of the settlement of a coherent group with a different language, and, secondly, the hostility of the small shopkeepers and craftsmen owing to the competition of the artisan immigrants, which was to the prejudice of some of the urban population of the country.

M. Orts noted that, in the past year, the Armenians had taken up cultivation. Were the agricultural settlements in question in a satisfactory condition ?

M. de Caix replied in the affirmative. There was a minority of real agriculturists among the Armenians. He had visited a mountainous district inhabited by real peasants. It would, nevertheless, not be possible to increase, as much as some people hoped, the number of colonies, as very shortly it would be impossible to recruit other than purely urban elements.

M. Orts asked whether the Armenians provided workmen for public works, such as the construction of railways.

M. de Caix replied that certain Armenians had been, and would be, employed to carry out the programme of public works in the country.

M. Sakenobe asked whether there were still Armenians in the temporary camps.

M. de Caix replied that, according to the latest statistics, there were still about 40,000. It would be difficult to state exactly the number of persons in the temporary camps, as the latter were in process of transformation, and a large number of houses had been greatly improved. Further, some of the Armenian population in the temporary quarters went to the ordinary quarters, which at Beirut and Aleppo had been constructed for the Armenian immigrants, and also to the old streets of the towns where many Armenians had made increasingly profitable positions for themselves. It was only necessary, in order to realise this fact, to see the number of shops now bearing Armenian names. It was doubtless right to be anxious as to the welfare of this population, but it would be a mistake to regard it as the most wretched population in Syria. Many artisans in the towns of the interior were leading a more arduous life than that of the great majority of the Armenians.

Lord Lugard asked whether there were many Armenian artisans in the towns.

M. de Caix replied that their number was considerable.

Question of disarming the Nomadic Tribes.

M. Sakenobe stated that he was greatly interested in the information on the régime of nomadic tribes in the territory. He understood that these tribes were generally armed. The Government permitted them to carry arms, because there was no security in the frontier regions. He wondered if this state of insecurity was not caused by the very fact that they were armed. Would it be possible to disarm them ? In his opinion, an international conference would be necessary ; but, apart from that, what difficulty was there in the way of disarming these tribes ?

M. de Caix replied that the tribes in question were disarmed when they penetrated into the territory occupied by the non-nomadic Syrians. At that moment the nomads gave up their rifles to the authorities, which were given back to them when they returned to the desert.

It should not be forgotten that the migrations of the nomads carried them very far ; some of them wintered in the Nejd. It would be impossible, in present circumstances, for them to migrate in this way without weapons. It would no doubt be necessary for all of the countries concerned to agree jointly to give them guarantees which would permit of their disarmament, but such a step would be premature. If an attempt were made to carry this into effect, there would be a real resistance on the part of the nomads, and there would be much more serious disturbances than those which might arise if these natives were left in possession of their rifles. The nomads lived for a large part of the year in the desert, even beyond the limits of Syria.

M. Sakenobe was well aware of the probable difficulties which would be raised by his proposal; but he considered that one day, sooner or later, the problem of general disarmament would come, and he hoped that the mandatory Government would not neglect this question.

Judicial Appointments.

M. Ruppel referred to certain abuses of authority committed by magistrates and subordinate officers in the Lebanon, and observed that administrative disciplinary measures had been taken against the offenders. He supposed that the people concerned were non-French officers, and asked whether measures had been taken to improve morality among judges and magistrates.

M. de Caix replied that the fact that the people in question had been punished proved that an effort had been made to improve justice. That was true in Syria as in the Lebanon.

Improvement in the matter of judicial appointments was rendered more difficult by the opposition of influential persons who endeavoured to introduce into the courts, as into the Administration, persons under their influence. The suppression in the Lebanon of numerous courts under the Eddé Cabinet must result in a selection of the magistrates to be retained and an improvement in future appointments owing to an increase in salaries.

M. Ruppel asked whether intervention on the part of the mandatory Power extended to the exercise of jurisdiction.

M. de Caix asked M. Ruppel to define what he meant by jurisdiction.

M. Ruppel replied that he meant the business of the courts. He asked whether the mandatory Power intervened in this matter.

M. de Caix replied that the mandatory authority did not intervene in the working of the courts, but that, by means of inspection and by penalties which might result therefrom, it tended to improve the administration of justice.

M. Ruppel asked whether the mandatory Power intervened in connection with judgments.

M. de Caix replied that, if the case were one in which a foreigner was interested, the court included a French magistrate, or even a majority of French magistrates. When the case turned upon purely native affairs, the courts worked independently of any French element, but were subject to supervision in the manner which he had described.

M. Sakenobe said he had asked in the previous year whether there was any system of probation. The present report said nothing on the matter, and he would repeat his question.

M. de Caix replied that the necessary information had been obtained but omitted from the report by error. There was no probation in the Ottoman legislation, which was still in force in the mandated territory.

Supervision and Administration of Wakfs.

M. Palacios referred to some very interesting information given on pages 37 to 42 of the report concerning the supervision and administration of the Wakfs. He noted an innovation, namely, the Council elected by each of the four distinct and autonomous groups, Aleppo, Damascus, Beirut and Latakia. This innovation was contrary to the views hitherto expressed. It had, nevertheless, been adopted in principle by the general supervisory organisation of the Wakfs. He would like some further information on that point. Would the reform which would begin to be applied in 1930 not give rise to some difficulty ? He would, in the first place, like to know something about the organisation of the general control. Was it in the hands of the French authorities, and what elements were represented in the Permanent Council ?

M. de Caix replied that the Permanent Council of the Wakfs had a delegate of the High Commissioner accredited to it, and was assisted by two Assemblies composed of Moslem jurists, one dealing with the legislation of the Wakfs and the other with their administration.

M. Palacios asked how the creation of the local administrative councils had been received by the population.

M. de Caix replied that he had no information on the point, but that the creation of the local councils which had been considered and accepted by the Moslem jurists had not given rise to any opposition. All the reforms concerning the Wakfs were discussed by the High Council of the Wakfs and were not regarded as contrary to Moslem law, since they had been carried into effect under the auspices of that body, which was composed of doctors of law.

M. Palacios asked for some explanation concerning the decision taken as regards the expropriation of the property of the Wakfs (page 39 of the report). He thought that it would be in the form of Istibdal.

M. de Caix replied that the public expropriation of Wakf property was identical with the expropriation of any other estate, but that the compensation paid must be reinvested for the purchase of another estate which would become a Wakf property and assist the work to which the expropriated estate had been devoted.

M. Palacios asked for some information with regard to scholarships in the mandated territory (page 40 of the report). He approved the practice of granting scholarships, as in this way the young Moslem students would have an opportunity of attending European universities, and particularly French universities.

M. de Caix replied that these scholarships might be granted for purely lay educational establishments. Otherwise, the founder would need to specify that the income of the Wakf created by him must be used to support pupils in a religious school.

M. Palacios, referring to a passage on the same page of the report regarding the Catholic Syrian and Catholic Armenian patriarchates, asked whether the property of the Christian communities also constituted Wakfs.

M. de Caix replied that these Wakfs were foundations precisely similar to the Moslem Wakfs.

M. Palacios asked whether the assistance given by the High Commissariat in setting up a Catholic Chaldean centre at Beirut had also taken the form of a foundation.

M. DE CAIX replied that such was not the regular practice. The report, however, referred to the case of a small Christian community, the Chaldeans which had been helped to build a church and its dependencies. This church would be a Wakf property.

M. PALACIOS pointed out that, if the budget tables on pages 41 and 42 of the report were compared, it would be noted that in the table of reserves there was a very considerable margin between the estimated figures for 1929 and the actual receipts. The estimates were 29 millions and the receipts only 659,986 Syrian piastres. What was the explanation of this considerable difference ?

M. DE CAIX replied that this difference was explained by the fact that there had been included among the estimates credits which were undoubtedly valid, but which would be difficult to recover. The estimates of the receipts were, therefore, much higher than the receipts actually collected.

Mlle. DANNEVIG asked for information concerning the figure of 17 million piastres for expenses on charitable or educational establishments.

M. DE CAIX replied that this sum was used to support various schools, among which was a certain number of Koranic schools.

LIBERTY OF CONSCIENCE.

M. PALACIOS asked whether the Yoerhedis, who worshipped the devil and who appeared to include several disciples in the Lebanon, might freely exercise their rites under Article 8 of the mandate.

M. DE CAIX replied that the sect, which was not very numerous and which in reality worshipped the two principles of good and evil according to the old ideas of Persia, but with a more marked tendency to conciliate the principle of evil, inhabited the mountains of Sindjar, on the borders of Iraq.

IMPROVEMENT OF THE PORT OF BEIRUT.

M. RUPPEL referred to page 113 of the report concerning the public works at the port of Beirut and the Customs warehouses. He asked if the contract for this work had been obtained by public tender.

M. DE CAIX replied that public tender was always the method used in Syria and the Lebanon. It should be noted, however, that the port of Beirut had been conceded to a private company, which was free to undertake the work as it thought fit.

M. RUPPEL asked if the Company managing the port was not obliged, under the terms of its concession, to make public tenders.

M. DE CAIX had no information on this point.

CUSTOMS QUESTIONS.

Referring to page 9 of the report, M. MERLIN asked for details concerning the Customs tariffs. He asked, especially, if the negotiations with the Turkish Government which had been interrupted in July had been resumed. He also wished to have information concerning the manner of repaying the Customs duties on goods entering Syria that were meant for re-exportation. In the case of goods entering Syria destined for Turkey, did the Syrian Customs repay the duties to the country of destination ? Similarly, did they repay the duties to the Customs of Palestine in the case of goods entering Syria and destined for Palestine ? What happened if the entry duties into Palestine were more than the import duties into Syria ? How did they settle the compensation for the differences ?

In connection with the Customs Convention, M. Merlin said that Trans-Jordan wished the tariffs with Syria to be revised. He thought that, in this case, the situation was abnormal, since, although the mandated territory opened its doors wide, it derived no benefits from the advantage of reciprocity ; but quite the contrary, since there was a tendency for other countries to raise their Customs barriers. He thought that it was in the general interest of everyone to have as few Customs barriers as possible.

M. DE CAIX said that he would reply concerning the reciprocal repayment of duty on goods exported from Syria to the Lebanon and *vice versa*, and that M. Chauvel would reply concerning the negotiations with Turkey.

M. CHAUVEL said that the object of the Customs negotiations between Syria and Turkey, following the denunciation by the Turkish Government of the Convention of July 26th, 1925, and the adoption by that Government of a new tariff containing particularly high duties, was to substitute for the Convention of 1925 a new agreement on a basis of mutual concession. The French delegation first proposed to obtain reductions on articles manufactured in the French mandated territory. The Turkish Government, after having declared itself ready to accede to this request, specified that the benefit of these reductions should not be extended to products which included any proportion of raw material which had not been produced in

the French mandated territory. All the products manufactured in Syria or the Lebanon contained a proportion of raw materials, which were imported, and the concession offered by the Turkish Government was therefore purely theoretical. The Turkish Government had refused to abandon that attitude. The negotiations had, therefore, been suspended owing to the fact that it had been impossible for the French mandated territories to obtain any concession corresponding to the advantages which the Turkish Government desired to obtain in respect of other points.

It should, perhaps, be added that the attitude adopted by the Turkish Government had not seemed to be inspired with the desire to erect an insuperable Customs barrier between Turkey and the French mandated territories. That attitude was rather a consequence of the adoption by the Government at Ankara of a general policy of restricting foreign imports ; that policy being intended to meet the economic and financial crisis from which Turkey was at present suffering. The Turkish Government had, during the negotiations, been led to make categorical declarations before the Turkish Parliament, and it would be difficult to contest the sincerity of the Turkish Government in reference to a particular case.

He would point out, in reference to the revision of the Convention of 1926 between Syria and the Nejd, that, although this was also a Customs Convention, the negotiations in respect of it had not turned exclusively upon tariffs. The Customs clauses of the Convention of 1926 applied to articles which were transported across the desert of the Nejd, which had no Customs post on its desert frontier. The reductions contemplated in the Convention had, therefore, a somewhat theoretical interest for Syria. The principal interest of the revision of this Convention lay in the fact that it would define and complete certain provisions contained in the Convention of 1926 dealing with the migrations and control of the nomads. These provisions were such as normally formed part of treaties of friendship between neighbouring territories.

M. DE CAIX summarised the working of the Customs Convention with Palestine. The Syrian Customs paid to the Palestine Customs, or *vice versa*, the amount of the duties which it levied when the article was exported, or when the raw materials necessary for its manufacture were imported into Syria. If the duties levied by the exporting country, Syria or Palestine, were less than those of the importing country, the difference was paid to the latter by the trader effecting the importation. If the duties were higher, the Customs of the exporting country repaid the difference to the trader.

In the contrary case, the Syrian Customs repaid the importer the sum that was not due on the market where the article was intended to be consumed. In this case, the Syrian Customs sent back to the Customs in Palestine the amount of the duty that might be exacted in Palestine.

Count de PENHA GARCIA said that he was satisfied by the reply of the accredited representative.

He asked how those who had signed the petitions which had been brought to the notice of the Commission had been led to believe that the Customs Agreement that had been concluded would prejudice Syrian goods. He could not understand that this would be so, or that trade was actually being hampered by this fact.

M. DE CAIX replied that this was his opinion too. The question was one of the psychology of the petitioners, who were looking for a chance to exploit their grievances. As a matter of fact, in the absence of a commercial agreement with Palestine, many Syrian goods could not be exported into that country.

ECONOMIC SITUATION : AGRICULTURE.

In regard to the economic situation, M. MERLIN stated that two phenomena had occurred in Syria ; the one was over-production, and the other the difficulty that had been experienced by trade and industry in disposing of stocks because of the fall in prices.

The CHAIRMAN asked how it was possible to dispose of stocks that were the result of over-production at a time when the world markets were becoming more and more tightly closed against sales.

M. DE CAIX replied that it was true that the harvest in Syria had been abundant ; but this abundance, which had coincided with the plentiful harvest last year in all producing countries, had resulted in a disturbance of sales — that was to say, in a decrease in the purchasing power of the farmers and in a commercial crisis. The abundant harvest, nevertheless, had caused less trouble in this country, which was largely primitive, than elsewhere. The peasant supported himself principally on the grain which he himself ground. If he found difficulty in selling the surplus, he bought less manufactured goods, and, particularly, less cloth than in other years ; but he was able to live. A fair proportion of the surplus of last year had been preserved, but was in a bad condition owing to the primitive character of the barns. The possibility was under consideration of building modern silos in the great railway-stations, similar to the elevators in America, which would enable the harvest to be preserved, and of advancing to the producer a portion of the value of the harvest before it was sold.

M. MERLIN approved the statement made on the top of page 17 of the report. He thought that care should be taken that the population of the mandated territory did not discontinue agricultural work in favour of industrial activities, to the detriment of the general economic welfare of the country.

M. de Caix explained that there had been a collapse in the sale of corn in Syria, but that the natives had enlarged their plantations in order to guard against the dangers of a single form of cultivation. This was a real step forward and a sign of confidence in the future, which was gradually being created by the new security enjoyed in the country.

Industrial Development.

M. Merlin pointed out that, in the mandated territory, the old crafts were steadily disappearing, and new industries were appearing in their place.

He asked how the old workers were adapted to the new forms of work, and what difference there was in the wages.

M. de Caix replied that it would be difficult to show how the workers passed from their old industries to more modern employment. It would be necessary, in order to explain the position, to draw up a number of monographs dealing with the workers. It was clear that the former type of weaver easily qualified as modern weavers, but the new industries were rare and did not exist everywhere. Thus, at Homs and Hama, the older workers were in a very deplorable situation. No new industries had been created in these towns, and the old crafts were gradually disappearing for lack of markets.

M. Palacios said that a question which M. Merlin had asked thea ccredited representative concerning the artisan industries encouraged him to request M. de Caix to give some further information. He had read an excellent report published by the French Government on the craftsmen's guilds of Morocco. He had been on the point of asking why a similar enquiry had not been made into such industries in Syria, when he had found that M. Massignon had already given a course of lectures at the Collège de France, which showed that an enquiry had already been made and might be published. Would the results of the enquiry be communicated to the Mandates Commission ? It would certainly afford valuable information, and might even explain the conditions under which the industrial life of the country was being transformed.

M. de Caix replied that the enquiry made by M. Massignon had turned less upon the economic conditions of the crafts than on their traditional organisation. The study had been more particularly of a social character, and the report upon it had been published.

Emigration.

Referring to page 17 of the report, M. Merlin asked what was the position of Syrian emigrants in South America. Did they ultimately return to Syria ? Did they impoverish the country from the point of view of population, or, on the contrary, enrich it from the point of view of capital ? The Syrians had often been chided for playing the rôle of grasshoppers. M. Merlin thought that the question of the development of Syrian emigration in South America was of sufficient importance to be investigated.

M. de Caix indicated that the figures proved that emigration was depriving the country of its man-power. In 1928, 14,488 emigrants had left Syria and the Lebanon, as compared with 4,447 who had returned. For the most part, the emigrants were drawn from the inhabitants of the mountainous districts, and more particularly from the more advanced inhabitants of the Lebanon. As a compensation for this emigration, there was a considerable return of money to the Lebanon and Syria ; but this, nevertheless, might be regarded as unfortunate, since these remittances were far from representing the wealth which might be produced for the country by an assured system of production on the spot by the thousands of men who were emigrating.

Imports and Exports.

Referring to page 17 of the report, M. Merlin, thought that the comparative table of Syrian imports and exports since 1925 gave the impression that the commercial situation was satisfactory.

Referring to the comparative table on page 151, he said that this table was drawn up in a different way according to whether the figures referred to 1927, 1928 or to 1929. As a matter of fact, during the first two years, the values of goods imported from different countries were given in gold currency, and for 1929 in paper money. This difference made any comparison rather complicated.

M. de Caix replied that statistics had been established, based on the theoretical gold standard which had been adopted on the fall of the franc. Since the stabilisation of the franc, which had involved the stabilisation of the Lebano-Syrian pound, the statistics were, and would continue to be, established on the basis of the Lebano-Syrian pound, which represented 20 stabilised francs.

Count de Penha Garcia was astonished that petitioners complained that the Syrian currency was exposed to fluctuations.

M. de Caix agreed with Count de Penha Garcia that that was an incomprehensible complaint. The Syrian currency had been fully stabilised for several years.

Referring to page 18 of the report, M. MERLIN thought that it would be interesting to have comparative figures, not only for the principal countries which traded with the mandated territory, but also for adjacent countries, taking for a model the table in the report.

M. DE CAIX replied that the establishment of these tables would be possible, but he added that, in view of certain imports and exports from adjacent countries which escaped the control of the Customs Commission, the published results would not be strictly accurate.

M. MERLIN replied that this was of very small importance, since he was accustomed to put rather small trust in statistics.

Referring to page 20 of the report, he said that the commercial balance for the three years 1927, 1928 and 1929 was not very satisfactory ; he supposed that the balance of the accounts would give a more favourable impression, especially because of the despatch of funds from the emigrants, and the receipts from tourist traffic.

Referring to pages 22, 23 and 24 of the report, concerning the commerce of the principal ports of the mandated territory, he asked why Alexandretta seemed to be catching up to Beirut.

M. DE CAIX replied that, as a matter of fact, Beirut was still the first port, but the proportion of traffic at Alexandretta had increased recently more quickly. Further, these two ports did not serve the same districts, and could not be considered as competing with each other.

Referring to the table on page 19 of the report, which gave the comparative position occupied in 1927, 1928 and 1929 by the principal customers of the mandated territories, M. RAPPARD noted that this table appeared to be in contradiction with the table on page 151, which showed the United States of America as the principal market of the territory.

M. DE CAIX replied that the adjacent countries were not individually the largest customers of the mandated territories; but that, taken as a whole, they were the most important and the most constant buyers of Syrian and Lebanese produce.

M. RAPPARD asked what were the principal exports from the mandated territories to the United States.

M. DE CAIX replied that the United States was the principal buyer of certain Syrian products, for example, hides and liquorice.

Coastal Navigation.

Referring to page 24 of the report, M. MERLIN noticed the decadence of coastal navigation between the small ports of Syria and Lebanon. That represented a state of decay. Coastal navigation was an extremely interesting economic activity, because of general exports. He wondered if this matter should not be given attention.

M. DE CAIX replied that the decay in coastal navigation in Syria was, to a certain extent, inevitable, because all maritime traffic was concentrating in the big ports, and because road traffic, which had not existed a few years previously (the roads themselves had not existed at that time), enabled goods to come from greater distances to ports which were well equipped. It would, however, be possible to improve the position of the small ports, which the local Governments did not develop sufficiently.

Agricultural Banks.

M. MERLIN said that the policy followed by the agricultural banks of the mandated territory left a little to be desired. He drew attention especially to the fact that the Agricultural Bank of Syria lent money at 9 per cent and borrowed it at 7 per cent. In his opinion, this was very advantageous for a bank, since it benefited by obtaining loans at low interest and by lending at a high rate. He asked for an explanation on this subject, since, speaking generally, he had not found, in his study of the management of the other agricultural banks of the country mentioned in the report, that any common rule regulated their transactions.

M. DE CAIX replied that the management of these banks corresponded with different local conditions. There was a difference in the principles governing the management of the five agricultural banks of the country : Alexandretta, Syria, Jebel Druse, the Alaouites and the Lebanon. Some of these banks, which were more subject to prevailing local influences, paid less attention than others to assisting the cultivators and lent money to the large landowners. It appeared that the management of the Agricultural Bank of the Alaouites was of particular value to the country.

M. MERLIN said that, though he quite understood the difference, it might be useful to have a study made of the whole matter.

Protection of Forests.

Referring to pages 112 and 113 of the report, concerning the land in Lebanon, M. MERLIN drew the attention of the mandatory Power to the fact that, in the north of the Lebanon, the State possessed about 60,000 hectares of wooded country that had been largely ravaged

by herds, woodcutters and charcoal burners in the mountainous districts of Akkar, Hermel and Baalbek. M. Merlin remembered that he had lived in countries that had been devastated for centuries by herds of cattle. He thought that measures should be taken to protect the vegetation in particular, from the ravages of goats. He cited the example of China, which, in many places, presented a hideous aspect because of the destruction by fires.

M. DE CAIX said that these recommendations were particularly well justified ; but that, even if the Lebanon adopted the best forestry legislation, long efforts would still be necessary in order to train a staff, which would actively apply that legislation and create an atmosphere favourable to its application in a country where the free pasturage of goats was regarded as a necessity and where these animals formed one of the principal resources of a whole section of the population.

The CHAIRMAN adjourned the discussion until the afternoon meeting.

TWELFTH MEETING

Held on Thursday, June 26th, 1930, at 4 p.m.

Syria and the Lebanon : Examination of the Annual Report for 1929 (continuation).

M. de Caix, accredited representative of the mandatory Power, M. Chauvel and Captain Terrier came to the table of the Commission.

PROPERTY CLAIMS IN TURKEY OF INHABITANTS OF SYRIA AND THE LEBANON, INCLUDING THE ARMENIAN REFUGEES.

At the request of the Chairman, M. CHAUVEL gave the following explanation concerning a request made to the Commission by the Armenian refugees from Cilicia. These Armenians, who were Turkish nationals established in Syria and the Lebanon at the time when the Treaty of Lausanne had entered into force, had become Syrian or Lebanese nationals in full right, in conformity with the terms of Article 30 of the above Treaty. The property belonging to these refugees had given rise to the greatest difficulties during the negotiations with the Turkish Government. This property, which had been purely and simply confiscated, was legally subject to the legislation for abandoned property ; that was to say, in principle, it was sequestered. The Turkish law on abandoned property forbade the sale of such property the revenues from which were supposed to be paid into a special fund until the property was claimed by the owners. As a matter of fact, the application of this law to the property of Armenians was merely a fiction.

M. RAPPARD asked what legal explanation had been officially adopted. Were the Armenian owners deemed not to exist ?

M. CHAUVEL replied that this point had never been made clear, as the Turkish authorities had brought a series of contradictory regulations into play. The only point that emerged from their declarations was a pretence that the Armenians in question were political enemies, against whom any measures taken by the Turkish Government were justified.

M. RAPPARD asked if there was a Turkish law which provided for the confiscation of Armenian property.

M. CHAUVEL replied in the negative. Such confiscation had no legal basis.

M. RAPPARD observed that it was to be hoped that the mandatory Power would succeed in unravelling this problem.

M. CHAUVEL replied that the greatest efforts had been made, but so far without success. As a matter of fact, no means of action was at the disposal of the mandatory Administration. The evicted owners could not re-enter into possession of their property, since they were prohibited from entering Turkish territory, and since their property had, for the most part, been liquidated or occupied by other people, with the consent of the Turkish authorities. The only weapon at the disposal of the mandatory Administration to bring pressure to bear upon the Turkish Government was the existence in Syria of property belonging to Turks. In principle, this property was not under sequestration ; but, as a matter of fact, it could not be made the object of any transaction. Nevertheless, in spite of what had happened to the Armenians, the Turkish owners drew the revenues from their lands in Syria quite regularly.

M. Rappard asked if the League of Nations could not help the mandatory Power to put a stop to the scandal of this confiscation of Armenian property, which seemed to be an act of pure violence.

M. Chauvel pointed out that it was very difficult to settle the question, owing to the fact that the Armenians often made claims which seemed to be very exaggerated and which were not supported by any official title-deeds. To hear them it might be believed that they had all been the owners of extensive domains. All the deeds justifying their rights were in the hands of the Turks. M. Chauvel had made an attempt to estimate the lump sum of the value of the confiscated property, but he had been unable to fix any figure, even an approximate one.

The Chairman asked if diplomatic negotiations on this matter were taking place.

M. Chauvel replied in the affirmative. The Turkish Government declared itself ready, in principle, to examine the demands of all the claimants, file by file. In this way, all the administrative enquiries which would have to be made would be confided to the Turkish Government. As regards the Armenians, that Government had stated, in the clearest way possible, that it refused to discuss the matter, and that insistence on the point would lead to the failure of the negotiations.

M. Orts had understood that the Turkish Government did not refuse to enter into negotiations concerning the question of property in Turkey belonging to Syrians and Lebanese. Was it hoped to obtain a satisfactory settlement of this question ?

M. de Caix replied that the mandatory Administration would easily obtain satisfaction on this point if it were willing to renounce its defence of the Armenian claims.

M. Chauvel made it clear that, in actual fact, the Syrian owners concerned were few in number and most of them possessed large properties the title-deeds of which they had kept ; but the question arose whether the mandatory Power would be justified in abandoning the Armenian claims in order to help the cause of the Syrians and Lebanese.

Moreover, the latter did not seem to be much in favour of a solution which would entail their return to Turkey in order to regain possession of their lands. They would prefer a process of exchange between their property and that owned by Turks in Syria.

Situation of Syrians and Lebanese residing in Egypt.

M. Orts, referring to the situation of the Syrians and Lebanese residing in Egypt, but who had not chosen Egyptian nationality, thought that no true solution had been reached, as the Egyptian Government had decided to expel only those Syrians and Lebanese whom it considered as undesirables.

M. de Caix replied that it was impossible to arrive at a more satisfactory solution, as the Egyptian Government was sovereign and could, in that capacity, take any decision as regards nationality, which it thought good. These decisions, moreover, had to be applied in the way which was most favourable to the interests of the Syrians and Lebanese, and this had actually been done in the present case.

Antiquities.

Count de Penha Garcia considered that the mandatory Power deserved praise for the remarkable results of its archæological investigations. Very interesting excavations had been carried out and had resulted in excellent discoveries.

He suggested that the next report might contain details concerning the museum service.

M. de Caix pointed out that these museums were set up by the local Governments ; their organisation had only just been begun. Only two competent directors were available at the moment from among the nationals of the States under mandate, namely, the keepers of the museums at Damascus and Beirut, who had passed through the school of the Louvre.

In reply to a further question by Count de Penha Garcia, M. de Caix said that only a commencement had been made in the preparation of a few catalogues.

Public Finance.

M. Rappard stated that it had been very difficult for him to read the part of the report that dealt with public finance. He would make no attempt to discuss the financial situation as a whole.

He would, however, like to know what scale had been adopted for the division between the different States of the common funds of the territory — a division which seemed to him to vary from one year to another in inexplicable proportions.

M. de Caix replied that the assessment of these funds was calculated according to the relative importance, on the one hand, of the consumption of foreign goods by different parts of the territory ; and, on the other hand, of the contribution which each of them made to the

expenditure of general interest. In this way, for example, Syria, by reason of its position and its importance, was required to bear a large part of the military expenses. On the other hand, the share of Lebanon had been increased, because of the fact that its more highly developed population imported per head a larger proportion of foreign goods.

M. Rappard had no wish to insist upon this point ; he merely asked that, in future, the financial statement might be drawn up in such a way as to make it more easily comprehensible.

Concerning the Treasury reserves (page 128 of the report), he asked why there were two distinct reserve funds : the fund consisting of the available surplus, and the reserve funds properly speaking.

M. de Caix explained that the reserve funds had been established some years previously to ensure that, in any event, the States would have some resources in the case of exceptional difficulty. The funds of the extraordinary surpluses, which were available for purposes of development, had been created later, when the States had benefited from large budgetary surpluses and unforeseen revenue, due, for example, to the release of the funds of the Ottoman Debt of which he had already spoken to the Commission.

M. Rappard wished to know, in a general way, if the mandatory Administration met with difficulties in levying taxes.

M. de Caix replied that the actual collection gave rise to no difficulty ; it was before this had taken place, at the time when the tax had been assured, that there had been some resistance. Thus, the large estate-owners at Beirut had protested against a new evaluation of the property on which buildings had been erected and which had resulted in their having to pay a more just proportion of the public expenses.

In answer to a further question by M. Rappard, M. de Caix replied that, contrary to the tithe, which was subject to assessment, the new land-tax which was levied on registered property was fixed and determined in accordance with the value of the land. This fiscal regime, which was extended as the survey progressed, would make it more difficult for owners to keep unproductive land on which, nevertheless, they had to pay a tax each year.

M. de Caix asked M. Rappard to be so good as to draw up a short note, which would help him to modify the statement concerning public finance in the following reports in the way M. Rappard desired.

Labour.

Lord Lugard asked if it would not be possible to help the small craftsmen who had suffered as a result of the decline of the old traditional industries (see pages 14, 15 and 16 of the report) by employing them on public works, such as the construction of roads or railways.

M. de Caix pointed out that this would be difficult ; a large proportion of the persons working at the old crafts were men and women who had not had the necessary preparation to enable them to work in the open air, where the climate was rather hard.

As regards the unemployment dole, it would be rather difficult to fix it for the unemployed, who were working at home and whose profits varied ; moreover, the budgets of the States would hardly be able to bear this expense, and, apart from the risk of not balancing the budgets, the unemployment subsidies, the distribution of which might well give rise to abuses, might be a cause of demoralisation in the country.

Lord Lugard, referring to the figures of 7 and 10 francs mentioned in the report (page 16) as a maximum that was rarely exceeded in the salaries of women and men respectively, asked if the purchasing power of the franc was the same in Syria as in France.

M. de Caix replied that the purchasing power of the franc was distinctly greater than in France, as the cost of living was lower than in the Near East States under French mandate.

M. Palacios said that he had heard with much interest the information given in the report regarding labour and industry, and the decline in the crafts and old artisan industries, which were being replaced more and more by the large industrial enterprises of modern life.

Nevertheless, M. Palacios was unable to find sufficient information, either in the present report or in preceding reports. In general, the communications made by the accredited representative of the mandatory Power to the Permanent Mandates Commission were much more important than the printed information placed at the disposal of the Commission. M. Palacios had already observed that no communication had been made to the Commission regarding the enquiry into the artisans' guilds, an enquiry which was certainly of the greatest interest.

The report now before the Commission continued to give the impression that, throughout the vast territories of Syria, the States were doing absolutely nothing in connection with a question as important as that of labour. On pages 31 and following of the report, there was a list of advisory and supervisory bodies established under the mandate ; nothing, however, was said regarding labour regulations or the legal protection of the workers. It seemed that, in this matter, the populations lived under a system of complete *laisser-faire*. There was not even an Employment Agency similar to that which had been established in Togo.

M. Palacios asked that information on this subject might be given in the next report.

M. DE CAIX replied that the present report gave no information concerning the Government supervision of conditions of labour, for the simple reason that Government supervision had not yet been organised, and he doubted whether following reports would be able to give any further information.

Industries could be divided into two distinct groups : traditional industries and modern industries. It would be impossible to supervise workshops belonging to families, because work there was essentially intermittent in character ; and, apart from that, there would be the risk of completely killing this dying industry if the slightest obstruction were put in its way. The majority of modern factories had only just been constructed, the number of work-people employed there was very small, and he thought that it would be premature to organise the supervision of their conditions of labour. Moreover, these factories were situated in States whose Governments were not accustomed to intervening in this kind of affair, and had no staff at their disposal that was capable of exercising such control satisfactorily.

M. PALACIOS said that, in that case, it seemed that it was the deliberate policy of the mandatory Power not to organise any supervision of labour, or any inspection or regulation.

In his reply, M. de Caix had given interesting reasons in explanation of the Government's policy of inaction, but M. Palacios would like to raise certain objections.

As regards the traditional industries, it was unnecessary, no doubt, to take any action, provided that they were family and autonomous industries of which the products were sold in the small town markets or which were carried on to meet the customary orders of known clients. If, however, the situation were already so profoundly modified, as seemed to be the case, the contractor, who was perhaps unfamiliar with these small industries and who took orders and centralised all the goods made by the isolated families upon whom more and more demands were made, this family work, which was worthy of respect and protection, would be transformed into what had been called piece-work at home, or the " sweating system ", against which it was necessary to take energetic action.

M. DE CAIX replied that it would be difficult to tell whether this exploitation was of such a kind as to lead to abuses or not. Raw materials were usually provided for the artisan by the employer himself. It would be necessary to be able to determine the price at which these raw materials had been bought and, in a general way, the profits of the employer and of the worker. Since the industry in question would gradually disappear as a result of competition from European factories, it was very probable that the margin of profit was small.

On the other hand, it hardly seemed possible to appoint a Frenchman to exercise this control. Not only would it be almost impossible for him to take all the sides of this complicated problem into account, but, further, he would only be able to enter with the greatest difficulty the workshops belonging to Moslem families. It would be a very difficult task to undertake, and might even be dangerous.

The position was quite different in Togoland where employers were usually Europeans who employed native labour under conditions which were clearly defined by contracts.

M. PALACIOS realised to some extent that certain of the arguments of M. de Caix were fundamentally just ; but, nevertheless, he thought that it was somewhat unreasonable to conclude that it was useless to make the slightest attempt to exercise control.

It seemed to him that these modern growing industries would be worthy of some attention. M. Palacios, naturally, did not demand a labour code, but something which would show that the State and the Administration were dealing with this question. If it were not possible to regulate the traditional industry because it was dying, or the modern industries because they were only just started, the country would be given over to a complete regime of inaction, which had given rise to so much abuse during just such periods of industrial evolution as that through which Syria was passing. Perhaps the experience gained in more advanced nations might be applied to this regime, the unfortunate results of which were well known.

M. RAPPARD shared this point of view.

M. DE CAIX informed the Commission that the High Commissariat had in no way given up its intention of surveying the conditions of labour in the industries that had been newly set up. Syria would not remain behindhand from the point of view of labour legislation.

M. MERLIN declared that he agreed with M. de Caix. Control of labour conditions could only be exercised over modern industries. Apart from that, it should not be forgotten that industrial conditions had completely changed in Europe, only during the last century. In bringing the elements of Western civilisation to new peoples, it was most important not to go too quickly and not to try to make the necessary period of transition too short.

M. Merlin reminded the Commission of the saying of a colonial administrator :

> " A caricature of democracy in overseas countries should not be organised under the pretext of democracy. "

He then drew the attention of the accredited representative to the observations of the French Government, dated June 7th, 1930, concerning the petition of M. Chekib Arslan and M. Ihsan el Djabri concerning labour conditions and the recruiting of labour for the construction of certain roads and railway lines. He asked if supplementary information might be given on this subject.

M. DE CAIX informed the Commission that he had investigated this question himself. The petition, which referred to the labour levies required to construct a road in the country of the Alaouites, reproduced the exact terms of a controversial article published in a local newspaper. The Governor, M. Schaffer, whose competence and honesty were known to everyone in the Near East, had been asked for information. It appeared from the replies received that, contrary to what the petitioners had said, the villages which had refused to work had not been punished in any way.

Mlle. DANNEVIG asked if the minimum salaries for women mentioned on page 16 of the report were given to grown-up women, and if they were sufficient to live on.

M. DE CAIX replied that these minimum salaries were for the most part those earned by young apprentice girls.

In answer to another question by Mlle. Dannevig, he replied that there were no children, properly speaking, employed in the factories.

In answer to M. Merlin, who asked for information on the works that were going to be carried out with a view to drawing up topographical maps and survey plans, M. de Caix handed to the Commission, as a sample, the map of part of the plain of Antioch, which had been prepared by the Survey Department.

M. MERLIN congratulated the mandatory Power on this excellent piece of work.

Lord LUGARD asked if any part of it had been done by aerial survey. The contouring seemed to be admirably executed.

M. DE CAIX replied that it had been partly done by aeroplane and partly by terrestrial work.

LIQUOR AND DRUGS.

Count DE PENHA GARCIA asked if there was any explanation of the sudden and considerable increase in the imports of liquor. He noticed that remarkable results had been obtained in the campaign against drugs. On the one hand, the Egyptian authorities had admitted the efficacy of the measures taken, especially the systematic destruction of fields of hashish ; on the other hand, the Governments of Syria, Palestine and Egypt had come to an agreement to set up a common service to suppress the illegal traffic in drugs. But as the ravages caused by drugs had not altogether ceased, Count de Penha Garcia insisted on the necessity of continuing the efforts to suppress them.

M. DE CAIX said that the fields of hashish had been entirely destroyed, although the cultivators were sometimes the most important people in the district, whose influence, up to the present, had paralysed the measures for suppression. On the present occasion, the energetic intervention of the mandatory authority had had a decisive result. It might happen that further attempts at cultivation would be made, but it was probable that, after the experience of the previous year, such attempts would, for some time, be restricted and discreet.

EDUCATION.

Mlle. DANNEVIG mentioned that the part of the report dealing with education was most complete and interesting. She emphasised the progress made in this sphere, the general increase in the expenditure on education, the effort to improve the recruiting and training of teachers, and raise their salaries. She quoted the following figures which she thought would interest the Commission :

Syria : 66 per cent of the men and 80 per cent of the women were illiterate ; 39 per cent of the boys and 17 per cent of the girls of school-age attended school.

Alexandretta : 31 per cent of the children of school-age attended school.

In the *Jebel Druse* 50 per cent of the children of school-age attended school.

In the State of the *Alaouites* 27 per cent of the boys and 11.6 per cent of the girls of school-age attended school : 66 per cent of the men and 80 per cent of the women were illiterate.

Mlle. Dannevig was surprised that no figures had been given for the Republic of Lebanon, especially since education had reached a higher stage of development there. Concerning the policy of public education in the Lebanon, the Arab Press, in November 1929, had made vivid comments on the project to suppress a certain number of Government schools. Mlle. Dannevig asked if this project had been carried out and what reasons had been given to justify it. Page 6 of the report mentioned this event, saying that the Premier, M. Eddé, had the necessary authorisation given to him, but added that M. Eddé went out of power in March 1930.

M. DE CAIX explained that, under the Turkish administration, no methodical attempt had been made to educate the mass of the population. It seemed that it had merely endeavoured to set up some secondary schools, which would supply the staff necessary for the administration of the Empire.

Nevertheless, many private schools had been set up in the Lebanon by foreigners and Christian communities. The public schools in the Lebanon did not include one-fifth of the children attending the educational establishments and were attended mainly by Moslems. This explained the excitement caused among the Moslems by the educational schemes of the Eddé Cabinet to which Mlle. Dannevig had referred. M. Eddé had been accused of wishing to suppress all the public schools ; this he had not wished to do. He had merely wished to close those in which the number of pupils did not justify the expenditure involved.

In answer to another question from Mlle. Dannevig, M. de Caix replied that Arabic was the language of instruction in both public and private schools, with the exception of those which had been established and were maintained by foreigners.

Mlle. DANNEVIG pointed out that the Faculty of Medicine, according to page 65, had decided that, in future, they would only admit students who had matriculated *(bacheliers)*. Did that mean that it would bar those who were unable to follow the French courses?

M. DE CAIX replied that the Faculty in question was under the Syrian Government. In order to raise the standard of education, it had been thought indispensable to engage French professors, who did not know Arabic, as this would obviously oblige the students to know French as well. Moreover, the scientific literature in Arabic was not as rich as could be desired and knowledge of a European language was really necessary for the satisfactory training of the medical students at Damascus. Those attending the two faculties at Beirut had to know French or English.

In reply to a question from Mlle. Dannevig concerning orphans educated in the agricultural schools, M. de Caix pointed out that, since the population had, up to the present, shown little taste for technical instruction, it was quite probable that the agricultural schools would find pupils most easily among orphans.

Mlle. DANNEVIG asked why the subsidies granted to educational establishments in the Lebanon seemed relatively less important than in the rest of the territory.

M. DE CAIX replied that, in reality, more money, in proportion, was spent on education in the Lebanon than in any of the other States; it was not, however, the State which bore this expenditure, but the Christian communities and, above all, foreign organisations.

PUBLIC HEALTH.

M. RUPPEL pointed out that the sums provided in the budget for health expenses were small in comparison with the effort that was being made in other countries. He asked if the mandatory Power intended to set apart higher credits in the future.

M. DE CAIX did not believe that the estimates would be considerably increased during the coming years. As a matter of fact, public health was in a very satisfactory state. Malaria, which only existed in certain districts, had been successfully suppressed, and, moreover, a large part of the work in connection with health matters, as in the realm of education, was done by foreign private enterprises.

M. RUPPEL pointed out that he had found no information regarding these works in the report, and asked that such information might be given in the future.

M. DE CAIX made a note of this request.

DEMOGRAPHIC STATISTICS.

M. RAPPARD said that he had been struck by the scarcity of the information on demographic statistics given in the report, with the exception of that concerning the number of children attending schools which seemed, on the other hand, to be excessively large. It would be useful if much fuller information could be given in the future, on condition, naturally, that this information was founded on exact statistics.

M. DE CAIX replied that the reason why the report did not give many statistics concerning the population was that the statistics it would have been possible to give would have been more or less imaginary. In spite of the efforts that had been made to remedy this state of affairs, the Registration Service of Births and Deaths was still functioning very badly. M. de Caix read the following extract from an inspection report, which showed how inadequate it was :

> " In September 1929, there were hardly more than 100 births registered since the beginning of the year in nearly all the *cazas* (whose population varies from twenty to thirty thousand inhabitants). The situation was the same where the registration of deaths and marriages was concerned.
>
> " In large *cazas*, like Antioch and Idlib, and in the chief cities of sanjaks, such as Homs, Hama, and Deir, registrations have been made in the same proportion.
>
> " But it is in the vilayet of Aleppo, where the Registration Service of each *cazas* had a special secretary at its disposal, that the most lamentable facts have been disclosed ; on September 20th, no births had been registered for the year 1929 at Aleppo itself, Djebel Semaan, Djerablous, Azaz and Kurd-Dagh.

" Almost the whole of the staff of this service had immediately been punished, and about ten persons belonging to the office staff, clerks and secretaries, have been summoned before a Disciplinary Council. "

M. de Caix added that the civil status was, in the State of Syria, regulated by a new decree.

Petition regarding Aviation.

The Chairman drew the attention of M. de Caix to a rather futile petition that had been received by the Secretariat. In conformity with the procedure adopted by the Council, all petitions from the inhabitants of the territory, whatever they might be, had to be sent to the League of Nations by the intermediary of the mandatory Power. The Chairman did not insist upon this point, for the period of six months fixed for the communication of the petition only expired on July 15th next. The petition in question was a protest, dated January 15th, 1930, against the concession that had been made for an air-line from Teheran to Paris and was signed by Syrian and Lebanese aviators.

M. de Caix observed that, in view of the present development of local aviation, this protest appeared to be at least an idle one. The petition would be examined, and a reply would be sent.

THIRTEENTH MEETING

Held on Friday, June 27th, 1930, at 10.30 a.m.

Syria and the Lebanon : Promulgation of the Organic Law.

M. Ponsot, High Commissioner of the French Republic in Syria and the Lebanon, and M. de Caix came to the table of the Commission.

Welcome to M. Ponsot.

The Chairman (M. Van Rees) was especially happy to have the opportunity of welcoming, in the name of his colleagues and on his own behalf, the High Commissioner of the French Republic in Syria and the Lebanon.

M. Ponsot had been so good as to interrupt his stay in Paris to come to Geneva to give the Permanent Mandates Commission information regarding the Organic Law which had just been promulgated for the territories under French mandate in the Near East. The Commission especially appreciated the fact that M. Ponsot had taken this step, in spite of the accident he had suffered.

The Commission realised that the decision had been taken in answer to the Commission's wish to end the state of uncertainty, and to carry out the provisions of Article 1 of the Mandate by the Mandatory's promulgation on its own initiative of the text of the Syrian Organic Law. It had been impossible to draw up the terms of this law, faced with an Assembly that refused to take account of the conditions of international law, which had governed the establishment of the independence of Syria. The promulgation of the various texts of the Organic Law was one of the most important stages in the activity of the mandatory Power in Syria.

The Commission had been regularly kept informed by the annual reports, and the clear and complete statements, that M. de Caix had made on more than one occasion, of the difficulties experienced by the representatives of the mandatory Power in Syria in their attempts to draw up the texts of the laws of the territory and to put them into force.

The promulgation of the Organic Law was too recent for the members of the Commission to have obtained information regarding the way in which this law had been welcomed by the peoples concerned, and the conditions under which it had been put into force. The Commission wished to thank M. Ponsot for having been good enough to come to Geneva himself to make a statement on the progress of this work.

General Statement by M. Ponsot.

M. Ponsot. — Mr. Chairman, let me first thank you for your very kind words. For a long time, it has been my wish to come into contact with the League of Nations and to appear before the Permanent Mandates Commission.

It is a difficult task to direct, in the name of the League of Nations and under the responsibility of my Government, the evolution of Oriental countries towards that destiny which was opened up to them by Article 22 of the Covenant of the League of Nations and by the terms of the mandate. It is a difficult task because the populations of these countries are

highly developed, their intelligence is naturally very keen, their political sense is very refined, and the education they receive, whether from their own countrymen or from foreigners who belong to different civilisations, creates a particularly sensitive atmosphere and makes it easier for contradictions to arise than elsewhere. These contradictions must, therefore, be faced.

At the same time, I have always held that it was a particular advantage to have to render an account of the efforts of the mandatory Power before a gathering such as this, which is composed of men who are schooled in problems of this kind, and who place them in their own particular sphere, namely, the international sphere.

Moreover, the opinion of the Permanent Mandates Commission, based on the statements made before you by the accredited representative of the mandatory Power — statements to which I wish to pay homage, sharing as I do, on every point, the spirit in which they have been made — is a factor of real importance in the development of this new method of action which is expressed in the form of the mandate. At the beginning, this formula was perhaps a little difficult to interpret, but to-day the obligations that it lays on the representative of the mandatory Power are much more clear.

It is nearly four years since I took charge in, and became responsible for, Syria and the Lebanon. Since the date of my arrival, October 12th, 1926, I have given considered attention to the situation of this country in the wish to come to as close an agreement as possible with the various elements of the population, in order to provide them with a political regime which will conform to their aspirations as well as to the stage of evolution which they have reached at the present day.

These four years have been marked by various incidents and experiences, of which you have been kept informed. I will not, therefore, linger over this recent history, and will confine myself to saying that the last important event of this history was the meeting of the Constituent Assembly in 1928 at Damascus, and its elaboration of a Constitution which I have recently been led to promulgate, merely hedging it about with guarantees which the mandate made it our duty to furnish.

It was during the month of September 1926 that, according to the terms of the mandate, the mandatory Power should have laid before you the Organic Law of Syria and the Lebanon. At that moment, we were obliged to ask you for a period of grace before producing this document. I owe you, therefore, an explanation of the delay and its causes.

To tell the truth, the organisation of the mandated territories is not a new one. It dates back in its main lines to 1920, and, in 1922, as you know, the mandatory Power granted the Lebanon first, and Syria afterwards (in 1923), a regime which enabled the authorities and the population of the country to associate freely in the management of their own affairs. The representative regime entered into force in the Lebanon in 1922, and in Syria in 1923, after elections had been freely carried out, which brought the representatives of the country to Beirut as well as to Damascus.

From the beginning, it had also appeared legitimate and in conformity with the mandate itself to grant to certain parts of the country an autonomous government which appeared to meet, not only the wishes of the people, but their real interests. In this way, regimes were set up in 1920 for the Sanjak of Alexandretta, in 1921 for the Jebel Druse, and in the same year for the Government of Latakia, which allowed the inhabitants of these districts to take as large a share as possible in the management of public affairs.

The mandatory Power had hoped, in 1925, just before the time when the Organic Law was due, to be in a position to fulfil its obligations without difficulty, because all that remained, after experimenting with a liberal regime, with a regime which was in certain respects democratic, was to submit this organisation to the Permanent Mandates Commission so that the latter could report to the Council of the League of Nations, in order that the organisation might be fully confirmed.

You know under what unfortunate circumstances in 1925 the whole matter was thrown into jeopardy, and how during a whole year it was necessary to leave all political preoccupations on one side in order to secure the best conditions possible for order and tranquillity.

And so we arrive at the period of 1926.

I ought to say that, since October 1926, peace — and I mean by that, not only material, but also moral peace — has not been disturbed in the territories under French mandate. No troubles have occurred since then, except those made by certain tribes which inhabit a part of the country that is very difficult of access, the slopes of the Jebel Druse in Léja and Safa, and which it was necessary to put down in 1927. I may say that the moral pacification has been complete for three years and this enabled me immediately afterwards to return to the preparation of the Organic Law, as we hoped at that moment to be able to obtain the complete and unreserved approval of all the elements of the population concerned. Perhaps, as events have shown, that was an exaggerated ambition. But the generous feelings of my predecessor, M. de Jouvenel, who had already taken the first steps in this direction, and the experiment which he successfully tried in the Lebanon, compelled us to keep our promise and to draw up this law as completely as possible, with the full approval of the population.

As a matter of fact, the last three years have been marked both by progress in the existing organisations created in the Lebanon, in the State of the Alaouites, in the Jebel Druse, and also by the effort that has been made in Syria to come to a conclusion which, as I just said, would receive the full approval of those concerned. The Organic Law which is before you, to-day, therefore, is not a completely new thing ; it is composed of parts that are already old. We thought that it ought to be put before you as a whole, so that you might judge the situation in no piecemeal fashion, but in accordance with that unity of organisation which characterises the territories under French mandate.

The Syrian Constitution, which was discussed in its essential form by the Constituent Assembly of Damascus in August 1928, ought to have served as a basis for the Organic Law of Syria. The spirit of co-operation that I had noted led me to hope that the representatives of the Assembly would agree to reservations of such a nature as to enable this Constitution to take its place in the scheme of international obligations to which the mandatory Power has subscribed. For this reason I have, on several occasions, got into touch with the leaders of the Assembly. After prolonged discussion, however, I was forced to realise that it was not in my power to obtain a clear and formal approval of a regime to which the mandatory Power was committed by definite obligations.

Consequently, when the mandatory Power was informed on three different occasions, August 1929, October 1929, and, finally, last April, that the leaders of the Assembly did not find it possible to modify their attitude, it was forced to the conclusion that it would have to return to the application pure and simple of Article 1 of the Mandate, and to promulgate the Organic Law which, as experience and consultation with those concerned had shown, seemed to the mandatory Power to take into account the present state of affairs and the future possibilities which it had in mind. The mandatory Power has always kept in view the obligation prescribed in Article 22 of the Covenant to guide these territories gradually towards complete independence as soon as their populations are in a position to stand alone. That is the absolute rule which guides our actions. I think no one has ever doubted our intentions concerning Syria and the Lebanon, and for that reason I must say that I have found wide sympathy, generally speaking, both among the population and its leaders while pursuing the task with which I was entrusted.

I do not wish to abuse the indulgence of this Commission, and I think it would be better for me to reply to any questions you may wish to ask. I shall therefore give you a rapid review of this law as a whole, reserving the right to return to any point that you deem it useful to have developed at greater length.

The Organic Law is composed of five separate documents. The first contains the Constitution of the Lebanon, which has been in force for the last four years and which assures to Lebanon a political life which, in spite of certain defects, is worthy of attention. For the last four years the Lebanon has been living under a regime of the most complete independence. It is certain that the mandatory Power intervenes very little in the management of public affairs. You will understand that, in this territory, where there is a Parliament, the action of a controlling authority can only be very slight, and the intervention of the mandatory Power is only possible when there is a serious reason which can be fully justified.

I say that, because this experiment is worthy of being maintained, and, if Syria had wished to follow the same path, merely by accepting the inscription in the Constitution of a reservation concerning the exercise of the mandate, she would have been able to make the same experiment as the Lebanon, and I am certain that rapid progress would have resulted. Doubtless such a liberal parliamentary regime will meet with difficultes, and may create a situation which is open to certain objections, even from the point of view of the inhabitants themselves. But I am obliged to say that, as a whole, this experiment has been carried out under good conditions, and this Constitution, which has been twice modified in order to increase the prerogatives of the executive power, may be considered as having given satisfaction.

I will now say a few words concerning the Government of Latakia and that of the Jebel Druse. These are not really two independent States. The terms of the mandate provide, moreover, a certain measure of self-government for the other territories which must develop within the general scheme of the States under mandate. For that reason, when the mandatory Power was called upon to promulgate the Organic Law of these two territories, it took care to define this self-government in such a way that there is no trace of definite division of the country. It made it its duty to give an exact definition of what is, and what ought to be, provincial self-government, when this self-government is intended to allow peoples with an historical reason for living under a fixed regime to make up for lost time, so that they may be prepared to associate, in a more general way, with the other elements of the population.

That is why, when referring to Latakia and the Jebel Druse, we have not used the term " State ", which might appear somewhat pretentious ; but we have called these territories Governments, in order to show that they are not under a Parliamentary regime. The reason for this self-government is that the populations in question are not politically mature in many respects and ought to be under a more direct tutelage of the mandatory Power. The best justification I can give for the existence of these autonomous Governments is the success that has met our efforts. In this case, we have been led to exercise our authority in a more direct way, and we have not done so in our own interests. This country stands wide open to all, and it is easy to realise that the progress achieved in these two territories is worthy of attention.

I know well that economic development is not the only criterion of the general situation of a country ; but, for territories such as these, I declare that political development can only march side by side with economic development.

Latakia, as you know, is a province of about 300,000 inhabitants, of whom the greater part are Alaouites, whose evolution was very slow under the Ottoman Empire. An effort was made in 1926 to endow this region with a more liberal regime. If I have decided this year to propose such a Law as that which is before you, it is because I consider that the government of the Alaouites cannot be carried out by the complete and immediate application of a Parliamentary regime, in other words, that it was necessary to centralise the power in a chief of Government, to whom the heads of departments should be responsible. It was

impossible to imagine that these heads of departments should receive the title of Minister, and be responsible to a Parliament composed of fifteen or sixteen deputies. Public interest would not be sufficiently aroused by such small meetings.

More lively experiments have been made in the Jebel Druse. We first really came into contact with this region in 1921, when an agreement was concluded with the principal authorities of the territory, who insisted on the recognition of the real character of the country. I am pleased to say that the mandatory Power has not carried out an abstract work, a division of the country, by placing the Jebel Druse under the direct authority of a Governor.

In this connection, I must say that as early as 1920, when the French Government was discussing with a Chief who was well informed of the interests of his country and anxious to make the best possible future for the whole Arab world — when M. Clemenceau was discussing this question with the Emir Feisal, it had been expressly agreed that the Jebel Druse should preserve the independence it had known so well how to defend, that it had maintained in the past against all who had successively dominated the country. No one in that part of the world had forgotten how, in 1910, a whole army corps had been called in to put down the Druses, that a battle had been fought against its warriors, who took refuge in the volcanic regions of Léja and Safa, and who had reappeared after the departure of the troops.

After the events of 1925, and when the control of affairs had been taken in hand again by a military Governor, there was a mutual understanding which encouraged us to lay down the Organic Law as it exists to-day. I myself keep in close touch with the peoples of these territories. Last April, at the time of a national fête, I went to the Jebel Druse, which contains 60,000 inhabitants. The Druses are not very numerous at Jebel, but they are valiant and full of character. They are warriors, and it is important to keep them peaceful and quiet by means of an organisation that appeals to them, because they are on the borders of the territory and placed in such conditions that their peace of mind can have a considerable influence on the peace of the neighbouring territories. During the celebrations at which I was present, 16,000 people were gathered together out of the 60,000 inhabitants ; 2,000 out of the 5,000 school-children in the territory were present; all the village Chiefs, without exception, had come with the flags under which they fought in 1925. I am bound to say that these celebrations were of such a nature as to confirm me in the feeling that the actual system is suited, for the moment, to the development of the population.

After the promulgation of the Organic Law, a certain number of Druse Chiefs came to me at Beirut and expressed their satisfaction that the self-government to which they were so much attached was being preserved.

I wish to remind you that the Sanjak of Alexandretta is neither a State nor a Government, but a Syrian province enjoying certain privileges, the existence of which can in no way be considered as prejudicial to the unity of Syria. Since the first days of the occupation in 1918, Alexandretta has enjoyed this special regime, which includes the management of an autonomous budget and certain local administrative privileges. I wish to repeat, however, that this is a purely Syrian province, and this kind of limited independence would have progressed more rapidly towards a more complete assimilation with the other provinces of Syria if the political development of Syria as a whole had had a stronger tendency towards the organisation of less important bodies instead of confining itself to the definition of higher authorities and of the political regime from above. In this connection, therefore, there is nothing new ; and the latest definition of the regime of Alexandretta takes account both of the experience of the last ten years, of the present situation and of the possibilities of development that will certainly occur when Syria itself shall have made a more determined step forward towards the organisation of large administrative districts.

I wish, before I close my statement on the situation in Syria, to say a few words on the management of the common interests. An Organic Law provides for the way in which this management shall be assured in the future. In reality, the desire to administer the common interests under better conditions is well known to the Mandates Commission, and the mandatory Power has paid attention to certain recommendations that have been made here and which tend to associate the States concerned more closely with the control of the common interests and the definition of the necessary legislation so far as this legislation is applicable to the States as a whole. This common organisation actually existed formerly. It had been conceived in the form of a Federation of Syrian States united with the Lebanon by a special decree promulgated for this purpose. The Federation, however, disappeared some time before the events of 1925 — events which have made it impossible to alter, up to the present, this administrative body, which was intended to unite the different States in the study of problems of common interest.

In this domain, the mandatory Power took care to preserve more definite powers than in the domain of the individual States themselves. The responsibility of ruling the States in conformity with Article 22 of the Covenant and with the mandate made it necessary that the mandatory Power should not be deprived of all authority. Without authority, it would be impossible to translate the utmost goodwill into acts.

The more direct control of common interests is effected by means of individual action. While the mandatory Power has united the representatives of the two States and of the Governments of the Alaouites and of the Jebel Druse in the administration of the common interests, it at least preserves, under existing circumstances, the responsibility for this administration.

I now come to Syria, which, as you know, is the delicate point. My explanations will be brief, because enough has already been said on the situation in Syria, on the conditions under which the Constitution has been prepared and on the disagreement that has separated us.

As regards the actual definition of public powers, there was the very important question of deciding whether Syria should be constituted as a Republic or a Kingdom ; if it should have one Chamber or two. We thought that it was for the people concerned to give their opinion on this subject themselves. It was important to arrive at the promulgation of the Constitution, for in the state of uncertainty prevailing as to the future of Syria, every kind of opinion was to be heard, every kind of ambition made itself manifest, and demands were even made to the mandatory Power to decide in favour of opinions which did not appear to me to be sufficiently general in character. In the end, Syria was left free to decide upon the political regime which was suited to it ; but, naturally, it was necessary for the Constitution to be placed within the terms of the mandate. It was on this point that disagreement occurred and of which you are aware. Even to-day the protests that are made against this organisation are inspired much more by a kind of disinclination formally to recognise the existence of the mandate than by positive criticisms of the organisation itself. Nevertheless, I think the Syrians wish to come to an agreement. I have very often caught the echo of this wish and, during many exchanges of opinion, I have proposed to the Syrians that they shall find a formula on which they can agree.

The reason why I bring before you to-day a Constitution containing an article with certain reservations is because a formula of this kind had to be inserted in the Constitution. I have constantly spoken to the Syrians in the following way : You have defined the public powers. To-morrow you will come into power ; you will nominate a President of the Republic. That is all very well, but I am compelled to warn you — and I do it in all good faith — that, if you go beyond certain limits, I shall be obliged to stop you. I should not, however, be justified in stopping you if I had not warned you quite clearly. You have several ways of bringing this Constitution into harmony with the public law governing the situation of your country ; you can either insert a special article, as the Lebanon has done, stipulating that the rights and duties resulting from the present Constitution are subject to the rights of the mandatory Power (Article 90 of the Lebanese Constitution ; the same article in the Organic Law of Latakia) ; or, if you do not want a definite reference to be made to the mandate, which exists outside and above the Constitution, you can omit certain articles which are contrary to the mandate.

This Constitution was rather a thorny matter ; and, every time a slightly difficult experiment has been made in the past, account has been taken of it by the authors. For this reason this Constitution contains certain articles which do not usually occur in a Constitution.

I therefore said to the Syrians that, if they were unwilling to refer to the mandate, they would have to omit the contentious articles ; that, if, on the other hand, they retained their text, I should be obliged to say in what conditions this Constitution would be applied, as long as it was our duty to guide the development of the country. At the end of that period Article 116, which is a transitory article, would disappear. Indeed, this article might be omitted before the end of the term of the mandate, if the rights and duties conferred on the mandatory Power were definitely inserted in the Treaty. Also, it ought to be clearly understood that this Treaty, which might modify the terms of the mandate, would have to be submitted to the League of Nations. Moreover, in my quality of representative of the mandatory Power, it was obvious that I could only negotiate a Treaty with a constituted Government. I have found by experience during the conversations which I had in Syria, extending over more than three years, that the proposals I made bound the mandatory Power ; whereas the persons with whom I had these conversations, and who had no responsibilities, spoke only for themselves. They were often persons who were not even candidates at the elections. It is true that they were well-meaning and honourable men, but it is a rule that those who do not appear at the Assemblies have no right of speech ; that is an advantage of the Parliamentary regime.

In fact, when a discussion occurs in an Assembly, the Press is free to say what it thinks and to reflect the opinion of the country. It is no less true that only those who take a part in the Assembly have any power to take decisions.

Such are the general circumstances which have led the mandatory Power to formulate this reservation in Article 116. It means quite simply that the Constitution can only be applied in certain conditions. That is the bone of contention. I will not try to extenuate this reservation by saying that it is theoretical in character, although theoretical considerations often predominate in discussions of this kind. The situation being as it is, there is no other solution than to declare that the mandatory Power has assumed this task and it is not for its representative to discuss whether terms of the mandate are in contradiction with Article 22 of the Covenant or not. Personally, as representative of the mandatory Power, I hold the terms of the mandate as valid, and I think that the territory under mandate ought to consider them as such until the moment when, the experiment having been loyally carried out, we have obtained certain results. This experiment, however, ought to be made with the intention of arriving at a successful conclusion within the limits that have been imposed.

The document we present to you has been long in maturing. I have not brought it before you earlier, because I wished to give all the attention necessary to what was being said, in order to investigate the matter thoroughly. At present, I have a feeling that I could not have gone further than I have. It is true that this document is merely a text ; it is not yet a realisation. It does not definitely resolve the problems, but it is a sufficiently loyal document for the persons to whom it is addressed to reply to it with equal confidence.

If it is the opinion of the Mandates Commission that this Law meets the present situation and can form a basis of a new regime, I think that our time will not have been lost. I would repeat, however, that it is a question of mutual confidence and goodwill. I can assure you that this goodwill has always been wholehearted on our side. During more than three years that I have spent in Syria, I have had the impression that I have taken part in a work that

is probably the most disinterested of all those with which I have had the honour of being associated since the beginning of my career.

I have said more than enough about the reasons which justify the document that has been put in your hands, and now I shall leave it to its critics to speak.

I have been requested to place before you to-day a telegram which has been sent to me since my departure and which expresses, regarding the present situation, feelings contrary to those I have explained to you already. This telegram is dated from Damascus, June 11th, 1930, and runs as follows :

[*Translation.*]

"Please transmit the following telegram to the League of Nations :

" In the name of Damascus, which was completely and unprecedentedly closed to-day because of the imposing meetings which took place, I am charged to transmit their protests that the Assembly is prevented from continuing its mission and that the division of the country has been confirmed by the promulgation of five Constitutions ; against the additional Article 116, which makes it impossible for the Syrian Constitution to function ; against the provisional Government, which has lasted over two years in spite of the general indignation directed against it and its illegal acts, by having recourse to armed forces and by violating household liberty and freedom of circulation ; against the veto preventing a large number of patriots from returning to their country.

" It is formally agreed to consider all acts accomplished outside the Syrian nation and its representatives as null and void. — Jamil Mardam bey."

Jamil Mardam Bey is a well-informed person who followed me to Paris in 1928, when I went to the French Government to find a way out of the difficulties that had occurred at Damascus in connection with the Constitution. I could certainly comment upon this telegram, but I prefer to leave the document with you. In my view, it expresses an exaggerated opinion, both in form and in substance, and, by saying so, I do not think I am injuring Jamil Mardam Bey, whom I know well.

This telegram shows you one of the special difficulties of the situation in Syria. Whenever a person has to attend to a business that demands much attention and daily care, he frequently comes up against contradictions which, if they had to be taken literally, would mean a definite defeat. But that I do not believe. Even though I am sorry to receive a telegram of this kind, my experience is sufficient for me to tell you that there is no need to take such statements literally.

The Chairman thanked the High Commissioner on behalf of the Mandates Commission for his masterly statement, which was both clear and instructive. The Mandates Commission had always followed the development of the political situation of Syria with the greatest interest and sympathy. Since the beginning, it had been conscious of the considerable difficulties with which the mandatory Power was confronted in Syria and the Lebanon. It had only been able to give the mandatory Power moral support ; it had only been able to associate itself with the efforts of the Mandatory, whose motives it recognised as justified. The Chairman thought he could say that the whole Commission was delighted to see that France had found the only real solution which deserved the unanimous congratulations of the Commission. The Chairman congratulated M. Ponsot on behalf of his colleagues.

M. Palacios also wished to congratulate M. Ponsot on the statement he had made concerning the new phase of his policy in Syria. He much appreciated the personal efforts made by the High Commissioner in the country to obtain the help of all the populations and to effect the complete pacification of the country.

He would like, however, to have more detailed explanations on the three following points :

The first was the reference made to a possible future Treaty, to be found in the introduction to the documents on the Constitution which had been transmitted to the Mandates Commission and in paragraph 3 of the " Transitory Provision " (Article 116) of the Constitution of the Syrian State. This appeared to be the first time that reference had been made in any formal way, in an official document of the highest importance, to the new concrete form which the mandate would assume in the more or less near future — a form similar to that adopted in Iraq and Trans-Jordan. In the present case, this new factor was of capital importance, for it seemed that the extreme nationalists themselves had said recently that they were satisfied with a formula of this kind.

The second point on which M. Palacios wished to obtain some explanations referred to the parties to which the mandatory Power looked for help in carrying out and solidifying its policy.

Finally, his third point referred to the form of the Government. Could the Commission be told whether the general tendency of the population was towards a monarchy or a republic ?

M. Ponsot, in reply to the first question of M. Palacios, said that, at the beginning of 1926, his predecessor had been authorised by the French Government to declare that the obligations of the mandate might possibly be defined by means of a treaty. Since 1926, it had always been understood, in the discussions and declarations that had taken place, and which he himself had renewed in 1928, that the French Government was not averse to defining the conditions of the application of the mandate by means of a treaty, subject to the reservation that the League of Nations should be requested to express its opinion regarding these new

proposals. The situation in this respect was somewhat different from that of the neighbouring countries that M. Palacios had mentioned. In those countries, the obligations of the mandate had been defined directly by a treaty. Consequently, the Treaty was not different from the mandate. In Syria and the Lebanon, on the other hand, it had been necessary to recall the rights granted to the mandatory Power by the mandate of the League of Nations and to define the conditions of the application of the mandate concerning certain matters (conditions for the nomination of the State councillors, financial agreements, military agreements, etc.). It would be readily understood that, as regards these matters, the conclusion of a Treaty marked the complete adoption by the State concerned of a formula which preserved the international obligations of the mandatory Power.

In answer to the second question of M. Palacios, M. Ponsot said that it was the intention of the mandatory Power to rely, above all, on moral force to ensure the execution of its task. A constant daily effort would be made to lead those people who were interested in the policy to a right understanding of the situation. He personally was convinced that this moral force was the most satisfactory that could be used. In the present case, it was necessary to explain quite clearly and objectively the aims of the mandatory Power and to show beyond doubt that it was not intended to apply a policy of colonisation that tended to do away with local authority. Before the publication of the Organic Law, the mandatory Power had made its views known on this subject, within the terms of the mandate and Article 22 of the Covenant of the League of Nations. The system created by the mandate and the Covenant allowed countries under mandate to arrive at a certain degree of maturity by means of the experience gained and with the aid of the mandatory Power, which furnished them moral and military support, to deal with problems which could not have been settled merely by the goodwill of the people. In the case in question, it was especially thanks to the military forces of the mandatory Power that the States under mandate owe their frontiers and also that security which is the basis of all economic as well as normal political development within the limits recently set.

Replying to the third question of M. Palacios, M. Ponsot said that the mandatory Power had been prepared to accept whatever system met with the approval of the whole of the territory. When the Assembly had met at Damascus in 1928, the question had been openly put to M. Ponsot by certain members of the Assembly and by the delegates of certain candidates who lived on the other side of the frontier. On this point, therefore, where it was especially important to know the wishes of the population, the task of choosing a regime had been deliberately left to the Assembly when it met at Damascus. M. Ponsot himself was convinced that the members of the Assembly had adopted a republican form of Government because they thought that in that way they would have greater force at their disposal with which to oppose the action of the mandatory Power ; they thought, indeed, that a monarch would have been more subject to the influence of the mandatory Power than a Republic.

M. Palacios thanked M. Ponsot for the explanations he had just given. If he insisted on his points, it was merely in order to define clearly the meaning and scope of his questions. In asking the first, he had wished to give the High Commissioner an opportunity to express in detail his views on a point which had been the subject of much controversy during the party fights, and the settlement of which might perhaps lead to peace. It appeared that, in drafting paragraph 3 of his Decree of May 14th, 1930, M. Ponsot had taken as his model Article 22 of the Covenant of the League of Nations rather than the text of the mandate.

In asking his second question, M. Palacios had had in mind, in particular, the social class to which belonged the elements on which the mandatory Power intended to rely in carrying out its policy. Was it the aristocracy, feudal lords, the middle classes, the people, etc. ? He would like to know of what elements the moderate party was composed, for example, as opposed to the extremists and so on.

M. Ponsot replied that politics were not the privilege of the majority of the population in Syria. Only the educated classes were interested in them. The masses troubled about them much less. The people who were concerned in political problems were few in number. M. Ponsot had been able to realise this during personal conversations with the seventy members of the Constituent Assembly.

A certain number of the moderate parties were avowedly monarchical in character; others preferred to reserve the question of the regime to be adopted. The political programmes of these various parties were, moreover, very similar, and it might be asked if there was any real difference between them. It might also be asked whether they did not consider the question of personalities of greater importance than ideas. It was difficult to imagine a party which would not uphold " national " aspirations.

M. Ponsot thought he could describe the attitude of the mass of the population in the following way. The population had not always been very contented in the past, and hoped that the situation would improve in the future. They realised, moreover, that in this matter, they might expect more from the mandatory Power in the direction of freedom than from certain local authorities who were too strongly attached to the old regime.

M. Palacios thanked M. Ponsot for the explanations he had been so good as to give him.

M. Rappard had heard the statement of M. Ponsot with the greatest interest. He wished to make it clear, first of all, that his main intention in speaking was not to complicate the already very difficult task of the mandatory Power. This task, since the beginning, had been twofold. The mandatory Power had, on the one hand, tried to apply Article 22 of the Covenant

while endeavouring, on the other, to satisfy the national aspirations of the population of whom the extremists did not desire the mandate. He was certain all his colleagues felt that the mandatory Power had gone as far, in both of these senses, as was possible. The two questions he was going to put were therefore in no way inspired by a wish to criticise the mandatory Power.

In the first place, could M. Ponsot say if the Jebel Druse and the country of the Alaouites formed part of Syria or not as seemed to M. Rappard to be the case in view of Article 2 of the Syrian Constitution ? If the answer were in the negative, he could not find in the mandate the legal considerations on which the Government of these two other territories was based. The mandate actually concerned Syria and the Lebanon alone, and the other two countries belonged neither to the Lebanon nor to Syria.

Secondly, the Organic Law made no provision for constitutional jurisdiction. The Chamber of Representatives was, therefore, in a position to pass all the measures it wished without anyone being able to reproach it for acting against the Constitution. He quite understood that Article 116 of the Organic Law reserved to the mandatory Power the right of supervision over all acts contrary to the international obligations that it had to assume. Should, then, the Syrian Chamber adopt legislative measures which appeared to be contrary to any of these obligations — for example, to that provided for by Article 6 of the Mandate, concerning the creation of a judicial system providing a perfect safeguard of the rights both of the natives and the foreigners — he wondered what form the intervention of the mandatory Power would take.

M. Ponsot, in answer to the first of M. Rappard's questions, said that the situation of Latakia and of the Jebel Druse was already defined, in certain respects — for example, as far as the question of nationality was concerned ; abroad, the nationals of these two States were considered to be Syrians. The question whether the Alaouites and the Jebel Druse formed part of Syria in the constitutional sense of the word he would answer in the negative. So long as the mandate lasted, this situation would give rise to no inconvenience, for the sovereign powers over the territories under these two Governments were exercised under the direct control of the representative of the mandatory Power.

As regards the rights of the Assembly and the question whether it was the sovereign and sole arbiter of its decisions, M. Ponsot said that the mandatory Power had the right to intervene in order that legislative decisions taken by its representative should only be changed by the Assembly after agreement with that representative. M. Ponsot recalled in this connection certain of the precedents in the Lebanon. He added that, if the Syrian Parliament should act in opposition to this obligation, the mandatory Power would be compelled to declare that it was impossible to carry out the decisions that had been taken. He pointed out, moreover, that Article 116 of the Organic Law was longer than the Syrians leaders, with whom he had spoken on the matter, might have wished. He had been led to make this article more complete when he realised that its opponents were only prepared to accept the first paragraph, making the most of an ambiguity which consequently could not possibly be maintained. It had been necessary to define the methods of control, and the exact scope of the general reservation, which at first sight had appeared to be sufficient in itself, by stating definitely in a fifth paragraph that :

> " Legislative decisions taken by the representatives of the French Government can only be modified after agreement between the two Governments."

The Chairman felt obliged to say a word concerning the first question raised by M. Rappard, which had already been discussed at the extraordinary session of the Commission held at Rome in 1926. On that occasion, the Chairman had expressed an opinion which differed from that of M. Rappard.

It was perfectly true that the mandate had been granted for Syria and the Lebanon ; that Article 1 of that Mandate required the preparation of an Organic Law for Syria and the Lebanon, and that the same article provided for the creation of Syria and the Lebanon as independent States. The preparation of the Organic Law, however, did not in itself confer independence since, according to the very terms of Article 1, this Organic Law merely established the measures necessary to facilitate the progressive development of Syria and the Lebanon as independent States. Independence was the ultimate aim ; but, so long as this aim was not attained, there was nothing to prevent the mandatory Power from setting up in certain parts of Syria a form of government which differed from that to which the other parts were subject, provided that the special form of government in question met the needs of the populations concerned — in short, the local conditions. To fail to recognise the conditions calling provisionally for a special mode of government would be contrary to the mandate, seeing that, by adopting this attitude, the mandatory Power would run the risk of failing to achieve the final aim.

M. Rappard said that he agreed with M. Van Rees that, at the present moment, there were two Syrias — one composed of the Syrian territory, which was about to possess a Constitution, and the other composed of the rest of Syria.

Count de Penha Garcia said that he understood quite well what had been the method followed by the mandatory Power. In his opinion, there were not two Syrias but merely two parts of the territory which would fuse at the moment when their development was sufficiently advanced to permit of this reconciliation. The local autonomous institutions should be understood in this sense. They would form part of Syria, in spite of their special organisation.

It was now necessary to decide whether the mandatory Power had applied Article 1 of the Mandate in a satisfactory manner. He thought that, in reality, the delay in drawing up the Organic Law of Syria could be explained by the events which had been brought to the notice of the Commission. In the present case, in his opinion, the Syrian Nationalist Party did not understand the position created by the mandate. In spite of that, he was certain that the mandatory Power had taken into account, when drawing up the Organic Law, all the obligations of the mandate, and had tried to bring about an agreement with the authorities of the territories under mandate. It had certainly accomplished a great deal in this direction. Was M. Ponsot, however, in a position to say whether he thought it would be possible to put the text that had been prepared into force in the near future, or whether he considered that it would still be necessary to wait for the population of Syria to give proof of better intentions ? Had the experience of M. Ponsot led him to believe that it might be possible to come to a definite agreement on the basis of the new laws ?

M. Ponsot said that he hoped to come to such an agreement in the near future. Nevertheless, he realised that certain preparatory work would undoubtedly be necessary, and for that reason certain of the documents promulgated had not yet been put into force. He pointed out, in this connection, that, before and after the promulgation of the Organic Law, he had taken considerable care to inform himself of the reactions of the population. He had gone about in various districts in order to acquaint himself with the general feeling. It was clear that, when dealing with such problems, the general atmosphere was of considerable importance. Similarly, he had not wished to conclude the Organic Law before coming to Geneva to ask the Mandates Commission for an impartial opinion, which could hardly be expected from the local authorities. M. Ponsot recalled, moreover, that most of the documents had already been put into force, and that, even if some were still held up, the fact of presenting to the population texts which formed a legal basis, and made further evolution possible, was already an appreciable result. The local authorities must now show themselves possessed of a minimum amount of goodwill.

Lord Lugard said that he regretted being unable to take part in the present discussion, since it was impossible for him to discuss in detail a Constitution and an Organic Law which he had not yet seen. He thanked M. Ponsot for the explanations he had given, which would help him later in studying these documents when he received them.

As far as he understood, there were two principal States and three subsidiary States in Syria. There were three aspects of the Constitution which he would study with the greatest interest : (1) the High Commissioner's power of vetoing the promulgation of a law contrary to the mandate ; (2) the relations between the subsidiary States and Syria ; (3) the relations between the two principal States, especially in economic affairs.

M. Ponsot said there were two States in Syria that enjoyed sovereignty and two States which figured as territories but which did not possess sovereign power. The fifth territory was not a State : this was the Sanjak of Alexandretta, which was a province with certain financial and administrative privileges. He pointed out that these privileges resembled those which had existed in certain French provinces before 1789 and in certain districts in Canada. M. Ponsot had been able to observe that, in Canada, this type of privilege strengthened national feeling rather than the tendency to a policy of separation.

As for the relations between the States, M. Ponsot said that they were much easier than might at first sight be supposed, because there was no Customs boundary between them. In this respect, they might be compared to the provinces of Canada or to the Swiss cantons. There was, therefore, a unity between these States which would never be broken in future. The administration of common interests would keep the representatives of these different Governments in touch and lead them daily to assume a more definite consciousness of the common basis of these interests and of their need for understanding and agreement.

M. Merlin said that the acts that had been submitted to the Mandates Commission covered the three provisions in Article 1 of the Mandate, namely, the preparation of an Organic Law, the safeguarding of local self-government so far as circumstances would allow, and, finally, the consideration of the rights, interests and wishes of all the peoples inhabiting the aforementioned territories. The mandatory Power had only reserved itself the imprescriptible rights that the mandate lay upon it. Certain protests had obviously been made by Syrians ; but he thought that these were only of relative value, since they came from people who cared only for politics and could not abandon their attitude at short notice. Personally, he was convinced that, as they gained experience, they would become wiser than their speeches to-day might lead one to believe.

M. Ponsot had mentioned the desire he had had to appear before the Commission before putting the Organic Law into application. He was convinced that the approval of the Mandates Commission of the acts as a whole that were to be put into force would be of the greatest use in getting them accepted by the Syrian population. By that means, the Mandates Commission was performing its constructive work, which ought to be one of the most important aspects of its duties. When the time came for M. Ponsot to return to Syria, fortified by the approval of the Mandates Commission, the Council and the Assembly of the League of Nations, the protests that were being made would certainly diminish, and the Mandates Commission might then congratulate itself on having done a work of considerable utility in helping M. Ponsot to bring his task to a successful conclusion.

End of the Hearing.

The Chairman said that, since no other member of the Commission wished to speak, he would declare the meeting closed.

After the eloquence of M. Merlin, there really remained little for him to say. Nevertheless, he wished to state that he heartily agreed with what M. Merlin had just said.

He wished, on behalf of his colleagues, to thank M. Ponsot for his explanations, the admirable clarity and objectivity of which had helped them to form an idea, not only of the guiding principles which were the basis of the Organic Law, but also of the conditions in which this task would be achieved.

While expressing the gratitude of the Mandates Commission to M. Ponsot and its wishes for the success of his work in Syria, the Chairman did not wish to forget to thank M. de Caix, in the name of the Commission, which had had the opportunity once more appreciating his frank and confiding collaboration.

He also thanked M. Chauvel and Captain Terrier for the information they had given, which had been of considerable interest to the Commission.

FOURTEENTH MEETING.

Held on Friday, June 27th, 1930, at 3.30 p.m.

South West Africa: Examination of the Annual Report for 1929.

Mr. te Water, High Commissioner of the Union of South Africa in London, and Mr. Courtney Clarke, Assistant Secretary of the Administration of South West Africa, accredited representatives of the Government of the Union of South Africa, came to the table of the Commission.

Welcome to the Accredited Representatives.

The Chairman (M. Van Rees), on behalf of the Commission, cordially welcomed Mr. te Water and Mr. Courtney Clarke. He thanked the Government of the Union for sending as its representatives, for three years past, certain of the highest officials in the mandated territory. He recalled that the South African Government had been the first to send as its accredited representative the Administrator of the mandated territory, and had thus inaugurated a good practice which had since been followed by the majority of the mandatory Powers.

The Commission had certainly been glad to learn that Mr. Werth, Administrator of South West Africa, had shown, as was revealed by his opening speech at the July-August 1929 session of the Legislative Council of South West Africa, that he was fully aware of the spirit of collaboration by which all members of the Commission were animated. He had also said that he had received an excellent impression from his stay in Geneva two years previously. These statements were the more satisfactory in that, in the past, the spirit of collaboration shown by the Commission had not always been acknowledged in South Africa. At certain times, some questions concerning which the Mandates Commission, as the guardian of the principles of the mandates system, had felt bound to ask for explanations, had produced some emotion, even some friction, in consequence of misunderstandings which ascribed to the members of the Commission a tendency to futility.

The Chairman was glad to note that the misunderstandings to which he had referred had ceased to exist.

The members of the Commission had certainly taken note with interest of the letter of April 16th, 1930, in which the Government of the Union accepted the reports, submitted in September 1927 and September 1929 respectively by the Netherlands and Finnish representatives on the Council of the League, concerning the legal relations between a mandatory Power and its mandated territory. They would, no doubt, also have much appreciated the settlement of another question of principle with which the Commission had dealt on several occasions, and which concerned the status of the railways and ports in South West Africa.

The Chairman wished warmly to thank the mandatory Power for the communications it had been good enough to make regarding these two questions, and which indicated a spirit of conciliation on which the Mandates Commission was the first to congratulate itself.

General Statement by the Accredited Representative.

Mr. te Water. — Mr. Chairman, may I thank you on behalf of Mr. Courtney Clarke and on my own behalf for the welcome you have extended to us ? I wish, in the fewest words, to state that it is our desire, and the desire of my Government, to meet the Commission in

the friendliest and frankest spirit, and, to use your own phrase, in a spirit of collaboration, and to endeavour to give the Commission the fullest information at our disposal.

With this object in view, I deemed it advisable, before assuming office in London and before leaving South Africa last October, to visit the mandated territory in South West Africa, a visit which enabled me to have the very great advantage of seeing for myself the machinery of mandatory government in actual working.

The onerous duties of government were, without doubt, being carried out efficiently, and, above all, enthusiastically, by its capable Administrator, Mr. Werth, and by a most experienced staff.

Following the principle adopted by my Government of sending one of its senior officials to attend the meetings of the Mandates Commission, Mr. Courtney Clarke, the Assistant Secretary to the Administration, and one of its most efficient officers, has been selected by my Government as its accredited representative to attend this session. Mr. Clarke's experience of administrative detail will enable him to reply to questions arising out of the annual report.

I am happy to state that, since the meetings of the Commission last year, my Government has taken action to remove long-standing difficulties from the arena of contention and discussion.

In this regard, the Commission will observe that, during the last session of the Union Parliament, the Minister for Railways introduced and secured the passage of a measure giving effect to the wishes of the Commission in regard to *dominium* in the railways of South West Africa.

I trust that this will be treated as an earnest of our desire to co-operate in the work of the Commission.

It may not be known to members of the Commission that the South West Territory is passing through a period of great stress. The country is experiencing a drought such as has not been known since the Union Government has administered the mandate. The Administration is, as a result, faced with a deficit on its budget for the current year, and, unless there is an early recovery in its revenue, there appears to be little expectation of its budget being balanced, although fresh taxation is contemplated.

Both European and native inhabitants are, on their part, facing the situation with courage ; while the Government, on its part, is determined to do everything in its power to alleviate distress, and to this end has undertaken many measures of relief.

In particular, the position amongst the natives in Ovamboland is serious ; but here again, as will appear from the report, the Chiefs and people are co-operating with the Government in giving effect to the measures it has instituted for their relief.

In conclusion, I would like to add that, should differences of opinion be disclosed in the discussions that are about to take place — and in matters of administration there must necessarily always be room for such differences — I am nevertheless resolved to take careful note of any views that may be expressed by the members of the Commission, while at the same time endeavouring sincerely to state the point of view of my own Government.

The Chairman thanked the accredited representative for his statement, which showed a frankness, a loyalty and a sincerity which would enable the Commission to continue in the most cordial way its work of collaboration with the mandatory Power.

Fronter between Angola and South West Africa.

M. Orts asked whether the same causes as those operating hitherto to prevent a final settlement of the frontier questions between Angola and the mandated territory still existed ; he refer ed, in particular, to the water rights of the inhabitants of the mandated territory living on the South West African side of the boundary.

Mr. te Water said that the point was dealt with in paragraph 4 of the report. The matter was still under negotiation between the two Governments, and no final decision had been taken. As the negotiations were of an international character, he was, naturally, not instructed as to the details.

Mr. Courtney Clarke added that the Administration had not yet come to any final agreement with the Portuguese authorities as to water rights. At the same time, he wished to express the appreciation of the South West African Administration for the very valuable assistance given by the Portuguese authorities in the present severe drought by allowing natives from Ovamboland facilities for watering their cattle in Angola.

Count de Penha Garcia was glad to note that the facilities granted by the Portuguese Government of Angola to the natives of Ovamboland had met with a grateful response from the South West African Administration.

In regard to the question of the frontier, he had stated in the previous year that, in his opinion, it was not very useful for the Mandates Commission to intervene, at any rate for the moment, in this rather delicate question. Had the frontier been based on the just distribution of the tribes, the work of delimitation would have been an easy matter. In

reality, this frontier had originated in a treaty concluded between Portugal and Germany. The delimitation had been effected by Portuguese and South West African Commissions. It was final and complete. The small questions which had arisen later, owing to the fact that certain tribes had to opt for their transfer from one side or other of the frontier, were the subject of negotiation between the two Governments. He thought, therefore, that, in view of the difficulties of these delicate negotiations, the Commission should await and take note of the results obtained.

M. Orts said that the Permanent Mandates Commission naturally had no desire to hamper the negotiations. In answer, however, to Count de Penha Garcia's remarks, he wished to point out that nothing that affected the future of the mandated territory lay outside the province of the Commission. The question of the frontier was very definitely within the Commission's purview, since it was the Commission's right and duty to examine anything affecting the future, as well as the present, well-being of the territory, in addition to the way in which it was administered. The Commission would note with interest the final settlement when achieved.

Mr. te Water appreciated and agreed with M. Orts' observations. The Government of the Union could not report on the matter until it had definite information, which would be laid before the Commission. He was instructed to say that his Government would report as soon as such information was available.

Count de Penha Garcia said that he shared M. Orts' opinion that it was the duty of the Mandates Commission to acquaint itself with anything that went on in the mandated territory. His object had simply been to avoid any misunderstanding. Public opinion in Portugal, owing, in particular, to the fact that a year previously the Commission had made a recommendation to the Council regarding the rights claimed by the natives, which were incompatible with the existence of the frontiers, had acquired the impression that there were three parties to the negotiations — the Government of the Union, the Portuguese Government, and the Council of the League of Nations. Count de Penha Garcia's only aim was to obviate further confusion, which would be regrettable. The frontier established by a treaty had been delimited. The thing that was necessary now was to facilitate the settlement of the tribes on the territory on the two sides of the frontier. Neither the natives of Angola nor South West Africa could have any rights outside the territory of which they were nationals. On the other hand, the intervention of a third party in the negotiations between the two Governments would be unusual.

The Chairman was glad that Count de Penha Garcia had simply referred to an expression used in an agreement concluded between the Union of South Africa and Portugal, without bringing the expression into discussion. For five years the Mandates Commission had been interested in the question of the frontier with Angola, not the actual delimitation of that frontier, but the possible consequences for the territory under mandate of a change in that delimitation. There was no doubt that it would be the Commission's duty to continue to deal with that aspect of the problem.

M. Sakenobe understood that, in consequence of the delimitation of the frontier, a portion of one tribe had had to move to Angola. The people concerned, however, had been averse from leaving the mandated territory and had applied to be reinstated in Ovamboland. It had been explained that it was difficult for the Administration to comply with their request owing to shortage of water. What was the present situation of the natives in question ?

Mr. Courtney Clarke thought that this matter had been dealt with in previous reports. The majority of the Ukuanyama tribe had expressed a desire to remain in the mandated territory. The shortage of water on the South West African side of the frontier made the situation difficult for those natives. The section of the report dealing with native affairs indicated the steps taken by the Administration to secure more water in Ovamboland.

M. Sakenobe pointed out that, in last year's report, it had been stated that there were two frontier difficulties — the first, that connected with water, and the second, that connected with a tribe which had been transferred to Angola and was anxious to return. He would like to know whether the tribe in question was still in Angola or had been allowed to return to South West Africa.

The Chairman suggested that the accredited representative should reply to this question at the following meeting.

M. Rappard was not clear what Count de Penha Garcia had meant in referring to the impression in Portugal that there had been three parties to the case of the South West African frontier. If Portuguese public opinion supposed that there was a third Power with territory in South West Africa, namely, the Council of the League of Nations, such a curious misunderstanding should easily be cleared up. There was no need for M. Rappard to point out, however, that it was not within the power of the mandatory Government to cede part of a mandated territory to a neighbouring country. In this sense, there were actually three parties to all frontier questions concerning a mandated territory, namely, the mandatory Power, the neighbouring State, and the League of Nations, without whose approval no substantial territorial changes could be made.

Count de Penha Garcia pointed out that the frontier had formed the subject of an agreement between Portugal and Germany. Consequently, this frontier had been determined.

It been marked out by the experts of the mandatory Power and Portugal. The difficulty had related only to certain small portions of the country on either side of the frontier. Portuguese public opinion was, of course, perfectly well aware that there was a definite area known as the mandated territory of South West Africa. Representatives of both Powers had inspected the frontier after its delimitation, and the representatives of the South West African Administration had realised that it would be necessary to make, in agreement, certain small changes in the territory or, more simply, to obtain elsewhere the water required at certain points on the frontier in question. The impression had grown in Portugal that the League was intervening in the negotiations between the two Governments and that had caused some surprise. Count de Penha Garcia's only object had been to explain this situation to the Commission and avoid further misunderstanding.

Application of the Extradition Treaty between Great Britain and Portugal.

M. Orts asked whether the extradition treaty between Great Britain and Portugal, which applied to the Union of South Africa, had been made applicable to the mandated territory. It appeared that there had been certain difficulties in the past, owing to the fact that the treaty had not applied to South West Africa.

Mr. Courtney Clarke replied that, so far as he knew, the treaty did not apply to the mandated territory. Hitherto, there had been no occasion which had made its application necessary.

M. Orts observed that the reports for 1923 and 1924 had stated that the course of justice had been impeded by the fact that criminals had been able to escape across the frontier into Angola, and evade justice, owing to the non-applicability of the treaty.

Mr. Courtney Clarke replied that, previously, such a case had arisen, but no case had occurred since the reports to which M. Orts had referred had been prepared.

Administration of Caprivi Zipfel.

Lord Lugard asked what were the reasons for which the Caprivi Zipfel, which properly belonged to the mandated territory and had hitherto been administered under the Bechuanaland territory, had now been retransferred to the administration of the mandated territory.

Mr. Courtney Clarke said that, so far as he was aware, this was a question that had been raised by the Mandates Commission, and that the transfer had been carried out in deference to the Commission's wishes. He hoped that, should difficulties arise in the administration of so remote a territory, the members of the Commission would remember that it was they who had suggested the transfer.

Lord Lugard said the Mandates Commission had asked why a part of the mandated territory was being administered separately, but had never insisted on its retransfer.

Promulgation of a Proclamation dealing with Native Administration.

M. Sakenobe recalled that, in the previous year, the Commission had been told that a Proclamation dealing with the whole question of native administration was about to be put into operation. The report, however, contained no information on the subject. Had the law in question been put into force or not ?

Mr. Courtney Clarke replied that the Proclamation had been put into force early in the current year, but that the consequential regulations had not yet been issued.

Rehoboth Community.

Lord Lugard asked whether the accredited representative could give any information on the exact situation with regard to the Rehoboths. The Commission had received a series of petitions in which the Rehoboths wrote that they had been deprived of their rights and their property. The mandatory Power had replied that the Rehoboths were a particularly troublesome people and very difficult to deal with. It was not clear to the Commission what precisely were the grievances of the Rehoboths.

Mr. te Water said that he had observed that the Commission appreciated the fact that the Rehoboths presented a very difficult problem. He had visited them personally in the previous year, and, being able to speak their language, had had an opportunity of getting into close touch with them and their opinions. As a result of his experience, he could say that nothing contained in the reports concerning the Rehoboths had been exaggerated. They were, indeed, a very difficult people. No one who had not had direct contact with them would easily appreciate the way in which their minds worked. He could best describe the Rehoboth mind as a circular mind. It was impossible to know when an argument began and when

it was supposed to end. The complaints that had been put forward had never had the support of the entire population. If one section complained, another section, perhaps of equal importance, condemned the former's complaint, merely because it had been put forward by their opponents.

The Rehoboths took a peculiar interest in political affairs. They were at the same time very ill-informed and very suspicious. Mr. te Water had taken particular care to ascertain whether the Administration was doing everything to assist them and had discovered that, in point of fact, it was doing so. Indeed, the Rehoboths enjoyed notably lenient treatment, and their difficulties were due to their own policy.

Lord Lugard observed that the chief grievances of the Rehoboths seemed to be that they had been deprived of certain land, and that their rights of shooting game had been invaded by other people, and that they had had a magistrate put over them whereas they had been promised autonomy.

Mr. Courtney Clarke said that the Rehoboth question had been gone into very fully by Mr. Justice de Villiers, whose very exhaustive report had been forwarded to the Mandates Commission.

The Union Government had adopted Mr. Justice de Villiers' recommendations and the South West African Administration was patiently endeavouring to win the confidence of the Rehoboths. The magistrate, in whom the functions of Kapitein had been placed as a result of the recommendations of the report, was a man who understood the Rehoboths and their language and was doing everything in his power to gain their trust. At the same time, they were a very difficult people, and it was felt that the only way in which they could be won over was by educating the younger generation. Originally, they had refused educational facilities ; but, as was stated in the previous report, they had now asked for schools, and the attendance was increasing.

Mlle. Dannevig recalled that, in the report for the previous year, it had been stated that three schools had been opened in the Rehoboth community, and that the Rehoboths had succeeded in building a good schoolhouse by means of private funds. This seemed to show that they were interested in education. In the report of two years previously, it had been stated that the Administration had been unable to persuade the Rehoboths to send their children to school. It should be further pointed out that, in the budget for the previous year, there had been a grant for Rehoboth education, but the grant appeared to have been cut off in the current year.

Mr. Courtney Clarke said he could not appreciate Mlle. Dannevig's point concerning the withdrawal of the grant, since the draft estimates for the current year budgeted for £12,000 for education, as against £10,000 in the previous year.

Mlle. Dannevig referred Mr. Courtney Clarke to paragraph 85 of the report, where the provision for the Government school for Rehoboths for the year ending March 31st, 1930, was returned as nil, whereas there had been a grant of £156 in the previous year.

Mr. Courtney Clarke said that the grant made in the year 1928–29 might have been for a school building ; there had certainly been no withdrawal of any grant for the provision of salaries for teachers.

The Chairman suggested that the accredited representative might later insert the answer to Mlle. Dannevig's question in the Minutes.

Lord Lugard asked what was the object of Proclamation 29, providing that immovable property in the Rehoboth-Gebiet, held by Europeans, might be transferred, as though Proclamations 28 of 1913 and 9 of 1928 had not been passed. Again, what was the object of Proclamation 41, which applied the Commissions' Powers Ordinance No. 6 of 1927 to the Rehoboth-Gebiet (pages 2 and 3 of report) ?

Mr. Courtney Clarke replied that Proclamation 29 was passed to enable the lawful successors in title of certain European owners of land in the Gebiet, acquired prior to the issue of Proclamation 28 of 1923, to transfer their lands without hindrance. It had not been intended to interfere with existing rights when the original Proclamation was issued.

Section 4 of the 1923 Agreement required that new legislation should be specially applied to the Gebiet. When the Commissions' Powers Ordinance No. 6 of 1927 was enacted, it was not, at the time, specially applied to the Gebiet; but a Commission had recently been appointed to enquire into land matters in the Gebiet, and, as it was necessary for it to have these powers, the Ordinance had now been applied by Proclamation 41 of 1929.

Drought and Famine in Ovamboland and Elsewhere : Native Reserves.

Lord Lugard asked whether the reason for the statement in the report (paragraph 347) concerning new arrivals being " moved up " from the South was to be found in the reports concerning drought and famine in paragraphs 373–381.

Mr. Courtney Clarke said that the existence of a number of uncontrolled natives scattered about the southern portion of the Kaokoveld was found to be a menace to the safety of the territory, as it was feared that they would bring lung-sickness into the area within the police

zone, as their cattle were constantly crossing and recrossing the line. The Commission would remember that the Administration had established a police cordon with this object, because, if lung-sickness spread into the territory, it would ruin the whole cattle export trade. It had therefore been decided to concentrate these natives with their cattle in the northern part of the Kaokoveld, where they would be under the supervision of the Chiefs. For the reasons given in paragraph 381, they had temporarily been allowed to return.

Lord LUGARD, with reference to the famine in Ovamboland, observed that, from the report of the Auditor-General, page 14, it appeared that the total sum expended in relief had been only £1,780, of which £1,000 had been spent on transport. The consequence had been that only one-quarter of a bag of mealies had been available for eight persons per month. That seemed a rather meagre allowance. Was it sufficient to keep them alive ? According to the annual report (page 59), it seemed that there was every prospect of a further famine. Was the accredited representative able to assure the Commission that the preparations to meet it were adequate ?

Mr. Courtney CLARKE replied that the £1,700 referred to had been spent prior to the estimates for the previous year ; that was to say, between January and March of the financial year 1928–29. In 1929 and the first three months of 1930, however, approximately £10,000 had been spent ; £5,000 had been provided in the 1929–30 estimates, and the whole of this had been spent. The remainder had been covered by drawing from other votes and by amounts collected from the natives themselves. A bag of mealies, weighing about 180 to 200 lb., cost approximately £1 at Tsumeb, but by the time it had been transported to Ondonga it cost £2 10 *s.* The natives had had considerable grain reserves in the previous year, and it had not been necessary to ration the entire population. Again, natives living in other parts had themselves sent contributions to their relatives, so that the latter had been able to buy grain from the Administration, whose expenses had been consequently reduced. Since Mr. Courtney Clarke had left the territory, the position, however, had become much worse ; and, according to advices since received, it would appear that the Administration would have to provide some 18,000 to 20,000 bags in the current year to relieve the famine.

Lord LUGARD asked whether there was any information as to the number of deaths caused by famine.

Mr. Courtney CLARKE replied that there had been very few deaths reported so far. The main object of the Administration was to prevent natives from the affected areas attempting to come down into other parts of the mandated territories. In the famine of 1915–16, it will be remembered, there had been a *sauve qui peut*, and hundreds of women and children had died *en route*.

Lord LUGARD asked what was the meaning of the term " Usual Reserve Charges " on page 14 of the Auditors' report.

Mr. Courtney CLARKE said that these were grazing fees provided for under Government Notice No. 68 of 1924. The fees were paid by natives grazing their cattle in the reserves and, under the terms of Proclamation 9 of 1924, were set aside for native purposes.

Lord LUGARD asked for explanations with regard to the Berseba reserve.

Mr. Courtney CLARKE replied that, in German times, the Berseba reserve had always been regarded as the personal property of the tribe, owing to the fact that the Chief had not been implicated in any rebellion against the German authorities. There were two reserves in the southern part of the territory which were adjacent to one another, the Berseba and the Tses reserves. The Berseba reserve contained more land than was required by the tribe inhabiting it, and the Tses reserve had been formed out of it, compensation being paid to the Berseba tribe.

Mr. TE WATER pointed out that, in order to obviate future drought distress, the Administration was constructing dams in Ovamboland, and that many locally distressed natives were being concentrated at these sites, and obtained rations in return for their labour. This provided both immediate relief and also made provision for the future.

PUBLIC FINANCE.

M. RAPPARD said that his observations on the public finance of the territory could be grouped under three heads. It was to be noted, speaking generally, that the financial situation of South West Africa was very prosperous. Except during the first year of the mandate, a surplus of revenue over expenditure was the rule. There were no direct taxes, but there was a regular source of revenue drawn from the mining royalties. The Commission had several times drawn the attention of the mandatory Power to the danger of relying too much upon this somewhat intermittent source of revenue. He would like first to know in what manner the surpluses were accounted for. He could not find any reference to them on pages 17 and following of the report, which contained tables of expenditure and revenue.

Mr. Courtney CLARKE said that the surpluses were carried on from year to year ; they were shown in the estimates which were published in a separate document and had been submitted to the Commission.

M. RAPPARD pointed out that they were not shown in the annual report. Could a mention of them be inserted in future reports ?

Mr. Courtney CLARKE replied in the affirmative. The surpluses had hitherto been shown in the memorandum on the estimates, but a mention of them could be made in the reports for subsequent years.

M. RAPPARD said that, in view of the importance of the royalties derived from the diamond mines, he was somewhat surprised at the great fluctuation in the revenue obtained from them. In 1926-27 the revenue had been £240,570 ; in 1927-28 it had fallen to £48,885 ; in 1928-29 it had risen to £94,937, and in the first nine months of the financial year 1929-30 it appeared that the revenue from this source had already amounted to £115,000 — and this despite the slump in America and elsewhere.

Mr. Courtney CLARKE replied that the revenue figures for the mining tax shown in paragraph 82 would have to be modified on account of possible refunds to the mines in consequence of the reassessment of the working costs at the end of the financial year. He would explain that the liability of the diamond mining companies was calculated on an agreed formula, and advance payments were made to the Administration, but refunds were necessary where it was ascertained that the working costs had been under-estimated.

M. RAPPARD enquired why the assessment of the diamond tax was not audited by the Auditor-General.

Mr. Courtney CLARKE replied that the diamond audit was a particularly technical matter and that a special officer audited the accounts for all the mines, including the diamond mines.

Lord LUGARD, with reference to paragraph 88, noted that the natives in Ovamboland had agreed to pay a tax of 5*s*. and that the proceeds of the tax were paid into a trust fund. In paragraph 424, it was said that the appropriate tribal funds " must be expended as directed by the Administrator ". Was it yet possible to give the Chiefs any direct responsibility with a view to inculcating a sense of responsibility ?

Mr. Courtney CLARKE said that, according to paragraph 424, the funds were expended by the Administrator " after consultation with the Chief or Chiefs, or, if there be no Chief, with the headmen of the tribe for which the fund has been established ". The Chiefs did not keep the money but assisted in its collection.

Lord LUGARD said he hoped that, before long, they would be entrusted with the expenditure of a sum, however small, on their own responsibility and initiative.

He asked whether it was not possible for the non-natives in the police zone to pay an income tax. At present they appeared only to pay certain licences, which were imposed for special benefits or value received.

Mr. Courtney CLARKE explained that, among other taxes paid by the whites in the police zone, there were licences for motor-cars and shooting licences, etc. No income-tax existed in the zone.

EDUCATION.

M. RAPPARD desired to put a question in connection with education, which was prompted by his examination of the financial side of the matter.

Looking at the table on page 16, the Commission might well be satisfied at the progress made in the expenditure on education, which had risen from some £85,000 in 1924-25 to nearly £130,000 in 1928-29. This satisfaction, however, was lessened when it was realised from the table on page 20 that, of that sum, not more than £11,000 was spent on native education, the remainder going entirely to the education of the white children. In general, the Administration seemed to be paying great attention to the education of the non-native population ; and, of the seven pages of the report on education, five were devoted to the whites and only two to the natives. In paragraph 299, for example, under the general heading " Education ", it was stated that " the number of children of school-going age not attending school had increased from 662 to 743 ". It was only after closer examination of the report that it would be realised that this fact, which was a matter of some concern to the Administration, referred not to native children but only to white children.

In the native reserves, there were not only few or no schools, but the Administration seemed to be reluctant to consider the possibility of building them. It put forward as its reason that there was a good deal of opposition to education and schools on the part of the natives.

It seemed difficult, however, to regard this as a good reason for not providing schools. It was also said in paragraph 329 that, " if there is a desire for education in a reserve the parents have, in the first instance, to apply to the local council. If the council approves of the application, it may recommend it to the Administration and indicate at which centre the school is to be built and how large it should be. If the Administration agrees, the building may be built out of the funds of the reserve ". This seemed a somewhat complicated procedure, and appeared to throw the initiative and the sole cost of obtaining education on to the native.

An analysis of the expenditure on education would show that about ten times more money was spent on white than on native education ; as, moreover, there were about ten times less whites than natives in the territory, the average amount spent on the education of a white child was 100 times more than that spent upon a native child. M. Rappard felt bound, however, to point out that the mandate had been established for the benefit of " peoples not yet able to stand by themselves under the strenuous conditions of the modern world " (Article 22 of the Covenant, paragraph 1). That being so, the policy of the Administration seemed to M. Rappard to be a little difficult to reconcile with the terms of the Covenant and of the mandate. History seemed to show that, on every occasion in the past when whites and blacks had come into contact in territories equally inhabitable by both races, the blacks had gone to the wall. The mandate system represented a kind of protest against the continuation of this state of affairs. In view of the fact that the territory of South West Africa was the only one of the B and C mandated territories in which there was an appreciable population of white farmers, it seemed especially necessary to safeguard the interests of the natives, particularly from the point of view of education.

M. Rappard did not wish unduly to criticise the Administration on this point, which had often been raised before, but rather to furnish it with arguments which might assist it in its doubtless difficult task of persuading the white population in South West Africa that the mandatory Power had definite obligations and duties to fulfil in regard to the native population.

Would it be possible in future reports to put expenditure on education under two headings — the amount expended on the white population and the amount expended on the native ? This would serve to remind the Administration of the importance of its task in this respect. M. Rappard was well aware that the white population was already inclined to criticise the Administration as being too humane with regard to the native. It was for that reason that the Permanent Mandates Commission was trying to support the Administration in its task.

He would submit one final consideration. It appeared from paragraph 330 that, when a school building had been erected in a reserve, a Mission Society was invited to take charge of it " until such time as the Administration is prepared to establish Government schools for natives ". When would that time arrive ?

Mr. te Water, in reply to the first question of M. Rappard, said that the change in the manner of presentation of the expenditure on education would be made in accordance with the desires of the Commission.

The observations of M. Rappard in reference to the whole subject of native education raised an immense issue. In the first place, the Administration of South West Africa was profiting from the experience of a much older country — the Union of South Africa — in dealing with the problem of native education. Its policy was the same as that of the Union. To educate the native required money. Who was going to pay ? That was the real problem. In South West Africa it was the white taxpayer who had to pay. In order to obtain money the white man had to be taxed, and taxation was not light in the territory. Following the general principles of government, therefore, the white man must be educated because he contributed the money to pay for that education. The education given to white children in South West Africa was excellent, and every effort was made to help them to reach a high level of civilisation. This, however, cost a great deal of money ; all the more so as education in the territory was free. The demand for education from the whites was therefore obvious and could not be described as unjustifiable.

There was, however, no demand for education from the natives, though ethically Mr. te Water quite agreed that to fulfil the mandate they must be given education. The problem was to discover how best to do so, and on this matter there was an immense difference of opinion. In the Union of South Africa, native education implied largely their training on vocational and agricultural lines. In this respect, in South West Africa education was not making very great strides. It was difficult to explain why, but, briefly, he could say that it was impossible to educate a person against his will. If a native did not demand education and did not see the necessity for it, it was difficult for the Administration to know exactly how far to go in that direction. The Administration firmly believed that agriculture was the best form of education for natives, but here again it was a question of finance. The Mandates Commission had rightly pointed out that the mandate had been established for the benefit of the natives, but he hoped that the Commission would now realise that the difficulty was mainly one of finance.

M. Rappard hoped that the accredited representative realised that the Mandates Commission did not underestimate the difficulties of the Administration. He noted the

declaration of the accredited representative that the policy applied in South West Africa was based on the experience of the Union. He would, however, put to him the following consideration in a spirit of co-operation more than of criticism. The Government of the Union of South Africa, in accordance with usual democratic practice, was conducted in the primary interest of its citizens and taxpayers. The territory of South West Africa, on the other hand, was under a mandate, and that mandate had been granted to the Union of South Africa in order that it could be enabled to act as a tutor towards a ward. Now, a tutor who would manage his trust in his own interests rather than in those of his ward would hardly be doing his full duty. The Administration should impress upon the white population in South West Africa that the Union had assumed the definite task of fulfilling the terms of the mandate and that, that being so, the white population who chose to live there would have to shoulder their share of the burden and responsibility of tutelage.

Lord LUGARD said that the argument was constantly brought forward that all taxes were paid by the white population and it was unfair that they should be required to pay for native education. This, in reality, however, was no argument at all, for in most tropical countries white men could not exist without the native, who supplied him with the necessary labour. That being so, the white man owed something to the native, even if the native was not able to pay as much in taxation as the European.

Mr. TE WATER said that, certainly, no thinking man would quarrel with Lord Lugard's statement. Unfortunately, thinking men were rare. Government was in reality the art of securing the payment of taxes, and when the taxpayer was not a thinking man the Government's task was often very difficult.

Mr. Courtney CLARKE said the Administration did not admit that it was not doing its utmost for native education, and referred to the practical difficulties faced by the Administration in South West Africa. Education was being conducted through the Missions, and, in the case of backward races, that was the best possible method. The Missions were the pioneers in so far as native education was concerned in South Africa.

The Administration was following the principle of educating the native in his own tongue, and here, again, practical difficulties were immediately encountered, for an adequate supply of teachers was lacking. Even the missionary bodies in the territory found that it took a long time before they could train a sufficiently large number of European teachers to teach in the native languages.

Dr. Vedder had set up an institution for the training of native teachers which was subsidised by the Administration, and was performing wonderful work, but the supply was still inadequate.

As a condition, it was essential for native education that the natives should be settled in their reserves, and this would naturally take time. In the course of this settlement, the Government had expended large sums on water and fencing. The Mandates Commission might think that such expenditure was too lavish if compared with expenditure on education.

M. RAPPARD, interposing, said that the Commission quite realised that it was essential to provide for the bodily needs of the natives before trying to educate them.

Mr. Courtney CLARKE was glad to note that the Commission realised this. It was essential to supply the reserves with a proper water supply before erecting schools. Unless water was constant and plentiful, the natives had frequently to move with their families in search of it.

Arrangements had now been made whereby schools would be erected in reserves wherever there was a reasonable prospect of a regular attendance. It would be a very long time, however, before it would be possible to establish Government as against mission schools.

M. RAPPARD repeated that the entire object of his remarks was to help the Administration in its extremely difficult task. He hoped that it would be able to assist the Missions still further and that the £10,000 granted for education would be appreciably increased.

Mr. Courtney CLARKE replied that it would no doubt be increased as the country developed and as the financial position warranted.

Mlle. DANNEVIG fully agreed with the observations of Lord Lugard. She felt sure that it would be of assistance to the Administration if the Mandates Commission pointed out that the white population should realise that it was its duty to pay for the education of the natives. She was particularly concerned with the native children in the urban areas. What happened to them ? Were there Missions schools in those areas ? She supposed not, for those schools were probably exclusively situated in the reserves or the rural districts. The Administration had emphasised the difficulties of obtaining native teachers, but she could find no reference in the report to the effect that any money had been expended in training such teachers.

Mr. Courtney CLARKE repeated that the school of Dr. Vedder was subsidised by the Government.

Mlle. DANNEVIG thought that the Administration should be responsible for the training of teachers. She had not in mind, in particular, schools for a literary education. It should

especially concentrate upon practical schools and the character training of the natives. In the annual reports, there had been serious complaints of their low level of civilisation. How could it be improved unless the Government gave them education ?

Mr. TE WATER replied that he could do no more than undertake that the views of Mlle. Dannevig and of the whole Commission would be laid before the Administration, and their desire that more native teachers should be trained and more native schools erected, especially in urban areas, would be specially emphasised.

The CHAIRMAN pointed out that the natives in South West Africa were for the most part in a very low state of civilisation. That being so, he did not think it wise for the Commission to show too great impatience or to be too exacting in so far as the education of natives in the reserves was concerned. Such education inevitably took a long time, and was at the moment in the hands of the Missions.

He quite understood Mlle. Dannevig's desire for schools in the towns. That was certainly a recommendation which the Commission could make. He did not think, however, that it should be too insistent in regard to education as a whole, for the mandatory Power must be permitted to organise this branch of its activity calmly and surely. The suggestion of M. Rappard that a larger subsidy should be granted to Missions might, no doubt, be considered ; but it was too much to ask the Administration to undertake, under existing conditions, the direct education of natives in the reserves. The explanations of the accredited representative seemed to the Chairman to be very just and he did not wish Mr. te Water and Mr. Courtney Clarke to go away with the impression that the Commission was asking for the impossible.

Lord LUGARD understood from the accredited representative that it was the declared policy of the Administration to support the Missions in their work of education and in the training of teachers in native languages. There appeared, however, to be considerable dissatisfaction among the Finnish missionaries in Ovamboland. That Mission had been established as far back as 1870, and it performed a great deal of medical work in connection with native diseases. It had trained native nurses, and over 40,000 outpatients were treated. Itcomplained, however, that the Administrator had only visited it once in the last four years, namely, since 1926. On that occasion, Lord Lugard understood that he had only examined one school, although the Mission claimed that there were several equal to the aided schools elsewhere, with the result that a grant of £100 was all that had been given to the Mission. True, they had recently received £300, but they were required to pay duty on all their school furniture, stationery, etc. This was a grievance and they regarded the grant as totally inadequate.

Mr. Courtney CLARKE was under the impression that there had been a certain amount of dissatisfaction some time previously in this Mission, but that it had now disappeared. For example, it would be seen from paragraph 467 of the report that the following amounts had been granted to the Finnish mission:

(1) For nursing :

(a) £473 6*s.* in cash, and

(b) Medicine to the value of £286 6*s.* 4*d.* ;

(2) For the training of school teachers, £100 ;

(3) For the industrial school at Onguediva, £100.

In addition, the accredited representative was under the impression that another £100 had been granted for a school at Oniipa.

Lord LUGARD thought that the assistance granted by the Administration might not perhaps be fully adequate ; £300 in the way of school subsidies was not much for a Mission composed of three white men and fourteen ladies.

Mr. Courtney CLARKE said that the grants would doubtless be increased as the educational work of the Mission expanded and the budget allowed of it.

Mlle. DANNEVIG noted that, according to paragraph 444, there were fourteen native schools in Caprivi Zipfel, all of which had been subsidised.

Count DE PENHA GARCIA, with reference to education, wished to emphasise the necessity of following a sound doctrine and method. The Administration must be quite clear in its mind as to the policy which it should pursue. The education of the African native was a difficult problem. In many parts of Africa, when natives were given the same education as white men, the result was often the opposite of what was intended. A class of half-educated natives, if he might so use the term, was created, which only too often exercised a harmful influence over the primitive native. For that reason, the Administration of South West Africa should not wish to go too fast. He fully realised that the technical problems were very difficult, and the Administration must proceed with care and prepare the ground. Education should certainly be increased, but always in accordance with a settled method and technique. The Missions

were excellent for moral and religious instruction, but were not always so capable in regard to the technical side of education. The Administration must try only gradually to bring the natives up to the level of white civilisation.

The native had not the same mentality as the white. Educational methods must be adopted which were suited to his mentality and to his process of evolution towards a civilisation which was not always that of the white man himself.

Mr. TE WATER thought that the discussion on education had been of great value. He would like it to be recorded that the Administration of South West Africa considered the work of the Missions in the territory to be of the greatest value, and the discussion of any details of that work must not be regarded as in any way a reflection upon it.

LABOUR.

Mr. WEAVER was very pleased with the amount of information on labour conditions contained in the report. He regretted, however, that this information dealt mostly with the problem of the high mortality rate in the mines. The Permanent Mandates Commission had more than once referred to this mortality and quite realised that a great deal had been done to lower the rate. Unfortunately, however, the mortality rate in the vanadium mines had risen. The reason for this was due largely to the influx of natives from Angola and Ovamboland, and the enquiries had shown that the cause of this mortality was their transfer from the northern area. The Medical Officer had made a number of recommendations set out on page 81 of the report. What steps had been taken to carry these recommendations into effect ? For example, had the transport conditions been improved ?

Mr. Courtney CLARKE said that this part of the report concerned, in some respects, action taken during the present year; but, of course, there had not been time to carry out all the recommendations made subsequent to the year covered by the report. The mining authorities had, however, unreservedly accepted all the recommendations of the Medical Officer. No regular transport service had yet been established, for there had not been time to do so, but the mining authorities were taking advantage of the emergency mealie transport to the distressed areas and also the various forms of casual transport. They were considering the establishment of a regular transport service. It was, however, an immense undertaking.

In reply to a further question by Mr. Weaver, Mr. Courtney Clarke explained that the measures of habituation were already in operation.

Mr. WEAVER said that, at the fifteenth session of the Commission, the accredited representative had promised information in regard to the inspection, other than medical, of mines. He had not, however, found such information in the report.

Mr. Courtney CLARKE said that this matter had been overlooked and would be remedied in the next report. The native affairs officers carried out regular inspections.

Mr. WEAVER thanked the accredited representative. It would also be desirable for information regarding conditions of labour and wages to be included in the next report.

On page 16 of the estimates, it was stated that the salary of a senior clerk was recoverable from the Southern Recruiting Organisation. Why was a private organisation responsible for the salary of a Government official ?

Mr. Courtney CLARKE replied that, when the organisation had taken over the task of recruiting, it had asked the Administration to lend it an officer. The officer in question had not fully completed his period of service required for a pension, but he had been immediately transferred and his salary had been paid by the recruiting organisation until he had qualified for a pension. He had now retired from Government service and was wholly in the employment of the recruiting organisation.

TAXATION IN OVAMBOLAND.

Mr. WEAVER asked whether the Administration was afraid that the new tax on the natives in Ovamboland would cause them to be more ready than they were at the moment to seek employment in the mines and thus aggravate the danger of an increased mortality rate.

Mr. Courtney CLARKE replied in the negative. The tax was very small, and the natives had willingly agreed to pay it, for they had desired to obtain benefits which would not otherwise have been available. Before imposing the tax, he had consulted all the Chiefs and explained its object. They had unanimously accepted it. The levying of the pass-fee had been suggested by the natives themselves.

Mr. WEAVER enquired whether, in view of the famine, the tax would be collected for 1929.

Mr. Courtney Clarke replied that the tax would become due, but he did not know much of it would be paid.

Lord Lugard enquired whether the tax would have to be paid for two years in 1930 owing to the famine in 1929. Would not this be a somewhat heavy burden ?

Mr. Courtney Clarke did not think this would prove to be the case. The tax was not heavy and, if it were not paid for 1929, then double the amount would have to be paid in 1930; that was to say, 10*s.* instead of 5*s.* He could assure the Commission, however, that the natives were not pressed for prompt payment.

The tax in Ovamboland was only 5*s.* while it was 25*s.* in Bechuanaland.

Slavery and the Slave Trade : Alleged Ill-treatment of Bushmen in the Gobabis District.

Lord Lugard said that, in previous annual reports, reference had been made to various cases of slavery or slave-dealing in the northern part of the territory. In the present report, reference was again made to a few cases of the slave trade in the Okavango region. The Union Government, in reply to Circular Letter 292 from the Secretary-General of November 1st, 1929, had stated that " the Government of the Union of South Africa has no observations to make, as slavery is non-existent in the Union of South Africa ". Did this mean that the reply of the Union Government in such a case did not ordinarily include the mandated territory ? In paragraph 366, mention was made of a case of the selling of a native by a native trader from Angola, and in paragraph 437 it was stated that the slave trade was prohibited, which presumably meant that slavery was also prohibited.

Mr. Courtney Clarke said that slavery was unknown in the territory, though there were occasional cases in the north-eastern region. The only other case which had occurred during the past year was that of the rounding-up of a number of bushmen in the Gobabis district by some young farmers. They had been immediately arrested, and a very serious view of their conduct had been taken by the Administration — so much so, that they had been tried by the High Court and sentenced.

M. Ruppel pointed out that the sentence had amounted only to a fine of £5.

Mr. Courtney Clarke said that this might seem lenient, but the Judge had probably taken into account that their action had been due mainly to youthful exuberance. It should not be forgotten, however, that the cost of defending a case before the High Court was very high and would be an additional, though indirect, penalty to the accused, who were poor men.

M. Ruppel enquired what would have happened to the bushmen had they rounded up the white men.

Mr. Courtney Clarke said that, while in no way attempting to justify the conduct of these men, some of the bushmen were very troublesome people. Last year a bushman had severely wounded a policeman, and there had been several attacks on peaceful natives coming down from the north-eastern areas to work in the mines. He could not give a definite answer to M. Ruppel's question, as it was hypothetical.

Count de Penha Garcia asked for some explanations regarding the rounding-up of bushmen which was said to have taken place on the Okavango river.

Mr. Courtney Clarke explained that the rounding-up had taken place in the Gobabis district and not on the Okavango river.

Count de Penha Garcia enquired, with reference to the information in paragraph 366, whether the Portuguese authorities had been advised of the conduct of the native trader from Angola, and whether the natives from Angola who had been rounded up by the nationals of the territory under mandate had been sent back to the Portuguese Consul at Windhoek.

Mr. Courtney Clarke replied that no official communication had been sent from the Administration of South West Africa on the point. Probably, the local officer had informed the local Portuguese officer of the fact.

In reply to a further question from Count de Penha Garcia, Mr. Courtney Clarke said that the native in question had been released and had probably recrossed the river. Natives were constantly moving backwards and forwards across the river.

FIFTEENTH MEETING.

Held on Saturday, June 28th, 1930, at 10 a.m.

South West Africa: Examination of the Annual Report for 1929 (continuation).

Mr. te Water and Mr. Courtney Clarke, accredited representatives of the mandatory Power, came to the table of the Commission.

Alleged Ill-treatment of Bushmen in the Gobabis District *(continuation)*.

M. Sakenobe wished to put a question concerning the observations of the mandatory Government on the petition of November 29th, 1929, from the Anti-Slavery and Aborigines Protection Society of London concerning the treatment of bushmen in the district of Gobabis (Annexes 11 A and 11 B). There seemed to be some doubt as to the exact date when the incident reported in the *Windhoek Advertiser* had taken place. The mandatory Power, in its observations, said :

> " At the end of July last, two farmers . . . proceeded to the . . . reserve . . . "

Further on, the mandatory Power, with reference to another incident, stated :

> " Shortly before the incident which gave rise to the newspaper article took place, certain farmers were reported to the police as having rounded up bushmen . . . In any event, the accused will be dealt with at the next criminal session, which will be held at Windhoek in February next."

This second incident appeared to be the same as that which had been dealt with at the previous meeting. According to the sentence pronounced by the Court, the offence had taken place in December. If that were so, it could have no bearing on the newspaper report, which had been issued in November. M. Sakenobe asked whether the accredited representative could clear up this point.

Mr. te Water said that he had verified the facts by reference to the documents in his possession. The apparent discrepancy in the dates was, he believed, due to the fact that the *Windhoek Advertiser* and Reuter had quoted the wrong date. In actual fact, the incident was found to have taken place about July 13th. It followed that in saying : " Shortly before the incident which gave rise to the newspaper article took place ", the letter from the mandatory Government meant that two incidents had occurred in July.

M. Sakenobe asked what had been the decision of the Court in the second case.

Mr. te Water replied that the first case had been carefully enquired into and that the allegations had not been substantiated. The second case had been immediately taken up by the Government ; the culprits had been prosecuted and found guilty, and they had been sentenced to a fine of £5.

M. Sakenobe said that the case appeared somewhat curious, since, if the incident had taken place in July, there had been a lapse of nearly one year before the trial.

Mr. te Water observed that, under criminal procedure in South Africa, before a criminal case was laid before the Supreme Court a preparatory enquiry was conducted in the lower court, and it might consequently be some months before the case came before the higher court for trial.

Education *(continuation)*.

Mr. Courtney Clarke asked the Chairman's permission to revert to the questions put by Lord Lugard and Mlle. Dannevig at the previous meeting, when it had been suggested that the Europeans, on account of enjoying the advantage of the natives' labour, should contribute by taxation to their advancement. He would point out that, in the urban areas, that was actually the practice. Every European employer paid an annual tax of 12*s.* a year for each native employed. In Windhoek, this tax amounted annually to some £1,200, and was set aside for expenditure in the interests of the local natives. In Windhoek, the cost of the native maternity nurse was met from the fund. The tax was also collected at Swakopmund, Walvis Bay and Tsumeb, and, as the provision of this part of the Urban Areas Natives Proclamation was extended to other urban centres, the tax would be collected elsewhere as well.

In case there might be any misapprehension on the part of Mlle. Dannevig, Mr. Courtney Clarke would point out that educational facilities were also provided for the native children in urban areas through subsidised mission schools.

In regard to the complaints received by Lord Lugard from the Finnish Mission, Mr. Courtney Clarke referred to paragraphs 467 and 468 of the report, which showed that the Administration had given financial and medical assistance to the value of over £700 during 1929 to the mission hospital in Ovamboland, apart from grants to the training college and industrial school. The education grant would, no doubt, in time to come, be increased, if the missionary society extended its educational activities; although, as pointed out in paragraph 334, it was understood that the Board of the Finnish Society required the bulk of its educational curriculum to be of a religious character. It was to be hoped that this policy might be revised, as the Administration greatly appreciated the splendid work done by this body in Ovamboland under its present superintendent.

Mlle. Dannevig regretted that none of the information supplied by Mr. Courtney Clarke had been given in the report, where there was nothing to show that anything was being done to promote the education of children in the urban areas. She hoped that the next report might contain a special passage dealing with the education of : (1) the native children in the urban areas, boys and girls and (2) the 20,000 native children in rural areas, including mines and works outside urban areas (page 56 of the report). She would be glad, in particular, to know the number of schools, the number of children attending each school, and the amount spent on their education by the Administration.

Mlle. Dannevig greatly admired the efforts made by the Administration for the education of white children, which was, indeed, perhaps better than in many parts of Europe. She was, for instance, particularly struck by the provision of six itinerant schools for the children of the Boer emigrants from Angola and the enthusiasm and regular attendance of the children. At the same time, it did not seem that any effort was made by the Administration in the interest of native children. The Chairman had said that the Administration must go slowly in this matter. Mlle. Dannevig would observe that the Administration went very slowly indeed. A small beginning had, she was told, been made, and it would, she thought, be better if the Mandates Commission were to advise the Administration to go a little faster, particularly in the case of the native children in the urban areas.

Mr. te Water suggested to Mlle. Dannevig that the Latin proverb *festina lente* would meet the situation in this particular case.

Frontier between Angola and South West Africa *(continuation)*.

Mr. Courtney Clarke reminded the Commission that he had been asked to elaborate paragraphs 4 and 5 of the report concerning the Angola-South West Africa boundary. The northern boundaries had been arranged by the German and Portuguese Governments many years previously, but it was only quite recently that it had been ascertained where they ran. The line of demarcation cut right through the middle of the Ovambo tribal area, separating kraal from kraal and native lands from native dwellings. This fact had apparently not been taken into consideration when the boundary was arranged. In the past, the natives had freely crossed from one side to the other, and it was doubtless difficult for them to understand why they now fell under separate Governments.

When the delimitation was being carried out, it had been carefully explained to the natives that, on its completion, they would have to choose on which side they wished to reside and pay allegiance to that Government. The natives, however, had in practice still continued to cross from one side to the other. In the case of those who elected to reside on the southern side, and the majority of the Ukuanyama tribe had so decided, they still considered themselves at liberty to cross with their cattle to the northern side, where the waters of the Kunene were available in time of drought. The Portuguese Government had shown great consideration and had assisted the mandatory Government by not exercising too strong an insistence on the boundary delimitation.

It would take time for the people to settle down and recognise the boundary, but the mandatory Government was doing its best to provide watering-places for the people on the southern side ; and, with co-operation between the two Governments, no doubt a satisfactory solution would be arrived at in due course. The difficulties raised by the Portuguese Government in regard to the watering-place at the Oruwahakana Falls had not yet been overcome and were still the subject of negotiations.

Economic Situation and Future Development of the Territory.

M. Merlin was grateful to the mandatory Government for the section of the report dealing with the economic situation of the mandated territory. Reading it, however, he had been left with a painful impression. The prospect appeared to him to be excessively dark, and he, personally, saw no solution. The mandated territory was, from the point of view of land, a poor country. Farms were few and far between and the population was still a pastoral one. The people were at the mercy of the weather. If the pasturage failed, beasts died, and men with them. There was need for increased means of communication in order to avoid famines,

but M. Merlin did not see how much could be done to improve communications in so poor a country, where the expenditure would be disproportionate to the results. It appeared, therefore, that the only thing to do was to hope that the heavens would prove less parsimonious in future and that the country would eventually be able to advance from the pastoral stage to the agricultural stage, which would afford the inhabitants better prospects of security.

He would point out to the accredited representative that, in equally poor countries — Southern Algeria, for instance, and the areas on the borders of the Sahara — the French colonial administrations had succeeded in making provision for bad years by means of silos, where surplus grain from a good year was stored. He did not know if that system would be practicable in South West Africa.

That poor and desolate country had, however, another source of wealth in its diamonds, but it was a source which the territory was unable to touch for the moment owing to the present position of the world diamond market. The world market had to follow certain exigencies, and the diamond merchants were naturally anxious to prevent the price of diamonds from falling. In order to secure this, production had been reduced, and, consequently, the situation of the mandated territory appeared to M. Merlin to be very gloomy, at any rate, for some years to come. He would ask the accredited representative whether he, who was better acquainted with the territory, saw any remedy for the position.

Mr. TE WATER said that the picture painted by M. Merlin was a picture that would have been painted in any book by a traveller in the Union of South Africa fifty years ago. Every other traveller in South Africa had remarked on the poverty of the country and had foreseen no future for it. Yet the works of man had altered that state of affairs to a state regarding which it was possible to be very optimistic. South Africa to-day undoubtedly had a very great future before it.

On his visit to the mandated territory, Mr. te Water had been struck by the many similarities between it and the drier portions of the territory of the Union. He had found a type of country more or less the same as that of the ranching areas in the Union, the only difference being that South West Africa was less developed as regarded the supply of water. He had no doubt at all that South West Africa could be far more highly developed pastorally once the water problem had been settled and once each ranch had been provided with two or three boreholes to fall back on in time of drought.

The agricultural side of the problem was more difficult. Looking at the question from the traveller's point of view, Mr. te Water thought that it would be many years before South West Africa became an agricultural country, if, indeed, it ever did so. That, however, did not mean that the mandated territory had not a great future before it. That, of course, was his personal view. Meanwhile, he agreed with M. Merlin that the country was resting on its mineral wealth pending the stage at which it could be further developed pastorally.

The CHAIRMAN (M. Van Rees) said that he had received information corroborating the accredited representative's belief that the mandated territory might be regarded as a country with a big future ; this future, however, concerned, in general, only the white population and not the natives. It was certainly true that the economic situation of the country might develop satisfactorily, but would not this progress affect, above all, the whites ?

The Chairman did not see how the mandatory Power could be said to be fostering the economic development of the native element. He knew that the majority of them lived in Ovamboland. There were certain reserves in the other parts of the territory, but these reserves, so far as he could ascertain, seemed to offer the natives very little opportunity to improve their economic situation — at least, for many years.

In saying this, the Chairman did not intend any criticism of the mandatory Power. It would have been impossible for any Mandatory in a territory such as South West Africa to improve rapidly the position of the natives, in view of the conditions obtaining in the territory and the low degree of civilisation of the natives. He was not suggesting that the Administration should strain every effort to raise the natives to European ideas of prosperity ; but he would be glad to know whether the mandatory Power had in view any measures which would be likely materially to improve the conditions of the natives, and whether it considered that there was any hope of being able to secure that improvement.

M. MERLIN was glad to observe that the accredited representative's impression of the future of the mandated territory was appreciably different from his own. M. Merlin agreed that the main question was the water supply. South West Africa was a country which presented all the characteristics of a desert, and the great question was the possibility of obtaining water by boring operations.

M. Merlin had himself practised the expedient of boring artesian wells in other countries, and was acquainted with the expenditure involved and the many disappointments encountered. From his experience, therefore, he wondered whether the accredited representative was not perhaps rather too optimistic as to the possibility of finding sufficient water for large ranches, and not only for the ranches existing at present, but for those that would develop if the country progressed in accordance with his expectations.

The mandated territory would inevitably have to incur great expenditure in order to reach a state of prosperity, not to speak of wealth. Where was it proposed to obtain the necessary

resources ? The territory of the Union had only arrived at its present stage of development because it had been able to utilise its mineral wealth, which had made it possible to undertake other works for the development of agriculture. South West Africa, it was true, had the same mineral wealth, but that wealth could not be tapped, and, therefore, could not be used for the development of the country in other directions.

These considerations led M. Merlin back to his original point, namely, how did the mandatory Power propose to get over this difficulty ? The accredited representative believed that the future of the country lay in the development of ranching. It did not seem to M. Merlin that there was, at present, much contact between the white and the native elements of the population. The natives were segregated in reserves, and M. Merlin was not sure that the result of segregation, coupled with the development of ranching, would not be to reduce the natives of South West Africa to the level of those in Australia and North America, where the native population had been segregated and had, so to speak, died out on the spot. The Mandates Commission represented the family council which discussed with the trustee, who was the mandatory Power, the position of the ward, and M. Merlin feared that, quite unintentionally of course, the policy of segregation might result in the total disappearance of the natives.

Mr. TE WATER, dealing with the question of boring and the consequential success of ranching, said that South West Africa was in many respects exactly the same as his own country, where the Karroo area had a few years ago been looked on as an arid waste. That vast area was now one of the greatest wool-producing areas in the world, and this result had been achieved by the boring machine. The great problem was to know where the money was to come from. Mr. te Water was only trying to deal with the question on broad lines and he would remind the Commission that the same question had been put by all South Africans in regard to the territory of the Union a generation ago.

In South Africa there was a saying, *ons sal 'n plan maak*, when difficulties were experienced, and, by close application to the many problems, solutions had generally been found. Mr. te Water had little doubt that the Administration was doing, and would continue to do, everything possible for the development of the mandated territory.

In regard to the future of the natives, he would urge the Commission not to believe in the possibility of the natives dying out in South West Africa, as the aborigines had died out in Australia and the Red Indians in North America.

He asked the members to believe him when he said that his own country was studying closely the difficulties of the native problem, and a reference to the history of this problem would show that a great advance had been made towards a solution. The native population in the Union in the days prior to stabilised European government had always been liable to destruction by disease, famine, internecine and other wars, and other causes ; and, had the natives been left entirely to their own resources, would undoubtedly, in the face of these difficulties, have been seriously reduced in numbers.

To-day, however, the native population had developed to a figure of between five and six millions. Not only was their future more assured, but, to mention only one example, their vitality was better safeguarded than that of Europeans when it was remembered that they were protected from certain diseases and were not permitted access to liquor in the same way as were Europeans.

The same policy would, and could only, be adopted in South West Africa, and by that policy Mr. te Water was convinced that the future of the native could be assured. It must not be forgotten that, only a short generation ago, the whole territory of south-eastern Africa had been in a state of constant warfare, the natives continually invading the land occupied by the whites and burning the farms over the farmers' heads. In one generation, the entire aspect of affairs had changed. The natives had now settled down, they were comparatively well off, were better clothed, and were gradually becoming educated. The contact of one generation with white civilisation had made all the difference, and the same would happen in South West Africa, where the problem was identical. The Mandates Commission must have the same patience and the same good hope as animated the mandatory Power. The latter had little doubt for the future of the native and would urge the Mandates Commission likewise to have little doubt.

The CHAIRMAN observed that the hopes of the accredited representative for the future of South West Africa were based on the experience of the territory of the Union ; he was convineed that those hopes were justified.

The accredited representative had suggested that the Mandates Commission should not be impatient. It had no right to be impatient, and, in fact, was not so. The Commission were well aware that, in a short period of time, it was impossible to reach any effective results in the development of the natives in a territory so meagrely endowed by nature. M. Merlin had raised the question because the Commission had not found, in the present policy, any definite views as to the lines on which the natives should progress. It was not impatience that made the Commission ask questions, but, above all, the fact that it was its duty, under Article 2 of the Mandate, to concern itself with everything appertaining to the natives.

The Chairman was gratified that the accredited representative had great faith in the future of the territory. The Mandates Commission was prepared to share that faith, but it was the accredited representative himself who had said that at least a generation must pass

before any tangible improvement could be achieved. The Commission would like to see applied to the natives a considered programme of economic policy, either by the encouragement of agriculture in the reserves, if this procedure would be likely to give practical results, or by some other method. The Commission would be satisfied if it could be assured that a definite native policy was in process of realisation, even if the progress made must inevitably be slow. In order not to prolong the discussion, the Chairman hoped that the accredited representative would be good enough to take note of the Commission's view and that the next report would bear some indication of that.

Mr. Courtney Clarke was very glad that M. Merlin had raised the question of economic policy. At the fifteenth session, M. Merlin had asked for certain figures which the Administration had endeavoured to give in the trade returns in the current report. Mr. Courtney Clarke agreed that the present economic position of the mandated territory was very gloomy, but the Administration was not so pessimistic concerning the future as the Commission appeared to be. The chief resources of the country were its mineral and pastoral wealth, and, that being so, it would never be able to support so large a population as an agricultural country.

Mr. Courtney Clarke would give a few figures showing how important a part the mines played in the general economic position of the territory. In the previous year, the mines had spent £460,000 in white wages ; £290,000 in native wages ; £353,000 in local purchases ; £250,000 for railway freight, representing 43 per cent of the total earnings of the railways ; £27,000 for sea and local transport ; £29,000 for harbours and wharf dues, representing 42 per cent of the total expenditure in the territory under this heading, and £15,000 in respect of Customs duties. These figures indicated how far the mines went towards supporting the country.

Unfortunately, the revenue from diamonds had, for the reasons already indicated, fallen very considerably, and the chief mineral exports in 1929 had been vanadium and copper. The Administration hoped, however, that there was a brighter future for the production of diamonds in consequence of the stabilisation of the position, thanks to the new agreement under which the Union Government had joined the big diamond companies. The Administration had the same quota as before, but would, in future, participate in sales on a wider basis. Further, now that the American tariff had been fixed, it was hoped that there would be increased buying from America and that with it the diamond revenue of the territory would improve.

At the moment, the financial position, however, was as bad as it could be. Even allowing for increased taxation amounting to some £27,000 and appropriating the proceeds of extraordinary revenue which ordinarily would go towards the reduction of the Loan Account, the Administration had had to budget for a deficit of £100,000. The export market was depressed, due to the fact that the Union, owing to its favourable season, was not taking South West African produce to the same amount as formerly and, consequently, there were no exports leaving the territory in either direction.

As to the question of the future of the natives, it seemed to have been suggested that the Mandates Commission was not interested in the whites, but only in the native population. In the Union and South West Africa both elements were intimately bound up with one another. In South West Africa progress among the white population was essential, because it was they chiefly who paid the taxes which provided funds for administration, and it was only from the example of the white man that the native would learn to progress.

It had been suggested that there was no definite native policy. The system of segregation in reserves had also been criticised. It must be remembered that, in the old days, the natives used to wander all over the territory. That was now an impossible situation. Under the German regime, there had been a series of wars which had left the native population a broken and scattered people. The centre of the territory was occupied by European farmers and, accordingly, the Administration had been obliged to make provision elsewhere for land for the natives. The basis of any native policy must necessarily be native reserves, where the native population could have its home and develop its own life. That being so, the first thing to do was to make the reserves habitable, since this was the only means of turning a nomadic people into a settled population. The Commission would see from the native section of the report that the Administration was principally preoccupied with the water supplies of the reserves. As more water and more money became available, it would be possible to obtain settled native communities, and, when that was done, the Administration could take up questions like that of education.

As regarded the use of silos, the white farmers in the north-eastern part of the territory had already adopted the system. The natives would no doubt in time follow their example. There was a further difficulty — that of getting the natives to farm their cattle on European lines. The native's one idea was to secure as big a herd as he could, and he never got rid of them. He would keep three times as many cattle as the land would carry, and in times of drought the animals naturally died. The natives must learn to barter their cattle for other goods and to replace them, as was done by Europeans.

As to regards the reserves, the Administration had a native reserve superintendent in each reserve, and it hoped, by means of these officers, the example of the farmers, the teaching of the missionaries, and by means of education, to bring the native population into a state of

settled communities ; but, as the Commission itself had observed, the population was a very backward one, and it would take many years before it reached the stage of development attained by native communities in other parts of South Africa.

The Chairman was anxious not to prolong the present discussion, however interesting it might be, and he asked the accredited representative to do all in his power to ensure that the next report contained more information on the question of the natives. Moreover, the Chairman pointed out that, if it were desired to develop agriculture in the reserves, it would, it seemed, be desirable to give the natives some form of property rights. From the annual report now under examination, it appeared that the reserves belonged to the Government, and that it was not proposed to give the natives any right over the occupied lands.

Petition from M. Bergmann, dated March 26th, 1930.

M. Merlin said that the Commission had received from a man named Bergmann a petition dated March 26th, 1930, which was an exact reproduction of a petition from the same man dated March 15th, but which contained one new grievance, Bergmann alleging that a pamphlet which he had written had been seized by the Minister of Finance. The mandatory Power had stated in its observations that the pamphlet had been seized under Article 25 of the 1913 Customs Act. That article empowered the Minister of Finance to seize obscene and objectionable literature. It appeared from the wording of the article that the Minister had the right to seize literature of an immoral character but not of a political character, however objectionable to the Administration on that ground.

M. Merlin would, of course, agree that it was quite natural that the Government should have power to seize literature that was calculated to endanger public order, but to do so it must be empowered by a definite regulation to that effect. He wished, therefore, to ask whether Bergmann's pamphlet had been seized because it was objectionable on moral grounds or whether it had contained an attack on the Administration. If the latter were the case, there might have been an abuse of power, since the regulations seemed to refer only to immoral literature.

Mr. Courtney Clarke replied that whatever action had been taken had been taken on legal advice.

Mr. te Water added that the Minister of Finance either had power under Articles 23 and 25 of the Customs Act of 1913 or he had not. If the Minister had acted correctly, his decision held good, as he had a statutory discretion. If he had acted incorrectly, the petitioner could go to the courts and obtain satisfaction.

M. Merlin expressed himself as satisfied with this reply.

Railway Rates.

Lord Lugard referred to an extract from a letter to the *Windhoek Advertiser* stating that the Union Government paid hardly any railway freight, and had thereby succeeded in killing the tobacco industry in the mandated territory. There had also been a debate in the Cape Parliament in which one of the members had urged that the accounts of the railways in South West Africa should be kept separately and in a more complete way.

According to the Auditor's report (pages 9 and 26), which gave a fairly full account of the railways, a profit of £43,275 had been obtained, while the harbours had made a small profit of £5,318. Lord Lugard asked whether these profits were credited to the South West African Railways or whether they were merged in the general profits of the railways, which included the railways of the Union.

Mr. te Water, with reference to railway rates, said that it was the policy of the Union Government to grant farm produce very low rates, but that there was no differentiation in favour of one product as against another. The distances which Union tobacco had to travel before reaching the market in South West Africa were very great, and that fact, even when coupled with the granting of low railway rates, made competition with locally produced tobacco difficult.

Lord Lugard was not satisfied with this reply, because, if it were possible to export less valuable products which paid the normal railway freights, it should surely be possible to export tobacco, which was a relatively valuable product, at the same rates.

Mr. Courtney Clarke observed that, as far as he knew, the railway rates were the same for tobacco entering and leaving the mandated territory. The letter to which Lord Lugard had referred probably emanated from some tobacco producer who objected to the low railway rates because the Union tobacco competed with his own. Before the war, there had been no communication between South West Africa and the Union, and it was true that many articles produced in South West Africa could then be sold at a handsome profit in the territory. They had, however, fetched a far higher price in those days, and it was the consumer who obtained the advantage now.

As to the railway profits, these were carried forward from year to year. Paragraph 745 of the report contained a statement on the subject.

Lord LUGARD asked whether the profit ultimately went to the mandated territory.

Mr. Courtney CLARKE replied in the affirmative. It must also be remembered that the Union treated South West Africa very liberally, because it made no charge for trucks running over its lines, the haulage of coal and so forth, as was the case in Rhodesia.

DESPATCH OF A TRADE COMMISSION TO THE WEST COAST OF AFRICA.

Lord LUGARD asked whether the Trade Commission which it had been proposed to send to the West Coast of Africa (paragraph 168) had started and what results it had achieved.

Mr. Courtney CLARKE replied that the Commission would be leaving South West Africa immediately.

CATTLE AND SHEEP FARMING.

Lord LUGARD asked whether the accredited representative could give any further information concerning the very interesting experiments with elands (paragraph 194).

Mr. Courtney CLARKE said that the elands in question had only been caught recently. Interesting results could hardly be expected until the progeny of the first generation caught had grown up. There were sixteen at the station at Tigerquelle. It was proposed to catch 100 or so more and to place them in a farm near the Gobabis.

M. RUPPEL observed that, according to the report, the farmers were suffering heavy losses of cattle and sheep. There were two remedies for that situation. Either the cattle could be driven to places where there were reserves of water and reserved farms, or part of the cattle might be sold. In regard to the first alternative, M. Ruppel would remind the accredited representative that, in German times, there had been reserved farms where there was water and pasturage and to which farmers could take their cattle in time of drought. He had been informed that the present Administration had abandoned that system and that the reserved farms had been sold.

As regarded the sale of cattle, it appeared that the market was bad. Last year, exports of cattle and sheep had already declined to one-third of the figure of the previous year. Further more, the Imperial Cold Storage Company at Walvis Bay had closed down its works. Was the Administration taking any measures to facilitate the marketing of cattle ?

Mr. Courtney CLARKE said that the question of the feasibility of moving cattle to reserved areas in time of drought had recently been raised in the local House of Assembly. The position had changed since German times owing to the increase in the population; more farms had been cut up, and there were fewer areas that could be reserved. There was, in any case, one practical difficulty. If say, 50,000 hectares were set aside as a reserve farm, the neighbouring farmers would always be grazing their cattle there in normal times and keeping their own farms as a reserve for times of drought. It would be quite impossible adequately to police so vast an area. Moreover, the existence of such reserves would be a temptation to overstock.

As to the marketing of cattle, the drop in exports and the closing down of the Imperial Cold Storage Company's works was a situation which the Administration had to face, and this was one of the reasons which led to a Commission being sent to the west coast to see what could be done.

M. RUPPEL observed that, according to page 36 of the report, eighty-six new farms had been allotted in 1929 ; while paragraph 203 said : " Notwithstanding the serious position created by the protracted drought, competition for settlement farms was keener than ever. The number of applications received for the eighty-six farms allotted was no less than 1,012." It was extremely interesting to see that so many people were anxious to settle in South West Africa, notwithstanding the depressed situation of the country. It seemed that there were some people who were more optimistic about the territory than certain members of the Commission who had spoken on the subject that morning appeared to be.

DEFENCE OF THE TERRITORY.

M. SAKENOBE observed that, according to the report, there were no military forces maintained for the defence of the territory, but that the Burgher Force Proclamation of 1927 imposed upon male European residents who were natural born or naturalised British subjects the liability to render service in defence of the territory, and to undergo such military training as might be prescribed by the Administrator. The number of persons so registered was 6,259.

For the purposes of organisation, the territory was divided into five military areas, each under the command of a Commandant, the powers of a commander-in-chief being vested in the Administrator. The force, it appeared, had never been called up, and the Administrator's policy had been to encourage rifle practice, ranges being provided and ammunition supplied for the purpose. While this scheme might be plausible in theory, M. Sakenoble felt somewhat doubtful as to the efficiency of the force. Was it considered that the force was really adequate for the defence of the territory and for the maintenance of law and order ?

Mr. Courtney Clarke said that this question had been raised in the local House of Assembly and the Administrator had undertaken during the recess to consider the reorganisation of the defence system. Details would no doubt be given in next year's report. It must be remembered, however, that, in so far as the defence of the territory was concerned, there was a very efficient police force which formed the first line.

Ovamboland.

Lord Lugard referred to the Proclamation (paragraph 422) setting aside Ovamboland as a native reserve, and asked what difference this would make in the social conditions of the natives.

Mr. Courtney Clarke replied that it would make no difference, except that the land would be definitely reserved for the sole use of natives in the future. The Proclamation amounted to a declaration to the effect that the country was safeguarded against any future change of status.

Lord Lugard asked whether the Proclamation would entail any additional staff in Ovamboland.

Mr. Courtney Clarke replied that it was probable that, as a result of the introduction of the system of levies, it might eventually be necessary to have a larger administration in Ovamboland.

Missions.

M. Palacios said that the Commission would remember that when in November 1927 it had asked for more complete information in the next report concerning mission work in the territory, the Union Government had shown some reluctance in supplying it. M. Palacios was particularly glad to note that, in the report for 1929, as in that for 1928, a great deal of information was given concerning the work of the various missions. It was also satisfactory to see that the Government had found it possible to increase its grants for the medical work of certain missions.

M. Palacios concurred in the ideas expressed by several members of the Commission — in particular, by M. Rappard and Lord Lugard — as to the necessity of greater assistance being given to work for the spread of culture and civilisation.

Mr. Courtney Clarke pointed out that paragraph 462 of the report stated that the Damaraland Mission had not replied to the Administration's request to furnish a report on the progress made during 1929. That Mission's report had now been received, and he would hand it to the Commission.

Liquor Traffic.

Count de Penha Garcia was glad to notice that the situation had improved as a whole. Imports of liquor had not increased, but, on the other hand, had fallen. As regarded native beer, there had been rather more sentences for consumption and possession, but this might be due to more efficient enforcement of the law. On page 15 of the report, there was given the figure for revenues received from licences. Count de Penha Garcia asked that, in future, licences might be shown under two headings — liquor licences and other licences.

As regards native beer, he would point out that most of the accredited representatives of the mandatory Powers had been requested to study the question of native beverages, not only from the point of view of the alcoholic content, but from that of their injurious effects as well. The accredited representative for Togoland had replied in the report under discussion that native beer had been found to be dangerous, not on account of its alcoholic content, but because impure water was added after fermentation. Count de Penha Garcia hoped that the report for next year would contain a study on these lines.

Public Health.

M. Ruppel observed that a new Proclamation had been issued with regard to the registration of medical practitioners, and that, according to paragraph 573 of the report, thirty-five new medical practitioners had been registered in 1929. He would be glad to know what were the

conditions which doctors had to fulfil in order to practise in the mandated territory, and whether foreign diplomas were accepted.

Mr. Courtney Clarke replied that admission to practise medicine in the territory was governed by the Medical and Pharmacy Act of the Union. The Proclamation merely extended that Act to the mandated territory, with certain modifications.

M. Ruppel observed that, according to paragraph 576, the qualifications and registration of nurses and midwives was under investigation, and that there were fifty-six nurses with foreign qualifications practising in a professional capacity. He hoped that these fifty-six nurses would be allowed to remain and to continue to practise in the territory. He asked whether that was the intention of the Administration, or whether it was proposed to exclude foreign qualifications.

Mr. Courtney Clarke stated that he was unable to give more information than was contained in the Union Government's letter already in the hands of the Commission. [1] In the case of medical practitioners, the principle followed in the mandated territory was that all existing practitioners were brought within the Act of the Union. He would take note of M. Ruppel's point.

M. Ruppel hoped that the Administration would give favourable consideration to the case of the nurses with foreign qualifications at present practising in the mandated territory.

Land Tenure

The Chairman thanked the Administration of the mandatory Power for the map of the reserves, which was most useful. He also noted with satisfaction that account had been taken in the report of the request which he had made in the previous year for information with regard to land tenure in the reserves. Pages 95 and following set out the system at length.

Demographic Statistics.

M. Rappard thanked the Administration for the chapter in the report on population and demographic statistics. He hoped that in subsequent reports an indication would be given as to the trend of the population, though he realised the difficulties of compiling figures. It was essential, however, to know whether the native population was increasing or decreasing, and the reasons therefor. This necessarily meant the compilation of vital statistics. When the Administration found it possible to supply these the Commission would doubtless be very grateful.

Mr. Courtney Clarke said that the Administration itself desired to possess such statistics. They were, however, very difficult to obtain. To carry out a census was costly, and in some of the tribal areas any attempt to do so might create unrest. The system at present followed was to instruct the administrative officers to make estimates.

Lord Lugard asked whether there was any general reason for the big decrease in population shown in the table on page 53.

Mr. Courtney Clarke replied that it was probably due to an overestimate of the population in Ovamboland ; also, since the frontier had been changed, a number of natives had been tranferred to Angola. The decrease noted in the police zone was probably due to an inaccurate estimate.

Mlle. Dannevig noted that, according to the table on page 57, the number of women in the reserves was 5,625. It appeared that they had only given birth to 204 children. This seemed a very low birth rate; it was evident that the registration was ineffective.

Mr. Courtney Clarke agreed that the information was not complete.

M. Ruppel asked that a table should be included in the next report showing the different nationalities of the white population in the territory. At the moment, only the nationalities of persons entering it were shown.

Mr. Courtney Clarke said that this information could be obtained from the census reports which were forwarded to the Commission.

South West Africa : Petition from the Kaoko-Land- und Minen-Gesellschaft.

M. Palacios said that the Commission had dealt with this petition at a number of sessions. He had examined it as Rapporteur. He wished to ask the accredited representative a general question, namely, whether it was possible really to know what was at the bottom of such a complaint, in view of the insistance of the petitioners and the divergencies between the various replies of the mandatory Power.

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[1] See *Official Journal* for May 1930, page 391.

Mr. TE WATER said that the question had last been raised on March 14th, 1930, when the Government of the Union of South Africa had replied to the Secretary-General in a letter which was before the Commission (Annex 13 A). That letter set out the contentions of the Union Government.

As regards the merits of the company's claims, the stand which the Union Government was taking was that it had cancelled the concession granted to the Kaoko-Land- und Minen-Gesellschaft in the public interest.

He wished at the outset to say, with respect, that the Government of the Union was not prepared to go into the merits of the case, and had suggested that the petitioner had been badly advised in appealing to the Permanent Mandates Commission for assistance, inasmuch as he was not an inhabitant of South West Africa. The Government of the Union had cancelled the concession, in accordance with the terms of a law passed by the Union Parliament. The Union Government contended that, in spite of the fact that the petitioner was left without remedy in the Union courts, it was nevertheless not a matter in which the Mandates Commission had jurisdiction. He urged that the petitioner's correct course was to approach the Union Government through proper diplomatic channels.

In so far as the Government's right to cancel a concession without compensation was concerned, Mr. te Water could assure the Commission that such cases frequently occurred in the legislative system of the Union, where expropriation, in the public interest, of rights without the payment of compensation was sanctioned by the legislature.

To give an example. Two years previously the Precious Stones Act had been passed, whereby the mineral laws of the Union had been consolidated. Prior to that Act, the mineral rights in the Transvaal and in other provinces had vested in the Government. In certain areas of the Cape, however, they had vested in the individual owners of the land. All mineral rights had by that Act been taken away from the owners and vested in the Government, and no compensation had been granted. This was one instance of the working of that general law. It would be very embarrassing to the Government of the Union if the Commission challenged the legal system of the country, and no good could come from such a challenge. He would urge, therefore, that the solution to be adopted should be that the petitioner should be told that he had been badly advised to come before the Commission, and that he should approach his own Government, which could, in its turn, approach the Government of the Union of South Africa through the usual diplomatic channels if it so desired. Under this procedure, the merits of the case could then be discussed between the two Governments.

The CHAIRMAN enquired whether the Proclamation of 1920 abolishing concessions without compensation formed part of the legislation of the Union of South Africa, or whether it applied only to the mandated territory of South West Africa.

Mr. TE WATER replied that special Proclamation 59 of 1920 applied to South West Africa and had been promulgated in accordance with the provisions of Union legislation.

The CHAIRMAN asked whether the same principles as those contained in the Proclamation applied in the Union.

Mr. TE WATER replied in the affirmative.

The CHAIRMAN asked whether the Proclamation applied only to concessions.

Mr. TE WATER replied in the negative and stated that the wording in the Preamble made this clear.

The CHAIRMAN asked, if this were so, whether the Proclamation applied also to the rights of full ownership, so that these rights could be cancelled, without compensation, and without permission to appear before the competent court.

Mr. TE WATER said it had been intended that the Proclamation should apply, in this particular case, to all such rights, whatever they might be, as had been transferred to the petitioner by the terms of the concession.

M. PALACIOS said that the Proclamation made an exception in so far as rights of ownership were concerned in the case of all companies except the Kaoko-Land- und Minen-Gesellschaft. He read the schedule of Proclamation 59, whereby only the rights of this company and those of the Hanseatische Minengesellschaft had been completely cancelled. As regards the others, the right of ownership over land had been expressly reserved and on several occasions — "ownership of the farm . . .", "ownership of a certain piece of land . . .", etc.

Mr. TE WATER asked what deduction M. Palacios drew from this.

M. PALACIOS said that the deduction was easy to see. Was not this an exceptional case ? He explained the history of the question. As Rapporteur, he had proposed, in 1928, the same solution as that suggested by the accredited representative. He had pointed out, in his report, that the matter was perhaps a diplomatic one to be settled between the two Governments concerned. Originally, the mandatory Power had based its action on Article 297 of the Treaty of Versailles. At the last session, however, it had reversed its decision and had maintained that the cancellation of the concession had been carried out in virtue of a Proclamation permitting cancellation in the public interest. The company maintained that it possessed rights of ownership and that, deprived of its *locus standi*, it could not bring the matter before the courts. He quite realised that the Permanent Mandates Commission was not a court.

He dit not think that it was competent to deal with the question. Nevertheless, it was in a rather embarrassing position owing to the different replies received from the mandatory Power. Since Article 297 of the Treaty of Versailles did not apply to the present case, on what principle had the Government of the Union of South Africa refused the company permission to take the matter into court ?

The CHAIRMAN explained that the Commission desired an explanation in order to be able to make up its mind on the matter. Proclamation 59 gave the impression that it could not be applied to rights of ownership. The accredited representative maintained that no distinction was made in it between rights of ownership and the conventional rights of the holders of concessions. Was that so ?

Mr. TE WATER replied in the affirmative.

M PALACIOS enquired why, in the case of other companies, had an exception regarding the rights of ownership been allowed; or, in other words, why had the Kaoko-Land- und Minen-Gesellschaft received different treatment ?

Mr. TE WATER asked the Commission to look at the schedule of the Act. It was so drafted that both concessions and the rights of ownership could be cancelled. He would point out that other concessions had been cancelled, such as that hold by South African Territories, Ltd.

The CHAIRMAN concluded, therefore, that the Kaoko-Land- und Minen-Gesellschaft had not been given exceptional treatment.

M. PALACIOS said that this very company appeared in the schedule, in virtue of which several of these rights of ownership were exempt from cancellation.

Mr. TE WATER agreed with the Chairman. A number of concessions had been cancelled by proclamation, and to do so without compensation was a perfectly usual practice in South Africa, if done by Act of Parliament in the public interest. If the Commission contested that right, the Government would be embarrassed.

Lord LUGARD agreed that no one could question the power of a sovereign State to cancel concessions or rights of ownership with or without compensation as an " Act of State ". The point, however, which M. Palacios had missed in his report was whether the mandatory Power had the power to do this in the mandated territory.

Mr. TE WATER thought the answer to this question simple. The territory was administered as an integral part of the Union of South Africa, of which the laws, in consequence, legally applied to South West Africa.

M. PALACIOS enquired whether there was any form of recourse in the Union, such as procedure, by Petition of Rights, against laws considered as unconstitutional, or contrary to the various declarations regarding " individual rights ".

Mr. TE WATER replied in the negative. There was no remedy for the individual. If the State thought it was in the public interest to cancel a concession or withdraw a right of ownership, the individual could do nothing.

M. PALACIOS desired to know where the original clause was to be found in the laws of the Union allowing the Administrator of South West Africa to forbid individuals or companies who considered that their rights had been injured to have recourse to the courts.

Mr. Courtney CLARKE said that Act 49 of 1919 gave the necessary power to cancel concessions, and by its fifth clause it ceased to have effect on July 1st, 1920. By Act 32, however, of 1921 the effect of the Act of 1919 was prolonged until repealed by Parliament. It had not yet been repealed. The clause which M. Palacios desired to find occurred in Act 32 of 1921, which was an act " to facilitate the carrying into effect, in so far as the Union of South Africa is concerned, of certain treaties of peace, etc."

M. PALACIOS said that, in that case, it would be necessary once more to turn to the Treaty of Versailles and Article 297 of that Treaty.

M. RUPPEL had been somewhat surprised to learn that the Union of South Africa, a country largely inhabited by farmers, refused to recognise the well-established principle that private property could not be taken away from its owner without compensation. The examples given by the accredited representative in order to prove that expropriation without compensation was customary in the Union were not conclusive, because they concerned cases of the changing of general laws.

Would Mr. te Water, however, give specific examples of cases in which private property belonging to individuals had been taken away by the Government without compensation on the grounds of public interest ?

Mr. TE WATER said that the system which appeared to some members of the Commission to be barbarous was the same as that to be found in England, where Parliament could cancel any rights without compensation. If time were allowed him, he could submit precedents to prove this. The Precious Stones Act, to which he had referred, had taken millions of pounds' worth of property away from private owners. At the time that it was enacted, one of the large

diamond companies had maintained that it would lose more than a million. The State, however, had held that it was in the public interest to concentrate all mineral rights in its hands.

Almost every year there were Railway Acts passed expropriating private land without compensation.

M. Ruppel pointed out that compensation in this case was implicit, for the land bordering the railways increased in value.

Lord Lugard agreed that a sovereign State could always cancel rights of private ownership with or without compensation. In England, however, public opinion would be very strongly expressed in such a matter and would certainly assert itself if such action on the part of the Government were thought to be unjust.

Mr. te Water agreed. Public opinion in South Africa was as strong on this point as it was in England. On each occasion, when a law of this kind had been passed, it had been aroused.

In so far as the case in point was concerned, he had examined it carefully and had tried to keep an unprejudiced mind on the matter. Some members of the Commission might have had suspicions as to the justice of cancelling the concession. He could, however, advance many hypothetical motives for the Government's action. Supposing, for example, that it had been discovered that the company, at the time when it had obtained the concession, had obtained its rights from the Chiefs by unfair means or by duress. Surely in that case the Government's action would have been justified ? Again, supposing it had been discovered that the company was not working the concession in the interest of the natives living on the land under its control. In such a case, would the cancellation be regarded as unjust ?

In so far as the question of compensation was concerned, the matter did not lie with the individual and the Mandates Commission, but between the Government of the individual and the Government of the Union. In this case, the persons holding the concession were German, and it would, therefore, be for the German Government, if it thought that its nationals had been denied justice, to approach the Government of the Union of South Africa on the matter through the usual diplomatic channels.

M. Ruppel said that the title of the petitioner was a good one. Before the war a special Committee of Enquiry had been instituted by the Reichstag to examine all the concessions in the German Colonies. As a result of its report, some of these had been cancelled, but the Committee of Enquiry had found that there was no possibility of cancelling the concession granted to the Kaoko-Land- und Minen-Gesellschaft.

M. Palacios repeated his question. How could such a matter be brought before the courts of the Union ? Up to the present, he had not been satisfied with the reply of the mandatory Power, which was based on a refusal to allow recourse to the courts. On the basis of Article 297, that refusal might be justified; otherwise, that was to say, leaving on one side, that article, which, according to the mandatory Power, had not been applied to the landed properties in the territory under mandate, he could not accept the arguments of the mandatory Power, unless the latter could show clearly the legal basis of such a prohibition for the whole of the Union of South Africa.

Mr. te Water explained once more that, by the terms of the Proclamation, there was no means of bringing such matters before the courts of the country.

In so far as the Government's attitude, based on Article 297 of the Treaty of Versailles, was concerned, he would submit the following explanation. The matter had been carefully re-examined by the legal advisers to the Government of the Union, who had come to the conclusion that it had been wrong to base the action of the Government on the article in question. Had the Government of the Union wished to be dishonest, it could very easily have concealed its mistake and continued to justify its action on the grounds of that article. It had not done so, but had been perfectly frank and had explained to the Commission very fully the reasons for its action.

M. Palacios said that, according to Article 297, the value of the property might have been charged to reparations account : and, if necessary, an indemnity paid by Germany for the confiscated properties.

The Chairman hoped that the accredited representative would not leave the Commission with the impression that it had any doubt as to the good faith of the Government of the Union. That was not the case. The questions had been asked solely with the object of obtaining information which would enable the Commission to form a reliable opinion on the matter.

Close of the Hearing.

The Chairman, on behalf of the Commission, thanked the accredited representatives for the information given. Their co-operation with the Commission, which had been closer than usual, had been very fruitful and valuable. He was sure the accredited representatives would not carry away with them an impression that the Permanent Mandates Commission was as exacting as some persons appeared to think. The action of the Commission was governed

by the text of the mandate, the object of which was to promote the social and economic welfare of the natives.

All the questions asked by the members of the Commission were explained by that fact, no matter what was said in certain circles which were clearly not very familiar with the obligations imposed by the mandate and the reason for its existence.

Mr. TE WATER, on behalf of Mr. Courtney CLARKE and himself, thanked the Chairman and, through him, the Commission for its observations. The method followed by the accredited representative had been for Mr. te Water himself to deal with the broader aspects of the administration of the territory, while Mr. Courtney Clarke replied to questions on administrative detail. He hoped that the Commission was satisfied with the information supplied.

This had been the first occasion upon which he had appeared before the Commission. It had been a pleasant one, and he would particularly thank the Commission for its patience and for its friendly reception, and he wished also to thank the Chairman for his courtesy.

In conclusion, he could assure the Commission that the Government of the Union of South Africa and the Administration of South West Africa were doing everything possible to fulfil to the utmost the obligations of the mandate.

SIXTEENTH MEETING.

Held on Monday, June 30th, 1930, at 3.30 p.m.

South West Africa : Petition from M. Bergmann, of Windhoek, dated February 12th, 1930 : Report by M. Merlin.

M. CATASTINI said that, before his departure from Geneva, M. Merlin had prepared a statement and had requested M. Catastini to read it to the Commission. The statement was as follows :

" M. Bergmann, of Windhoek, has addressed to the League of Nations a petition dated February 12th, 1930, drawing its attention to various events which are alleged to have happened in the mandated territory of South West Africa. The mandatory Power forwarded its observations on this petition on March 26th, 1930.

" I have been appointed by the Chairman to report on this petition.

" M. Bergmann has not taken much trouble over the matter, for his new petition is virtually a literal repetition of another petition which he submitted on March 15th, 1928, and which was the subject of observations by the mandatory Power on April 24th, 1929. I reported on that petition at the fifteenth session of the Commission on July 5th, 1929. The facts are the same as those brought forward previously and their presentation is identical. I can only conclude, as I did in 1929, that the petition of M. Bergmann does not call for any written report, and that it is not of a nature to be dealt with by the Commission or give rise to any further action."

The Commission decided, after an exchange of views, *to adopt the conclusions of M. Merlin, and to embody them in the report to the Council in the following form :*

" The Permanent Mandates Commission, having examined the petition submitted by M. Bergmann, dated February 12th, 1930, decides that this petition is not such as it could entertain, and that it does not call for any action."

South West Africa : Petition from the Anti-Slavery and Aborigines Protection Society of London, dated November 29th, 1929, concerning the Treatment of the Natives in the District of Gobabis : Report by M. Sakenobe.

M. SAKENOBE presented his report (Annex 11 C).

The Commission adopted, in the following form, the conclusions of the report of M. Sakenobe :

" The Permanent Mandates Commission, having examined the petition, dated November 29th, 1929, submitted by the Anti-Slavery and Aborigines Protection Society of London, as also the observations of the mandatory Power, dated January 24th, 1930, and the statements of the accredited representative, is of opinion that the petition relates to two separate incidents, one of which is of no importance whatever, and the other, however regrettable it may be, is at present *sub judice* before a criminal court of the mandated territory, and accordingly considers that there is no occasion for it to submit a recommendation to the Council."

South West Africa: New Petitions from Certain Members of the Rehoboth Community: Telegram, dated July 2nd, 1929, from Mr. Daniel Beukes; Petition, dated October 25th, 1929, from Mr. Jacobus Beukes; Petition, dated February 11th, 1930, from Mr. Jacobus Beukes: Reports by Lord Lugard (Annex 12).

M. Palacios said that the Rehoboth Community continued to submit protests, and that there was something abnormal in this circumstance. It appeared from the petition that the position which had been granted to the Community had not been observed. That, no doubt, was the cause of the disturbance. It seemed that they claimed the position which had been accorded to them by the German Government.

The Chairman (M. Van Rees) did not think that this was quite correct; it was true that the Community was continually protesting, and that it perhaps had some reason to do so. At the moment, however, the Commission had to reply to a petition putting forward complaints which were formulated in fairly vague terms, and, in his view, the Commission should confine itself to the conclusions of the report of Lord Lugard, endeavouring only to find a formula which would cover the two cases, without dealing with the question of the position granted by the German Government, which, moreover, had been taken into consideration on several occasions previously.

M. Palacios agreed.

The Commission decided to adopt the following conclusion:

"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 telegram 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."

Syria and the Lebanon: Petition, dated July 8th, 1929, from M. Ihsan el Djabri: Report by Count de Penha Garcia.

The Commission, after an exchange of views, *adopted the conclusions of the report of Count de Penha Garcia* (Annex 8), *with some drafting amendments, and decided that these conclusions should be included in the report to the Council.*

Syria and Trans-Jordan: Petition, dated November 6th, 1929, from the Emir Chekib Arslan and M. Ihsan el Djabri. Report by Count de Penha Garcia.

Count de Penha Garcia, commenting on his report (Annex 9), said that paragraph 8 of the petition contained some references to the question of the mandate, and a question concerning the Hejaz railway. He had merely repeated in his report the conclusions at which the Commission had arrived during its fifteenth session.

Paragraph 10 of the petition contained complaints against forced labour on the roads and misappropriation of property of the Wakfs by the Government of the Alaouites, together with the cession of Syrian land to the Turkish Government at the time of the delimitation of the frontiers.

As regards the question of forced labour on the roads, the mandatory Power had addressed to the League of Nations observations which were extremely satisfactory, and the High Commissioner had himself declared to the Commission that it might be assured that the population of the villages which were protesting, and which were referred to in the petition, had not had any work to do upon the roads during the years 1928 and 1929.

As regards the second case, the Wakf property in question had been confiscated fifty years previously by the Turkish Government, and the revenues assigned to relief works and educational activities on behalf of the Moslems. The grievance did refer to a sale but one which had been carried out with the agreement of the notables and of the Council of Wakfs of Latakia. The settlement of the frontiers had taken into account local conditions, without prejudice to the territory under mandate.

The Commission adopted the conclusions of the report by Count de Penha Garcia and decided that they should be embodied in the report to the Council in the following form:

"The Permanent Mandates Commission, having examined the petition submitted by the Emir Chekib Arslan and M. Ihsan el Djabri, dated November 6th, 1929, and having regard to the observations forwarded by the mandatory Power, considers that no action is called for in regard to this petition."

Trans-Jordan : Petition, dated June 21st, 1929, from M. Hussein el Tarawneh, of Amman (Trans-Jordan): Report by M. Orts.

The Commission adopted the conclusions of M. Orts, report (Annex 10), *and decided to insert them in the following form in the report to the Council :*

" The Permanent Mandates Commission, having examined the petition of M. Hussein el Tarawneh, dated June 21st, 1929, and having noted the observations of the mandatory Power, considers that the petition in question cannot be entertained."

Petition from the League of Nations Union, London, concerning the Proclamation of a State of Siege in the Mandated Territories.

The Commission decided, in the absence of Lord Lugard and M. Merlin, *to postpone to its nineteenth session the examination of this petition.*

South West Africa: Petition, dated November 4th, 1929, from the Kaoko-Land- und Minen-Gesellschaft (continuation).

M. Palacios submitted his report, but said that he had not yet drafted the amendments that he desired to make, as he had awaited the declaration of the accredited representative before doing so.

M. Ruppel observed that he accepted the two conclusions of M. Palacios' report, but he proposed, further, to mention in the report to the Council the principle that private rights could not be the subject of expropriation in the mandated territories, unless such expropriation were preceded by a legal procedure, and subject to fair compensation. M. Palacios stated in his report that such a principle was obvious, and that it could be assumed that the mandatory Power accepted this point of view. He would point out, however, that the declaration of the accredited representative was not at all in this sense. The accredited representative had, on the contrary, informed the Commission that the Government of South Africa, in expropriating the lands in question without any legal procedure or fair compensation, had only used its supreme right of legislation.

M. Rappard said that, if, as had been affirmed, it was a principle of Anglo-Saxon law, that any expropriation might take place without compensation being paid to the persons expropriated, it was nevertheless clear that, in a mandated territory, the mandatory Power did not enjoy absolute sovereignty. Though a sovereign State might expropriate without compensation, because absolute sovereignty implied the right to do exactly what it wanted, it did not follow that a mandatory Power, which stood in the position of a trustee as regards the territory under mandate, could act in the same way towards those placed under its guardianship.

M. Palacios said that the accredited representative of the mandatory Power had cleared up a number of points, but had left others as obscure as they were before. In any case, his declarations had disclosed a new attitude which must be taken into account. M. Palacios still maintained that the Commission was not competent to deal with the substance of the question ; it was not a tribunal. On the other hand, he thought it was competent to ask that the petitioner should be allowed to go before the courts. Mr. te Water's reply had not been conclusive, and had not shown whether the prohibition to appear before the courts formulated in Proclamation 59 was justified. Neither had the accredited representative explained sufficiently the point whether this prohibition applied to the Union as a whole. The Union was authorised to apply its own laws in South West Africa, but Proclamation 59 referred only to the territory under mandate. It either expressed the general principles of the State or it was an exception. The right to have recourse to the courts in such a case seemed to be a necessity of common law. In cases where a claim could not be settled before the courts, the Mandates Commission ought to ascertain whether there was anything in the administrative decision which was contrary to the provisions of the mandate or the principles of the Covenant. The fact of being a foreigner — if that existed — should not render the petition invalid.

In M. Palacios' view, the Commission might, in particular, take note of the repeated declarations of the accredited representative and advise the petitioners, if they were not nationals of the Union, to come to an arrangement with their Government. Perhaps, in this way, Article 7 of the Mandate might even be brought into play and, in order to settle the matter, it might be referred to the Permanent Court of International Justice at The Hague in order to ascertain whether, in the interpretation of the mandate, some fundamental right had really been infringed in the present case.

M. Ruppel did not think that the Permanent Mandates Commission could say that it was impossible for it to pronounce on the petition itself, if it considered that the action of the South African Government was incompatible with its international obligations. For that reason, he proposed to maintain the conclusions of M. Palacios as they stood.

M. PALACIOS said that he was obliged to modify his report as a result of the declarations of the accredited representative. Those declarations had changed his opinion, for the accredited representative had introduced new elements for discussion and new explanations. Nevertheless, he thought that his conclusions would be about the same.

The CHAIRMAN proposed that M. Palacios should modify his report and his conclusions in the light of the declarations of the accredited representative of the mandatory Power. These new conclusions might then be examined by the Commission at its meeting on the following day, or at the next session.

M. RAPPARD said that, as regards the practical solution, he agreed with the Chairman. The Mandates Commission, however, ought to take into account the very debatable conclusion of the accredited representative, who had said that, in virtue of the constitutional principles in force in his country, the mandatory Government had the right to expropriate private properties in the territory under mandate, without the expropriated persons having the right to appeal to a court. Moreover, it appeared that the League of Nations was denied the right to express an opinion on such a measure. This was a very serious statement for, if it were taken literally, the result would be that the Government of the Union of South Africa could do, in the territory under mandate, anything which it was lawful for it to do in its own country, and all legitimate intervention on the part of the League of Nations would be excluded.

The CHAIRMAN was also of opinion that the legislation in question was exceptional ; but it seemed to him, from the purely legal point of view, that the position of the Government of South Africa was not open to attack. He felt bound to point out to his colleague that the mandate authorised the South African Government to act as it had done, seeing that the first paragraph of Article 2 of the Mandate for South West Africa stipulated that :

> " The Mandatory shall have full power over the legislation and administration of the territory, subject to the present mandate, as an integral portion of the Union of South Africa, and may apply the laws of the Union of South Africa to the territory, subject to such local modifications as circumstances may require."

During the meeting of June 25th, the accredited representative, Mr. te Water, had employed this provision to justify the application in the territory under mandate of the legislation in question, which was in force in the Union. On this point, he was evidently right, seeing that the reserve formulated at the end of the provisions which had been quoted did not, in the present case, constitute any argument against the opinion he had expressed. It would be the same if Article 2 of the C mandate had been drafted in conformity with the corresponding article in the B mandate, which authorised the Mandatory to apply its own legislation in the territory " subject to the preceding provisions ". For, even in that hypothesis, it was necessary to decide which of the provisions of the mandate would have been contravened by the application to South West Africa of the legislation of the Union which was now in question. The Commission would search in vain for a conclusive reply to that question. The Chairman did not, therefore, see on what basis the Mandates Commission could contest the legitimacy of the legislation under discussion. It might seem strange, and not in conformity with the law in force in other countries : but, from the standpoint of the mandate, it could not be said to be illegal, even if the spirit and very *raison d'être* of the mandate were taken into account. In order to be able to contest existing legislation, it would be necessary to have as a basis some concrete provision which, in the present case, did not exist.

To sum up, the Chairman was of the opinion that the petition from the " Kaoko-Land- und Minen-Gesellschaft " was outside the competence of the Mandates Commission, and that, moreover, the only thing it could do was to say in its report to the Council that it had been struck by the abnormal character of the legislation, in virtue of which the petitioner had been deprived of his rights, without compensation. He realised, however, that an observation of that kind would only be purely platonic in character.

M. CATASTINI wondered whether the Mandates Commission, when dealing with a special question, could take such an important decision.

The CHAIRMAN proposed that M. Rappard should collaborate with M. Palacios in drafting a new and satisfactory formula.

M. RAPPARD said that, in his opinion, the question of the lack of competence on the part of the Mandates Commission had assumed a different aspect. The Commission would be incompetent if there had already been recourse to the courts. As there had been no such recourse, he thought that the Commission was not incompetent to examine the question, although it was clear that it could not take a decision on the substance of the matter.

The CHAIRMAN thought that the Commission was incompetent to deal with the substance of the question, but that it was not incompetent to draw attention to the abnormality of the legislation.

He proposed that M. Palacios should redraft his report and submit it to the Commission as soon as possible.

The Commission decided to examine, at a later meeting, the report of M. Palacios with the new amendments which might be introduced.

Iraq: Petitions of the British Oil Development Company, London, dated May 27th and September 17th, 1929 (continuation).

The CHAIRMAN informed his colleagues that he had just received a letter from the British Oil Development Company in continuation of its petition with which the Commission had dealt a few days previously. The details given in the letter had not led him to change, in any way, the conclusion on this subject at which he had arrived in his report (Annex 6 B). Since, however, M. Rappard had pointed out that, in regard to this matter, the principle of economic equality recognised in Article XI of the Treaty of Alliance between Great Britain and Iraq might perhaps furnish an argument in favour of the thesis put forward by the petitioner, the Chairman would prefer to adjourn to the November session the final examination of the petition. He asked M. Rappard to be good enough to prepare for the consideration of the Commission a new report explaining his point of view without taking into account the report already prepared by the Chairman.

M. RAPPARD quite agreed with the Chairman, but thought that it would be preferable to postpone the preparation of his report until the next session, for it would doubtless be necessary for him to hear the statements of the accredited representative.

M. CATASTINI said that Lord Lugard had asked him to read to the Commission a declaration that he had prepared before his departure from Geneva. The declaration read as follows :

" This petition was thoroughly discussed on November 9th, 1929. A study of the debates shows that, according to M. Bourdillon, the Turkish Petroleum Company had every advantage in postponing the concession. He was quite unaware whether, as a result of this procedure, the petitioners had suffered any injustice, and, in conclusion, he insisted that everything he had said had no reference to the petition of the British Oil Development Company.

" The Chairman had asked whether the reservation relating to the case of *force majeure* applied, and M. Bourdillon had answered *that it did not apply now*, but that it had applied formerly, during the period of disturbances on the frontier. Finally, when M. Rappard had stated that the action of Iraq resembled the establishment of a monopoly, M. Bourdillon, admitted that such was the case.

" In my opinion, the claim of the petitioners is not without justification ; but, as the British Government has observed, they may bring their case either before the courts of Iraq, or, since this is a complaint from a British company against His Majesty's Government, they may bring their case before a British court (I had not read the reply of the mandatory Power when I myself suggested this possibility to-day). It is clear, from this point of view, that the question is not within the competence of the Permanent Mandates Commission. If the matter be regarded from the point of view of a monopoly, the question may lend itself to discussion."

The Commission adopted the Chairman's proposal and decided to adjourn the examination of the question to its November session.

Ruanda-Urundi : Petition of Bigirobe Kiogoma, dated Dar-es-Salaam, October 28th, 1929.

The CHAIRMAN read the following note :

" The Secretariat received, on November 21st, 1929, a petition from Bigirobe Kiogoma, dated Dar-es-Salaam, October 28th, 1929.

" The Chairman of the Commission, having recognised the petition as receivable, forwarded it for information to the Belgian Government on January 6th, 1930. The Belgian Government informed the Secretariat, on April 5th last, that it had not been possible to forward its observations on the petition owing to the destruction by fire of a postal truck in which the mail was carried, and that it has therefore been necessary to send a further communication to the Governor of Ruanda-Urundi, asking him to send urgently a report on this matter.

" The Belgian Government expressed its regret at not being able to communicate its observations to the Secretariat within the period allowed by the Council for their transmission.

" Observations from the Belgian Government, forwarded in a letter of June 25th, have just reached the Commission. As this reply has only come to hand towards the close of the session, I would ask whether the Commission could not adjourn the examination of the petition to its autumn session."

The Commission decided to adjourn the examination of this question to its November session.

Statistical Information concerning Territories under Mandate: Revision of the Document published by the Secretariat in 1928. [1]

The CHAIRMAN asked whether the statistical and financial documents published by the Secretariat on the mandated territories would shortly be revised.

M. CATASTINI said that these statistics were in process of revision.

[1] Document C.143.M.34.1928.VI.

Agenda for the November Session.

The CHAIRMAN observed that, during the November session, the Commission would have to examine seven annual reports, together with a certain number of general questions of great importance. He thought it was essential that the reports on these general questions should reach the members of the Commission a short time before the beginning of the session and not during the session, so that the members might be able to examine them at leisure and be well prepared for their discussion.

The Commission agreed with the Chairman.

Determination of General Conditions that must be fulfilled before the Mandate Regime can be brought to an End in Respect of a Country placed under that Regime.

The CHAIRMAN said that the Marquis Theodoli asked him when he was at Geneva to serve on the Sub-Committee which would be requested to study this question during the next Assembly. He did not think, however, that this was the best method to adopt. The members of the Commission who would be present at the Assembly as delegates could no doubt confer together, but what was important and corresponded, moreover, with the usual procedure of the Commission was that a single Rapporteur should be appointed who would submit a report on the question. The note which he himself had prepared and submitted to his colleagues (Annex 3) did not constitute the report required. As the title indicated, this note only gave the elements which, in the view of the author, ought to be taken into consideration by the Commission. In conclusion, he asked Count de Penha Garcia if he would be prepared to act as Rapporteur.

Count DE PENHA GARCIA said that he was quite ready to draw up the report. Nevertheless, he would point out that a discussion between four members of the Commission would greatly advance the examination of the question. He accordingly suggested that, when preparing the report, he might discuss in September with his three colleagues a certain number of questions.

The Commission adopted this suggestion.

Tanganyika: Observations of the Commission.

After an exchange of views, *the Commission adopted its observations regarding Tanganyika* (Annex 14).

Togoland under French Mandate: Observations of the Commission.

After an exchange of views, *the Commission adopted its observations regarding Togoland under French mandate* (Annex 14).

SEVENTEENTH MEETING.

Held on Tuesday, July 1st, 1930, at 10.30 a.m.

Syria and the Lebanon: Observations of the Commission.

After an exchange of views, *the Commission adopted its observations regarding Syria and the Lebanon* (Annex 14).

Nauru and New Guinea: Observations of the Commission.

After an exchange of views, *the Commission adopted its observations regarding Nauru and New Guinea* (Annex 14).

South West Africa: Petition, dated November 4th, 1929, from the Kaoko-Land- und Minen-Gesellschaft (continuation).

M. PALACIOS, referring to the affair of the Kaoko-Land- und Minen-Gesellschaft, said that, with a view to finding a reply to the request made in the petition, to which all the members of the Commission could agree, he had drafted the following conclusions :

He proposed that the Commission should :

(1) Continue to declare its incompetence to deal with the substance of the question raised in the petition ;

(2) Take note of the declaration of the accredited representative of the mandatory Power, which had been repeated several times, to the effect that the petitioner was at liberty to ask his Government to place his case before the Government of the Union of South Africa through the usual diplomatic channels ;

(3) Call the attention of the Council to the difficulties which seemed to arise, from the point of view of equity — he would prefer to say justice — owing to the fact that such claims as that which was the object of the petition could not be brought before either the courts of the territory under mandate or before the higher judicial courts of the mandatory Power.

If the Commission did not accept these conclusions, he would abide by the Minutes and the conclusions of his report.

The Commission adopted the first paragraph of the text proposed, subject to certain minor amendments.

The CHAIRMAN pointed out that, in his opinion, the second paragraph of the proposed text should be omitted, since he thought it was not for the Commission to take note of the declaration of the accredited representative that it was the business of the petitioner to ask his Government to discuss his case with the Government of the Union of South Africa through the usual diplomatic channels.

M. RUPPEL expressed the same opinion, and pointed out that the fact that a petitioner could ask his Government to take diplomatic steps on his behalf did not exclude the right of petition to the Mandates Commission, and that the first-mentioned possibility was no concern of the Commission.

M. PALACIOS mentioned that, at each session of the Commission, the accredited representative of the mandatory Power used an argument which complicated the question; he therefore had thought it of use to record these various statements so that the Commission would ultimately be able to take them into account.

The CHAIRMAN did not think that Mr. te Water had intended to bind his Government in any way when he had said that the latter would eventually be prepared to negotiate with the German Government through the ordinary diplomatic channels.

M. PALACIOS pointed out that the declaration of the accredited representative had perhaps been suggested by the terms of the first report which he had prepared on this subject, of which he read the following extract (Minutes of the Fourteenth Session, Annex 12, page 261) :

" 3. Because, as regards the substance of such questions, the Treaty of Versailles established a right, a regime, a Reparation Commission, a procedure and even a Mixed Arbitral Tribunal (Articles 304, 305 and the corresponding Annex), and, if an irregularity is committed under the system established therein in connection with matters of vital interest, it is for the States concerned to take up the claims made by their respective nationals. Infringements of this kind can always be made a diplomatic question, and it is the State concerned and not the Permanent Mandates Commission which is called upon to find a solution."

After a further exchange of views between the members of the Commission, M. RAPPARD read the following draft, which would form the second and last paragraph of the conclusions :

" In the course of an exchange of views with the accredited representative, the Permanent Mandates Commission was struck by the effects of the ' Concessions Modification and Mining Law Amendment Proclamation ' of November 24th, 1920, at present in force, under which certain rights of land tenure in the territories under mandate are cancelled without compensation and without the dispossessed holders having any recourse before the courts.

" Although this Proclamation does not seem to be incompatible with the letter of the mandate, the Commission considers that such a measure seems difficult to reconcile with the principles of equity."

Count DE PENHA GARCIA thought that a distinction ought to be made : on the one hand, there was the reply to be given to the petitioner, which ought to be that the Commission declared itself incompetent to decide on the substance of the matter and that the petitioner should appeal to the judicial tribunals ; on the other hand, the Commission might draw the Council's attention to the unjustness of the Proclamation by means of which the petitioner had been dispossessed, without having the right to appeal before the courts regarding the right of ownership.

After a further exchange of views, during which the CHAIRMAN stated that M. Ruppel was willing to accept the first conclusions of the report of M. Palacios, *the Commission decided to draw the attention of the Council, in its observations on the administration of South West Africa, to the question of principle to which M. Rappard had drawn attention in his text.*

Communications rejected as not meriting the Attention of the Commission : Supplementary Report by the Chairman, presented in Conformity with Article 3 of the Rules of Procedure for Petitions.

The CHAIRMAN presented the following report :

" Since I presented my report on rejected petitions (Annex 4), which you approved at the eighth meeting, held on June 24th, 1930, I have examined several other communications, which do not in my opinion deserve the attention of the Commission. These communications are :

" PALESTINE.

" 1. Letter from the Emir Chekib Arslan and M. Ihsan el Djabri, dated Geneva, May 14th, 1930.

" In this document the petitioners criticise in general terms the political status of Palestine, the attitude of the British Government to the Shaw report, and the composition of the Commission appointed to settle the question of the Wailing Wall at Jerusalem. Since this communication does not seem to me to contain any definite allegation concerning important new facts relating to the administration of Palestine, I do not consider that it constitutes a receivable petition according to the procedure in force.

" 2. Letter from M. Justin Godart, dated June 11th, 1930, in the name of the French Committee of the Friends of Zionism ' France-Palestine ', accompanied by a memorandum on the latest developments in the work of reconstruction of the Jewish National Home in Palestine.

" Since no definite demand is made in these documents, and since, moreover, the considerations put forward are entirely general in character, I have come to the conclusion that they cannot be considered as a petition.

" 3. Letter from M. Avni Abdul Hadi, Secretary-General of the Arab delegation, dated June 11th, 1930.

" This communication, which is a polemic directed against certain declarations by Dr. Weizmann and other Jewish leaders, cannot be considered as a petition in the sense adopted by the Permanent Mandates Commission."

The Commission noted the Chairman's report.

EIGHTEENTH MEETING.

Held on Tuesday, July 1st, 1930, at 3 p.m.

South West Africa : Observations of the Commission.

After an exchange of views, *the Commission adopted its observations regarding South West Africa* (Annex 14).

Treatment extended in Countries Members of the League to Persons belonging to Territories under A and B Mandate and to Products and Goods coming therefrom (continuation). [1]

The Commission examined the two conclusions submitted, one by Count DE PENHA GARCIA, which was to the following effect :

" The Permanent Mandates Commission draws the Council's attention to the advantage of asking all the States Members of the League of Nations to consider any requests that

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[1] *Note by the Secretariat.*

Lord LUGARD, in a note to the Secretariat, expressed himself as follows :

" In case this report comes up for reconsideration after I have left, I desire to record my entire agreement with M. Rappard's conclusions.

" The Permanent Mandates Commission has already recommended that reciprocity should be accorded to mandated territories, and proposed an international Convention for that purpose.

" The Mandatories chiefly concerned agree to the principle ; but, in view of the tenor of their replies, M. Rappard now proposes that, instead of an international Convention, an exchange of notes or some similar method should be employed."

might be made to them by the mandatory Powers with a view to granting the territories under A and B mandate advantages corresponding to those enjoyed by their goods in the said territories."

And the other by M. RAPPARD :

" The Permanent Mandates Commission draws the Council's attention to the advantage of asking all the States Members of the League of Nations to give favourable consideration to any requests that might be made to them by the mandatory Powers with a view to granting the territories under A and B mandate advantages corresponding to those enjoyed by the goods and nationals of the said States Members in these territories."

M. RAPPARD explained that the main difference between the two conclusions was that Count de Penha Garcia only referred to the advantages to be given to goods from mandated territories, while M. Rappard also referred to nationals.

Count DE PENHA GARCIA, without wishing to press for the adoption of his proposal, thought that it would be more correct to ask the States Members merely to examine the matter rather than to ask them to give favourable consideration to the proposals in question. In so far as the substance of the matter was concerned, he doubted whether, especially in Anglo-Saxon countries, assimilation of the native inhabitants to Europeans would be granted.

The CHAIRMAN said that this question had arisen from the annual report for 1927 on Syria (see page 100 of that report). In that case, the question had merely concerned the treatment of goods. The question of the Syrians expelled from Liberia was different.

M. RAPPARD thought, nevertheless, that the Commission should also deal with the second question to which the French Government had also drawn its attention. Both cases, whether it was a question of individuals or goods, were, in his view, equally disturbing.

Count DE PENHA GARCIA thought that the discussion on the treatment of foreigners in mandated territories was purely theoretical, for this kind of question was usually settled by settlement conventions. Though action on the part of the Commission might be justified in so far as goods were concerned, this was not the case in regard to persons.

M. RAPPARD fully recognised that the States in question had the right to act as they were acting. He did not propose to deprive them of this right, but only to ask the Council to beg them to give it up.

Count DE PENHA GARCIA replied that the mandatory Power itself was competent, and it was for that Power alone to act for the best when it concluded commercial or settlement treaties.

The CHAIRMAN pointed out to Count de Penha Garcia that there was no question of raising the substance of the matter at the moment, for it had already been before the Commission for one or two years. What the Commission was called upon to discuss was the phrasing of its reply to the Council. The proposals submitted were, in his view, quite neutral and bound no one.

M. RAPPARD added that, if Liberia replied favourably in so far as goods were concerned and unfavourably in the case of persons, the question would be settled so far as he was concerned.

Count DE PENHA GARCIA would once more emphasise the fact that, in such a case, any intervention on the part of the Commission seemed to him to be inopportune, particularly in regard to Anglo-Saxon countries.

M. RAPPARD explained that there was no question of asking States to consider a native of a mandated territory as one of their own nationals. They were merely asked to grant to that native treatment equivalent to that which was granted to persons occupying a similar position.

After further discussion, *the text of the conclusion proposed by M. Rappard was adopted with various amendments* (see Annex 14).

In this connection, Count DE PENHA GARCIA would repeat the reservations which he had made in regard to some of the considerations contained in M. Rappard's report.

Publication of the Report to the Council and of the Minutes.

The Commission decided that its report to the Council on the work of its eighteenth session would be published as soon as possible, together with the Minutes.

Close of the Session.

The CHAIRMAN thanked his colleagues for the kindness which had been shown him while he had occupied the chair. He also thanked M. Catastini and all his colleagues for their assistance in the work of the Commission, which had been much appreciated. He added how much he regretted to learn that M. Friis, while not leaving the Secretariat, would no longer belong to the Mandates Section. His loss would be felt by the Commission, who had always much appreciated his kindness, devotion to duty and talent.

M. RAPPARD, on behalf of his colleagues, proposed a vote of thanks to M. Van Rees for the care and impartiality with which he had presided over the session.

ANNEX 1.

C.P.M.1054(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. *Syria and the Lebanon.*
B. *Tanganyika.*
C. *Togoland under French Mandate.*
D. *Nauru.*
E. *New Guinea.*
F. *South West Africa.*

A. Syria and the Lebanon.

I. *Annual Report and Legislation.*

1. Report to the League of Nations on the situation in Syria and the Lebanon (Year 1929).
2. Letter from the French Government, dated June 11th, 1930, transmitting the text of the Organic Statute for Syria and the Lebanon. [2]

II. *Various Official Publications.*

1. *Bulletin of the Administrative Acts of the French High Commission.* [3]
2. *El Acima*, bi-monthly bulletin of the State of Syria. [3]
3. *Official Journal* of the Lebanese Republic. [3]
4. *Official Journal* of the State of the Alaouites. [3]
5. *Quarterly Economic Bulletin of the Territories under French Mandate* (State of Syria, the Lebanese Republic, State of the Alaouites, State of the Jebel Druse). [3]

III. *Communications forwarded in Reply to the Observations of the Commission.*

1. Permanent Mandates Commission, Twelfth Session. Council Resolution of March 5th, 1928: Letter from the French Government, dated May 30th, 1930, forwarding Information concerning the Lists of International Conventions prepared by the Secretariat (document C.P.M.632). [4]
2. Permanent Mandates Commission, Twelfth Session. Council Resolution of March 5th, 1928: Letter from the French Government, dated May 31st, 1930, transmitting Statistical Tables relating to Syria and the Lebanon for the Years 1920-1929. [4]

IV. *Petitions and Relevant Observations.*

1. Observations of the French Government, dated June 7th, 1930, on the Petition of M. Chekib Arslan and M. Ihsan el Djabri, dated November 6th, 1929 (document C.P.M.1039).
2. Observations of the French Government dated June 19th, 1930, on the petition of M. Ihsan el Djabri, dated July 8th, 1929 (document C.P.M.1057).

B. 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 1929.
2. The Laws of the Tanganyika Territory in force on December 31st, 1928. Revised edition in three volumes. Vols. I and II: Ordinances; Vol. III: Orders, Proclamations, Rules, Regulations and By-laws.

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[1] Documents received by the Secretariat primarily for any of the technical organisations (cf. Advisory Committee on Traffic in Opium and other Dangerous Drugs) or other Sections of the Secretariat (cf. 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.

[2] The text of the letter sent by the French Government was distributed to the members of the Commission on June 14th, 1930. The text of the Organic Statute will be circulated later.

[3] Kept in the archives of the Secretariat.

[4] To be circulated later.

3. Tanganyika Territory Ordinances enacted during the Year 1929 with an Appendix containing Proclamations, Rules, Regulations and Notices. Volume X, 1929. [1]

II. *Various Official Publications.*

1. *Tanganyika Territory Gazette* [2].
2. Report of Sir Samuel Wilson, G.C.M.G., K.C.B., K.B.E., on his visit to East Africa, 1929. Presented by the Secretary of State for the Colonies to Parliament by Command of His Majesty, September 1929 (Cmd.3378).
3. Labour Department Annual Report, 1928.
4. Mines Department Annual Report, 1928.
5. Administration of the Police, 1928, Annual Report.
6. Annual Report by the Treasurer for the Financial Year 1928-29.
7. Report on the Audit of the Accounts of the Tanganyika Territory and of the Tanganyika Railways for the Financial Year 1928-29.
8. Annual Report of the Public Works Department, 1928.
9. Annual Report of the Posts and Telegraphs Department, 1928.
10. Geological Survey, Annual Report, 1928.
11. Annual Report on the Administration of the Prisons, 1928.
12. Annual Report of the Medical Laboratory, Dar es Salaam, for the Year ended December 31st, 1928.
13. Department of Agriculture, Annual Report 1928-29, Parts I and II.
14. Annual Report of the Education Department, Tanganyika Territory, for 1928.
15. Tanganyika Territory : Tsetse Reclamation Annual report for the Year ended March, 31st, 1929.
16. Tanganyika Territory : Tsetse Research. Annual Report for the Year ended March, 31st, 1929.
17. Minutes of the Legislative Council at Meetings held on December 3rd, 9th, 10th and 11th, 1929 : Fourth Session, Supplement to the *Tanganyika Territory Gazette*, Vol. X, No. 61, December 27th, 1929.
18. Minutes of the Legislative Council, Meetings held on February, 10th, 11th and 12th, 1930 : Fourth Session, Supplement to the *Tanganyika Territory Gazette*, Vol. XI, No. 8, dated February 21st, 1930.
19. Department of Tsetse Research : Co-ordination Report No. 1, September 1st, 1928, to August 31st, 1929.
20. *Idem*, Co-ordination Report No. 2, March 1st, 1929, to February 28th, 1930.

III. *Communications transmitted in Reply to Previous Observations of the Commission.*

1. Permanent Mandates Commission, Fourteenth Session. Council's Resolution dated March 4th, 1929 : Observations from the British Government, dated August 27th, 1929, concerning Liquor Traffic. [3]
2. Permanent Mandates Commission, Twelfth Session. Council's Resolution, dated March 5th, 1928 : Letter dated November 20th, 1929, from the British Government, forwarding Information concerning the Lists of International Conventions prepared by the Secretariat. (document C.P.M.632). [3]

C. Togoland under French Mandate.

I. *Annual Report and Legislation.*

1. Annual Report sent by the French Government to the Council of the League on the Administration of the Mandated Territory of Togoland during 1929 (Legislations annexed).
2. Letter from the French Government, dated May 22nd, 1930, transmitting certain *Errata* to the Annual Report.

II. *Various Official Publications.*

1. Local Budget : Special Budget of Public Health and Native Medical Assistance and Budget of the Railway and Wharf Administrations, 1929.
2. Closed Accounts of the Local Budget and of the Annexed Budgets, 1928.

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[1] Provisional edition.
[2] Kept in the archives of the Secretariat.
[3] To be circulated later.

3. Local Budget : Special Budget of Public Health and Native Medical Assistance and Budget of the Railway and Wharf Administrations, 1930.
4. *Official Journal* of Togoland under French Mandate. [1]

III. *Communications transmitted in Reply to Observations of the Commission.*

Permanent Mandates Commission, Fifteenth Session : Letter dated August 3rd, 1929, from M. Franceschi, French Representative for Togoland under French Mandate accredited to the Permanent Mandates Commission, transmitting Comments on the Commission's Observations regarding the Administration of Togoland under French Mandate during the Year 1928 (Minutes of the Permanent Mandates Commission, Fifteenth Session, document C.305.M.105.1929.VI, page 301).

IV. *Petitions and Relevant Observations.*

Letter from the French Government, dated April 15th, 1930, transmitting two Petitions, dated March 15th, 1929, and January 1st, 1930, from the Notables of Agou-Nyogou, together with its Observations on those Petitions (document C.P.M.1006).

D. Nauru.

I. *Annual Report and Legislation.*

1. Report to the Council of the League of Nations on the Administration of Nauru during the Year 1929 (submitted in conformity with Article 22 of the Covenant of the League of Nations) (Ordinances and Regulations annexed).
2. Letter, dated June 12th, 1930, forwarding some *Errata* to the Annual Report for 1929.

II. *Various Official Publications.*

1. Nauru and Ocean Island (their Phosphate Deposits and Workings) : Paper by Mr. Harver B. Pope, Commissioner for Australia.
2. Report of the Royal Commission on Certain Matters in connection with the British Phosphate Commission of 1926, together with Appendices.
3. *Government Gazette.* [1]

III. *Communications transmitted in Reply to Previous Observations of the Commission.*

1. Permanent Mandates Commission, Thirteenth Session. Council's resolution, dated September 1st, 1928 :
   (a) Letter, dated February 26th, 1930, from the British Government, forwarding Completed Copies up to December 31st, 1928, of those Sections of the Memorandum prepared by the Secretariat on the Subject of the Liquor Traffic which concern Nauru. [2]
   (b) Letter, dated March 21st, 1930, from the Australian Government, forwarding Corrected Copies completed up to December 31st, 1929, of those Sections of the Memorandum prepared by the Secretariat on the Subject of the Liquor Traffic which concern Nauru. [2]
2. Permanent Mandates Commission, Twelfth Session. Council's Resolution, dated March 5th, 1928 : Letter, dated May 2nd, 1930, from the Australian Government forwarding Information concerning the Lists of International Conventions prepared by the Secretariat (document C.P.M.632). [2]

E. New Guinea.

I. *Annual Report and Legislation.*

1. Report to the Council of the League of Nations on the Administration of the Territory of New Guinea from July 1st, 1928, to June 30th 1929 (submitted in conformity with Article 22 of the Covenant of the League of Nations).
2. Letter, dated June 12th, 1930, from the Australian Government forwarding some *Errata* to the Annual Report, 1928–29.
3. Laws of the Territory of New Guinea, Vol. IX, 1928.

II. *Various Official Publications.*

New Guinea Gazette. [1]

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[1] Kept in the archives of the Secretariat.
[2] To be circulated later.

III. *Communications transmitted in Reply to Previous Observations of the Commission.*

1. Permanent Mandates Commission, Fifteenth Session : Letter, dated July 31st, 1929, from Sir Granville Ryrie, Representative of the Australian Government accredited to the Permanent Mandates Commission, giving his Comments on the Observations of the Commission on the Administration of New Guinea during 1927–28 (Permanent Mandates Commission, Minutes of the Fifteenth Session) (document C.305.M.105. 1929.VI, page 299).
2. Permanent Mandates Commission, Thirteenth Session. Council's Resolution, dated September 1st, 1928 : Letter, dated August 10th, 1929, from the Australian Government forwarding Corrected Copies of those Sections of the Memorandum prepared by the Secretariat on the Subject of the Liquor Traffic which concern New Guinea. [1]

F. South West Africa.

I. *Annual Report and Legislation.*

Report presented by the Government of the Union of South Africa to the Council of the League of Nations concerning the Administration of South West Africa for the Year 1929.

II. *Various Official Publications.*

1. *Official Gazette* of South West Africa. [2]
2. Estimates of Revenue to be received and the Expenditure to be defrayed from Revenue and Loan Funds during the year ending March 31st, 1930.
3. Estimates of the Expenditure to be defrayed from Revenue and Loan Funds during the Year ending March 31st, 1931.
4. Accounts of the Administration of South West Africa for the Financial Year 1928-29, together with the Report of the Controller and Auditor-General thereon.
5. Report of the Railway and Harbours Board in connection with Item 124 on Page 10 of the Estimates of Expenditure on Capital and Betterment Works (Walvis Bay Harbour Improvements, 1922).
6. Letter, dated March 13th, 1930, from the Union of South Africa Government, forwarding a copy of the Act No. 9, 1930, passed by the Union Parliament, amending the South West African Railways and Harbours Act, 1922 (document C.P.M.1008).
7. Map of Native Reserves in South West Africa. [2]

III. *Communications transmitted in Reply to Previous Observations of the Commission.*

1. Permanent Mandates Commission, Twelfth Session. Council's Resolution, dated March 5th, 1928 : Letter, dated December 19th, 1928, forwarding Information concerning the Lists of International Conventions prepared by the Secretariat (document C.P.M.632). [1]
2. Permanent Mandates Commission, Thirteenth Session. Council's Resolution, dated September 1st, 1928 :
   (a) Letter, dated December 24th, 1928, from the Union of South Africa Government, forwarding Corrected Copies of these Sections of the Memorandum prepared by the Secretariat (document C.P.M.723) on the Subject of the Liquor Traffic which concern South West Africa. [1]
   (b) Letter, dated January 29th, 1929, from the Union of South Africa Government giving Further Information relating to the Revised Sections of the Memorandum on the Liquor Traffic which concern South West Africa. [1]
3. Permanent Mandates Commission, Fifteenth Session : Letter, dated July 23rd, 1929, from Mr. Louw, Representative of the Union of South Africa Government accredited to the Permanent Mandates Commission, giving his Comments on the Observations of the Commission on the Report of the Union regarding its Administration of South West Africa during 1928. (Permanent Mandates Commission, Minutes, Fifteenth Session) (document C.305.M.105.1929.VI, page 298).
4. Permanent Mandates Commission, Sixteenth Session. Council's Resolution dated January 13th, 1930 : Observations, dated April 15th, 1930, of the Union of South Africa Government relating to the Status of non-Native Inhabitants of South West Africa (documents C.325.1930.VI, C.P.M.1015).
5. Permanent Mandates Commission, Fifteenth Session :
   (a) Letter, dated September 6th, 1929, from Mr. Louw, Representative of the South African Government to the Council, relating to the Council's Decision on the Special Observation on South West Africa contained in the Report of the Permanent Mandates Commission (document C.440.1929.VI).

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[1] To be circulated later.
[2] Kept in the archives of the Secretariat.

(b) Letter, dated September 20th, 1929, from Mr. Louw, Representative of the South African Government to the Council relating to the Council's Decision of September 19th, 1929, concerning the Reopening of the Discussion of that Part of the Rapporteur's Report which deals with South West Africa (document C.462.1929.VI).

(c) Memorandum of the Secretary-General quoting a Telegram, dated December 12th, 1929, from the Union of South Africa Government stating that it does not intend to oppose the Adoption by the Council of that Part of the Rapporteur's Report which deals with South West Africa (document C.577.1929.VI).

(d) Permanent Mandates Commission, Fifteenth and Sixteenth Sessions. Council's resolution dated January 13th, 1930 : Letter, dated April 16th, 1930, from the Union of South Africa Government (documents C.325.1930.VI, C.P.M.1015).

6. Permanent Mandates Commission, Fifteenth Session. Council's Resolution dated September 6th, 1929 : Letter, dated May 6th, 1930 from the Government of the Union of South Africa on the Guarantees of Subsidies for the Work of Railways or Harbours (document C.P.M.1030).

IV. *Petitions and Observations Thereon.*

1. Letter, dated November 19th, 1929, from the Union of South Africa Government, transmitting a Telegram, dated July 2nd, 1929, from Mr. Daniel Beukes, Rehoboth, and its Observations thereon (document C.P.M.988).
2. Observations, dated January 24th, 1930, from the Union of South Africa Government, on a Petition, dated November 29th, 1929, from the Anti-Slavery and Aborigines Protection Society of London, concerning the Treatment of Bushmen in the District of Gobabis (document C.P.M.994).
3. Communication, dated March 14th, 1930, from the Union of South Africa Government concerning a Petition, dated November 4th, 1929, forwarded by Mr. Wolff on behalf of the " Kaoko-Land- und Minen-Gesellschaft " (document C.P.M.1000).
4. Letter, dated March 26th, 1930, from the Union of South Africa Government transmitting a Petition, dated February 12th, 1930, from Mr. A. Bergmann, and its Observations thereon (document C.P.M.1005).
5. Letter, dated March 28th, 1930, from the Union of South Africa Government, transmitting a Petition from Mr. Jacobus Beukes, Rehoboth, dated February 11th, 1930, and its Observations thereon (document C.P.M.1004).
6. Further Petition, dated October 25th 1930, from Mr. Jacobus Beukes, Rehoboth, and Observations thereon, dated April 28th, 1930, from the Government of the Union of South Africa (document C.P.M.1017).

Miscellaneous.

Letter from the Government of the Union of South Africa submitting a List of States having Foreign Representatives and Residents in Windhoek and elsewhere in the Territory of South West Africa (document C.P.M.1053).

Documents not concerning any Particular Territory.

I. *Communications transmitted in Reply to the Commission's Observations.*

Permanent Mandates Commission, Fifteenth Session. Council's Resolution, dated September 6th, 1929 :

(a) Treatment extended in Countries Members of the League to Persons belonging to Territories under A and B Mandate and to Products and Goods coming therefrom :

(1) Letter from the British Government, dated March 6th, 1930 (document C.202.1930.VI. *Official Journal*, May 1930, page 390).

(2) Letter from the French Government, dated May 7th, 1930 (document C.202*(a)*.1930.VI).

(b) Public Health in Mandated Territories :

(1) Letter from the Government of the Union of South Africa, dated December 9th, 1929 (document C.202.1930.VI. *Official Journal*, May 1930, page 391).

(2) Letter from the British Government, dated March 6th, 1930 (document C.202.1930.VI. *Official Journal*, May 1930, page 390).

(3) Letter from the French Government, dated May 19th, 1930 (document C.202*(a)*.1930.VI).

(c) Form of Reply from Mandatory Powers to Resolutions of the Council on Observations concerning General Questions and Observations formulated by the

Commission when examining the Annual Reports on the Various Mandated Territories :

Letter from the British Government, dated March 6th, 1930 (document C.202. 1930.VI. *Official Journal*, May 1930, page 392).

Permanent Mandates Commission, Sixteenth Session. Council's Resolution of January 13th, 1930 :

(d) Purchase of Material and Supplies by the Public Authorities of the Territories under A and B Mandate.

Letter from the British Government, dated April 24th, 1930 (documents C.344. 1930VI, C.P.M.1033).

(e) Time-limit for Transmission of Petitions by Mandatory Powers :

(1) Letter from the British Government, dated March 19th, 1930 (documents C.344.1930VI, C.P.M.1033).

(2) Letter from the Government of the Union of South Africa, dated April 4th, 1930 (documents C.344.1930VI, C.P.M.1033).

II. *Petitions and Relevant Observations.*

Petition from the League of Nations Union (London), dated June 13th, 1929 :

(1) Observations of the Government of the Union of South Africa, dated November 6th, 1929, and January 23rd, 1930 (document C.P.M.1003).

(2) Observations of the British Government, dated February 20th, 1930 (document C.P.M.1003).

(3) Observations of the French Government, dated April 2nd, 1930 (document C.P.M.1003).

(4) Observations of the Australian Government, dated April 23rd, 1930 (document C.P.M.1003*(a)*).

ANNEX 2.

C.P.M.1007(2).

AGENDA OF THE EIGHTEENTH SESSION OF THE PERMANENT MANDATES COMMISSION.

I. Opening of the Session.

II. Election of the Chairman and Vice-Chairman of the Commission for 1930–31.

III. Examination of the Annual Reports of the Mandatory Powers.

Syria, 1929.
Tanganyika, 1929.
Togoland under French Mandate, 1929.
Nauru, 1929.
New Guinea, 1928–29.
South West Africa, 1929.

IV. General Questions.

(a) Treatment extended in Countries Members of the League of Nations to Persons belonging to Territories under A and B Mandates and to Produce and Goods coming therefrom. (Rapporteur : M. Rappard.)

(b) Determination of General Conditions that must be fulfilled before the Mandate Regime can be brought to an End in Respect of a Country placed under that Regime.

(c) Public Health in Mandated Territories.

V. Petitions.

(1) Petitions rejected as not deserving the Commission's Attention :
Report by the Chairman (document C.P.M.1024).

(2) Petition from the League of Nations Union, London, dated June 13th, 1929 (document C.P.M.863).

Observations of the Belgian, British, French, Japanese, South Africa and New Zealand Governments (document C.P.M.1003) and of the Australian Government (document C.P.M.1003*(a)*).

(3) Syria.

Petition from the Emir Chekib Arslan and from M. Ihsan el Djabri, dated July 8th, 1929 (document C.P.M.922).

Observations of the French Government, dated June 19th, 1930 (document C.P.M. 1057).

(Rapporteur : Count de Penha Garcia.)

(4) Syria and Trans-Jordan.

Petition from the Emir Chekib Arslan and from M. Ihsan el Djabri, dated November 6th, 1929 (document C.P.M.990).

Observations of the British and French Governments, dated May 5th, 1930, and June 7th, 1930, respectively (documents C.P.M.1010 and 1039).

(Rapporteur : Count de Penha Garcia.)

(5) Trans-Jordan.

Petition, dated June 21st, 1929, from M. Hussein el Tarawneh and Observations of the British Government, dated November 29th, 1929 (document C.P.M.984).

(Rapporteur : M. Orts.)

(6) Iraq.

Petitions from the British Oil Development Company, London, dated May 27th and September 17th, 1929 (documents C.P.M.856 and 928).

Observations by the British Government, dated December 3rd, 1929 (document C.P.M.985).

(Rapporteur : M. Van Rees.)

(7) Togoland under French Mandate.

Petitions, dated March 15th, 1929 and January 1st, 1930, respectively, from Notables of Agou-Nyogou and Observations of the French Government, dated April 15th, 1930 (document C.P.M.1006).

(Rapporteur : M. Rappard.)

(8) Cameroons under French Mandate.

Petition, dated December 19th, 1929, from a Group of Inhabitants of Duala transmitted by the French Government on May 26th, 1930 (document C.P.M.1045).

(9) South West Africa.

(a) Petition from the Kaoko-Land- und Minen-Gesellschaft.

Further Petition, dated November 4th, 1929 (document C.P.M.983).

Observations of the South African Government, dated March 24th, 1930 (document C.P.M.1000).

(Rapporteur : M. Palacios.)

(b) New Petition from Certain Members of the Rehoboth Community.

(1) Telegram, dated July 2nd, 1929, from Mr. Daniel Beukes.

Observations of the Government of South Africa, dated November 19th, 1929 (document C.P.M.988).

(2) Petition, dated February 11th, 1930, received from Mr. Jacobus Beukes, of Rehoboth, and forwarded by the Mandatory Power with its observations on March 28th, 1930 (document C.P.M.1004).

(3) Petition, dated October 25th, 1929, from Mr. Jacobus Beukes, forwarded by the Mandatory Power on May 28th, 1930 (document C.P.M.1017).

(Rapporteur : Lord Lugard.)

(c) Petition, dated November 29th, 1929, from the Anti-Slavery and Aborigines Protection Society of London (document C.P.M.986).

Observations of the South African Government, dated January 24th, 1930 (document C.P.M.994).

(Rapporteur : M. Sakenobe.)

(d) Further Petition from Mr. A. Bergmann, dated February 12th, 1930, and Observations of the Mandatory Power, dated March 26th, 1930 (document C.P.M.1005).

(Rapporteur : M. Merlin.)

ANNEX 3.

C.P.M.1023(1).

ADMISSION OF IRAQ TO THE LEAGUE OF NATIONS.

CONSIDERATIONS WHICH MIGHT SERVE AS A BASIS FOR THE DISCUSSION OF THIS QUESTION.

NOTE BY M. VAN REES.

On January 13th, 1930, the Council, after a discussion on the ultimate entry of Iraq into the League of Nations, approved of the following resolution :

> " Being anxious to determine what general conditions must be fulfilled before the mandate regime can be brought to an end in respect of a country placed under that regime, and with a view to such decisions as it may be called upon to take on this matter, the Council, subject to any other enquiries it may think necessary, requests the Mandates Commission to submit any suggestions that may assist the Council in coming to a conclusion."

This resolution is of a general character, and no distinction is made between the various reasons which may lead to the abolition of a mandate, nor between the various territories at present under mandate.

In order not to complicate the question to no practical purpose, I suggest that the Commission should only deal for the moment with the conditions under which Iraq might be admitted to the League. This, in fact, was the question which led the Council to adopt the above resolution, and Iraq is also the only mandated territory whose admission to the League can be usefully considered.

* * *

Iraq's admission requires consideration from two standpoints : *(a)* Article 1 of the Covenant and *(b)* Article 22 of the Covenant.

A. *Examination from the Standpoint of Article 1 of the Covenant.*

Article 1, paragraph 2, of the Covenant provides that any State, Dominion or Colony, not yet a Member of the League of Nations, may become a Member provided :

(a) That it is fully self-governing ;

(b) That it gives effective guarantees of its sincere intention to observe its international obligations ;

(c) That it accepts such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments.

Finally, admission must be agreed to by two-thirds of the Assembly.

Ad *(a). Is Iraq fully self-governing ?*

Under the terms of its Constitution, dated March 21st, 1925, adopted by the Constituent Assembly on July 10th, 1924, and amended by the Laws of July 29th, 1925, Iraq, according to the provisions of Article 2, is :

> " *a Sovereign State, independent and free.* Her territories are indivisible and no portion thereof may be given up. Iraq is a constitutional, hereditary monarchy with a representative Government."

Article 19 adds :

> " The sovereignty of the constitutional Kingdom of Iraq resides in the people . . . "

This national sovereignty had already been recognised. Article 1 of the Treaty of Alliance, signed at Baghdad on October 10th, 1922, by Great Britain and Iraq, provides :

> " At the request of His Majesty the King of Iraq, His Britannic Majesty undertakes, subject to the provisions of this Treaty, to provide the State of Iraq with such advice and assistance as may be required during the period of the present Treaty, without prejudice to her *national sovereignty* . . . "

We may also observe that the political institutions of Iraq (Chamber of Deputies, Senate, Council of Ministers, inviolability and non-responsibility of the King), as defined in detail in its Constitution, resemble those of civilised countries ; that Iraq has been formally recognised

by Great Britain, France, Germany, Italy, Turkey, Norway, Sweden, Greece, Persia and the Netherlands ; [1] and, finally, that Iraq's frontiers have been defined by special treaties or agreements. [2]

In view of the above fact, I think that the first condition laid down in Article 1 of the Covenant does not obstruct Iraq's admission to the League.

On the other hand, Iraq at the present time is undoubtedly still one of the territories referred to in paragraph 4 of Article 22 of the Covenant, to which the mandate regime applies. Great Britain also, in her capacity as mandatory Power, undoubtedly undertook, in its communication made on September 27th, 1924, to the Council of the League of Nations, and approved on the same date by the latter as giving effect to the provisions of Article 22 of the Covenant, to assume, so long as the Treaty of Alliance of September 10th, 1922, remained in force, " responsibility for the fulfilment by Iraq of the provisions of the said Treaty of Alliance ". It might thus be maintained that, from the juridical point of view, Iraq is not at the present moment fully self-governing. It should, however, be emphasised that, under Article VI of this communication, the obligations assumed by His Britannic Majesty's Government shall terminate " in the event of Iraq being admitted to the League of Nations ".

Ad (b) *and* (c). *International Obligations and Regulations in regard to Armaments.*

As on the occasion of Abyssinia's admission to the League of Nations, the conditions laid down under *(b)* and *(c)* appear to me to require that the Iraq Government should sign a formal declaration to the effect that Iraq :

1. Is prepared to accept the conditions contained in Article 1 of the Covenant and to discharge all obligations devolving on Members of the League ;

2. Undertakes to observe the provisions of the Convention for the Supervision of the International Trade in Arms and Ammunition and in Implements of War, signed at Geneva on June 17th, 1925 ; [3]

3. Is always prepared to furnish the Council with any information on, and to give consideration to, any recommendations the Council may make regarding the execution of undertakings of importance to the League.

B. *Examination from the Standpoint of Article 22 of the Covenant.*

Iraq is one of the territories which belonged to the Turkish Empire, and whose independence is provisionally recognised by Article 22 " subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone ".

What body decides that this moment has arrived ?

It is, I think, in the final resort, the League Assembly which, with the Council's advice, should decide this question in agreement with the mandatory Power.

If, then, the latter states unreservedly that Iraq is capable of standing alone, and cites in support the political constitution and the administrative organisation of the country, together with the *de jure* or *de facto* recognition accorded it by a number of States, I cannot see how the opposite point of view can well be maintained, even though certain isolated facts might be mentioned which detract somewhat from the general assurance given by the mandatory Power.

The question remains whether — and, if so, on what conditions — the admission of Iraq to the League should be made contingent on certain conditions arising out of the existing mandatory regime.

On this point I beg to submit the following considerations :

(a) *Interests of Foreign Nationals in Judicial Matters.*

The Judicial Agreement between Great Britain and Iraq of March 25th, 1924, made under Article 9 of the Treaty of Alliance of 1922, provides for the grant of special judicial privileges in Iraq to the nationals of certain States which formerly benefited by capitulations in Turkey and did not voluntarily renounce them before July 24th, 1923, when the Treaty of Lausanne was signed. These privileges include, *inter alia*, the right on the part of such nationals in certain circumstances to have cases in which they are involved tried by British judicial officers, either sitting alone or in company with Iraqi colleagues.

The provision that capitulation privileges should not be renounced before a specific date led to the rather inequitable result that British, French, Italian and Japanese nationals, for example, enjoyed special judicial privileges in Iraq which were not granted to German, Czechoslovak, Swiss, Turkish and Persian subjects.

This anomalous state of affairs and the increasing resentment felt by Iraqis to the more favourable judicial treatment granted to nationals of certain States led the British Government, on February 16th, 1929, to ask the Council to approve, in principle, the abolition of the Judicial

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[1] See annual reports for 1925 (page 20), 1926 (page 19) and 1928 (page 28), and page 34 of the Minutes of the Sixteenth Session. The United States of America have since followed the example of other States.

[2] Certain sections of the frontiers, however, still await precise demarcation.

[3] If this undertaking has not yet been given when Iraq requests admission.

Agreement of March 25th, 1924, pending the submission of detailed proposals for the institution of a uniform system of justice applicable without differentiation to all persons in Iraq.

At its meeting on March 9th, 1929, the Council refrained from giving its general approval, pure and simple, to the judicial reform proposed by the British Government.

In the report submitted by M. Procopé (Rapporteur), Finnish representative, the conclusions of which were adopted by the Council, the latter, although not refusing the British Government the general authorisation it asked, made the reservation " that the States which enjoy privileges under the agreement in force will signify to the mandatory Power their willingness to renounce them ".

Final approval will, therefore, depend on the detailed proposals which the British Government will submit to the Council and on the attitude taken on these proposals by the States which benefit by the existing regime. [1]

In these circumstances, I do not see what recommendation the Mandates Commission could usefully make on this subject.

The Council has already made its attitude clear. It awaits the British proposals before taking a final decision. It is, therefore, not for the Mandates Commission to express an opinion on this special question, the raising of which has, moreover, no bearing on the ultimate admission of Iraq to the League of Nations.

Could the Commission, before being acquainted with the proposals in course of preparation, suggest refusing to sanction the scheme of judicial reform, the effect of which, as soon as known, was to induce Persia to give Iraq official recognition and to that effect to sign a general provisional agreement with her ?

Could it recommend that, before being admitted to the League, Iraq should be required to extend the existing discriminatory regime to all foreigners, nationals of States belonging to the community of nations, in spite of the serious inconveniences which, according to the British Memorandum of February 16th, 1929, this would involve ?

I do not think that the Commission can contemplate either of these alternatives.

(b) *Interests of Foreign Nationals in Religious Matters.*

Article 3 of the Anglo-Iraqi Treaty of 1922 provides :

> " . . . This Organic Law shall ensure to all complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals . . . "

In accordance with this provision, Article 13 of the Organic Law (Constitution) of Iraq states :

> " . . . Complete freedom of conscience and freedom to practise the various forms of worship, in conformity with accepted customs, is guaranteed to all inhabitants of the country, provided that such forms of worship do not conflict with the maintenance of order and discipline or public morality."

Article 12 of the Treaty of Alliance further provides :

> " No measure shall be taken in Iraq to obstruct or interfere with missionary enterprise or to discriminate against any missionary on the ground of his religious belief or nationality, provided that such enterprise is not prejudicial to public order and good government."

The Iraqi Constitution [2] does not contain any such provision.

Can Article 13 of the Constitution be deemed an adequate safeguard of the interests of foreign nationals in religious matters ?

I think there is some doubt.

Therefore, since :

> Recognition of universal freedom of conscience and freedom to practise the various forms of worship, as well as respect for missionary enterprise, religious and social, subject to the necessary measures for the maintenance of public order, morals and good government, cannot reasonably be deemed an infringement of a country's independence or sovereignty ;
>
> The Iraq Government itself has given proof of this by raising no objection to the provisions of Articles 3 and 12 of the 1922 Treaty, although the latter specifically recognised the national sovereignty of the country ;
>
> I think that there would be no objection, either legal or political, to Iraq's admission to the League being made conditional on its first signing a formal declaration safeguarding the interests of foreign nationals in religious questions in a form at least as categorical as that which at present guarantees these interests. [3]

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[1] It should be observed that Article 74 of the Iraq Constitution provides to some extent for the judicial interests of foreign nationals. This point will not be overlooked by the Council.

[2] The Treaty between Great Britain and Iraq, signed in London on December 14th, 1927, which has since lapsed, also does not contain any provision corresponding to Article 12 of the 1922 Treaty.

[3] It might even be desirable to consider whether it would not be preferable in this declaration to substitute for the existing formulæ those which appear in Article 7 (5) of the B mandates which are much clearer and more comprehensive.

Further, the Iraq Government should be induced to agree that any dispute of whatever nature which might arise between it and another Member of the League of Nations regarding the interpretation or application of the clauses of this declaration, and which could not be settled by negotiation, should be submitted to the Permanent Court of International Justice at The Hague.

(c) *Interests of Foreign Nationals in Economic, Commercial and Industrial Matters.*

These interests were guaranteed by Article 11 of the Treaty of Alliance, which reads as follows : [1]

> " There shall be no discrimination in Iraq against the nationals of any State Member of the League of Nations or any State to which His Britannic Majesty has agreed by treaty that the same rights should be ensured as it would enjoy if it were a Member of the said League (including companies incorporated under the laws of such State), as compared with British nationals or those of any foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of merchant vessels or civil aircraft. Nor shall there be any discrimination in Iraq against goods originating in or destined for any of the said States. There shall be freedom of transit under equitable conditions across Iraq territory."

Can the Assembly ask Iraq to sign, before being admitted to the League, a document binding her to maintain in future the equality of treatment laid down in the above provisions ?

At the meeting on January 13th, 1930, Mr. Henderson, the British representative on the Council, seemed inclined to give a negative reply. According to the Minutes of this meeting,

> " Mr. Henderson would like to say at once that he could not accept, here and now, the view that any independent State, on admission to the League, should be required to give any guarantee on that point " (*i.e.*, in regard to economic equality).

Should this objection induce the Council and the Assembly to refrain from any action for the protection of the interests of foreign nationals ?

Let us consider more closely what this would imply.

Article 11 of the Treaty only provides for equality of treatment in the matters referred to as between nationals of the various States Members of the League of Nations and of the United States of America — the latter having, under a treaty recently concluded with Iraq, secured the same rights and privileges as enjoyed by Members of the League. No mention is made of the Iraqis. The article only refers to foreign nationals and in no sense enforces the application of a regime favouring the latter to the disadvantage of the people of Iraq ; there is nothing, even, to prevent more favourable rules being laid down for nationals of the country, the Iraqis, than for foreign nationals. It merely provides that foreigners of various nationalities should be treated on the same footing — nothing more nor less. This provision, too, is in accordance with the provisions of A and B mandates on this subject, experience having fully shown that differential treatment can easily give rise to international rivalry and friction. That is why the mandatory system recognises the principle of economic, commercial and industrial equality.

It is difficult to see how a State which, on admission to the League, subscribes to the Preamble of the Covenant could object to eliminating this source of complications so menacing to the peace and security of nations — especially as the guarantee in question, far from entailing any sacrifice, can, on the contrary, only benefit the country and its nationals ; and, having existed since 1922, would, moreover, be no innovation.

For the above reasons, I think that the maintenance of this guarantee should certainly be suggested. Not because acquired rights would be involved, seeing that the provisions of mandates regarding economic equality only grant third Powers Members of the League of Nations and their nationals *temporary privileges* and do not confer upon them rights which continue after the mandate has expired. In accepting a mandate, the mandatory Power assumes certain obligations in regard to this economic equality, but these only continue as long as the mandate itself. When the territory reaches maturity and no longer requires a mandatory, the mandate, with all its obligations or guarantees, terminates. The same applies in the case of Iraq.

If, therefore, maintenance of the guarantee in question cannot be claimed in virtue of acquired rights, it would be fully justified by political considerations affecting the very objects of the League in the attainment of which the new Member is bound to co-operate.

The action to be taken in this respect seems to be similar to that suggested above in paragraph *(b)*.

(d) *Interests of Minorities of Race, Language and Religion.*

In regard to these interests, it seems to me that the only course is to give effect to the recommendation of the first Assembly made on December 15th, 1920.

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[1] See Article 9 of the 1927 Treaty. This article did not, therefore, appear incompatible with the independence of Iraq as a sovereign State, explicitly recognised in Article 1 of that Treaty.

This recommendation was as follows :

" In the event of Albania, the Baltic and Caucasian States, being admitted into the League, the Assembly requests that they should take the necessary measures to enforce the principles of the Minorities Treaties and that they should arrange with the Council the details required to carry this object into effect."

Iraq might be asked to sign a declaration containing provisions similar to those in the Minorities Treaties.

* * *

It follows from the above that, in my opinion, Iraq, having been declared by His Britannic Majesty's Government capable of full self-government, could, at that Government's request, be admitted to membership of the League of Nations, provided it first agreed to sign a declaration containing certain undertakings, the precise form of which should be defined by the Council and the Assembly.

In accepting these undertakings, Iraq would assume the sole responsibility towards the League and, if necessary, towards the Permanent Court of International Justice for their strict and conscientious discharge.

Should this responsibility be shared by Great Britain, or should the latter guarantee the discharge of the undertakings assumed, as the majority of the Mandates Commission at the sixth session seemed to suppose ?

As I explained at the Commission's meeting on November 20th, 1929, I fail to understand how the Assembly and Council could claim such a guarantee from Great Britain.

The question before us is to deal with the consequences of the termination of the Iraq mandate on the latter's admission to the League. It therefore seems to me impossible to invoke previous relations between Iraq and Great Britain and to insist that, notwithstanding Iraq's full and complete emancipation, the former Mandatory Power should still remain responsible for the Iraq Government's acts. Once the former state of affairs arising out of treaties concluded and undertakings given by Great Britain terminates, Iraq and Iraq alone must be fully responsible for the discharge of the undertakings she gives with the object of being admitted a Member of the League.

ANNEX 4.

C.P.M.1024.

PETITIONS REJECTED IN ACCORDANCE WITH ARTICLE 3 OF THE RULES OF PROCEDURE IN RESPECT OF PETITIONS.

REPORT BY THE CHAIRMAN.

I have the honour, under the terms of Article 3 of the Rules of Procedure, to submit the following report upon the petitions received since our last ordinary session which I have not considered deserving the Commission's attention.

I. Palestine.

1. *Letter from the Emir Chekib Arslan and M. Ihsan el Djabri, dated January 15th,* 1930.

In this communication the petitioners protest against the Council resolution of January 14th, 1930, concerning the setting up of the Wailing Wall Commission. Since this decision was taken by the Council on its own exclusive authority and upon the basis of the Palestine mandate, and since the petitioners protest against the terms of the mandate, I considered that this petition should be regarded as not receivable.

2. (a) *Letter, dated January 21st,* 1930, *with a Memorandum, from Dr. Jacobson, Delegate of the Executive Committee of the Zionist Organisation.*

(b) *Letter from the Emir Chekib Arslan and M. Ihsan el Djabri, dated January 24th,* 1930.

These documents consist of a Press polemic concerning the contents of the above-mentioned letter, dated January 15th, from the Emir Chekib Arslan and M. Ihsan el Djabri. They did not, therefore, in my opinion, call for any action on my part as Chairman of the Permanent Mandates Commission.

3. *Letter from M. Salomone Meiohas, dated January 21st, 1930.*

No direct complaint is made in this letter regarding the administration of mandated territory. The letter touches indirectly on a question which the Commission has already discussed, namely, the nationality of persons of Palestinian origin at present residing abroad. The petitioner asks for an international passport, a request with which the Mandates Commission is not, of course, competent to deal. I considered, therefore, that this petition did not call for consideration by the members of the Commission.

II. Syria and Palestine.

1. *Communication from the Emir Chekib Arslan and M. Ihsan el Djabri, dated January 11th, 1930.*

This document contains, in the first place, an elaborate criticism, which is, however, couched in very general terms, of the policy of the responsible authorities towards Arab countries, especially towards the mandated territories of Syria and Palestine. The allegations made in it with regard to the procedure of the law courts in Palestine are, moreover, as the petitioners themselves admit, entirely lacking in precision. Further, the reference of the petitioners to the " Dead Sea Concession " is merely an assertion in very vague terms. The petitions properly so-called, which are presented in the form of conclusions, constitute a protest against the mandate. I considered that this petition should be regarded as not receivable, since it contains, on the one hand, allegations entirely lacking in precision and, on the other, requests which are incompatible with the provisions of the Syria and Palestine mandates.

2. *Telegram, dated Cairo, January 15th, 1930, from the Syro-Palestinian Executive Committee, with reference to the Situation in Syria and Palestine.*

No definite allegation is made in this communication with regard to any matter concerning the administration of these two mandated territories. I considered, therefore, that this telegram was not a petition receivable under the procedure in force.

III. Western Samoa.

Telegram from Mr. E. Stevenson (Auckland, New Zealand), dated January 28th, 1930.

This communication is a protest entirely lacking in precision against the repressive measures recently taken by the New Zealand authorities in Western Samoa. Further, it contains a request that the League should transfer the mandate for this territory to the British Government, a request which is incompatible with the actual terms of the mandate. I considered therefore, that this petition should be regarded as not receivable.

IV. Togoland under French Mandate.

Letter, dated Accra, November 12th, 1929, together with two Annexes, from the " Bund der Deutsch Togoländer ".

This petition aims chiefly at disputing — in very disrespectful terms — the decision which I took in connection with a communication from the same source, dated August 31st, 1929. It does not, moreover, give any fresh information of importance upon the points which its authors are endeavouring to prove, and it contains requests which are incompatible with the provisions of the Covenant and of the mandate, I therefore considered that it was not deserving of the attention of the Commission.

ANNEX 5.

C.P.M.1031.

TREATMENT EXTENDED IN COUNTRIES MEMBERS OF THE LEAGUE TO PERSONS BELONGING TO TERRITORIES UNDER A AND B MANDATE AND TO PRODUCTS AND GOODS COMING THEREFROM.

REPORT BY M. RAPPARD.

In compliance with the Chairman's wishes, I have the honour to submit to the Mandates Commission the following note on the treatment extended in countries Members of the League to persons belonging to territories under mandate and to products and goods coming therefrom.

My colleagues will remember that this question, to which the Commission's attention was called by the French Government in 1928, [1] has been discussed on several occasions.

On the last occasion, at its fifteenth session, the Commission decided :

> " To recommend the Council to ask the mandatory Powers whether they consider it necessary and expedient to contemplate the conclusion of an international convention, or whether in their opinion it would be preferable, and sufficient, for them to pursue the end in view by means of direct and bilateral negotiations. "

I would remind the Commission that the end in view, according to this resolution, was to secure to persons belonging to territories under A and B mandate, and to goods coming therefrom, economic equality in the territories of the States Members of the League.

On September 6th, 1929, the Council, having considered the Mandates Commission's proposal, adopted a resolution in the following terms :

> " The Council asks the Powers entrusted with A and B mandates whether they consider it necessary and expedient to contemplate the conclusion of an international convention intended to secure to the territories under A and B mandate the benefit of reciprocity in respect of economic equality which these territories are obliged to grant to States Members of the League of Nations, at least with regard to business transactions ; or whether, in their opinion, it would be preferable and sufficient for them to pursue the end in view by means of direct and bilateral negotiations. "

This request, conveyed to the three mandatory Powers specially concerned, brought replies from the Belgian Government (February 7th, 1930), the British Government (March 6th, 1930) and the French Government (May 7th, 1930).

The Belgian Government expressly states that it " considers it expedient and necessary to contemplate the conclusion of an international convention intended to secure to territories under A and B mandate the benefit of reciprocity in respect of economic equality which these territories are obliged to grant to States Members of the League of Nations ".

The British Government states that the conclusion of such a convention " would be welcomed, though it is not regarded as necessary ".

The French Government considers that the convention " would facilitate the task of the mandatory Powers in future ".

The Mandates Commission is, therefore, now in possession of all the information it thought necessary before making a recommendation to the Council. We must accordingly consider what that recommendation should be.

The three mandatory Powers concerned are unanimous in recognising the advantages that might accrue to their mandated territories from the application of an international convention intended to secure for them, both as regards emigration and as regards the export of goods, that economic equality which they are obliged to grant to the nationals and the trade of the States Members of the League in the mandated territories. It might seem desirable, therefore, to recommend the Council to convene an international conference to draw up such a convention. On the other hand, the Mandates Commission must consider whether the contemplated advantages seem really sufficient to justify it in suggesting to the Council a measure involving much constant labour and by no means assured of that success which alone could vindicate its adoption. Perhaps a special convention might be drawn up by the Assembly, or by a special economic conference convened to deal at the same time with other subjects of more general concern.

We must bear in mind that the only beneficiaries under such a convention would be the territories under A and B mandate, as represented by their respective mandatory Powers. Of the Governments of those three Powers, only the Belgian Government seems to attach any real importance to the holding of a Conference. The convention which that Conference would draw up would only impose one new obligation on all the other States Members of the League. In point of fact, they would be asked to recognise a legal character as attaching to the moral law that can already be invoked on behalf of their territories under A and B mandate by the Governments administering those territories.

In conclusion, I should think it unwise to lay before the Council a definite proposal for the summoning of an international conference with this object. In my view, it would suffice to remind the Council of the origin and the interest of the question and suggest that, if the Council thought it inexpedient to convene such a conference, it might find other means of obtaining the same result. If even the preparation of a multilateral convention by the Assembly or by some future economic conference were regarded by the Council as inexpedient, it might ask all the States Members of the League to give a favourable response to any requests received from the mandatory Powers for securing to the territories under A and B mandate advantages corresponding to those enjoyed by their nationals and goods in those territories.

In view of the part that the Council of the League has to play, according to Article 22 of the Covenant, in the administration of the mandated territories, the adoption of such a step by the Council would seem entirely justified. It would obviate the delays, the expense and the hazards of an international convention, and yet would tend to secure to the territories under

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[1] See Annual Report on the Situation in Syria and the Lebanon (1927), page 100, and Minutes of the Permanent Mandates Commission, Thirteenth Session, pages 168 and 169.

A and B mandate and to persons belonging to those territories advantages corresponding to their interests and desires, and at the same time conforming to the dictates of justice and to the spirit of the mandate system. Such a procedure, moreover, would be in accordance with the precedents established by the Council itself on two occasions [1] and sanctioned by the Assembly. [2]

ANNEX 6.

C.P.M.856.

IRAQ.

PETITION, DATED MAY 27TH, 1929, FROM THE BRITISH OIL DEVELOPMENT CO., LTD., OF LONDON, TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

I am instructed by my Directors to call your attention to the matters mentioned below and to ask you to be so kind as to communicate the contents of this letter to the Permanent Mandates Commission of the League of Nations at Geneva.

1. Under the Convention, dated March 14th, 1925, between the Government of Iraq and the Turkish Petroleum Co., Ltd., the Iraq Government granted to that company the exclusive right (subject to Article 6 thereof) to explore, prospect, drill for, extract and render suitable for trade, petroleum, naphtha, natural gases, etc. (within the area therein defined), and the right to carry away and sell the same and the derivatives thereof.

2. Article 5 of the said Convention provides, *inter alia*, as follows :

> " Within thirty-two months after the date of this Convention, the Company shall select twenty-four rectangular plots, each of an area of 8 square miles, and within three years after the date of this Convention the Company shall start drilling operations therein, working continuously with a minimum of six rigs ; *and, in the event of this provision not being complied with, this Convention shall become entirely null and void.*"

3. Article 6 makes provision for the selection annually by the Government of not less than twenty-four rectangular plots, each of an area of 8 square miles (the first selection to be made within four years of the date of the said Convention), which plots were to be offered by the Government for competition, by sealed tender, *between all responsible corporations, firms and individuals.*

4. The selection to be made by the company, under Article 5, above quoted, not having been made within the period thereby prescribed, the Government purported to extend the period, first to November 14th, 1928, and subsequently to March 6th last. These extensions have, so far as we can ascertain, not been officially gazetted, and we are advised that their validity is open to question. In any event, the dates have now passed, and still no opportunity has been given to others to tender in accordance with the provisions of Article 6.

5. It is submitted that the above facts make it abundantly clear that the Turkish Petroleum Company have no longer any rights under the said Convention, which has become " entirely null and void ".

6. Article 6 of the Treaty between the United Kingdom and Iraq, signed in London on December 14th, 1927, provides :

> " His Majesty the King of Iraq undertakes, so soon as local conditions in Iraq permit, to accede to all general international agreements already existing or which may be concluded hereafter with the approval of the League of Nations in respect of the following : *i.e. (inter alia)*, commercial equality."

7. During the past year, my company has been in constant communication with the Iraq Government, and has made proposals, none of which the Government has been in a position to accept. Our representatives inform us that the Government were favourably impressed with these proposals, especially as they provided a means of developing the oil resources of the country without undue delay ; but that the Government were unable to deal with them as long as the Turkish Petroleum Company had not made their selection of plots.

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[1] *Official Journal*, October 1925, page 1514 ; October 1928, page 1451.
[2] Resolutions of the Sixth Session of the Assembly, page 29.

8. On April 8th last, my company's representative in Baghdad, Reouf Beg al Chaderchi, made application to the Minister of Communications and Works in the following terms :

" Acting under instructions received from the British Oil Development Co., Ltd., which I represent here, as per letter dated April 3rd, 1929, addressed to the Prime Minister, a copy of which is herewith enclosed, I beg to bring the following facts to your notice : According to paragraph 1, Clause 5, of the Turkish Petroleum Company Convention, the said company is under obligation to select twenty-four plots within a fixed period and to start operations, failing which the Convention becomes null and void. In view of the fact that the stipulated period, together with the extensions granted by the Government, have already expired without the obligations referred to in the said clause having been fulfilled, the concession accorded to the Turkish Petroleum Company has subsequently lapsed.

" I have the honour, on behalf of the British Oil Development Company, to make a formal application requesting the Iraq Government to grant a concession to the British Oil Development Company to work the same area as that covered by the concession now lapsed of the Turkish Petroleum Company. I shall be most grateful for an early reply to enable our company to take the necessary steps."

The following reply to this letter was received from the Minister by the representative of the British Oil Development Company :

" Government unable to consider your request for the grant of a concession with regard to the area included in the concession granted to Turkish Petroleum Company."

In view of the ambiguity of this reply, my company cabled their representative as follows :

" Government reply ambiguous. What is the area referred to ? Counsel here maintain that the Turkish Petroleum Company's concession expired."

To this we have received no definite reply.

9. I should further explain that it is a matter of common knowledge that the Turkish Petroleum Company endeavoured last year to obtain a further extension of five years, and a bill was prepared for the purpose of obtaining the necessary Parliamentary sanction, In view, however, of the serious opposition which the proposal evoked, the Iraq Cabinet have never submitted the bill.

We are informed that pressure is again being put on the Government to grant extension without submitting the matter to Parliament, on the plea that such extension would be competent under the *force majeure* clause of the Convention.

The weakness of this plea is apparent from the fact that the Iraq Cabinet were unable to grant the extension last year without the sanction of Parliament, and there has since been no change in the circumstances, other than a change of Cabinet.

10. Unless immediate action is taken in the matter, the Iraq Government may grant the extension, with the result that the development of the country would be seriously retarded, and the opportunity of participating in such development denied to others, in contravention of the " open door " policy which we understand to be an accepted fundamental principle.

11. My company is aware that a petition has been lodged with the Iraq Government on behalf of certain Turkish nationals, who claim rights existing prior to the war and accordingly protected under Section 65 of the Lausanne Treaty. I may add that my company in no way seeks to oppose those claims ; but, in the event of Concessions being granted to it, my company would be willing to recognise those rights to the full extent to which they may be established.

12. My directors will accordingly be grateful if you will be good enough to give immediate consideration to the foregoing facts, and, in particular, to the following points :

(a) That the Turkish Petroleum concession has become null and void.

(b) That the proposed extension of the Turkish Petroleum concession would be irregular.

(c) That opportunity is being denied to participate in the development of Iraq.

(d) That the development of Iraq is being retarded.

We lay particular stress on the fact that any further delay in throwing open the oil-fields of Iraq to those who are ready to develop them — as my company is prepared to do — will very seriously prejudice the development of the important natural resources of Iraq.

I shall be glad to afford any further information within my knowledge, or that of my directors, which you may require to enable you to form a proper opinion on the matters above mentioned and on the steps which the Permanent Mandates Commission (or other proper authority of the League of Nations) may be advised to take.

(Signed) J. H. Mann,
Secretary.

C.P.M.928.

FURTHER COMMUNICATION TO THE SECRETARY-GENERAL, DATED SEPTEMBER 17TH, 1929, FROM THE BRITISH OIL DEVELOPMENT Co., LTD.

I beg to refer to my letter of May 27th, 1929,[1] and your acknowledgment thereof dated June 3rd, 1929, No. 6A-4118/655.

1. My directors understand that this company's petition, contained in my letter of May 27th, 1929, having been submitted to the Chairman of the Permanent Mandates Commission, now stands for consideration at the next session of that Commission. I am therefore directed to submit this supplementary statement for the assistance of the Commission and to acquaint them with what has taken place since the date of the original petition.

2. It will be remembered that my company has so far failed to obtain from the Iraq Government a concession which would enable it to assist in the development of the oil resources of Iraq. The main obstacle to the obtaining of such a concession has been that the Convention of March 14th, 1925, in favour of the Turkish Petroleum Co., Ltd., and extensions thereof, have been so used as to prevent any of the oil-fields being made available for development by other responsible corporations, such as my company. Even under the Convention of 1925, plots should have been offered to such other responsible corporations of firms and individuals *not later than March 6th, 1929.*

My company having, prior to May 27th last, endeavoured to obtain a concession, has since then continued its efforts in that direction, as will appear from the following paragraphs.

3. By a letter of April 8th, 1929, from my company's representative to the Prime Minister and to the Minister of Communications and Works of Iraq (which is referred to in my company's petition of May 27th, 1929) my company had made an application for a concession, and, prior to May 27th, 1929, my company had only received brief advice by cable as to the reply thereto. The reply is contained in a letter of May 5th, 1929, to the effect that the Government was unable to consider the request " in regard to the area included in the concession granted to the Turkish Petroleum Co., Ltd. " (*i.e.*, for practical purposes, the whole of Iraq except the vilayet of Basra). My company's representative then wrote a further letter of May 18th, 1929, referring to " the expiry of the time fixed under the concession ", and requested further information, and he received a reply thereto dated June 3rd, 1929. Copies of all these letters are attached hereto.[2]

4. In the meanwhile, my company received information to the effect that, notwithstanding our negotiations, there were indications that the Iraq Government intended to introduce a bill during the then session of the Iraq Parliament for sanction of some renewal or extension of the Convention of the Turkish Petroleum Co., Ltd. My company, fearing that this would still further delay the granting of oil concessions to my company or other responsible corporations, firms or individuals, endeavoured to prevent any such sanction. My company's representative wrote two further letters to the Iraq Government, dated respectively June 1st and 4th, 1929, of which copies are attached hereto,[3] and the session closed without sanction being given to any renewal, extension or variation of the Convention of the Turkish Petroleum Co., Ltd. My directors fear, however, that further efforts are likely to be made in the near future towards some renewal or extension unless steps are taken to obviate a result so prejudicial both to Iraq and to other interests.

5. I should add that the British Oil Development Company has strengthened its position by entering into arrangements with an influential Italian company, the Azienda Generale Italiana Petroli (generally known as A.G.I.P.), having its head office in Rome, whereby the A.G.I.P. acquire 40 per cent of the shares of the British Oil Development Company.

6. I am instructed to repeat and emphasise the following :

(a) The working of Iraq's oil-fields, which should be by far its most valuable and important industry, is being retarded. This results from the non-performance of the terms of the Turkish Petroleum Company's Convention which, having lapsed and become void, should no longer be permitted to stand in the way of opportunities being given to others.

(b) The British Oil Development Company is prepared to take a substantial part in such work if given the opportunity and to do so without undue delay. This opportunity is denied to us because of a concession given to another party whose policy indicates at least hesitation and might well be interpreted as one delaying the marketing of oil from the Iraq fields.

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[1] *Note by the Secretariat.* — Document C.P.M.856.
[2] *Note by the Secretariat.* — Appendices I to IV.
[3] *Note by the Secretariat.* — Appendices V and VI.

7. If any authorities should be cited to establish the importance of the principles of the " open door ", " equal opportunity " and " economic " or " commercial equality ", reference may be made to :

(a) The Treaty of October 10th, 1922, between Great Britain and Iraq, Article XI of which provided :

> " There shall be no discrimination in Iraq against the nationals of any State Member of the League of Nations . . . (including companies incorporated under the laws of such State) as compared with British nationals or those of any foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of merchant vessels or civil aircraft . . . "

(b) The Treaty of January 13th, 1926, between Great Britain and Iraq, which provided that the earlier Treaty should remain in force for a period of twenty-five years from December 16th, 1925, unless Iraq should sooner have become a Member of the League of Nations.

(c) The Treaty of December 14th, 1927 between Great Britain and Iraq, which, although it was never ratified for reasons not affecting the present question, provided in Article VI that Iraq should accede to all general international agreements already existing, or which might be concluded thereafter with the approval of the League of Nations, and, in particular, in respect of " commercial equality " and " measures for the protection of . . . industries ".

(d) The Covenant of the League of Nations as a whole, and in particular Article XXII, Clause 5 of which specifically provides that the mandatory Power will secure in the mandated territory " equal opportunities for the trade and commerce of other Members of the League ".

8. It is submitted by the British Oil Development Company that the foregoing discloses a case in which the Permanent Mandates Commission may properly be asked to advise the Council of the League to require of the Government of Iraq that the oil-fields of Iraq should be thrown open without delay to those now able and willing to work them, and, in the language used by the British Prime Minister when speaking at Geneva on September 3rd, 1929, that every attempt should be made " to translate political agreements into economic agreements that make for economic freedom ".

(Signed) J. H. Mann,
Secretary of the British Oil Development Co., Ltd.

Appendix I.

Letter from the Representative of the British Oil Development Co., Ltd., to the Minister of Communications and Works of Iraq.

Baghdad, April 8th, 1929.

Acting under instructions received from the British Oil Development Company, which I represent here, as per letter dated April 3rd, 1929, addressed to His Excellency the Prime Minister, a copy of which is herewith enclosed, I beg to bring the following facts to your notice :

According to paragraph 1 of Clause 5 of the Turkish Petroleum Company's convention, the said company is under obligation to select twenty-four plots within a fixed period and to start operations, failing which the convention becomes null and void. In view of the fact that the stipulated period and the extensions granted by the Government have already expired without the obligations referred to in the said clause having been fulfilled, the concession accorded to the Turkish Petroleum Company has consequently lapsed, and I have the honour on behalf of the British Oil Development Company to make a formal application requesting the Iraq Government to grant a concession to the British Oil Development Company to work the same area as that covered by the concession now lapsed of the Turkish Petroleum Company.

I shall be most grateful for an early reply to enable our company to take the necessary action.

(Signed) Reouf Chaderchi,
Representative of the British Oil Development Company Ltd.

[Copy sent to His Excellency the Prime Minister.]

Appendix II.

Letter from the Minister of Communications and Works of Iraq to the Representative of the British Oil Development Co., Ltd.

[Confidential.]

Baghdad, May 5th, 1929.

I have the honour to acknowledge receipt of your application dated April 8th, 1929, submitted for and on behalf of the British Oil Development Co., Ltd., and am directed to inform you that the Government is unable to consider your request for the grant of a concession in regard to the area included in the concession granted to the Turkish Petroleum Co., Ltd.

Minister of Communications and Works.

[Copy sent to His Excellency the Prime Minister, Baghdad.]

Appendix III.

Letter from the Representative of the British Oil Development Co., Ltd., to the Minister of Communications and Works of Iraq.

Baghdad, May 18th, 1929.

I have the honour to acknowledge receipt of your Excellency's letter of May 5th, 1929, No. CW/224 in reply to our application for the grant of an oil concession in Iraq in view of the expiry of the time fixed under the concession granted to the Turkish Petroleum Company. I am instructed to state that we are unable to understand to what area your letter refers, and would be most grateful for enlightenment on the subject.

(Signed) Reouf Chaderchi,
Representative of the British Oil Development Company.

[Copy sent to His Excellency the Prime Minister of Iraq.]

Appendix IV.

Letter from the Minister of Communications and Works of Iraq to the Representative of the British Oil Development Co., Ltd.

Baghdad, June 3rd, 1929.

I have the honour to acknowledge receipt of your letter dated May 18th, 1929, and to inform you that the area to which I refer is that mentioned in your letter dated April 8th, 1929, viz., the same area as that covered by the concession granted to the Turkish Petroleum Co., Ltd., and defined in Article 3 of the said concession.

Minister of Communications and Works.

Appendix V.

Letter from the Representative of the British Oil Development Co., Ltd., to His Excellency the Prime Minister of Iraq.

Baghdad, June 1st, 1929.

Adverting to the offer made on December 12th, 1928, to the Government of Iraq by Lord Wester Wemyss on behalf of the British Oil Development Company, I have the honour to inform your Excellency that I have been advised by cable that the British Oil Development Company are sending by this air mail proposals to the Iraq Government relating to their previous offer.

(Signed) Reouf Chaderchi,
Attorney for the British Oil Development Co., Ltd.

[Copy sent to His Excellency the Minister of Communications and Works.]

Appendix VI.

LETTER FROM THE REPRESENTATIVE OF THE BRITISH OIL DEVELOPMENT CO., LTD., TO THE PRIME MINISTER OF IRAQ.

Baghdad, June 4th, 1929.

In continuation of my letter of June 1st, 1929, relating to the offer made to the Iraq Government by Lord Wester Wemyss on behalf of the British Oil Development Company, I have the honour to state that, as we are now awaiting the arrival from London of new proposals, we naturally anticipate that the Iraq Government will give us a reasonable time in which to submit our offer.

I need hardly remind your Excellency in this connection that the other applicants were granted quite a long period, several months I believe, in which to put their proposals before the Iraq Government.

I venture at this point to remind the Government that it is entirely owing to Lord Wester Wemyss's action that a counter offer, now before the Government, has been made at all. The Iraq Government will, I am sure, realise that it would be most discouraging to those who are anxious to be of useful service to the Government to see a generous offer they have made used as a means to obtain an even more favourable offer from another direction, without the Government's recognising the rights of the party who, in effect, was responsible in the first instance for such offer being made.

I therefore look to your Excellency to give favourable consideration to our request to be allowed a proper time in which to submit our proposals before any definite decision is reached in the meantime.

(Signed) Reouf CHADERCHI,
Attorney for the British Oil Development Company.

[Copy sent to His Excellency the Minister of Communications and Works.]

C.P.M.985.

A. OBSERVATIONS OF THE BRITISH GOVERNMENT, DATED DECEMBER 3RD, 1929.[1]

The British Oil Development Company argue, in paragraph 5 of their petition, that the concession granted to the Turkish Petroleum Company has become null and void by reason of certain acts or omissions on the part of the Iraq Government. His Majesty's Government are advised, however, that the time-limits imposed by the concession have been regularly extended from time to time by the Iraq Government, who, in granting those extensions, have not in any way exceeded their constitutional authority or infringed the relevant article of the Organic Law of Iraq. This article (Article 94) reads as follows :

> " No monopoly or concession shall be granted for dealing with or using any of the natural resources of the land, nor for any public service, nor shall the State revenues be farmed out, except in accordance with the law, provided that, where the period relating to them exceeds three years, they must in each case be the subject of a special law."

The concession granted by the Iraq Government to the Turkish Petroleum Company on March 14th, 1925, was for a period of seventy-five years and was granted in virtue of a special law passed by the Iraq Parliament. His Majesty's Government are advised that any variation of that concession would similarly require Parliamentary approval, except in so far as such variation was in accordance with or in virtue of one of the clauses of the concession. The extensions hitherto granted to the Turkish Petroleum Company have not been extensions of the total period of the concession itself, but merely extensions of certain of the periods mentioned in the concession, *e.g.*, in Articles 5 and 6, and have been granted on account of *force majeure* and thus in virtue of Article 39 of the concession. It has not, therefore, been necessary to obtain Parliamentary approval of those extensions. Indeed, so long as the extensions granted are in accordance with the provisions of the concession itself, it would not appear that Parliamentary approval would be necessary.

His Majesty's Government have no reason to suppose that, if the Iraq Government decided to modify the terms of the concession or to extend the total period thereof, they would attempt to do so otherwise than by a special law which would be submitted for the approval of the Iraq Parliament. Nor have His Majesty's Government any reason to believe that there is any foundation for the assertion in paragraph 9 of the petition that pressure has been or is being put upon the Iraq Government to induce them to grant an extension of five years without

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Note by the Secretariat. — [1] See documents C.P.M.856 and C.P.M.928.

submitting the matter to Parliament. In fact, the Iraq Government have recently stated that any variation of the terms of the concession which might be proposed would certainly be submitted to Parliament for approval.

In any case, if and in so far as the British Oil Development Company can show that there has been an infringement of rights possessed by them causing them damage, a case would lie in the courts of Iraq ; and, consequently, in view of paragraph 2 *(a)* of the Rules of Procedure governing the submission of petitions concerning mandated territories (a copy of which was enclosed in the Secretary-General's letter No. 6A/4118/655 of June 6th, 1929), the question would not appear to fall within the competence of the Permanent Mandates Commission. On the other hand, if and so far as the British Oil Development Company are unable to show that they have suffered any damage, they would appear to have no *locus standi* to petition the Permanent Mandates Commission.

The suggestion, in paragraph 7 of the petition, that the Iraq Government were unable to accept the proposals made by the British Oil Development Company because the Turkish Petroleum Company have failed to make their selection of plots, is misleading. In so far as those proposals did not consist of indefinite assurances not committed to paper or were not subsequently withdrawn, they were made conditional upon the British Oil Development Company being successful in tendering for plots at a public auction, a condition which, in virtue of the terms of the Turkish Petroleum Company's concession, the Iraq Government were clearly not in a position to satisfy.

The readiness of the British Oil Development Company to recognise any concessionary rights that may be established by the Turkish claimants mentioned in paragraph 11 of the petition is easily comprehensible, since it is understood that the British Oil Development Company, or groups associated with them, have themselves acquired any rights of which those persons may be found to be possessed. That the British Oil Development Company regards themselves as exercising full control over the claimants in question is evidenced by the fact that, in the course of their negotiations with the Iraq Government, they offered, at one stage, to waive those claims on certain conditions. His Majesty's Government are advised that those claims rest upon no more solid foundation than applications for permission to explore for oil in Iraq and elsewhere, which were submitted to, but not accepted by, the Turkish authorities before the war. In this case, also, it is open to the claimants to attempt to establish their claims before the courts of Iraq or before the appropriate tribunals set up in virtue of the Treaty of Lausanne.

As regards the charge in paragraphs 10 and 12 of the petition, that the development of Iraq has been retarded by the extensions granted to the Turkish Petroleum Company, His Majesty's Government are advised that the extensions so far granted to that company were justified by considerations of *force majeure*, since, for reasons outside their control, the Company were for a long time prevented from carrying out any prospecting operations in certain parts of the area covered by their concession. The professed object of the Turkish Petroleum Company in making application for a further postponement of the date by which they were required to select their plots for development was to enable them to concentrate upon the commercial development of the plots already tested and the marketing of oil therefrom (including the construction of a pipe-line to the Mediterranean), instead of having to dissipate their energies upon testing further areas in order that they might be in a position to select their twenty-four plots within the short period allowed to them for that purpose under the concession granted to them by the Iraq Government. His Majesty's Government understand that the company did, in fact, adopt such a policy of development in anticipation of the grant of the extension for which they had applied, and the Iraq Government report that, during the past year, the company have drilled four times the minimum requirements forescribed by their concession. It seems doubtful, therefore, whether it can be shown that the extensions granted to the company have had the effect of retarding the development of Iraq, or that such would be the effect if any further extensions were granted. The latest information which has reached His Majesty's Government is, however, to the effect that the Iraq Government have declined to grant any further extension to the company.

To sum up, His Majesty's Government would point out that it appears to them that the questions raised in the petition are either questions outside the jurisdiction of the Permanent Mandates Commission, or questions upon which the British Oil Development Company have no *locus standi* to petition the Commission.

Finally, His Majesty's Government would invite attention to the fact that the British Oil Development Company is a British company, and would observe that, though they have furnished the foregoing observations upon the petition, and though they are quite content that the Permanent Mandates Commission should investigate the questions raised in the petition, should they desire to do so, they do not understand upon what ground the Commission can be qualified to investigate the complaints of a British company against His Majesty's Government, or against the Government of Iraq when acting in accord with His Majesty's Government. As regards the form of the petition, which appears to be directed solely against the Iraq Government, His Majesty's Government consider that the proper procedure for the British Oil Development Company to have followed would have been to have addressed their complaints to the Government of their own country.

C.P.M.1011.

B. REPORT BY M. VAN REES.

The British Oil Development Company is raising certain questions regarding oil development in Iraq.

The British Government's observations on this matter were sent to the Secretary-General of the League of Nations on December 3rd, 1929 (Annex 6, letter A). These observations only relate to the petition dated May 27th. From unofficial information furnished by the British Government they should, however, be regarded as also applying to the petition dated September 17th, and the British Government does not intend to send in special observations on this latter petition.

The petitioner protests against the attitude of the Government of Iraq in refusing to grant the company an oil concession for the area which, under a convention made between the Government of Iraq and the Turkish Petroleum Company, dated May 14th, 1925, had been granted to the latter. According to the petitioner's statement, there was no reasonable ground for this refusal, seeing that the convention relied upon is null and void, owing to the non-performance by the concessionary of one of the obligations laid down in Article 5, paragraph 1, of the concession. This refusal is also said to be contrary to the interests of the country and not consistent with the principle of economic equality laid down in Article 11 of the Treaty concluded on October 10th, 1922, between Great Britain and Iraq.

The British Government, although it has submitted all the observations required regarding the petitioner's allegations, is of opinion that the consideration of his grievances is not a matter which falls within the competence of the Mandates Commission.

I readily agree with this point of view. Article 39 of the Convention [1] shows that the Iraq Government alone has the right to decide whether the concession granted to the Turkish Petroleum Company is, or is not, still valid. If the Iraq Government considers it advisable to apply this article in the interests of the country by giving to the Turkish Petroleum Company an opportunity to choose, with a full knowledge of all the circumstances, the twenty-four plots to which it is entitled, no one can complain against the Government.

After this choice has been made, *and not before*, the remainder of the vilayets of Mosul and Baghdad may form the subject of negotiations with other companies, provided the Government of Iraq deems this expedient. It is then *and not before* that the principle of economic equality could be invoked.

For these reasons, and in view of the observations of the British Government and the oral information supplied by the accredited representative of the mandatory Power, Mr. Bourdillon, at the meeting of the Mandates Commission held on November 8th, 1929, [2] I consider that the present petition does not come within the jurisdiction of the Commission.

I therefore propose to report to the Council in this sense.

ANNEX 7.

C.P.M.1028.

TOGOLAND UNDER FRENCH MANDATE.

PETITIONS, DATED MARCH 15TH, 1929, AND JANUARY 1ST, 1930, FROM THE NOTABLES OF AGOU-NYOGOU

REPORT BY M. RAPPARD.

These two petitions are signed by the Chief Fia Kofi, and by D. Yawo, on behalf of the notables of Agou-Nyogou (district of Klouto). They were forwarded to the Secretary-General in a letter from the Government of the mandatory Power, dated April 15th, 1930, containing the latter's observations.

Notes by the Secretariat.

[1] This article is worded as follows :

Article 39.

" *Force majeure.* — No failure or omission on the part of the company to carry out or perform any of the stipulations, covenants or conditions of this convention shall give the Government any claim against the company, or be deemed a breach of this convention, in so far as the same arises from *force majeure*, and if, through *force majeure*, the fulfilment by the company of any of the conditions of this convention be delayed, the period of such delay, together with such period as may be necessary for the restoration of any damage done during such delay, shall be added to the periods fixed by this convention, provided always that no addition shall be made to the period fixed in Article 2 hereof unless the production or export of petroleum by the company shall be totally suspended, for not less than sixty consecutive days, through *force majeure* occurring within Iraq."

[2] Minutes of the Sixteenth Session, pages 41 to 44.

The object of the petitions is to protest against the sequestration of an estate of 421 hectares, of which (it is alleged) the petitioners were dispossessed before the war by a German trading company, the " Deutsch Togo Gesellschaft ", and to ask that the estate be restored to them.

In its observations, the French Government states that the interested parties, believing themselves to have been wronged by this company, petitioned in 1927 in the court at Lomé for the return of this estate, but that the court disallowed their claims by a decision given on May 23rd, 1927. An order for the liquidation of this part of the estate of Agou having been issued, the 421 hectares claimed were pre-empted. Nevertheless the mandatory Power desired to restore to the natives of Nyogou the use of the land, their ownership of which could not be recognised at law. Its intention was to lease the 421 hectares to them at a nominal rental (1 per cent of the pre-emption value). As, however, the natives of Nyogou appealed from the decision of the Lomé court, this could not be done. That, says the mandatory Power, was how the matter stood when, in March 1929, the petitioners prepared their first complaint for submission to the League of Nations. Subsequently the Dakar Court of Appeal decided, on May 3rd, 1929, to uphold the decision of the Lomé court, and this further decision was notified to the interested parties on December 27th, 1929.

In its letter, the mandatory Power states that it is nevertheless prepared to submit this question to further examination, and reach, in practice, a fair solution. For this purpose, negotiations with the natives of Nyogou were begun on April 15th, 1930, by the French Commissioner for Togoland. The Togoland Administration proposed to keep the land of which it has become owner by pre-emption as a result of the order for the liquidation of this part of the estate of Agou, but to grant part of the 421 hectares of land in dispute — where there are plantations of palm-trees and cacao-trees — to the natives of Nyogou on a long lease. The Administration was also prepared to return to the natives full ownership of the uncultivated lands, on the express condition that the lands should be cultivated by the natives.

My colleagues will doubtless agree that the Mandates Commission cannot entertain these two petitions, for two reasons.

First, it is clear that the alleged wrong done to the Notables of Agou-Nyogou took place in 1897-98, *i.e.*, under a political regime before the establishment of the mandate. As the Commission has already decided on several occasions, and in particular in the case of the petition dated February 17th, 1927, from an inhabitant of Tanganyika concerning losses suffered as a result of the issue of pre-war German notes [1], it can only take into consideration what has occurred subsequently to the establishment of the mandate.

Secondly, the case to which these two petitions relate has been examined both in first instance and on appeal by the competent courts. I do not think that there is any circumstance which would justify the Mandates Commission in transferring to its jurisdiction a legal dispute which has been settled in the ordinary course of justice, apart from the possibility of appeal to a court of cassation.

On the other hand, as the mandatory Power points out in its observations, the solution reached, though unimpeachable at law, does not seem altogether fair.

The Commission will doubtless wish to commend the action of the local Administration, which, admitting the above circumstances, is endeavouring to give the petitioners the satisfaction which equity seems to demand. The Commission will be happy to learn the result of the negotiations now being conducted by the Commissioner of the French Republic for Togoland. It hopes that a just settlement will terminate, without further delay, a dispute which dates back for more than thirty years.

ANNEX 8.

C.P.M.1062.

SYRIA AND THE LEBANON.

PETITION, DATED JULY 8TH, 1929, FROM M. IHSAN EL DJABRI.

REPORT BY COUNT DE PENHA GARCIA.

The Chairman of the Mandates Commission had doubts as to the receivability of this petition, dated July 8th, 1929. It is extremely general in character, and it repeats criticisms which have been raised in other petitions by the same petitioner and by others, and which have already been considered by the Commission. Its receivability was, therefore, questionable. It is much more a general criticism of the terms of the mandate and the acts of the mandatory Power than a real petition based on definite and duly supported facts.

It may be added that the petitioner has ventured to make a criticism of the Mandates Commission which is quite out of place. Nevertheless, as it is the tradition of the Mandates

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[1] See Minutes of the Thirteenth Session of the Permanent Mandates Commission, pages 216 and 217.

Commission to interpret the right of petition in its widest possible sense, the Chairman proposed that the petition should be considered, and the Commission adopted that view.

To a large extent, this petition is a repetition of numerous requests addressed to the Commission by M. Ihsan el Djabri and others in 1926, 1927 and 1928, with regard to the mandate for Syria and the Lebanon.

The following are the chief points included :

1. A criticism of the terms of the mandate ;
2. The wrong application of the mandate by the mandatory Power ;
3. The mandatory Power's responsibility regarding the conflict that developed between the Syrian Constituent Assembly and the mandatory Power's agents ;
4. The measures adopted by the High Commissioner during the conflict, which the petitioner considers to have been arbitrary ;
5. Various measures adopted by the mandatory Power as regards international relations, the Customs system, the economic system, the railway system, the fiscal system, etc. The petitioner considers these to be either real abuses or contrary to the interests of the territory.

The way in which these various questions are developed is summed up by the following extract :

> " We place this question solemnly before your conscience : Are the proceedings we have mentioned so far in this appeal calculated to make possible the establishment of a free, united and independent State ? Can the establishment of a free, united and independent State be expected from an Administration which, during the past eleven years, has failed to establish any stable policy and whose sole aim, as is evident from its ill-balanced acts, is the enslavement of the country ? "

Before deciding as to the substance of this petition, we think it is advisable to summarise the resolutions adopted by the Mandates Commission at other sessions with regard to other complaints of the same nature and the observations made in the annual reports of the mandatory Power.

Let us consider, for instance, what occurred in the last four sessions of the Commission at which Syrian affairs were discussed.

At its eleventh session, *sixteen petitions concerning Syria were considered.* The Rapporteur, M. Freire d'Andrade, stated that a certain number of these petitions merely *repeated complaints put forward previously.* The Rapporteur classified the petitioners' complaints and claims in two groups :

1. Measures adopted by the Administration not tending to promote Syrian unity, but rather to produce disunion which would help forward the imperialist designs of the mandatory Power.
2. The mandatory Power did not take the steps that it was its duty to take in order to help forward the creation of an Organic Statute permitting the Syrians to express their views freely.

After considering them, the Rapporteur concluded by saying that the Mandates Commission can only reaffirm the views which it expressed at Rome, namely, that it is in the interest of the petitioners " to help the mandatory Power to bring about such a situation that it may be able to draw up and promulgate the Organic Statute provided for in Article 1 of the Mandate ".

At its thirteenth session, the Commission was called upon to give a decision concerning the petition, dated June 13th, 1927, from the Lebanese Committee in Paris.

The Rapporteur, M. Palacios, pointed out that the petition was a reiteration of a preceding petition dealing with the same questions and based on substantially the same arguments. In accordance with his conclusions, the following decision was adopted :

> " The Permanent Mandates Commission has, up to the present, found no reason which would cause it to modify its opinion that, ' under Article 34 of the Treaty of Lausanne of July 24th, 1923, *it is the French Government which exercises authority in these countries detached from Turkey* '. "

At its fourteenth session, the Mandates Commission considered two petitions, dated March 8th and June 4th, 1928, from the Emir Chekib Arslan and M. Riad el Soulh. The petitioners assert that Syria is not only a self-governing, but also an independent State, and that the idea of collaboration with the mandatory Power is incompatible with Syrian freedom. They demand that the mandate should be replaced by a Franco-Syrian treaty.

M. Riad el Soulh's petition contained also allegations of a political nature.

The mandatory Power, in its reply of October 19th, 1928, states that these complaints are related to general questions which have already been dealt with by the Permanent Mandates Commission more than once and to which it considers it unnecessary to revert.

In this reply, the mandatory Power states that, " although it is ready to conclude agreements with the Governments of the mandated countries, it will do so in order to promote the fulfilment of its commitments towards the League and not to supersede them by others which would be the outcome only of agreements concluded with the Governments in question ".

In his report, the Rapporteur, M. Sakenobe, says : " In my opinion, the observations of the French Government on every point are completely satisfactory " ; and also, " As regards the claim concerning Syrian independence and freedom, it seems to me incompatible with the provisions of the mandate ".

The Commission adopted the following resolution concerning the two petitions :

" The Permanent Mandates Commission considers *that these petitions call for no observation, and is of opinion that the petitioners should be informed accordingly.* "

Finally, at its fifteenth session, the Commission adopted the following conclusion in its observations on the report on Syria :

" The Permanent Mandates Commission ' hopes that when the present opposition, which would seem to be by no means universal, has died down, the mandatory Power will succeed, in agreement with the local authorities, in giving to Syria a political status which respects the provisions of the mandate '. "

This reference to the Commission's decisions is the best reply to the considerations expressed in the first seven pages of the petition. There is no new argument making it necessary to repeat the decisions previously taken.

The last four pages are devoted to various cases, but there is no documentation in support of the assertions made.

The first case relates to the electricity concession for the towns of Homs and Hama. The mandatory Power states that this concession was made by way of tender, but that the decision was taken by a committee under the chairmanship of the Syrian Minister of Public Works. By seven votes to one this Committee selected the Beirut Tramways Company. The ordinary administrative formalities were all observed, and none of the companies which had submitted tenders lodged any appeal.

The second case relates to the water supply of the city of Aleppo. In this case, too, everything was quite regular. The mandatory Power states that the supplying of water to this city was provided for in the concession granted to the Aleppo Electricity Company, and was accorded, by way of a supplement to the concession agreement, on September 28th.

The works started by the company will make possible a daily supply of 15,000 cubic metres of water in 1931, and this will be to the great advantage of the city and its inhabitants.

The third complaint relates to arrangements made for payments by Syria on account of the Ottoman Public Debt. The Provisional Government, which was competent to arrange for the elections to the Constituent Assembly, was obviously competent to approve arrangements of which the victims were chiefly the bondholders. It was that Government which approved the scheme.

There seems to be no better justification for the fourth complaint, which concerns the Bank of Syria. The petitioner seems to think that a country has it in its power to stabilise the exchange at its own pleasure. Such problems are very complicated, and it is not always easy to find a solution. In point of fact, however, the Syrian currency seems to have attained stability.

The Hejaz railway is the subject of the fifth complaint. As this question was raised in the petition, dated November 6th, 1929, from the same petitioner, it is unnecessary to repeat the observations made and decisions adopted in regard to that petition.

The sixth complaint concerns the abolition of the exceptional measures adopted in consequence of the crimes committed at Homs. The High Commissioner's delegate ordered the cessation of these measures on the occasion of his first visit to that town.

In the eyes of the petitioner, that constitutes an arbitrary action. It is, however, indisputable that the High Commissioner's delegate was competent to order the cessation of these measures, while the population of Homs naturally did not protest against that decision, which was to its advantage.

The seventh complaint against the mandatory Power relates to the marking of the Syro-Turkish frontier. The petitioner says that it is asserted in some quarters that account was taken of the arbitral decision given by General Ernst, but that this is denied in other quarters. The petitioner deduces that a new wrong has been inflicted on Syria by the mandatory Power. It is going too far to attempt to base a complaint upon a fact whose uncertainty is admitted by the petitioner himself.

The petitioner finds grounds for an eighth complaint in the Customs Agreement between the mandatory Power and Palestine. It is not easy to understand how it can be in the mandatory Power's interest to favour Palestine as against the territory for which it is responsible. The mandatory Power's observations prove that the petitioner's interpretation of the provisions of this agreement is entirely inaccurate. Moreover, re-exports from Syria and the Lebanon to Palestine continue to increase.

Finally, the ninth and last complaint relates to incidents that occurred during the secondary elections at Tripoli on June 14th, 15th and 16th.

The mandatory Power's observations [1] concerning these events give the impression that the conception of the elective system held alike by the candidates at these elections and by the electors who supported them, is very far removed from the democratic system in force in Western countries. In case of disturbances, it is the elementary duty of the authorities to intervene to preserve order.

In conclusion, if petitions are to yield positive results, they must be based on definite and substantiated facts which constitute an infringement of the law, and must not be intended as attacks on the mandatory system itself. As the petition submitted for my consideration does not fulfil these essential conditions, I suggest that the Commission should adopt a decision similar to those previously taken in the case of petitions of the same kind. This decision might be expressed as follows : The Mandates Commission can only confirm its previous decisions in regard to questions concerning the mandate, and is of opinion that the complaints formulated in the petition have no justifiable basis.

[1] Document C.P.M.1057.

ANNEX 9.

C.P.M.1051.

SYRIA AND TRANS-JORDAN.

PETITION, DATED NOVEMBER 6TH, 1929, FROM THE EMIR CHEKIB ARSLAN AND M. IHSAN EL DJABRI.

REPORT BY COUNT DE PENHA GARCIA.

On November 6th, 1929, the Emir Chekib Arslan and M. Ihsan el Djabri sent a petition to the Mandates Commission. In accordance with the Commission's rules, the Chairman held that only Sections 8 and 10 of the petition could be considered, and these sections were communicated to the mandatory Powers concerned — the British and French Governments — for their observations.

The British Government's observations are dated May 5th, 1930, and those of the French Government dated June 7th, 1930.

Section 8 of the petition relates to the Hejaz Railway. The petitioners complained that, although the railway is a wakf, and notwithstanding the provisions of Article 8 of the Mandate, it has been taken from the Moslem community to which it belonged as Moslem religious property. They ask that the railway should be handed over to an elected commission representing the Moslem countries of Syria, Palestine and Trans-Jordan, which would manage the line jointly with the Hejaz Government.

Against this idea the two mandatory Powers invoke the Anglo-French declaration made at Lausanne on January 27th, 1923, and the Arbitral Award rendered on April 18th, 1925, by M. Eugène Borel, Professor of International Law in the University of Geneva, who ruled that the railway was to be regarded as the property of the Ottoman Empire, and, as such, was covered by Article 60 of the Treaty of Lausanne.

This question had already been raised by the Emir Chekib Arslan on November 5th, 1928, and, on the proposal of the Rapporteur, Dr. Kastl, the Mandates Commission had arrived at the following decision :

> " The provisions and proposals made by the mandatory Powers concerned with the administration and the operation of the Hejaz Railway are such as would not seem to conflict with the religious aspirations of the Moslem population. They tend to create a situation as similar to pre-war conditions as circumstances allow. The Permanent Mandates Commission is therefore unable to comply with the wishes of the petitioners. It adds that, in its opinion, the Moslem population of the mandated territories concerned would be well advised, in the interests of the resumption of traffic on the Hejaz Railway and of improved conditions in pilgrim transport, to associate themselves with the efforts made by the mandatory Powers to settle this matter in a manner most favourable to the interests of all concerned."

No new facts are adduced which can justify the Mandates Commission in changing its view.

Section 10 of the petition contains complaints about forced labour for road-making and the diversion of wakf property in the *Government of the Alaouites*, and about the concession of Syrian land to the Turkish Government at the time of the delimitation of frontiers. From the observations of the mandatory Power (France), it appears, as to the first case, that the populations concerned are called upon to work only on regional or local roads, and that even these roads are petitioned for by the populations through the Mukhtars. The populations have a say in approving the roads asked for through the administrative councils of the Cazas and Sanjak. The people of the protesting villages referred to in the petition were not called upon for any work on the roads in 1928 and 1929 ; this notwithstanding, no form of coercion has been applied to them.

With regard to the second case, the Wakfs in question were confiscated fifty years ago by the Turkish Government. The Government of the Alaouites administers these properties and applies the income therefrom to welfare and educational work for the benefit of Moslems. The income from these properties is a little over £2,000 gold, and is entirely applied to those purposes.

Certain lands are being sold, with the consent of the Notables and the Council of Wakfs of Latakia, by the Istibdal procedure, but the proceeds will be employed in work for the benefit of Moslems.

As to the third case, the mandatory Power points out that, as Syria had not existed as an independent country for centuries, it had no clearly marked historical frontiers, and that the natural frontiers in the north are very ill-defined. For these two reasons, it was extremely difficult to reach an adjustment on a linguistic basis.

As regards the Sanjak of Alexandretta, which is under a special regime dating from 1920, the use of the Turkish language, conceded at that time, is justified on practical grounds, which are well known.

Having regard to the observations of the mandatory Powers with reference to each of the facts set out in the petition, I do not feel that there is any need to take action on these complaints.

ANNEX 10.

C.P.M.1059.

PALESTINE AND TRANS-JORDAN.

PETITION, DATED JUNE 21ST, 1929, FROM Mr. HUSSEIN EL TARAWNEH.

REPORT BY M. ORTS.

This petition, received by the British Government, was forwarded by the latter to the Secretary-General of the League of Nations with a letter dated November 29th, 1929, containing its observations on the petition.

1. The petitioner, a notable of Kerak, is Chairman of the Executive Committee of the Trans-Jordan National Party, and signs his petition in that capacity.

The petition is a protest both against the Agreement concluded between His Britannic Majesty and the Amir of Trans-Jordan on February 20th, 1928, and against the conduct of the elections to the Legislative Council, with which it rested to approve the agreement.

2. The first subject of the petition is outside the jurisdiction of the Mandates Commission. The latter is not called upon to pronounce an opinion on a convention to which the Council of the League has given its sanction, and the text of which has been registered.

3. According to the petitioner, the elections to the Legislative Council were boycotted by the great majority of the electors, who protested against the pressure exerted by the Trans-Jordan Government with the approval of the British Resident, both upon them and upon the members of the council, in order to force the latter to accept the agreement of 1928.

He denounces its acceptance as null and void because obtained by coercion.

4. The facts alleged are contested in the British Government's covering letter, which states that the boycott was by no means general, and, indeed, took place in only one area, and that the allegation made against the Trans-Jordan Government that coercive measures were used is unjustified.

5. In view of the mandatory Government's formal denial of the petitioner's allegations, the petition must necessarily be dismissed, and I propose that the Permanent Mandates Commission so decide.

ANNEX 11.

C.P.M.986.

SOUTH WEST AFRICA.

PETITION DATED NOVEMBER 29TH, 1929, FROM THE ANTI-SLAVERY AND ABORIGINES PROTECTION SOCIETY OF LONDON, ADDRESSED TO THE DIRECTOR OF THE MANDATES SECTION, CONCERNING THE TREATMENT OF BUSHMEN IN THE DISTRICT OF GOBABIS.

A. TEXT OF THE PETITION.

The attention of my Committee has been drawn to the paragraph enclosed, [1] published in the *Daily Herald*, which also appeared in a shortened form in the *Daily Mail* of the same date. It appears to my Committee that, as this is a mandated territory, the matter is one which should be investigated by the Permanent Mandates Commission.

(Signed) Travers BUXTON,
Hon. Secretary.

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[1] *Note by the Secretariat.* — See Appendix to the text of the petition.

Appendix.

EXTRACT FROM THE « DAILY HERALD », NOVEMBER 21ST, 1929.

An astounding allegation of natives being sold into slavery is made in the *Windhoek Advertiser*, published at Windhoek, capital of South West Africa, the mandated territory formerly owned by Germany.

Forty to fifty Bushmen, men, women, and children, according to the newspaper, were rounded up by farmers from the district of Gobabis and taken to a certain farm.

There the bushmen were distributed among neighbouring farmers, their captors charging £1 a head for them.

The newspaper adds (says the *British United Press)* that some of the farmers contend that they were merely " collecting farmhands who had deserted ", but the journal demands an official investigation and a denial if the facts are untrue.

C.P.M.994.

B. OBSERVATIONS OF THE GOVERNMENT OF THE UNION OF SOUTH AFRICA, ADDRESSED TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS, DATED JANUARY 24TH, 1930, ON THE ALLEGED SLAVERY IN THE DISTRICT OF GOBABIS, SOUTH WEST AFRICA.

With reference to your letter No. 6A/16166/443 of December 17th, 1929, transmitting copies of a petition No. C.P.M.986, dated November 29th, 1929, from the Anti-Slavery and Aborigines Protection Society of London, concerning the alleged treatment of bushmen in the district of Gobabis, South West Africa, I have the honour to inform you that in the *Windhoek Advertiser* of November 20th last there appeared a report about bushmen being rounded up and distributed to farmers in the Gobabis district. A copy of this report [1] is enclosed for your information. From the wording of the paragraph in the *Daily Mail*, it is clear that the incidents referred to are the same.

Immediate steps were taken by the Administration of South West Africa to enquire into the matter, and affidavits were taken by the police from the natives themselves as well as from the Europeans who were concerned, and it was perfectly clear from these statements that the allegations were without foundation.

The facts were found to be as follows :

At the end of July last, two farmers, Griesel and Versfeld, both of the Gobabis district, whose bushmen servants had deserted from their service, proceeded to the Aminuis native reserve, where they had been told the bushmen were living, with a view to persuading them to return to their service. Mr. Griesel had previously reported the desertion to the police and desired that the police should locate and warn the bushmen to return to their service on the farms as he did not wish to charge them with desertion. The police, however, refused to do anything in the matter unless a definite charge was lodged with them. The farmers then obtained a permit from the local magistrate to enter the native reserve and managed to locate the bushmen who had previously been in their employ. Without any trouble, they persuaded these natives to return to their duties. Upon being asked why they had deserted, they said that they failed to perform certain duties during Mr. Griesel's absence from his farm, and that Mrs. Griesel warned them that she would report the matter to her husband when he returned. They were so afraid that they decided to run away.

The police state that none of the bushmen complained of ill-treatment or of being brought back by force. In fact, they say most of the bushmen were able to speak Dutch fluently, which shows that they are accustomed to working on farms.

Shortly before the incident which gave rise to the newspaper article took place, certain farmers were reported to the police as having rounded up bushmen and, after setting fire to their shelters, had taken them to their farms and had put them to work. The police took immediate action against the persons concerned. This resulted in these farmers (J. P. Brand, J. N. Theron and J. S. Theron) being committed for trial on charges of assault and of malicious injury to property. The Attorney-General of South West Africa has not yet decided whether he will indite on those charges or on charges of a more serious nature. He has called for further information, and the information which is forthcoming will decide the matter. In any event, the accused will be dealt with at the next criminal session which will be held at Windhoek in February next.

(Signed) HERTZOG,
Minister of External Affairs.

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[1] *Note by the Secretariat.* — See Appendix to the observations of the mandatory Power.

Appendix.

Extract from the Windhoek Advertiser, November 20th, 1929.

Certain information has recently been placed in our hands, which we consider should be passed on to the Administration, not by means of a private communication, but through the columns of the Press.

We are informed that, on or about October 9th, near the Aminuis reserve, a body of between forty and fifty bushmen, males, females and children, were rounded up by certain farmers of the Gobabis district and taken to the neighbourhood of the farm Oas, where they were distributed amongst farmers as servants, a fee of £1 per head being charged by the men who had collected them. We understand that the farmers in question allege that certain of the bushmen were men who had been in their employ and had deserted from service, and they contend that they were therefore justified in tracking them to the borders of the reserve where they were " collected ".

It will no doubt be said by some of our readers that we are not pursuing a proper course by giving publicity to this sensational and possibly untrue story. It will be asserted no doubt that it is possible for us to lay the matter before the authorities and press for an investigation without creating public anxiety. Others may hold that we are providing the members of the Permanent Mandates Commission with another stick with which to beat the Union. Our reply is that we are adopting our present course of set purpose. If there is nothing in the report, the authorities will in due course have an opportunity of setting public anxiety at rest on the point. If no publicity is given to the affair at this stage, the authorities will probably not feel any obligation to issue a public statement, and the rumours may then continue in spite of their untruth. If there is truth in the story, it is well that the perpetrators should have the limelight of public attention directed upon them. It is more fitting that the local Administration should put their house in order, even with the whole world gazing on, than that some person should creep away to Geneva and prompt the members of the Mandates Commission to ask questions which might serve to indicate that an attempt was being made in this country to hush up what may be a most disreputable business.

We are aware that the League of Nations are constantly on the watch for anything that savours of slavery or forced labour. Apart entirely, however, from what the League of Nations may or may not think, we believe that all decent people in this country are determined that the fair name of South West Africa shall not be besmirched by brutal treatment of the local natives. Such people require no promptings from overseas. Of their own accord they will see to it that the native receives proper treatment.

We have provided the authorities with sufficient information to enable them to set their investigations on foot. We have no doubt that those who are sent to investigate will be told a number of things to prove that the farmers of the area in question are of the very meekest variety. We trust, however, that nothing will deter them from examining the matter with the greatest thoroughness. Evidence they should obtain with ease, since, we understand, the affair is known to everyone in the vicinity.

C.P.M.1061.

C. REPORT BY M. SAKENOBE.

The Honorary Secretary of the Anti-Slavery and Aborigines Protection Society of London draws the attention of the Permanent Mandates Commission to a paragraph which appeared in certain newspapers in London on November 21st, 1929, stating that, according to the report of the *Windhoek Advertiser*, some forty to fifty bushmen were rounded up by farmers from the district of Gobabis and were distributed among neighbouring farmers, their captors charging £1 a head for them.

It asks that investigations should be made by the Permanent Mandates Commission.

In reply to the letter from the Secretary-General of the League of Nations, dated December 17th, 1929, the Government of the Union of South Africa, in forwarding a copy of the report of the *Windhoek Advertiser* of November 20th, 1929, from which it believes the paragraph in the London newspapers to have emanated, states that immediate steps have been taken to enquire into the matter, with the result that the allegations were found to be without foundation.

The facts are stated briefly to be as follows :

At the end of July last, two farmers in the Gobabis district whose bushmen servants had deserted from their service proceeded to the Aminuis native reserve, where, they had been told, the bushmen were living, with a view to persuading them to return to their service. Having failed to obtain any assistance from the local police, they then obtained a permit from the local magistrate to enter the native reserve, where they located the bushmen and persuaded them without any difficulty to return to their former occupation. On being asked why they had deserted, the bushmen said that they had failed to perform certain duties during the absence of their employer and were consequently so afraid that they decided to run away. The police who conducted the investigation states that none of the bushmen complained of ill-treatment or of being brought back by force.

The mandatory Government adds that, shortly before this event took place, another incident occurred where certain farmers were reported to the police to have rounded up bushmen and, after setting fire to their shelters, to have taken them to their farms and forced them to work. The offenders were committed for trial on a charge of assault and of malicious injury to property. They will be tried at the next criminal session, which will be held at Windhoek in February 1930.

The mandatory Government states that the newspaper allegation was without foundation. However, in view of the fact that the two incidents took place the one shortly after the other, and that rumours spread and confused the facts connected with the two incidents, it is almost impossible to say whether the newspaper report was based on this or that incident.

Be that as it may, we have two incidents to consider. One is not at all serious and the other, regrettable though it is, is being dealt with in a criminal court of the mandated territory.

In the circumstances, my conclusion is that the Commission is not called upon to make any recommendation to the Council.

ANNEX 12.

C.P.M.1012 and 1063.

SOUTH WEST AFRICA

NEW PETITIONS FROM CERTAIN MEMBERS OF THE REHOBOTH COMMUNITY.

REPORTS BY LORD LUGARD.

I. Telegram, dated July 2nd, 1929, from Mr. Daniel Beukes, Rehoboth.

Daniel Beukes telegraphed to the League of Nations in July 1929, on behalf of the Rehoboth citizens, referring to a letter of March 25th, 1929 (which does not appear to have reached the Commission), and stating that they proposed to send a deputation to Geneva. To this telegram a reply was sent by the Director of the Mandates Section, informing him that the Mandates Commission could not receive a deputation. Copies of these telegrams were sent by the Secretary-General on September 28th to the Mandatory Power for information. The Prime Minister of the Union, in his reply dated November 19th, transmits a copy of a letter to the Rehoboths from Mr. Smit, the Secretary to the Administration, in reply to the letter dated August 23rd, 1929, which they had addressed to the magistrate of the district.

The Mandates Commission has no knowledge of the contents of the Rehoboth letter of August 23rd, nor is there anything to show that it was intended as a petition to the League. There is, therefore, no document before the Commission in the nature of a petition. Any information which the Mandates Commission might desire regarding Mr. Smit's letter would be obtained in the usual way from the accredited representative, when the annual report for 1929 is under discussion.

Conclusion.

There is no petition or memorial before the Mandates Commission upon which any action is required.

The Mandates Commission will, in the usual way, enquire from the accredited representative regarding the letters of March 25th and August 23rd, 1929.

II. Petition, dated February 11th, 1930, from Mr. Jacobus Beukes, Rehoboth.[1]

So far as it is possible to ascertain the facts of this case from the confused documents submitted, they appear to be as follows :

A farm named Kub, apparently outside the Rehoboth Gebiet, was bought by one Venter, from a person named Gustav Voigts. The petitioner's land, named Kankus, said to be 7,000 hectares, adjoins the farm Kub. In 1923, or later, there was a dispute between Voigts and the petitioner as to their mutual boundaries, though the petitioner states that the beacons had been verified by a " Legal Commission ". Venter took the case to the High Court, Windhoek, which gave judgment against the petitioner, Beukes. The latter complains that all his live-stock

[1] *Note by the Secretariat.* — See Document C. P. M. 1004.

and other property has been confiscated, that he was imprisoned, and his family ordered to leave the land, which was given to Venter, and that he has to pay £453 by way of fine or costs.

The mandatory Power points out that Beukes was represented by counsel at the trial of the case, and had the right of appeal to the Supreme Court of South Africa, of which he did not avail himself.

Conclusion.

Under these circumstances, under the rules of procedure which the Mandates Commission has adopted, the case is not one of which it can take cognisance.

III. Petition, dated October 25th, 1929, from Mr. Jacobus Beukes.

A further petition from Jacobus Beukes on behalf of the Rehoboths, dated October 25th, 1929, with the comments of the mandatory Power, dated April 28th, 1930, reached the Commission last May and has been handed to me since the session opened. Like those which have preceded it, it consists of extremely vague protests that the action of the Administration and the Proclamations enacted regarding the Rehoboths are unjust and *ultra vires* and that they are innocent of any opposition to the law.

The mandatory Power states that it has nothing to add to its former observations, and that the community shows no disposition to take part in the Government of the Gebiet.

I took the opportunity of questioning the High Commissioner for South Africa, who had attended this session as accredited representative for South West Africa, and learnt that he had paid a visit to these people, whose language he understood, and had used his utmost endeavours to ascertain their grievances. He found that there are two parties and whatever one said the other contradicted. He assured the Permanent Mandates Commission that the local Administration was doing its utmost on their behalf, and he thought that they are happy though inveterate grumblers.

The information afforded by the High Commissioner and his colleague was, I thought, very convincing.

Conclusion.

I propose that the petitioner should be informed that the Permanent Mandates Commission has made every effort to ascertain whether the Rehoboths have any legitimate grievance, but has not been able to substantiate any specific cause of complaint. It recommends the Rehoboths to abandon its internal dissensions, and, as a united community, to work in harmony with the Administration.

ANNEX 13.

C.P.M.1000.

SOUTH WEST AFRICA.

PETITION OF KAOKO-LAND- UND MINEN-GESELLSCHAFT, DATED NOVEMBER 4th, 1929.

A. Observations, addressed to the Secretary-General of the League of Nations under date March 14th, 1930, of the Government of the Union of South Africa on a Petition, dated November 4th, 1929, forwarded by Mr. Wolff on Behalf of the Kaoko-Land- und Minen-Gesellschaft.

With reference to your letter No. 6.A/6070/443 of November 28th, 1929, in which you were good enough to convey to the Government of the Union of South Africa, at the request of the Chairman of the Permanent Mandates Commission, a supplementary petition from the Kaoko-Land- und Minen-Gesellschaft for such observations as the Union Government may wish to present, I have the honour to inform you that the Government of the Union would appreciate the following remarks being submitted through your kind intervention to the Permanent Mandates Commission.

1. The petition under consideration is in its essence a claim by an alien, non-inhabitant of the mandated territory of South West Africa, against the Union Government for an alleged denial of justice.

2. The Permanent Mandates Commission has, in the view of the Union Government, not been constituted, either by the terms of the Versailles Treaty or by those of the mandate issued to the Union Government on December 17th, 1920, as the body competent either to represent such claimants or to adjudicate upon or comment on claims of such a nature.

3. The Union Government, therefore, entirely agrees with the views expressed by the Permanent Mandates Commission itself when considering the report of M. Palacios on the first petition in 1928, viz., that the Commission was not competent to deal with the merits of the petition. [1]

4. Whether the Union Government, when committing the act complained of, acted under Article 297 of the Versailles Treaty or otherwise would appear to be quite immaterial to the question of the competence of the Permanent Mandates Commission.

5. Holding this view, the Union Government is not prepared to enter into the merits of the petition, and suggests that the petitioner be informed that the consideration of the petition does not fall within the competence of the Permanent Mandates Commission.

(Signed) HERTZOG,
Minister of External Affairs.

C.P.M.1060(1).

B. REPORT BY M. LEOPOLDO PALACIOS.

The one obvious thing in connection with this complicated matter of the Kaoko-Land- und Minen-Gesellschaft is that means must be found to prevent its reappearing before us at each session, as it has done for the last two years. We must apply our powers of understanding and analysis to find, as far as concerns the Permanent Mandates Commission, the full and just solution which the case demands. With the material at my disposal, I shall endeavour to make an accurate statement of the facts and legal considerations involved in the new phase of the question, and I venture to remind the other members of the Commission, not only of the Commission's discussions at its different sessions and the reports on the question reproduced in the Minutes of the Fourteenth Session (pages 258-261) and Fifteenth Session (pages 222 and 223), but also of Lord Lugard's notes, on which we exchanged views at the fifteenth and sixteenth sessions. All these documents are essential for an understanding of the case.

I.

The question of the Kaoko-Land- und Minen-Gesellschaft is not so complicated as it appears. The petition claims the cancellation of the provision of Proclamation No. 59 of the Union of South Africa, entitled Concessions Modification and Mining Law Amendment, dated November 17th, 1920, whereby some 100,000 square kilometers of land were expropriated from the company without compensation and the title deeds cancelled, without the company, which was further deprived of *locus standi*, being able to uphold the rights which it claims to possess, before a court.

This petition has passed through various phases :

1. *Letter of February 4th*, 1926.

The company informed the League of Nations that, in the opinion of distinguished Cape Town and Johannesburg lawyers, it could impugn the legality of Proclamation 59 before the courts, that it was inclined to do so, but might be compelled to appeal from one court to another until it came to the House of Lords, and that this might cost it 90,000 shillings, which would be better spent on the development of the mines and the prosperity of the territory. For this reason it preferred to forward its petition to the Permanent Mandates Commission, which, as the company had seen in the newspapers, concerned itself with title deeds seized by the Governments of the mandatory Powers.

The Mandates Section of the Secretariat replied to this letter on behalf of the Chairman of the Commission, informing the company that the regulations concerning petitions approved by the Council of the League of Nations laid down that complaints against the administration of a mandated territory could not be received by the Mandates Commission when they might be brought before the duly established Courts.

2. *Letter of March 5th*, 1926.

This letter reproduced the previous letter, but with one significant omission ; in view, no doubt, of the reply which was given to the company concerning the possibility it had mentioned of obtaining a favourable verdict from the courts, the petitioners, in formulating their petition, suppressed the whole of that part of the previous letter which had referred to this matter.

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[1] *Note by the Secretariat.* — See Minutes of the Fourteenth Session (October 26th to November 13th, 1928), document C.568.M.179.1928.VI, pages 215–219.

The Government of the Union of South Africa, in its observations, replied that the Proclamation in question had been issued by the Administrator of South West Africa, a territory occupied by armed forces ; that, under Article 297, sub-sections *(d)* and *(i)* of the Treaty of Versailles, it was for the German Government to pay any compensation that might be due to the company ; and that it could not recognise the *locus standi* of the petitioner.

The Permanent Mandates Commission, being called upon to deal with a case, which both the petitioning company and the mandatory Power classed among questions of " ex-enemy property ", decided at its meeting of November 10th, 1928, that it was not competent to examine a matter which, according to the article quoted from the Treaty of Versailles, should be submitted to another procedure, and it merely asked the mandatory Power for explanations concerning the apparent contradiction between its reply to the petition and its previous statement to the effect that there were no landed properties belonging to ex-enemies in the mandated territories to which any exceptional war measures had been applied.

3. *Letter from Dr. C. Wolff, Barrister and Solicitor of Berlin, on Behalf of the Company, dated November 4th*, 1929.

The mandatory Power replied to the decision of the Permanent Mandates Commission, approved by the Council of the League of Nations, in a communication dated May 23rd, 1929, and M. Louw, as the accredited representative of the mandatory Power, also answered various questions put to him by several members of the Permanent Mandates Commission during its fifteenth session held in July 1929. According to the Union of South Africa, Article 297 and the annexes of the Treaty of Versailles were invoked for a purely fictitious case. The case in point was not a question of ex-enemy property, but of " public interest " for the mandated territory of South West Africa. No exceptional war measure had been applied to landed estates belonging to enemy subjects, all of whom had been permitted to retain them ; their title-deeds had been recognised, and no property had been retained for liquidation under the heading of reparations. Further, Proclamation No. 59, relating to concessions of German companies and companies of other nationality, had cancelled all the rights of the Kaoko-Land- und Minen-Gesellschaft, in the " public interest ", and the abrogated rights had reverted to the mandated territory without any compensation.

By thus expressly ruling out in its reply Article 297 of the Treaty of Versailles, the mandatory Power destroyed the main argument on which the Permanent Mandates Commission had declared itself incompetent to deal with a problem which both parties had classed among questions of " ex-enemy properties ". The South African Union had accordingly reopened the case. It satisfied the Permanent Mandates Commission as to the destination of the property in question ; but, as the Commission was obviously not in receipt of adequate explanations either as to the source of the powers of the South African Union to cancel, in a Proclamation relating to " concessions ", the alleged landed property rights of a German company in South West Africa, or as to the " public interest " upon which these measures were supposed to be based — quite apart from the points left doubtful in the explanations relating to Article 297 — there were differences of view within the Mandates Commission ; and, in spite of Lord Lugard's opinion and my own, which was also not formed without some hesitation, it was decided at the meeting of July 19th, 1929, to postpone the question for further study and for a decision.

The communication from Dr. C. Wolff, which puts the claims of the petitioning company more clearly, supports it by better arguments and places its grievance in a new light, was forwarded to the mandatory Power as a supplementary petition for its observations, by a decision taken by the Permanent Mandates Commission at its meeting of November 25th, 1929.

II.

Let us now consider this communication and the South African Government's reply to it.

Dr. C. Wolff's communication is accompanied by six annexes, as follows :

1. A copy of the charter, dated July 18th, 1895, by which the company was incorporated and became capable of acquiring property and other rights.

2. A copy of the agreement between the company and the German Empire, dated September 15th, 1909, regarding the exploitation of the company's property.

3. A copy of the entry in the Land Registry of Windhoek, dated September 17th, 1929, giving a description and the area of the land.

4. Copy of a note from the Registrar of Deeds, dated December 7th, 1920, in which the company received notice that its title had been cancelled.

5. A statement by the company, dated September 9th, 1913, regarding the agreement concerning its mining rights and the provisions of the Imperial German Mining Ordinance of 1905, with reservation of certain rights of the company.

6. A note concerning a statement of the company, dated September 9th, 1913, in which four large and rich plots of land were excepted from the application of the Imperial Mining Ordinance.

The enumeration of the documents quoted proves that the petition seeks in the main to show the effective right of the company to the ownership of the Kaokofeld land, bought originally by Lüderitz from native chiefs shortly before the territory was placed under the protectorate of the German Empire in 1885 and transferred by purchase and sale between private persons and not by a State concession to the petitioning company, which exploited the land until it was confiscated in 1920 without compensation by Proclamation No. 59.

On this basis, Dr. Wolff examines the following principal points :

(a) Expropriation by the Government, according to the law of all civilised countries, except Soviet Russia, implies the payment of compensation.

(b) Compensation was even provided for in Article 297 of the Treaty of Versailles, although this article does not apply to the present case, since, according to a solemn declaration by General Smuts, which is confirmed by the mandatory Power, the Union has not, in spite of its original intention as manifested in various Proclamations, liquidated any landed estates under the heading of reparations.

(c) The confiscation without compensation, although the land was held by right of ownership and not in virtue of a concession — which, however, may also involve payment of compensation — was effected under a Proclamation which applied only to concessions, the Administrator issuing it having thereby exceeded his powers.

(d) The insufficiency of the " public interest " invoked by the Administration in order to justify so arbitrary a procedure.

(e) The company's inability to bring the matter before any tribunal except the League of Nations owing to its having been denied *locus standi.*

(f) The competence of the Permanent Mandates Commission, resulting more especially from the fact that, although the company's land was expropriated without compensation in 1920, before the creation of the mandate, Law 32 of 1921, which sanctions all the measures taken by the Administrator of the mandatory Power and makes it impossible to examine the title deeds and legal rights upon which the company relies, was promulgated at a time when the Union of South Africa had already formally received the mandate.

The mandatory Power replied, in its observations on the petition dated March 14th, 1930, and through Mr. te Water, High Commissioner of the Union of South Africa in London and representative of the mandatory Power accredited to the Permanent Mandates Commission, at the meeting of June 28th, 1930.

(a) In its observations on the petition, which it says is submitted by a foreigner not living in South West Africa, the mandatory Power maintains that the Permanent Mandates Commission was not established, either under the Treaty of Versailles or under the mandate entrusted to the Union on December 17th, 1920, as a body competent to represent petitioners of this kind or to pronounce upon or even to comment on petitions of this nature. The mandatory Power entirely shares the views expressed by the Permanent Mandates Commission at its fourteenth session in 1928. It holds that the incompetence of the Mandates Commission in the matter does not depend upon whether the South African Union acted in virtue of Article 297 of the Treaty of Versailles or not. For this reason it refuses to examine the substance of the petition.

(b) At its fourteenth session, the accredited representative, replying to questions asked by various members of the Commission, stated :

(1) That, in the Union of South Africa — as, indeed, in England — Parliament can confiscate both concessions and properties without compensation ;

(2) That, in the Union, individuals have no remedy under any charter of the rights of man against laws which they consider unconstitutional and therefore wrongful ;

(3) That the Mandatory is within its legal rights in applying these principles which operate in its own State to the territories placed under its mandate ;

(4) That the provisions of Proclamation 59 do not discriminate either against the territory or against the complainant company ; and

(5) That, under the clause in question, the company has no access to the courts, and, like any other company foreign to the Union which considers its alleged rights to have been infringed, must apply to the Government of its own country to settle its claim with the Government of the Union of South Africa through the diplomatic channel, if the claim is justified.

III.

The question would be less complex if, as was shown in my first report and in the documents submitted to the Commission and the speeches which followed, the parties to the dispute had not introduced confusion in the form of incomprehensible, if not contradictory, statements, which have, perhaps unwittingly, obscured the issue.

A. As regards the Union of South Africa, it is not clear, either from these replies or from the explanations of its accredited representatives, why, having first contemplated the liquidation of ex-enemy property under the heading of reparations — Proclamations 49, 148 and 187 of 1920 — it then respected the Germans' landed property deeds ; or why, since it respected these deeds, and had never until then disputed the validity of the rights claimed by the

petitioning company, the Union cancelled them without compensation in virtue of a Proclamation concerning " concessions " (alleging that it covered property rights among others), first invoking Article 297 and maintaining that, if any compensation was due, it should be paid by Germany, which would obviously imply the crediting of the corresponding amount to Germany in the reparations account ; while shortly afterwards it abandoned the legal grounds originally invoked and based its case on the " public interest ".

Legal logic would undoubtedly have dictated a clearer, quicker, and more preremptory procedure. The Union Government should either have taken its stand on Article 297 of the Treaty of Versailles and proceeded accordingly, or it should have attacked the company's alleged rights, and stated once for all what features contrary to the " public interest " had been found in its proceedings by the Commission which carried out the enquiry before the contested Proclamation ; or, again, it should have clearly and definitely established the legal grounds for ordering confiscation without compensation, and, what is more, without appeal to the courts.

In this matter, there would seem to have been an error at the outset, of which the alleged subsequent justification must entangle and thus weaken all legal arguments that could be adduced. It is not quite clear how landed property rights, important as they are, could be embraced by the expression " other rights " in the Preamble to a Proclamation entitled " Concessions Modification and Mining Law Amendment Proclamation ", the schedule to which guarantees ownership rights to almost all the companies therein named, including " South Africa Territories, Ltd.", which was mentioned in the Commission by the accredited representative of the mandatory Power. His deputy, Mr. Courtney Clarke, referring to Acts 49 of 1919 and 32 of 1921 to explain the denial of all remedy in the Courts, reopened the question of the application of the Treaty of Versailles, which had been deliberately dropped in the case under discussion.

Lastly, I cannot quite see how Mr. te Water's pressing recommendation, noteworthy as it is, to the petitioner to apply to his Government to settle the question through the diplomatic channel with the Union Government — a solution which I myself had suggested in my first report when we were dealing with Article 297 — I cannot quite see, I say, how that recommendation could be put into effect in the case, perhaps, of a company legally nationalised at Windhoek and still enjoying special concessions in the territory.

B. The arguments of the Kaoko-Land- und Minen-Gesellschaft also present some unsatisfactory features.

It is not clear why, when such an essential right was denied to the company in 1920, the petition was not made to the League till 1926 and was left pending until 1928. The fact that the petition has been renewed without any reference to the opinion of the lawyers who thought it possible to attack Proclamation 59 in the courts as illegal — obviously on the basis of the first reply of the Secretary-General of the League — requires, at all events, a certain amount of explanation. Nor is it easy to see the reason for the gaps in the history of the complainant company, which tells us nothing of its work for fifteen years — from 1905 to 1920 — apart from the arrangements made with the German Government in 1913, and which attaches to its petition a memorandum of 1905 containing a paragraph that appears to have been written with an eye to the position in 1926, inasmuch as it carefully states that the company is not a " concession company " having its property free of charge from the Government, but has bought the property for 7,200,000 marks. At the same time, notwithstanding the precarious position in which it had been placed by the cancellation of its property rights in 1920, and although it had not yet complained of that cancellation to the League, the company published its amended memorandum of association on September 12th, 1925.

Moreover, speculation appears to have played an important part in this business. In 1885, the land must have been bought from the natives for a mere song ; in 1894, it was sold by the Deutsche Kolonial-Gesellschaft to L. Hirsch & Co., London, for 900,000 marks — 400,000 in cash and 500,000 in shares of the exploiting company, which in the very next year valued the property so acquired at 6,500,000 marks ; in 1904, the admitted capital of the company was 10,000,000 marks.

Even the discussions forced upon the Permanent Mandates Commission have been reported with a bias by certain German periodicals. Under the title " Genfer Kaoko Beratungen ", the *Börsen-Kurier* of November 8th, 1929, states : " Die Ansprüche der Kaokogesellschaft werden von dieser auf 36 Mill-mark beziffert " ("the Kaokogesellschaft puts its claims at 36,000,000 marks "). It must be borne in mind that the particulars given in the petition show only unremunerative expenditure. Should compensation be granted — in which case it would certainly have to be paid by the mandated territory — however much the millions of marks referred to might be reduced, it would be strange to see the native tribes sentenced to pay exorbitant sums for properties which they thoughtlessly allowed themselves to be deprived of for a ridiculously small price a few years ago. Dr. C. Wolff says somewhere that this is what happens in all colonial affairs, and refers to what occurred in the Congo. I should personally prefer the Mandates Commission to follow the humanitarian ideals expressed by Lord Lugard in his book " Dual Mandates " with reference to these original contracts.

Lastly, it is curious that, in a matter which is supposed to be so important, the company did not get help from the German Government itself in order to reach an arrangement when the position of the property of German nationals in ex-enemy countries was in question, nor

subsequently when the alleged flagrant injustice had been committed. Nor must it be forgotten that, although in Dr. C. Wolff's opinion the area of the land does not affect the character of the institution, a property of some 100,000 square kilometers — as big as Bavaria — does imply a quasi-sovereignty.

IV.

But none of the additional conceptions, which have grown up around this question and increased its complexity, must prevent us from reducing it to its true, simple terms. Obviously, it would be of no use for the Permanent Mandates Commission to make a declaration of principles affirming that, in a modern State, property rights cannot be annulled except by the constitutional authorities empowered to do so and on payment of fair compensation. The Commission might be quite willing to make such a declaration, without needing to be reminded of the Petition of Rights of 1628 and all the solemn declarations of rights that have been made since that date. We may take the declaration as made, notwithstanding Mr. te Water's reservations ; but it would have no practical value. Once the principle, the rule, is recognised, the problem is to apply it to the case in point. To reach a decision on the substantial question at issue, we should have to study every detail, every circumstance, all the evidence, the various *de facto* and *de jure* situations, and the allegations of both parties. That would imply judicial functions which do not attach to the Permanent Mandates Commission ; it would imply that we should set ourselves up as a Court of Justice, and we have no authority to do so. That is the fundamental reason why our Commission can take no action in the matter.

This absence of jurisdiction does not rest on the fact that the petitioner is an alien, not resident in South West Africa, as the mandatory Power asserts. That condition cannot debar a person from being a petitioner, according to the Rules of Procedure of the Permanent Mandates Commission ; still less can it do so in the present case, where the person in question is a lawyer representing a company which is still operating in that territory under concessions granted to it by the Union of South Africa in several proclamations of which the first was issued in 1920, to prospect for valuable minerals, to derive profit therefrom, and to transfer its rights under the concessions; moreover, the company is registered, it seems to me, incorporated in that territory. The Permanent Mandates Commission's inability to act is due to the fact that by its constitution it was not set up to examine the smallest details of particular cases and private interests as the courts do. It is not the Commission's business to study any particular deeds either of " ownership " or " concession ", on the relations between the two classes of deeds ; it is not equipped to scrutinise the history of colonisation and the relations of land and mining companies, first before the beginning of German rule, then under German rule and during the war, and subsequently under the mandate — to follow them through different situations and under different legislations, in order to deduce the precise degree of justice attaching to the complainant company's case as a whole. It is not for the Commission to decide whether any particular person or company shall retain possession of any particular property, or to fix the appropriate compensation.

Nevertheless, having stated quite definitely that by its very constitution the Permanent Mandates Commission is not competent to discharge the duties of a law court, we must then state equally definitely that, in everything that has been put before us in the petition and the mandatory Power's replies, there is clearly something which does essentially come under our powers. I refer to what, in the case in point, may reflect the state and the spirit of the administration of the mandated territory and its regular economic and legal life in accordance with the principles of civilisation and law laid down in the Covenant.

Thus, in the present petition from the Kaoko-Land- und Minen-Gesellschaft, while we have no intention of prejudging its titles and rights, there are at the same time, undoubtedly, grievances and allegations of fact which do not seem to be wholly refuted by the replies — sometimes evasive, sometimes shifting, sometimes hasty — of the mandatory Power, and which suggest that there is inadequate protection for interests which always are protected among civilised peoples, and a certain high-handedness incompatible with the principles of the legal and cultural life of such a people. It is surely the duty of the Mandates Commission to call attention to these grievances and request the competent authorities to go into them. In the case in point, these authorities can only be the regular courts, whose duty it is to ascertain, in accordance with strict justice, whether the complainant has a sufficient status, whether he is in the right, whether the Administration has followed the proper legal principle applicable to the case, whether it has or has not acted *ultra vires* in confiscating landed property without paying fair compensation.

This, however, is refused to the complainant company by Proclamation 59 and — so we are told — by Act 32 of 1921. " No action at law shall lie against the Administration of the Protectorate or any of its officers or any person acting under the authority of such by reason of the application either directly or indirectly of the provisions hereof " (Article 3 (1) of the Proclamation).

In this negation we find a principle which, as far as it is not justified, may be antagonistic to the spirit of the mandate, which is essentially based on the rules of law obtaining the world over.

The mandatory Power must understand that it is not a matter of indifference whether in this case it acted in virtue of the Treaty of Versailles or otherwise. Act 32 of 1921 is concerned with the application of the Treaty. As far as the mandatory Power might have acted on the basis of Article 297 and its annexes, the Mandates Commission would have nothing to say. The complainants would have had other safeguards and remedies with which we should not

have been concerned. Not acting on the basis of that article, and of the Treaty in general, and not telling us what is the foundation of the prohibition to bring before the courts any complaints against such an enactment as Proclamation 59 of 1920, the Union of South Africa does not justify its action. It should surely, therefore, allow the complainants free access to the courts.

According to the *Financial Times* of June 27th, 1930, a Court has just recently considered the case of the North Charterland Company, which, by Order in Council of 1928, had been expropriated from certain landed property for the benefit of the Rhodesian native reserves. That seems to me to show that it is not universally prohibited in the Union to bring cases of this kind before the competent courts.

Whether it is too late in 1930 for the Permanent Mandates Commission to pronounce upon a violation of a principle that took place in 1920, in order to authorise the decision I propose, I am inclined to say not. The Mandates Commission is now confronted, through a petition, with an alleged breach of a principle of public law caused by an enactment by the Administration of a mandated territory in which the State that introduced the measure in question is not sovereign ; and the Commission demands that the principle be re-established, in the interest, not only of the petitioners, but of all others who may find themselves in the same position.

It must be understood that the question whether prescription has already been acquired will also be one for the courts to decide in each case in which it may arise.

* * *

For the reasons stated, I propose :

1. That the Mandates Commission continue to declare itself incompetent to deal with the substantial question raised by the petition ;

2. That it call the attention of the Council — in order that the Council may call the attention of the mandatory Power — to the propriety of cancelling the unjust prohibition to submit complaints such as that in the petition before it to the ordinary courts of the territory in question, and to the higher courts ; and, consequently, to the obligation which devolves upon the mandatory Power to consider whether the demand in question and all similar demands are entitled to a hearing.

ANNEX 14.

I.

REPORT TO THE COUNCIL OF THE LEAGUE OF NATIONS ON THE WORK OF THE SESSION.

The Permanent Mandates Commission met at Geneva from June 18th to July 1st, 1930, for its eighteenth session, during which it held eighteen meetings, one of which was public.

The Commission examined the annual reports on the administration of six mandated territories, and dealt with several petitions and questions of a general nature.

The annual reports were considered in the following order, with the assistance of the accredited representatives of the mandatory Powers :

Tanganyika, 1929 :

Accredited representatives :

Mr. D. J. Jardine, O.B.E., Chief Secretary of the Government of Tanganyika.
Mr. G. L. M. Clauson, O.B.E., of the British Colonial Office.

New Guinea, 1928-29 :

Accredited representatives :

Mr. P. E. Coleman, Member of the House of Representatives of Australia.
Major R. G. Casey, D.S.O., M.C., London Liaison Officer for Australia.

Assisted by :

Mr. Chinnery, Government Anthropologist.

Nauru, 1929 :

Accredited representatives :

Mr. P. E. Coleman, Member of the House of Representatives of Australia.
Major R. G. Casey, D.S.O., M.C., London Liaison Officer for Australia.

Togoland under French Mandate, 1929 :

Accredited representatives :

M. Franceschi, Honorary Director in the French Ministry for the Colonies.
M. Bonnecarrère, Commissioner of the French Republic in Togoland.

Syria and the Lebanon, 1929 :

Accredited representative :

M. R. de Caix, former Secretary-General of the High Commissariat of the French Republic in Syria and the Lebanon.

Assisted by :

M. Chauvel, Head of the Diplomatic Service of the High Commissariat of the French Republic in Syria and the Lebanon.
Captain Terrier, of the Information Service of the High Commissariat of the French Republic in Syria and the Lebanon.
M. Henri Ponsot, High Commissioner of the French Republic in Syria and the Lebanon, was present at one meeting of the Commission.

South West Africa, 1929 :

Accredited representatives :

Mr. te Water, High Commissioner for the Union of South Africa in London.
Mr. Courtney Clarke, Assistant Secretary for South West Africa.

A. GENERAL QUESTIONS.

I. Treatment extended in Countries Members of the League of Nations to Persons belonging to Territories under A and B Mandates and to Produce and Goods coming therefrom (pages 14, 81 and 82, 160 and 161 and 175-177).

The Permanent Mandates Commission, having taken note of the replies of the mandatory Powers to the questions which it raised at its fifteenth session, and having examined the Rapporteur's report, decides to draw the attention of the Council to the desirability of inviting all States Members of the League of Nations to give favourable consideration to any requests which may be made to them by the mandatory Powers, with a view to obtaining for the nationals, or, at any rate, for the goods, of territories under A and B mandates advantages corresponding to those enjoyed by their own nationals and their own goods in the aforesaid erritories.

II. Determination of General Conditions that must be fulfilled before the Mandate Regime can be brought to an End in respect of a Country placed under that Regime (pages 43, 158 and 170).

The Commission has taken note of the following resolution adopted by the Council on January 13th, 1930 :

> " Being anxious to determine what general conditions must be fulfilled before the mandate regime can be brought to an end in respect of a country placed under that regime, and with a view to such decisions as they may be called upon to take on this matter, the Council, subject to any other enquiries it may think necessary, requests the Mandates Commission to submit any suggestions that may assist the Council in coming to a conclusion."

It proceeded to an exchange of views on the procedure to be followed and will examine the question thoroughly at its next session.

B. OBSERVATIONS CONCERNING THE ADMINISTRATION OF CERTAIN TERRITORIES UNDER MANDATE.

The following observations, which the Permanent Mandates 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.[1]

TERRITORY UNDER A MANDATE.

C.P.M. 1067(1).

Syria and the Lebanon.

General Observations.

The Commission was glad to learn that, a few weeks before the opening of its session, circumstances at length permitted promulgation of the Organic Law for which provision is made in Article 1 of the Mandate.

Although it was unable to make a thorough examination of the law, the Commission desires to congratulate the mandatory Power on having succeeded, in the face of difficulties, in laying the foundations of the Constitution for Syria and the Lebanon. It sincerely trusts that the leaders of the population will be able to appreciate the efforts that have been made in their interests by the mandatory Power, and will loyally co-operate in the peaceful organisation of the country. It is only on this condition that the mandatory Power can bring the country to a stage of political development that will enable it to gain full independence.

M. Henri Ponsot, High Commissioner of the French Republic in Syria and the Lebanon, gave the Commission a clear and frank description of the mechanism of the Organic Law which he recently promulgated, and of the programme that he hopes to be able to carry out under the constitutional regime established by the law. The Commission appreciated his endeavour to reconcile the demands of the mandate with the national aspirations of the Syrians (pages 120-128).

Special Observations.

1. *Judicial Organisation.*

The Commission learns with satisfaction that definite steps have been taken to improve the administration of justice in Syria and the Lebanon. It trusts that the Syrian and Lebanese Governments, with proper advice from the mandatory Power, will continue their efforts to ensure that members of the judicial body are only appointed after a strict scrutiny (pages 108 and 109).

2. *Agricultural Credit.*

The Commission studied the question of the operations of the various agricultural banks in the country. It would be glad if a comprehensive survey of the question could be produced in the next report.

The Commission doubts whether the purpose of agricultural credits can be wholly attained as long as the banks do not develop the practice of granting loans to small farmers (page 113).

3. *Public Finance.*

The Commission hopes that future annual reports will contain a clearer statement of the public finances of the country (pages 115 and 116).

4. *Drugs.*

The Commission desires to congratulate the mandatory Power on the energy which it has displayed in bringing about the systematic destruction of prohibited hemp crops in the Lebanon (page 118).

5. *Demographic Statistics.*

The Commission hopes that the Administration will succeed, as early as possible, in removing the defects in the operation of the civil registration services (pages 119 and 120).

TERRITORIES UNDER B MANDATE.

C.P.M. 1058(1).

Tanganyika Territory.

General Observations.

The Commission deferred examination of the plan for the closer administrative, Customs and fiscal union of the mandated territory of Tanganyika with the neighbouring British possessions of Kenya and Uganda. It was, in fact, informed that the British Government proposed to submit this question for examination to a Joint Committee of the two Houses of Parliament. The Mandates Commission will resume its consideration of the problem as soon

[1] The page numbers given at the end of each observation are those of the Minutes of the session.

as the British Government, in accordance with the undertaking given at the Council of the League of Nations on September 6th, 1929, informs it of the terms of its decision (pages 21, 22, 26 and 28).

The Commission noted with satisfaction a declaration by the accredited representative to the effect that grants of land to European settlers were subject to the safeguarding of the present and future interests of the native population of Tanganyika (pages 22, 28 and 29).

Special Observations.

1. *Food Shortage in the Bukoba Province.*

The Commission would be glad if the next annual report would give detailed information regarding the food shortage which occurred in 1929 in Bukoba Province and the measures taken by the Administration to avoid a recurrence (pages 19 and 20).

2. *Exports.*

The Commission expresses the wish that the next annual report should contain a concise table showing the chief foreign markets for the products of the territory. It would also like to know which countries give Tanganyika products the benefit of the most-favoured-nation clause (pages 22 and 23, 32).

3. *Taxation.*

The Commission observed that the Hut and Poll Tax paid by the native population formed 37.8 per cent of the total revenue of the territory ; according to the accredited representative's statement, the average amount paid by natives as Hut and Poll Tax is from 4*s.* to 15*s.* per head.

The Commission further noted a declaration by the accredited representative to the effect that the Government was endeavouring to establish a fair balance between the incidence of taxation on the natives and on the rest of the population (pages 29 and 30).

4. *Indian Inhabitants.*

The Commission noted the accredited representative's statement that, notwithstanding certain allegations to the contrary, the Indian population of the territory does not receive differential treatment at the hands of the Government (page 22).

5. *Native Courts.*

The Commission duly noted the information supplied regarding the Ordinance passed in 1929, in virtue of which the native courts had been removed from the supervision of the judicial authorities — who were unable to exercise regular and prompt control — and placed under that of the administrative officers. It will watch the results of this new system with interest (page 33).

C.P.M. 1064(1).

Togoland under French Mandate.

1. *Frontiers.*

The Commission has noted the statements of the accredited representative concerning the delimitation of the frontier between the territories under French and British mandate, and hopes that a satisfactory solution of the dispute between the inhabitants of the villages of Honouta and Womé will soon be reached (pages 87 and 88).

2. *Public Finance.*

The Commission recommends that the attention of the mandatory Power should be called to the recommendation made at its thirteenth and fifteenth sessions, that the mandatory Power should see that the subsidies granted by the mandated territory to institutions in the home country and to certain international organisations are only commensurate with the economic profit they may bring to the mandated territory. It also hopes that the mandatory Power will be prepared to furnish full particulars regarding expenditure of this kind (page 94).

The Commission notes with satisfaction that the financial position of the territory permits of the execution of important public works (pages 93 and 94).

3. *Education.*

The Commission would be glad to find in the next report a comparative table showing the total funds allotted to education and the total amounts actually expended thereon. Another table might be given showing the number of pupils attending the schools in the territory during the year (pages 97 and 98).

4. *Agricultural Credit.*

The Commission notes with great interest that the mandatory Power has established a State agricultural credit system to encourage native planters (page 101).

TERRITORIES UNDER C MANDATE.

C.P.M. 1066(1).

Nauru.

No observations.

New Guinea.

General Observations.

At its fifteenth session, the Permanent Mandates Commission decided, for the reasons given in its report to the Council, to postpone the drafting of detailed comments on the administration of this territory. At its eighteenth session, the Commission has made a fresh examination of this administration in the light of fuller and more detailed information given in the annual report and by the accredited representatives of the mandatory Power. The Commission particularly recognises the value of the information given by the Government anthropologist, Mr. Chinnery, an official of the mandated territory, whom the mandatory Power was good enough to send to Geneva as adviser to its accredited representatives.

An exchange of views with the accredited representative took place concerning certain information examined by the Commission during its fifteenth session.

The Commission thought that it should assert its right to utilise, as a basis for its questions, any reliable information which came to its knowledge.

The Commission has repeatedly—both on its own initiative and in connection with the report of Colonel Ainsworth, forwarded to it in 1925 — had occasion to discuss the apparent inadequacy in number and lack of training of the officials serving in the territory. This year, the Commission was struck by the large number of changes in the administrative services. The accredited representative explained that these were at least partly due to the fact that many officials were attracted by the possibilities of profit due to the exceptional economic development of certain parts of the territory. The Commission also regrets that several important posts, particularly in the agricultural and health departments, have remained vacant.

Notwithstanding the undoubted efforts of the mandatory Power to carry out the obligations of the mandate, it would seem that the administration, and particularly the recruiting of officials and their conditions of service, have not yet been organised on a permanent basis. The Commission does not lose sight of the geographical and many other difficulties with which the mandatory Power is faced in the administration, and hopes that the system of training cadets for administrative work will tend to improve the service. It does not doubt that the mandatory Power will continue to give this matter its close attention, even if this should involve heavier financial sacrifices.

Special Observations.

1. *Labour.*

In view of the very considerable proportion of the native population of the territory employed under contract (about one-twelfth of the total population in the districts under effective control), the conditions of the recruiting and employment of these workers assume a particular importance. The Commission notes with satisfaction that the mandatory Power has taken energetic steps to repress certain abuses with regard to recruiting which have occurred even recently. It will follow with interest any reforms which it may be possible to make in order to reduce the hardships inherent in the present labour system (pages 63-70).

2. *Education.*

The Commission awaits with great interest the result of the enquiry into the educational system of the territory and the adoption by the mandatory Power of a general scheme, so long deferred, for the reorganisation of the educational services (pages 72-74).

3. *Missions.*

The Commission found, in the *New Guinea Gazette* for March 9th, 1929, the terms of reference of a Commission of Enquiry appointed to report upon the policies and work of the Missions functioning in the district of Kieta, " in as far as such policies and activities affect the maintenance of peace and good order ". The accredited representative assured the Mandates Commission that the findings of the Commission of Enquiry will, in due course, be communicated to it (page 71).

The Commission awaits with interest the replies announced in the annual report regarding the work of the Missions and their co-operation with the Administration of the territory (pages 59, 62, 71 and 72).

C.P.M. 1068 (1).

South West Africa.

1. *General Administration.*

The Commission notes that the Caprivi Zipfel, which was formerly attached to the British Bechuanaland Protectorate for administrative purposes, will in future be administered by the authorities of South West Africa. It takes it that future reports will contain information as to the administration of this area in the same form as the information given on the other parts of the mandated territory (page 132).

2. *Economic Conditions.*

The Commission obtained from the accredited representative information concerning the famine existing in certain areas in Ovamboland and the measures taken to deal with it. It hopes to find, in the next annual report, full particulars which will allay its apprehension at this disquieting state of affairs (pages 130, 133 and 134, 139 and 140).

3. *Labour.*

The Commission notes that, in accordance with the recommendation made at its fifteenth session, the mandatory Power has taken energetic measures to improve the health conditions of the workers in certain mines, and that, if the result of those measures should not prove satisfactory, it would be prepared to prohibit the engagement of natives from certain areas for work in the mines. It will follow further developments in this matter with interest.

The Commission hopes also to find, in the next annual report, the information promised by the accredited representative at its fifteenth session in regard to the inspection, other than medical, of the mines (page 139).

4. *Liquor and Drugs.*

The Commission would be glad to receive information as regards the harmfulness of the native alcoholic beverages used in the territory (page 148).

5. *Education.*

The Commission hopes that the next report will contain detailed information as to the number of native schools and their pupils, and the expenditure on education direct or in the form of subsidies to Missions. It would like, in particular, to know what educational facilities are provided for native children in predominantly European areas, and what arrangements are made for the training of native teachers (pages 135-139,141 and 142).

6. *Railways.*

The Commission noted with satisfaction a communication from the mandatory Power, dated March 13th, 1930, forwarding an Amendment to the South West African Railways and Harbours Act, 1922 (pages 129 and 130).

7. *Land Tenure.*

In the course of a discussion with the accredited representative, the Commission learnt with surprise of the far-reaching character of the Concessions Modification and Mining Law Amendment Proclamation of November 24th, 1920, still in force, under which certain property titles in the mandated territory have been cancelled without compensation and without the dispossessed owners being entitled to make any appeal to the courts.

Although this Proclamation does not seem to be incompatible with the actual letter of the mandate, the Commission finds it difficult to reconcile such a measure with the dictates of equity (page 149).

C. OBSERVATIONS ON PETITIONS.

At its eighteenth 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]

1. Syria and the Lebanon.

Petition from M. Ihsan el Djabri, dated July 8th, 1929 (document C.P.M. 922) (page 154).

Observations of the French Government (document C.P.M. 1057), transmitted on June 19th, 1929.

Report (see Minutes, Annex 8).

Conclusion.

The Permanent Mandates Commission, having examined the petition from M. Ihsan el Djabri, dated July 8th, 1929, can only confirm its previous decisions, and is of opinion that the complaints put forward in the petition are devoid of foundation.

2. Syria and Trans-Jordan.

Petition from the Emir Chekib Arslan and from M. Ihsan el Djabri, dated November 6th, 1929 (document C.P.M.990) (page 154).

Observations of the British Government (document C.P.M.1010), transmitted on May 5th, 1930.

Observations of the French Government (document C.P.M.1039), transmitted on June 7th, 1930.

Report (see Minutes, Annex 9).

Conclusion.

The Permanent Mandates Commission, having examined the petition submitted by the Emir Chekib Arslan and M. Ihsan el Djabri, dated November 6th, 1929, and having regard to the observations forwarded by the mandatory Powers, considers that no action is called for in regard to this petition.

3. Trans-Jordan.

Petition dated June 21st, 1929, *from M. Hussein el Tarawneh* (page 155).

Observations of the British Government, dated November 29th, 1929 (document C.P.M. 984).

Report (see Minutes, Annex 10).

Conclusion.

The Permanent Mandates Commission, having examined the petition of M. Hussein el Tarawneh, dated June 21st, 1929, and having noted the observations of the mandatory Power, considers that the petition in question cannot be entertained.

4. Togoland under French Mandate.

Petitions dated March 15th, 1929, *and January 1st,* 1930, *respectively, from notables of Agu-Nyogu* (page 81).

Observations of the French Government, dated April 15th, 1930 (document C.P.M.1006).

Report (see Minutes, Annex 7).

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[1] As regards those petitions and observations of the mandatory Powers relating thereto which the Commission has not considered it necessary to annex to its Minutes and thereby circulate to the Council, it recommends that copies should be kept in the League Library at the disposal of persons who may wish to consult them.

CONCLUSION.

The Permanent Mandates Commission, having examined the two petitions dated March 15th, 1929, and January 1st, 1930, respectively, from the notables of Agu-Nyogu, and having noted the French Government's observations thereon, considers that :

(1) As the case to which these two petitions refer has been examined, both in first instance and on appeal, by the competent courts, there is no circumstance which would justify the Mandates Commission in transferring to its jurisdiction a legal dispute which has been settled in the ordinary course of justice, subject to appeal to a Court of Cassation ;

(2) As the solution reached, although unimpeachable at law, does not seem altogether fair, as may be inferred from the mandatory Power's observations, the action of the local administration, which is endeavouring to give the petitioners the satisfaction which equity seems to demand, is to be welcomed.

The Permanent Mandates Commission would be happy to learn the result of the negotiations now being conducted for this purpose by the Commissioner of the French Republic for Togoland. It hopes that a just settlement will terminate without further delay a dispute which dates back to more than thirty years.

5. South West Africa.

(a) *Petition from the Kaoko-Land- und Minen-Gesellschaft* (document C.P.M. 983), *dated November 4th*, 1929 (pages 149-152, 155 and 156, 159 and 160).

Observations of the South African Government, dated March 14th, 1930 (document C.P.M. 1000).

Report (see Minutes, Annex 13).

CONCLUSION.

The Permanent Mandates Commission, having considered the petition dated November 4th, 1929, submitted by the Kaoko-Land- und Minen-Gesellschaft, considers that the substance of the question raised by the Kaoko-Land- und Minen-Gesellschaft cannot possibly be regarded as falling within its competence and notes that, according to the terms of the Concessions Modification and Mining Law Amendment Proclamation, of November 24th, 1920, no action in regard to this matter can be entertained by the courts of the mandated territory or by the higher courts of the mandatory Power.

(b) *New Petitions from Certain Members of the Rehoboth Community* (pages 132 and 133, 154).

(1) Telegram dated July 2nd, 1929, from Mr. Daniel Beukes, of Rehoboth.

Observations of the South African Government on November 19th, 1929 (document C.P.M. 988).

(2) Petition, dated February 11th, 1930, from Mr. Jacobus Beukes, of Rehoboth.

Observations of the South African Government, dated March 28th, 1930 (document C.P.M. 1004).

(3) Petition, dated October 25th, 1929, from Mr. Jacobus Beukes, forwarded by the South African Government on April 28th, 1930 (document C.P.M. 1017).

Reports (see Minutes, Annex 12).

CONCLUSION.

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 telegram 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.

(c) *Petition, dated November 29th*, 1929 (document C.P.M. 986), *from the Anti-Slavery and Aborigines Protection Society of London* (pages 141, 153).

Observations of the South African Government, dated January 24th, 1930 (document C.P.M. 994).

Report (see Minutes, Annex 11).

CONCLUSION.

The Permanent Mandates Commission, having examined the petition, dated November 29th, 1929, submitted by the Anti-Slavery and Aborigines Protection Society of London, as also the observations of the mandatory Power, dated January 24th, 1930, and the statements

of the accredited representative, is of opinion that the petition relates to two separate incidents, one of which is of no importance whatever, and the other, however regrettable it may be, is at present *sub judice* before a criminal court of the mandated territory, and accordingly considers that there is no occasion for it to submit a recommendation to the Council.

(d) *Petition from Mr. A. Bergmann, dated February 12th,* 1930 (pages 146, 153).

Observations of the South African Government, dated March 26th, 1930 (document C.P.M. 1005).

Conclusion.

The Permanent Mandates Commission, having examined the petition submitted by Mr. Bergmann, dated February 12th, 1930, decides that this petition is not such as it could entertain, and that it does not call for any action.

II.

COMMENTS OF CERTAIN ACCREDITED REPRESENTATIVES SUBMITTED IN ACCORDANCE WITH SECTION *(e)* OF THE CONSTITUTION OF THE PERMANENT MANDATES COMMISSION. [1]

TANGANYIKA.

Letter from the Accredited Representative, dated July 11th, 1930.

As regards the first of the General Observations, the Permanent Mandates Commission will by now have received copies of the White Paper (Cmd. 3574) containing the proposals which His Majesty's Government in the United Kingdom intend to lay before the Joint Committee of the two Houses of Parliament, for their consideration. The Observations of the Permanent Mandates Commission upon these proposals will no doubt be of great interest and value to the Joint Committee, and His Majesty's Government therefore hope that the Commission will find it possible to formulate those Observations in the course of its autumn session.

As regards the fifth of the Special Observations, it would appear that the Commission has misunderstood the reasons for which the native courts have been removed from the supervision of the judicial authorities. The reason was not that those authorities were unable to exercise regular and prompt control of the courts, but that they were less acquainted with the everyday details of native life and therefore less favourably situated for supervising those courts than the administrative officers to whom these duties have now been transferred. A further reason for the transfer of the control of the native courts from the Judiciary to the Executive was the native inability to understand the separation of judicial from executive functions.

(Signed) D. J. Jardine.

SOUTH WEST AFRICA.

Letter from the Accredited Representative, dated July 23rd, 1930.

I have the honour to acknowledge the receipt of your letter No. 6A/20001/443 of the 7th instant and to thank you for the copy of the Permanent Mandates Commission's Observations which were adopted as a result of its recent examination of the administration and annual report (1929) of South West Africa.

With reference to Items 1 – 6 of the Observations, I have to state that the remarks of the Commission have been very carefully noted.

Notes by the Secretariat:

[1] The accredited representatives for Syria and the Lebanon, Togoland under French mandate and New Guinea, have informed the Secretariat that they do not wish to submit any comments on the Commission's Observations.

In regard to the subject of Land Tenure — Item 7 — however, my Government view with much concern the terms of the Observations and have accordingly instructed me to submit the following comments for the Commission's consideration.

The Observations on this subject arose from consideration of the Kaoko-Land- und Minen-Gesellschaft petition, wherein the merit of a particular act of the mandatory Power was raised, and in response thereto the Union Government, in a communication to the Secretary-General (P.M.110/4 of March 14th last [1]), a copy of which was transmitted to the Commission, submitted reasons in support of its contention that the petition fell outside the Commission's jurisdiction.

The Union Government accordingly refrained from any comment on the merit of the petition and rested solely on the exception to jurisdiction.

From the terms of the Commission's Observations on Item 7, it is noted that the Commission has not questioned the view of the mandatory Power in regard to jurisdiction, and that, in consequence, it has refrained from asking the mandatory Power to comment on the merit of the petition.

The Union Government observes, however, that, despite this, the Commission has seen fit, in its reference to the Proclamation of November 24th, 1920, to reflect in apparently condemnatory terms upon the policy followed by the mandatory Power in 1920, and has thus, in effect, expressed an opinion on two issues — namely, the merits of the Proclamation generally and those of the petition in particular, neither of which issues, it is submitted, has ever been before the Commission, by reason of the Mandatory's exception to the Commission's jurisdiction.

The Union Government assumes that the Commission's Observations arise from a difficulty to appreciate a conception of law peculiar to the juridical system, not only of the Union, but of all British systems.

If this assumption is not correct, then my Government is constrained to point out that a general expression of opinion of the nature contained in the Observations, and the implications that may arise therefrom, must in the circumstances clearly be unfair to the Mandatory.

In conclusion, I wish to state that my Government is moved to make these comments on the Observations of the Commission by a real desire to reach final agreement on this protracted question.

(Signed) C. T. TE WATER,
High Commissioner.

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[1] See C.P.M. 1000, mentioned on page 206.

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