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LEAGUE OF NATIONS

Permanent Mandates Commission.

REPORT ON THE WORK OF THE THIRD SESSION OF THE COMMISSION

*submitted to the Council of the League of Nations,
and forwarded by the Council to the Assembly.*

The third session of the Permanent Mandates Commission was held at the seat of the League of Nations from July 20th to August 10th, 1923. During this session, the Commission held thirty-three meetings, two of which were public. All the members of the Commission took part in its work, except the Count de Ballobar, who was unable to attend owing to ill-health.

During the session, the Commission considered the reports on the administration of the eleven territories under B and C mandates. This examination of these reports was carried out in the following order, with the assistance of the accredited representatives of the mandatory Powers, whose names are given below:

1. For the reports on the French Cameroons and Togoland:
M. DUCHÊNE, Councillor of State, Director of Political Affairs in the Ministry for the Colonies.
2. For the report on the islands under Japanese mandate:
H. E. M. M. MATSUDA, Minister Plenipotentiary.
3. For the report on Ruanda-Urundi:
H. E. M. Pierre FORTHOMME, Honorary Minister Plenipotentiary, Member of the Belgium House of Representatives.
4. For the report on South-West Africa:
The Rt. Hon. Sir Edgar WALTON, K.C.M.G., High Commissioner of the Union of South Africa in London.
5. For the reports on Tanganyika, British Cameroons and British Togoland:
The Hon. W. ORMSBY-GORE, Under-Secretary of State for the Colonies.
6. For the report on New Guinea:
The Rt. Hon. Sir Joseph COOK, G.C.M.G., High Commissioner for Australia in London.
7. For the report on Western Samoa:
The Hon. Sir James ALLEN, K.C.B., High Commissioner for New Zealand in London.
8. For the report on Nauru:
The Rt. Hon. Sir Joseph COOK, G.C.M.G., High Commissioner for Australia in London.

The International Labour Organisation was represented by Mr. GRIMSHAW, who took part in an advisory capacity in the discussions of questions connected with conditions of labour.

At its first meeting, the Commission re-elected the Marquis Theodoli, Chairman and M. Van Rees, Vice-Chairman.

The principal business before the Commission was to consider the annual reports on the administration of the B and C mandated territories. The Commission did not consider it desirable to examine the report on the administration of Palestine, which had been communicated to it through the British Government, since, as the Council is informed, the system of A mandates will not enter definitely into force until the French and Italian Governments have notified the President of the Council of the League of their agreement on certain special points affecting Syria.

After consideration of the annual reports, the Commission decided on the terms of its observations on them. These observations (see page 6), which have been forwarded to the mandatory Powers concerned, are submitted to the Council of the League. Should the accredited Representatives of the Mandatory Powers make any Comments on these observations, they will be immediately forwarded to the Council. The method of examination adopted last year has rendered the study of these reports considerably easier. Each of the members of the Commission was good enough to undertake the duties of rapporteur on one or more of the points mentioned in the questionnaires which the Commission drew up two years ago, and by which the mandatory Powers had been guided in preparing their reports.

Furthermore, in accordance with a decision reached last year, several members of the Commission had been good enough to draw up reports on special questions for the use of the Commission. These reports dealt with the following matters:

Domainial system in B and C mandated territories: M. van Rees.
Comparative study of education in the mandated territories: Mme. Bugge-Wicksell.
The liquor traffic in the mandated territories: Sir Frederick D. Lugard.
The welfare and development of the natives in mandated territories: M. Yanaghita.
Public health in the mandated territories: Count de Ballobar.

These reports, together with a memorandum by Mr. Grimshaw on slavery and labour in the mandated territories, are annexed to the Minutes of the Commission's meetings.

In addition to the annual reports, the Commission has had to consider the Bondelzwarts affair in the light of documents placed at its disposal by the Government of the Union of South Africa. The Commission's report has been forwarded to the mandatory Power concerned. It is communicated to the Council of the League, together with the comments of the mandatory Power.

The Commission also considered the desirability of making certain modifications in its Rules of Procedure. Its decisions on this point are submitted to the Council for approval (see page 417).

Finally, in the course of the examination of the annual reports, several questions of general importance received the attention of the Commission. These questions were carefully studied and the Commission desires to bring them to the notice of the Council, requesting it to take such action as it may consider advisable. As a result of the discussions on these questions, the following proposals and recommendations were drawn up:

(1) *Equalisation of Duties on Liquor imported into Mandated Areas.*

The Permanent Mandates Commission,
Recognising that dissimilarity in the import duties imposed on spirituous liquors imported into mandated territories gives rise to smuggling from contiguous territories, and may be a cause of friction :

Recommends that the Governments of France and Great Britain be invited to agree that the duties on all spirituous liquors imported into the territories placed under their respective mandates in Africa should not be less than the duties in the adjoining territories on similar spirits of equal strength;

And further that, in order to maintain this uniformity of duties, it is desirable that the two Powers should consult with each other from time to time with a view to assimilating their laws and regulations applying to the duties on the import of spirituous liquors.

(2) *The Frontier between the British and French Cameroons.*

The Permanent Mandates Commission,
Considering that, according to the report on the British Cameroons, the frontier between the British and French mandated territories has in certain places divided tribal areas ;

That this situation, if the complaints are justified, would be contrary to the interests of the natives :

Recommends that the Council should, before considering any measures destined to obviate the above-mentioned disadvantages, request the French Government to collect information and to make known its views on the subject.

(3) *Application of special International Conventions to Mandated Territories.*

B mandates contain a provision in accordance with which "the Mandatory shall apply to the territory (under mandate) any *general* international conventions applicable to its contiguous territory." This provision is included in all the B mandates, though with a different wording in the case of the British mandate for East Africa. As the B mandates contain no reference to special treaties, the Permanent Mandates Commission, after considering the question, is of the opinion that the special international conventions entered into by a State do not apply *de jure* to territories in regard to which the State in question has been entrusted with a mandate, even

when these conventions are applicable to contiguous territories placed under the sovereignty of the same State.

This leads, as the Commission has been forced to recognise, to a situation prejudicial to the inhabitants of the mandated territories and to the economic development of these territories. The inhabitants, for example, may not claim the benefits of any treaties which have laid down the legal status of nationals of the mandatory State (*traités d'établissement*) within the territory of other States. Accordingly they are liable to have their right of free movement questioned and also their right to carry on trade and to own property, although these rights are recognised and guaranteed by treaty to the inhabitants of the contiguous colonies and protectorates of the mandatory State. This being so, the Commission has questioned whether further measures might not be taken to give the fullest practical effect to the principle laid down in Article 127 of Section I of Part IV of the Treaty of Versailles, which states that "the native inhabitants of the former German oversea possessions shall be entitled to the diplomatic protection of the Governments exercising authority over those territories." Moreover, the Mandates Commission has learnt that the benefits of the most-favoured-nation clause have been refused in the case of goods coming from a territory under a B mandate, while products of the same kind coming from contiguous protectorates of the mandatory State enjoy the advantage of this clause, on being imported into the same country of destination.

The Commission is of opinion that the intentions of the authors of the Covenant would probably be fully met if measures were taken to improve the disadvantageous position in which this state of affairs has placed the inhabitants of mandated territories in regard to the protection of their persons and property and the disposal of the products of their soil and their industries. The Commission accordingly deems it desirable to propose the following recommendation, which might be adopted by all the Members of the League of Nations:

"That the Members of the League of Nations should forthwith consider the possibility of extending to the territories under B mandates the advantages which are conferred upon the contiguous colonies and protectorates of the mandatory State by special treaties and conventions entered into by that State with any other Member of the League of Nations, on the understanding that reciprocity will only be recognised if it does not in any way infringe the principles of economic equality."

The same question arises in connection with C mandates, with a few slight modifications, due to differences inherent in the two types of mandate. A Power entrusted with a C mandate drew the attention of the Commission to the fact that a State with which it had entered into relations under a special treaty did not regard itself as being bound to apply that treaty to the territory over which the former exercises its mandate. The argument on which this view is based — if the Commission is rightly informed — is that the mandated territory, although administered as an integral part of the territory of the Mandatory, constitutes a distinct entity, from the international point of view, and that, accordingly, international treaties signed by the mandatory State do not apply *de jure* to territory under C mandates.

If this view is correct — and the Commission accepts it — it would appear desirable, on grounds which apply equally to C and B mandates, that the recommendation set out above should be forwarded to the 7 Members of the League of Nations on behalf of territories under C mandates, with a modification to the effect that, as regards the latter, reciprocity could be applied in any case without thereby infringing the terms of the mandate.

(4) *The Application of General International Conventions to Mandated Territories.*

With reference to the general conventions referred to in the B mandates, the Permanent Mandates Commission requests the Powers holding mandates of this class to inform it as to which of these conventions applicable to their contiguous territories have been extended to the territories under these mandates. The Commission would also be glad if Powers holding C mandates would inform it if such general conventions have been applied to their mandated territories.

(5) *Financial Administration of Mandated Areas.*

In connection with the financial administration of the territories under mandate, the Permanent Mandates Commission has recommended that future reports should give:

- (a) the most recent accounts of receipts and expenditure and the budget for the year under review;
- (b) a detailed account of the expenditure incurred directly in the interest of the natives.

(6) *The Health of Recruited Workers.*

The Permanent Mandates Commission has noted with much concern a number of references in the reports of this and of preceding years to the prejudicial effects upon the health of workers which appear sometimes to be experienced when they are recruited in one area for employment in another in which climatic conditions appreciably differ. The Commission feels that this matter will engage the sympathetic attention of the mandatory Powers and of the administrations concerned.

(7) *Venereal Diseases in Mandated Areas.*

In examining several of the reports on the administration of mandated areas for the last year, the Permanent Mandates Commission has been struck with the prevalence and apparent increase of venereal diseases among the native populations.

The Commission is of the opinion that this serious question is worthy of the particular attention of the mandatory Powers. It would, it believes, be mutually helpful if the mandatory Powers, in their future reports, could give the fullest possible information on the incidence of venereal diseases in the various territories confided to their care, and on the measures taken to combat this evil.

(8) *The Application of the Principle of Freedom of Conscience in Mandated Territories.*

The accredited representative of one of the mandatory Powers informed the Permanent Mandates Commission of the difficulties which have arisen in certain districts of a territory under B mandate, as a consequence of the competition, degenerating into rivalry, between religious missions of different faiths.

The zeal which animates missionaries induces them to open, in the same place, churches or schools where the teaching is inspired by different doctrines. It can easily be imagined that this state of affairs may lead to disquiet among the natives, who are still in a condition of barbarism, and may be the cause of serious unrest. It will be remembered that religious rivalries have in the past provoked grave incidents in Central Africa.

It therefore occurred to the Governor of the territory in question that, under a system which guarantees liberty of conscience and the free exercise of religion, it might be possible for the mandatory authority to take action in the matter, for example, by assigning spheres of influence to the various missionary bodies. This method has been adopted with success in certain colonies.

The Commission considered that it would be exceeding its duties, as laid down by the terms of the Covenant, were it to dictate to the responsible authorities administrative measures which might appear to be justifiable in such circumstances. It did not consider, however, that it should abstain from announcing the criterion which it would adopt, should necessity arise, in judging the legitimate character of any regulations which might, even indirectly, affect freedom of conscience. The Commission therefore drew attention to the fact that the mandate makes the free exercise of religion subject to the condition that it should not be prejudicial to public order, and that, in this connection, the mandate gives to the Mandatory the right to exercise such control as may be necessary for the maintenance of public order. The maintenance of order is the first duty of the Governor, and order is a necessary condition for the full development of all freedom, not excepting freedom of religion.

Any regulations, therefore, arising out of the necessity for the maintenance of order will, if such order be genuinely endangered, be free from criticism, even should such regulations have the effect of restricting, in some measure, the free exercise of religion. On the other hand, any regulations on this subject which were to go beyond what is required for the maintenance of order, any measure of a vexatious nature or such as might have the effect of restricting the activities of the missions of any particular religious denomination, would be contrary to the terms of the mandate.

(9) *Military Recruitment in Mandated Areas.*

The representative of a mandatory Power asked the Commission whether a Mandatory is precluded from accepting recruits from the population of the territory under mandate who volunteer for service in an armed force belonging to a neighbouring colony, a detachment of which may be temporarily quartered in the territory. Men so recruited would leave the territory when the detachment in which they have enlisted is relieved. If the mandated territory is administered as an integral part of an adjoining colony or protectorate, and the numbers enlisted are not greater than would be required for the defence or control of the territory, will this not constitute sufficient justification? Or again, is a Mandatory precluded from accepting as recruits in its armed forces natives of the mandated territory who volunteer for enlistment in a neighbouring colony?

The Commission was unanimously of the opinion that the spirit, if not the letter, of the mandate would be violated if the Mandatory enlists the natives of the mandated territory (wherever they may present themselves for engagement) for service in any military corps or body of constabulary which is not permanently quartered in the territory and used solely for its defence or the preservation of order within it, except as provided under Article 3, paragraph 2, of the mandates for French Togoland and the French Cameroons. A Mandatory may not add to its man-power by drawing on the population of the mandated territory to supply soldiers, reservists or police constabulary for its own forces.

(10) *Loans, Advances and Investment of Private Capital in Mandated Areas.*

The Permanent Mandates Commission is impressed by the fact that mandated territories are placed under a certain economic disadvantage owing to the following circumstances: The

opinion appears to be held in some quarters that the mandate is revocable, and this, together with the possibility of its voluntary rendition or transfer, is by some regarded as a defect of title which presents an obstacle to the investment of private capital in the country. It may, on the other hand, deter the mandatory Power from guaranteeing loans, or advancing large sums for the development of a territory under mandate, without a tangible security which would give it a permanent lien on railways, ports or other works vital to the interests of the territory.

The Commission considers that a pronouncement by the Council of the League tending to remove this lack of confidence would greatly promote the economic prospects of mandated territories. The questions at issue appear to be as follows:

(a) Whether it is admissible without, the express sanction of the Council of the League, for a mandatory Power to hypothecate as security for a loan any works constructed in a mandated territory (which being the property of that territory would thus become mortgaged to the Mandatory and liable to be transferred to the Mandatory).

(b) Whether, in order that the Mandatory may be enabled to grant advances or to guarantee a loan, and so obtain more advantageous terms of flotation, it may be possible for the League of Nations to notify that, in the very remote contingency of the transfer of the mandate, the new mandatory Power would be held responsible for all guarantees for loans and all contracts entered into by the retiring Mandatory, and that the latter should be entitled to such reasonable compensation from the funds of the mandated territory or from the new Mandatory for capital expenditure on specific works, as the League may determine?

(c) Whether, if the mandated area is attached to the neighbouring territory under the sovereignty of the Mandatory as an integral part of the administration of that territory (colony or protectorate), from a fiscal point of view that territory thus becomes the guarantor of a loan, or the source of financial assistance,— wholly apart from and creating no liability upon the mandatory Power — such territory shall be treated in every respect as the mandatory Power would have been treated in the like case under the preceding clause in the remote contingency of the transfer of the mandate, and be subject to the same restriction as to liens or mortgages on railways and other works?

(II) *Land Tenure.*

Finally, the Permanent Mandates Commission discussed a draft resolution submitted by M. van Rees regarding the ownership of the public domain in mandated territories. After careful consideration of this difficult question, the Commission decided to postpone its decision on the matter till its next session and, meanwhile, to request the Legal Section of the Secretariat to furnish it with a memorandum on the subject.

Observations by the Permanent Mandates Commission on the Administration of the Territories under B and C Mandates during the preceding administrative Year.

These observations were drawn up by the Permanent Mandates Commission at its third session held in July and August 1923, after the reports had been examined in the presence of the accredited representatives of the Powers by which they were furnished. They are presented in as concise a form as possible. In order fully to understand them, reference should be made to the Minutes of the meetings of the Commission at which the reports were discussed.

Territories under B Mandates.

RUANDA-URUNDI (under Mandate of Belgium).

Twenty copies of the annual report of the Belgian Government on the administration of Ruanda-Urundi during 1922 were received in the Secretariat on July 2nd, 1923. At the same time the Secretariat was informed that copies of this report would be forwarded direct to the members of the Mandates Commission. The report is drawn up in French and contains certain ordinances issued during the administrative year 1922. After a preliminary examination at the meeting held on July 24th, the Commission devoted its meeting on July 30th to the consideration of the report, with the assistance of the accredited representative of the Belgian Government, M. Pierre Forthomme, Honorary Minister Plenipotentiary and member of the Chamber of Representatives.

GENERAL OBSERVATIONS.

The Mandates Commission expressed its satisfaction at the great care which had been taken to secure both clearness and conciseness in drawing up the report which was presented by the

Belgian Government to the Council of the League of Nations. It contains as an annex the text of several important ordinances and almost completely satisfies the wishes expressed by the Commission at its last session. The Commission avails itself of this opportunity to express the hope that an even more complete collection of official documents will be attached to future reports. It would be glad if an outline map of the territory under Belgian mandate could be added to next year's report. The Commission notes with gratitude the statements of the accredited representative to the effect that his Government would be willing to accede to these requests.

SPECIAL OBSERVATIONS.

(1) *Administrative Organisation.*

The Commission has noted with interest that the mandatory Power intends to issue an ordinance defining the powers conferred and the obligations imposed upon the heads of the two native communities of Ruanda and Urundi in the present general administration of the mandated territory.

(2) *Slavery.*

The Commission is highly gratified by the information contained in the report, which has been supplemented and confirmed by the accredited representative, regarding the abolition of slavery in the territory. It notes with pleasure the statements of the accredited representative to the effect that the measures taken by the mandatory Power have provided for and effectively secured the complete abolition of slavery.

(3) *Military Clauses.*

According to the report (page 6), a native rising of somewhat serious proportions broke out during the year and necessitated action by armed forces. The Commission has been reassured by the statements made on this point by the accredited representative and desires that, should further incidents of this nature occur, they should be mentioned in future reports with sufficient circumstantial detail to obviate any misunderstanding as to their importance.

(4) *Education.*

The Commission would be glad if the next report could contain fuller information, giving an idea of the progress made in the development of education, as well as a programme of education for the natives.

(5) *Public Health.*

(See pages 3 and 4 on this subject.)

(6) *Public Finance.*

(See page 3 on this question.)

In view of the fact that Ruanda-Urundi forms a Customs union with the adjacent Congo territory, the Commission would be glad if the next report could contain particulars which would enable it to determine the principles on which the expenditure and receipts of the common Customs administration are allocated, as between the mandated territory and the neighbouring Belgian colony.

The Commission would be glad of information as to whether, and, if so, to what extent, the taxation imposed on the natives by the mandatory Power has superseded the tribute and other levies paid to the Chiefs.

(7) *General International Conventions.*

(See page 3 on this question.)

CAMEROONS AND TOGOLAND (under Mandate of France).

GENERAL OBSERVATIONS.

The Commission expresses its great satisfaction regarding the form in which the reports on the territories under French mandate have been presented. These reports, which are clearly influenced by the recommendations made last year by the Mandates Commission, demonstrate, both by the fullness of their contents and by the care with which they were prepared, the respect with which the League of Nations is regarded by the mandatory Power.

FRENCH CAMEROONS

Twenty copies of the annual report of the French Government on the administration under mandate of the Cameroons during the year 1922 were received by the Secretariat on June 12th, 1923, which was within the period laid down in the Rules of Procedure of the Commission. At the

same time, the Secretariat was informed that copies of this report had been forwarded direct to members of the Mandates Commission. The report is drawn up in French. An outline map of the territory is attached, together with the texts of the principal decrees and ordinances issued during 1922. The Commission devoted three meetings, held on July 21st and 23rd, to the examination of this report, in collaboration with the accredited representative of the French Government, M. A. Duchêne, Councillor of State and Director of Political Affairs in the Ministry of the Colonies.

SPECIAL OBSERVATIONS.

(1) *Slavery.*

The Commission noted with interest the particulars given with regard to slavery. This practice apparently still exists in certain parts of the Cameroons, but the Commission received with satisfaction the statement made by the accredited representative to the effect that this immemorial institution of slavery is carefully controlled by the mandatory Power. It would be glad if detailed information could be given in subsequent reports as to the progress made in the gradual suppression of such slavery as still exists in the territory.

The Commission will note with special interest the information which the accredited representative of the French Government has promised regarding the conditions of life in the villages where former slaves have collected after emancipation. The Commission would be glad if the mandatory Power would indicate in its next report the extent to which Moslem courts are competent to deal with slavery, which is recognised by Moslem law.

(2) *Labour.*

The Commission would attach great value to information as to the conditions under which labour contracts can be broken by the employer, and as to the obligations of the latter towards his employees.

(3) *Trade in and Manufacture of Alcohol and Dangerous Drugs.*

The Commission would be glad of more detailed information as to the effective control of the trade in spirituous liquors, and the practical results of the measures taken to suppress trade spirits.

The Commission, on page 2, deals with a suggestion which it has made concerning the desirability of an agreement between the British and French Governments for the unification of the duties on alcoholic liquors.

(4) *Economic Equality.*

The Commission noted that, by an order of May 10th, 1921, the ordinance of February 17th, 1921, embodying Customs regulations for French Equatorial Africa, was extended to the Cameroons. Under the terms of this ordinance, and in particular under Article 54, it would appear as if preferential treatment had been accorded to the importation into the mandated territory of goods of French or French Colonial origin. The accredited representative has shown to the satisfaction of the Commission that this supposition was incorrect, as the mandatory Power gave no preferential treatment in the Cameroons. The Commission would be glad to note in the next report that an amendment in the ordinances will have cleared up this point.

(5) *Education.*

In recognised schools, the language used for instruction is French. The Commission would be grateful if the mandatory Power could furnish particulars as to the application of this regulation. The Commission welcomes the announcement that next year's report will give more definite information as to the curricula in force in non-recognised mission schools and as to the progress of instruction in elementary hygiene.

(6) *Public Health.*

(See pages 3 and 4 on this subject.)

(7) *Land Tenure.*

The Commission would be glad if the next report could contain precise replies regarding the various points raised during the discussion in the Commission on the respective rights of the mandatory Power and the natives in matters affecting landed property.

(8) *Moral, Social and Material Welfare.*

The Commission notes with pleasure the statement by the representative of the mandatory Power to the effect that the next report will contain a more detailed description of the life of the natives in the villages.

(9) *Public Finance.*

(See page 3 on this subject.)

The loan proposed by the mandatory Power for the economic development of the French Cameroons gave rise in the Commission to observations of a general nature which it has inserted in its general report.

(10) *Demographical Statistics.*

The Commission was struck by the very severe penalties laid down with regard to emigration. It will be glad to receive the detailed information on this subject which has been promised by the accredited representative of the mandatory Power, particularly as regards the traffic in women to which he referred.

(11) *General International Conventions.*

(See page 3 on this subject.)

FRENCH TOGOLAND.

Twenty copies of the annual report by the French Government on the administration of Togoland under French mandate were received by the Secretariat on June 2nd, 1923, which was within the period laid down in the Rules of Procedure of the Commission. At the same time, the Secretariat was informed that copies of the report had been forwarded direct to members of the Commission. The report is drawn up in French. An outline map of the territory is attached, together with the text of the principal decrees and orders issued during 1922. The Commission devoted two meetings, held on July 23rd, 1923, to the examination of this report, with the assistance of the accredited representative of the French Government, M. A. Duchêne, Councillor of State and Director of Political Affairs in the Ministry for the Colonies.

SPECIAL OBSERVATIONS.

(I) *Administrative Organisation.*

The Commission was interested in the information given as to the participation of natives in the local courts and in the "Chambre d'homologation". It would be glad if the next report could contain information as to the actual working of these two classes of courts.

(2) *Labour.*

The Commission is anxious to have more detailed information on the following points:

(a) The methods adopted and the results obtained by the Administration in its efforts to develop small native holdings.

(b) The results obtained by the establishment of Arbitration Councils for native labour.

(c) The obligations of the employer, particularly in the event of his breaking the contract, and the limitation of his disciplinary powers.

(3) *Trade in and Manufacture of Alcohol and Dangerous Drugs.*

Same observations as for French Cameroons.

(4) *Economic Equality.*

Same observations as for French Cameroons.

(5) *Education.*

Same observations as for French Cameroons.

(6) *Public Health.*

(See pages 3 and 4 on this subject.)

(7) *Moral, Social and Material Welfare.*

The Commission would like to receive more detailed information regarding the part taken by the natives on the commission set up to organise the system of land tenure, the reform of native justice and the regulation of labour.

(8) *Public Finance.*

(See page 3 on this subject.)

The Commission was struck by the large budget surpluses obtained by the Togoland Administration. It would appear from the explanation given that these surpluses and the interest thereon are placed to the credit account of the mandated territory.

(9) *Demographical Statistics.*

The Commission notes that the measures adopted to restrict emigration from Togoland are apparently less severe than those in force in the French Cameroons. The Commission would be glad to know the views of the mandatory Power regarding the causes of such emigration.

(10) *General International Conventions.*

(See page 3 on this subject.)

TANGANYIKA, TOGOLAND AND CAMEROONS (under Mandate of Great Britain).

GENERAL OBSERVATIONS.

With regard to the reports on Tanganyika, Togoland and the British Cameroons, the Commission submits the following observations and makes the following recommendations:

It notes that two of those documents are submitted in the form of reports from the responsible governors to the British Secretary of State for the Colonies, and that the third report does not contain any indication either as to who is its author, or for whom it is intended. The Commission considers that, under the terms of the Covenant, the annual reports should be issued by the mandatory Power and should be addressed to the Council of the League of Nations. It hopes that future reports will be submitted in such a form as to make it clear that the mandatory Power takes full responsibility for them.

The Commission would also be glad to be provided with all the administrative texts applicable to the mandated territories. It calls attention to the fact that other mandatory Powers have attached to the annual reports the ordinances in force, and have thereby greatly facilitated the work of the Commission.

The Commission also desires to be provided with the most recent outline maps of the three territories. It notes with gratitude the statement made by the representative of the mandatory Power to the effect that that Power is prepared to carry out the recommendations of the Commission and to supply all useful information to those members of the Commission who may be preparing a report on any particular subject.

TANGANYIKA

Twenty-nine copies of the annual report of the British Government on the administration of Tanganyika for the year 1922 were received in the Secretariat on July 10th, 1923. The Secretariat was requested to send copies of these documents to the members of the Commission instead of their being sent direct. The Secretariat has also received two copies of the decrees issued during the administrative year 1922. The report is drawn up in English. The Commission, having given this report preliminary consideration at its meeting of July 24th, devoted the meeting on August 1st to an examination of the report, in collaboration with the accredited representative of the British Government, the Hon. W. Ormsby-Gore, Under-Secretary of State for the Colonies.

SPECIAL OBSERVATIONS.

(1) *Territorial Questions.*

The Commission desires to express its satisfaction on learning from the representative of the mandatory Power that the latter was prepared to propose, in agreement with the Belgian Government, that the frontier between Tanganyika and Ruanda should be modified in such a way as to rectify the position to which the Commission referred in its report to the Council last year. It hopes that the Council will accord a favourable reception to the proposals of the two Powers concerned regarding this matter.

(2) *Administrative Organisation.*

The Commission desires to obtain the fullest information as to the organisation of the territory and, in particular, as to the powers of the Governor and the Council which assists him and as to

the participation of the natives in administrative and judicial affairs. The Commission notes the statement of the accredited representative to the effect that the mandatory Power will consider the question of the introduction, by decree, of British law as the fundamental law in the territory.

(3) *Slavery.*

The Commission notes with satisfaction the law finally abolishing slavery, which has been published since its last session, and also the declaration of the accredited representative to the effect that the position of emancipated slaves who wish to remain as free men with their former masters will be defined in the Masters and Servants Ordinance, the enactment of which is now announced.

(4) *Labour.*

The Commission would be glad to be able to announce, from detailed information in the next report, that all measures have been taken by the mandatory Power to regulate the direct recruiting of labourers by owners of plantations, and child labour.

(5) *Arms Traffic.*

The Commission notes the intention of the mandatory Power, as announced by the accredited representative, to supply information as to the number of firearms in the hands of the natives.

(6) *Trade in and Manufacture of Alcohol and Dangerous Drugs.*

The Commission would be glad to have full information as to the measures taken to regulate the sale and consumption of native intoxicants.

(7) *Liberty of Conscience.*

The Commission notes with interest the facts supplied by the accredited representative with regard to the difficulties encountered by the Governor of Tanganyika in connection with the establishment of missionaries of different religious denominations in the territory. It has set forth in its general report its views as to the manner in which the provisions of the mandates regarding liberty of conscience should be interpreted.

(8) *Education.*

The Commission notes with sympathetic interest the intentions of the mandatory Power with regard to a scheme of educational reform, and hopes that the next report will contain information as to the steps taken in the application of this scheme.

(9) *Public Health.*

(See pages 3 and 4 on this subject.)

(10) *Land Tenure.*

The Commission notes with satisfaction the statement of the representative of the mandatory Power with regard to the ownership of the domain. According to this statement, which fully coincides with the views of the Commission, this domain belongs to Tanganyika territory.

The Commission notes with satisfaction the announcement of the representative of the mandatory Power that it will be supplied with information with regard to the ownership, under the German regime, of the mica and gold mines referred to on page 27 of the report.

(11) *Moral, Social and Material Welfare.*

The Commission would be glad to be informed why a population which is so entirely agricultural as that of Tanganyika has, according to the statistics supplied, been obliged to import maize and rice in considerable quantities from India.

The Commission notes the promise of the accredited representative to supply details as to the number of Indians settled in Tanganyika who are British subjects, and the number who are subjects of the native States.

(12) *Public Finance.*

(See page 3 on this subject.)

The Commission has not been able to gather from the report communicated to it an exact idea of the financial regime in force in Tanganyika. It notes the promise made by the accredited representative to supply more detailed information on this subject in future.

(13) *General International Conventions.*

(See page 3 on this question.)

BRITISH TOGOLAND

Twenty-nine copies of the annual report of the British Government on the administration of Togoland for the year 1922 were received by the Secretariat on July 9th, 1923. The Secretariat has also received twenty-nine copies of the two ordinances, No. 13, 1920, and No. 11, 1921. The Secretariat was requested to send to the members of the Commission copies of these documents, instead of their being sent direct. The report is drawn up in English. The Commission, having given this report preliminary consideration at its meeting of July 23rd, devoted the meeting of August 2nd to an examination of the report, in collaboration with the accredited representative of the British Government, the Hon. W. Ormsby-Gore, Under-Secretary of State for the Colonies.

SPECIAL OBSERVATIONS.

(1) *Administrative Organisation.*

The Commission fully recognises that the incorporation of Togoland with the Gold Coast is necessitated by circumstances and is in no way an infringement of the mandate. It gives rise, however, to a very serious difficulty as regards the work of the Commission, which has to give its opinion on the administration of the territory on the basis of the annual report. In order to overcome this difficulty, the Commission should have at its disposal as much documentary evidence as possible. It would therefore be glad if the next report contained as clear and complete a statement as possible regarding the organisation of the administration of Togoland, together with the pertinent ordinances of the Gold Coast. In particular, it would be glad to be informed regarding the powers of the various administrators and to know to what extent the natives are employed in public service.

(2) *Slavery.*

The Commission would be glad if the next report contained detailed information concerning the legal status of, and the actual position regarding, slavery in all parts of the territory and particularly in the northern part.

(3) *Labour.*

The Commission would be glad if the next report contained more detailed and complete information as to the application by the Governor of the Gold Coast to British Togoland of the recommendations of the International Labour Conferences. The Commission notes with satisfaction the statement of the representative of the British Government to the effect that the mandatory Power will inform the Commission as to the application to Togoland of Ordinance No. 11 of 1921 regarding the regulation of employment on the Gold Coast.

(4) *Trade in and Manufacture of Alcohol and Dangerous Drugs.*

The Commission would refer to the mention made on page 2 as to the possibility of concluding an agreement between the British and French Governments for the unification of the duties on alcoholic liquors.

(5) *Public Health.*

(See pages 3 and 4 on this subject.)

(6) *Land Tenure.*

The Commission notes with interest the changes in the system of land tenure of which it has been informed by the accredited representative.

(7) *Moral, Social and Material Welfare.*

The Commission would be glad if the next report on British Togoland could contain fuller information regarding prostitution, which is alluded to in paragraph 79 of the report for 1922.

(8) *Public Finance.*

(See page 3 on this subject.)

The Commission regrets that it cannot find in the Togoland report any useful information with regard to public finance. It was only from the accredited representative that it has been able to learn the nature of the currency in use in the territory. While realising that it is extremely difficult to supply details which will enable the Commission to form an exact idea of the financial situation of Togoland, in view of the fact that this territory has been divided into three divisions and incorporated for administrative purposes in three corresponding divisions of the Gold Coast Colony, the Commission desires that the next report should contain as much information as possible regarding the revenue collected in Togoland and the expenditure incurred for that territory by the Gold Coast Administration.

(9) *General International Conventions.*

(See page 3 on this subject.)

BRITISH CAMEROONS

Twenty-nine copies of the annual report of the British Government on the administration of the British Cameroons for the year 1922 were received by the Secretariat on July 20th, 1923. The Secretariat was requested to send copies of these documents to the members of the Commission instead of their being sent direct. The Secretariat has also received two copies of the ordinances issued during the administrative year 1922. The report is drawn up in English. The Commission, having given this report preliminary consideration at its meeting on July 24th, devoted the meeting on August 2nd to its examination, in collaboration with the accredited representative of the British Government, the Hon. W. Ormsby-Gore, Under-Secretary of State for the Colonies.

SPECIAL OBSERVATIONS.

(1) *Territorial Questions.*

The Commission notes that, according to the report of the mandatory Power and the statements of its accredited representative, the present delimitation of the British Cameroons does not appear to conform to the interests of the natives. The Commission suggests that the Council, before considering any measures for the purpose of removing the difficulties referred to, may wish to request the French Government to collect information and to make known its views on the subject.

(2) *Administrative Organisation.*

The same observations as for British Togoland (*mutatis mutandis*).

(3) *Slavery.*

The Commission is glad to note the statements made by the accredited representative, who has promised to provide it with further information regarding the activity of slave-dealers on the eastern frontier of the Cameroons, to which reference is made in the report.

The Commission would be grateful if the mandatory Power would indicate in its next report the extent to which Moslem courts are competent to deal with slavery, which is recognised by Moslem law.

(4) *Labour.*

The Commission would be glad if the next report contained more detailed information as to the conditions of labour, methods of recruiting labour and the disciplinary powers of employers in the British Cameroons. It would also be interested to see the administrative regulations on these matters, which the accredited representative has announced that he will transmit to it.

(5) *Military Clauses.*

The Commission has been informed by the accredited representative that 189 men have been recruited by a detachment of the Nigerian military forces during its period of service in the Cameroons. The Commission considers, in reply to the question addressed to it on this subject on behalf of the mandatory Power, that this action constitutes an infringement of the principles of the mandate. On this subject it refers to the passage in its general report.

(6) *Trade in and Manufacture of Alcohol and Dangerous Drugs.*

The Commission notes that the accredited representative has promised to ascertain whether the northern territories in the Cameroons have been included in the zone of prohibition for the importation of spirits.

(7) *Public Health.*

(See pages 3 and 4 on this subject.)

(8) *Land Tenure.*

The Commission hopes that the next report will contain further information on the adjustment of the provisions of the ordinance which will be applied in the northern parts of the territory to the existing system of land tenure obtaining particularly in the emirate of Dikwa.

(9) *Public Finance.*

(See page 3 on this subject.)

The observations made with regard to British Togoland apply for the most part to the Cameroons. In order to enable the Commission to fulfil satisfactorily the task which has been entrusted

to it, it must be placed in a position, as far as the administrative conditions of the territory allow, to determine which part of the receipts and expenditure of the budget of Nigeria, with which the Cameroons are incorporated, refer to the latter.

The Commission notes with surprise that, in the administration of Dikwa, 75 % of the total tax is assigned to the native chief. It would be glad to know why so large a proportion of the tax is thus assigned.

(10) *General International Conventions.*

(See page 3 on this subject.)

Territories under C Mandates.

NEW GUINEA (under Mandate of Australia).

Three copies of the annual report of the Australian Government on the administration of New Guinea for the period July 1st, 1921, to June 30th, 1922, were received by the Secretariat on July 2nd, 1923, together with three copies of the ordinances issued from May 9th, 1921, to June 30th, 1922. The Secretariat also asked for and subsequently obtained 12 additional copies of the report and 10 additional copies of the ordinances. In a letter dated May 16th, the Secretariat was informed that copies of the report had been sent directly to the members of the Commission. The report is drafted in English. The Commission, having given it preliminary consideration at its meeting on July 25th, devoted the meeting of August 3rd to its examination, in collaboration with the accredited representative of the Australian Government, Sir Joseph Cook, G.C.M.G., High Commissioner for Australia in London.

GENERAL OBSERVATIONS.

The Commission desires to express its satisfaction with the documents which have been sent to it by the Australian Government in connection with the mandated territory of New Guinea. The annual report and the administrative texts attached thereto are addressed to the Council of the League of Nations, for which they were specially prepared and published. The Commission's task was much facilitated by the great care taken by the Australian Government in preparing these documents.

SPECIAL OBSERVATIONS.

(1) *Administrative Organisation.*

The Commission would be glad if the next report contained further information with regard to the share taken by the natives in the conduct of affairs and in the administration of justice.

(2) *Slavery.*

The Commission notes that slavery exists in certain comparatively unexplored regions of the territory. It notes the statements of the accredited representative to the effect that the mandatory Power is resolved to suppress slavery and to develop systems of voluntary labour as rapidly as circumstances allow. It will welcome further information with regard to the application of this policy.

(3) *Labour.*

The Commission learned with regret that the number of the native population remained stationary or was even diminishing, and considered the possibility of a connection between this state of affairs and the labour system in force. The mandatory Power will no doubt give the most careful consideration to this question, and the Commission will attach much importance to any information which can be supplied to it in this connection. In particular, it hopes that the next reports will completely reassure it as to the results of the present recruitment of workers of both sexes.

(4) *Arms Traffic.*

The Commission would be glad to have more exact information in the next report with regard to the character of the arms imported into the territory and with regard to the policy adopted by the mandatory Power in granting authorisations to natives to bear arms.

(5) *Trade in and Manufacture of Alcohol and Dangerous Drugs.*

The Commission would be glad to have more exact information in the next report as to the consumption by the natives of fermented liquors.

(6) *Economic Equality.*

The Commission would be glad to know the exact conditions under which ex-enemy property has been sold, or is still administered by the mandatory Power. It is particularly anxious to learn the conclusions of the Commission appointed by the Australian Government to examine the situation in this respect in the mandated territory.

The Commission would also like to have exact information concerning the organisation and working of the commercial agency of New Guinea established and carried on by the Australian Government. In particular, it would like to know whether this agency has the privilege of a monopoly or a quasi-monopoly, and whether it enjoys partial or total immunity from taxation

(7) *Education.*

The Commission hopes that the next report will provide further information with regard to the organisation of public education, especially as regards domestic economy, and the amount spent on education from public or private sources.

(8) *Public Health.*

(See pages 3 and 4 on this subject.)

(9) *Material, Moral and Social Welfare.*

In view of the paucity of the population and its stationary or decreasing character, the Commission would like to know whether the mandatory Power would be prepared to contemplate the application to the mandated territory of a less restrictive immigration policy than that which it applies in its own territory.

(10) *Public Finance.*

(See page 3 on this subject.)

The Commission would be glad to learn the views of the mandatory Power with regard to the distinction which the latter considers it proper to establish between the receipts of the mandated territory and any receipts which are credited to its own budget in connection with the administration of the territory or the exploitation of its resources.

(11) *General International Conventions.*

(See page 3 on this subject.)

Note: After the observations had been adopted, a statement giving supplementary information was received from the accredited representative of the Commonwealth of Australia, which has been inserted in the Minutes of the third session of the Permanent Mandates Commission.

NAURU (under mandate of the British Empire.)

Twenty-nine copies of the annual report on the administration of Nauru for the year 1922 were received by the Secretariat on July 2nd, 1923, together with the same number of copies of the Convention of May 30th, 1923, concluded between the British, Australian and New Zealand Governments. The Secretariat was requested to forward copies to the members of the Commission. The report is presented in English, and contains certain ordinances promulgated in the course of 1922, together with an outline map of the territory. After submitting this report to a preliminary examination at its meeting on July 25th, the Commission devoted its meeting on August 3rd to a more detailed consideration of it, in collaboration with the accredited representative of the mandatory Power, Sir Joseph Cook, G.C.M.G., High Commissioner for Australia in London, who was accompanied by Sir James Allen, K.C.B., High Commissioner for New Zealand in London, and the Hon. W. Ormsby-Gore, British Under-Secretary of State for the Colonies.

GENERAL OBSERVATIONS.

The Commission expressed its satisfaction at the fact that the report submitted to it together with the annexed documents and outline map, had enabled it to understand and appreciate more completely than in the preceding year the general system of administration of the island of Nauru

SPECIAL OBSERVATIONS.

I. *Administrative Organisation.*

The Commission observed that the island of Nauru is divided into fourteen administrative districts, although it only contains 1,068 inhabitants. It further observes that the judicial organisation instituted by Ordinance No. 9 of 1922 made provision for two Courts, one of which constitutes a court of appeal from the decisions of the other, but both of which are presided over by the Administrator.

The Commission would be glad to have information with regard to the powers and functions of the two officers who sit with the Administrator in the Appeal Court. It would also like to know how the right of appeal is exercised in the case of ignorant natives, and whether sentences of capital punishment or long terms of imprisonment have to be confirmed by a higher authority.

2. *Labour.*

The Commission would be glad to know what steps have been taken in order to acquaint the persons concerned with the provisions of the ordinance regarding contract labour. In particular, it would like to know whether the text of the ordinance has been communicated to them in their respective languages. The Commission will be glad to see the standard type of labour contract which the accredited representative of the mandatory Power was good enough to say would be annexed to the next report.

The Commission would also like to learn whether the authorities in Nauru utilise the services of the Hong-Kong Government or any other agency in China for recruiting Chinese workers. Is there any Chinese-speaking official in Nauru responsible to the Administrator ?

3. *Education.*

The Commission is glad to note the declaration of the representative of the mandatory Power to the effect that the curriculum of instruction in the mission schools will be included in the next report.

4. *Public Health.*

(See pages 3 and 4 on this subject.)

5. *Land Tenure.*

The Commission notes the declarations of the representative of the mandatory Power, according to which it appears to be definitely understood that all Crown lands belong to the British Empire only in its capacity as mandatory.

6. *Public Finance.*

(See page 3 on this subject.)

In view of the relatively low expenditure necessitated by the small indigenous population of the island, it appears to the Commission that the natives are very heavily taxed, being liable to a capitation tax of 15/- plus an import duty of 10% *ad valorem*, plus an export duty of 10/- per ton of copra. The Commission hopes that the next report will state the amount received from the capitation tax, since no receipts from it figure in the budget contained on page 14 of the report.

7. *General International Conventions.*

(See page 3 on this subject.)

ISLANDS UNDER JAPANESE MANDATE.

Twenty copies of the annual report by the Japanese Government on the administration during 1922 of the islands under Japanese mandate were received in the Secretariat on July 12th, 1923. At the same time, the Secretariat was informed that copies of this report had been forwarded direct to members of the Mandates Commission. The report is drawn up in English. After a preliminary examination at the meeting held on July 24th, the Commission devoted two meetings on July 28th to the consideration of the report, with the assistance of the accredited representative of the Japanese Government, M. M. Matsuda, Minister Plenipotentiary and Head of the Japanese Office accredited to the League of Nations.

GENERAL OBSERVATIONS.

The Commission desires to draw attention to the fact that the general form of the Japanese report has greatly assisted the Commission's work. Its authors, while strictly following the questionnaire drawn up by the Commission, prefaced their replies to the special questions with a statement regarding the administrative organisation of the territory. On the other hand, the Commission regrets that, owing to delay in transmission, it had not at its disposal, while examining the report, the text of the decrees and ordinances relating to the territory, which the mandatory Power had promised to send. The Commission will receive these documents with great interest, and ventures to suggest that an outline map of the islands should be attached to the next report.

SPECIAL OBSERVATIONS.

I. *Administrative Organisation.*

The Commission is anxious to receive particulars as to the powers of the Director of the South Seas Office and the authority from whom those powers are derived. It also wishes to be more fully informed of all matters connected with the participation of the natives in administration.

2. *Labour.*

The Commission hopes that the next report will contain information regarding the application to industrial labour, in the islands under Japanese mandate, of certain conventions adopted by the International Labour Conferences and ratified by the mandatory Power. In particular, the Commission desires to know how far persons employed in the sugar industry have been allowed to benefit by the protection provided for them in these conventions.

The Commission wishes to know whether the provisions for the protection of labour which are now in force in the islands under Japanese mandate apply to employees in Government undertakings, and particularly in the Angaur Mines.

3. *Trade in and Manufacture of Alcohol and Dangerous Drugs.*

The Commission has noted the additional information regarding the trade in spirits which the accredited representative of the mandatory Power was good enough to furnish in his note dated August 3rd, 1923. It would be glad if, in future reports, more detailed information could be given regarding the various kinds of intoxicants which are imported into the islands.

4. *Economic Equality.*

The Commission would be glad if the next report could contain particulars clearly showing the nature of the phosphate mining undertaking. In particular, it wishes to know whether this undertaking enjoys a *de jure* or *de facto* quasi-monopoly of the exploitation of phosphates in the islands under Japanese mandate.

5. *Education.*

The Commission noted with satisfaction the information supplied by the mandatory Power regarding the condition of education in the territories under Japanese mandate. It would be glad to find in the next report more detailed information as to the curriculum of mission schools.

6. *Public Health.*

(See pages 3 and 4 on this question.)

In examining the public health statistics, the Commission was struck by the disproportionate prevalence of venereal diseases among the immigrants as compared with the natives. It would be glad to know what steps are being taken to protect the natives from these diseases.

7. *Public Finance.*

(See page 3 on this question.)

The Commission will be glad to find, in the tables relative to the budget and the annual accounts, details which would make it possible to draw a clear distinction between the resources and expenditure properly belonging to the mandated territory and the financial results of such operations as the Japanese Government may have been led to undertake in the islands in any capacity other than that of mandatory Power.

8. *General International Conventions.*

(See page 3 on this subject).

WESTERN SAMOA (under Mandate of New Zealand.)

Ten copies of the annual report of the Government of New Zealand on the administration of Western Samoa, dealing with the period March 31st, 1921 to March 31st, 1922, were received by the Secretariat on October 31st, 1922; *i.e.* within the period laid down by the Rules of Procedure of the Commission. They were accompanied by three copies of the acts and ordinances promulgated during that period. The Secretariat was informed that the report had been transmitted directly to the members of the Permanent Mandates Commission. The report is presented in English. The Commission, having given the report preliminary consideration at its meeting on July 25th, devoted the meeting of August 3rd to its examination, in collaboration with the accredited representative of the New Zealand Government, Sir James Allen, K.C.B., High Commissioner for New Zealand in London.

GENERAL OBSERVATIONS.

The report which the Commission examined referred to the year ending March 31st, 1922. It was unfortunate that the last report issued, which referred to the following year, was received too late to be brought before the Commission. The Commission noted that the document submitted to it was in the form of a report from the Minister for Foreign Affairs to the Prime Minister of the mandatory Power. The Commission would be grateful if future reports may be addressed to the Council of the League of Nations by the Government of the mandatory Power. The Commission was glad to note the assurances furnished by the accredited representative that it may hope, in future, to receive all legislative and administrative documents relative to the mandated territory. It would also be glad to receive from the mandatory Power the most recent map of the mandated territory.

SPECIAL OBSERVATIONS.

I. *Administrative Organisation.*

The Commission would be glad to receive full information as to the territorial areas established for administrative purposes and the powers and duties of the various departments, as well as information regarding the relations between the administration and the native authorities.

2. *Labour.*

The Commission notes with satisfaction that labour in the mandated territory is protected in the same way as similar labour in the Dominion of New Zealand. In view of the advanced condition of labour laws in New Zealand, the Commission would be particularly glad to receive more complete information as to the methods and results of the application of these laws to workers in the mandated territory.

3. *Education.*

The Commission welcomes the information given with regard to the progress made in education. It hopes that future reports will reveal an equally satisfactory development and that the mandatory Power will be prepared, as its accredited representative anticipates, to display increasing generosity on behalf of the education of the natives. It would be glad to know the terms of the agreement reached between the Government and the mission schools with regard to education.

4. *Land Tenure.*

The Commission would be glad to know to whom the revenues are paid in respect of leases for native holdings concluded by the Administrator of the territory, under the terms of paragraph 4 of Article 280 of the Law of December 7th, 1921, which prescribed a settlement by the Government of Western Samoa.

5. *Public Health.*

(See pages 3 and 4 on this subject).

6. *Public Finance.*

(See page 3 on this subject).

The Commission will be glad to be informed as to the meaning of the term "Stores held on loan account", which appears on page 29 of the report, and also to have some information as to the "New Zealand Treasury settling account".

7. *General International Conventions.*

(See page 3 on this subject).

SOUTH-WEST AFRICA (under Mandate of the Union of South Africa).

Since its last session, the Permanent Mandates Commission has received reports from the mandatory Power with regard to the administration of South-West Africa for the years 1921 and 1922 respectively. Thirty copies of the first report reached the Secretariat on October 5th, 1922, and the same number of copies of the second report on June 14th, 1923, *i.e.* within the time limit laid down by the Rules of Procedure of the Commission. Eight copies of documents relating to the budget and to public health were annexed to the report for 1922. The two reports are drawn up in English.

During its present session, the Commission confined itself to examining the more recent report, subject to occasional reference to the earlier one. After preliminary examination of the report for 1922, the Commission examined it again at its meetings of July 31st, in collaboration with the accredited representative of the Government of the Union of South Africa, Sir Edgar Harris Walton, K.C.M.G., High Commissioner of the Union in London. The Commission also had the advantage of the assistance of Major Herbst, Secretary for South-West Africa, who accompanied Sir Edgar Walton in the capacity of expert.

GENERAL OBSERVATIONS.

The Commission observed that the annual reports which had been communicated to it were addressed to the Prime Minister of the Union of South Africa by the Administrator of South-West Africa. It expressed the wish that, in future, these documents should assume the form of reports addressed by the mandatory Power to the Council of the League of Nations.

The Commission noted with gratitude the declaration of the accredited representative to the effect that the mandatory Power would, in future, forward to the League of Nations twelve copies of the *Official Gazette* for the use of members of the Commission and of the Secretariat. It welcomed this declaration with the more satisfaction by reason of the fact that it has, up to now, been hindered in its work by the insufficiency of its information.

SPECIAL OBSERVATIONS.

(1) *Administrative Organisation.*

The Commission took cognisance of the fact that that part of the mandated territory which was known as Caprivi Zipfel had, for geographical reasons, been detached from the general administration of the territory and was administered under the direct control of the Governor-General for South Africa. The Commission also noted that the territory of Walvis Bay had been treated as if it formed part of the mandated territory, whereas it was not, in fact, included in that territory. The Commission would be glad if exact information were given in the next report with regard to the duties of the Administrator, the organisation of the Administrative Council and the general composition of the administrative organisations of the mandated territory. It is especially anxious to have complete information as to the organisation of the Department for Native Affairs and its relations with the superintendents of native labour, the police department and the magistrates.

The Commission was interested in the information which Major Herbst was good enough to furnish with regard to the organisation of native reserves. It will follow with interest the development of this policy in order to appreciate more fully its bearing on the general principles laid down by Article 22 of the Covenant.

(2) *Slavery.*

The Commission notes the discovery of domestic slavery among the Ovambos, which is referred to in the report. It hopes that as complete information as possible will be given in the future reports of the mandatory Power with regard to the origin and extent of the slavery in question and the measures taken by the Administrator in order to ensure its gradual disappearance.

(3) *Education.*

Having learned that education had so far been left entirely in the hands of the missions the Commission noted with satisfaction the declaration of Major Herbst to the effect that his Government contemplated the establishment of State schools.

The Commission hopes that, in future, the expenditure in respect of the education of the natives would as far as possible be clearly distinguished, in the accounts which were presented, from the expenditure in respect of non-natives.

(4) *Public Health.*

(See pages 3 and 4 on this subject.)

(5) *Land Tenure.*

The Commission had before it the text of a law incorporating the railways of the mandated territory in the railway system of South Africa. The meaning of this law, as interpreted by the accredited representative, is that the railways, harbours, etc. of the territory have been transferred to the Union "in full dominion."

(6) *Moral, Social and Material Welfare.*

The Commission deplors the unfortunate relations which the report discloses between the white population and a large proportion of the natives of the mandated territory. It trusts that the administration will resist the influence of these deplorable relations, which are largely the heritage of past events in South-West Africa and which are so much opposed to the essential principles of Article 22 of the Covenant. It hopes that future reports will be able to disclose better relations between the two races.

(7) *Public Finance.*

(See page 3 on this subject.)

The Commission noted that, except as regards the railways, the Union of South Africa intends

to leave to the mandated territory all profits obtained from State undertakings and landed property situated in the territory.

Seeing that South-West Africa is united with the Union of South Africa in a Customs Union, the Commission would be glad if information were given in the next report which would enable it to understand the principles in accordance with which the expenditure and receipts of the joint Customs administration are divided as between the mandated territory and the mandatory Power.

(8) *General International Conventions.*

(See page 3 on this question.)

PROPOSED MODIFICATIONS TO THE RULES OF PROCEDURE OF THE PERMANENT MANDATES COMMISSION.

On January 10th, 1922, the Council of the League of Nations approved the draft Rules of procedure which the Permanent Mandates Commission had adopted at its session of October 4th-8th, 1921, and which it submitted for the approval of the Council. The experience acquired by the Commission during the past three years has suggested several modifications which the Commission has the honour to submit for the approval of the Council:—

(1) The first paragraph of Rule 1 of the Rules of Procedure at present in force provides that: "the Permanent Mandates Commission will assemble for its first ordinary session once a year at the seat of the League of Nations, as a rule on the first Tuesday in August".

It appeared to all the members of the Commission that this date, August 1st, had been unfortunately selected, from all points of view; in actual fact, the Commission was this year obliged to meet on July 20th. The short space of time separating this date from that of the Assembly, and that of the meeting of the Council which immediately precedes it, is prejudicial to a careful examination of the reports and to the supervision of the administration of the mandated territories which is entrusted to the Commission and the Council, and as to which the Assemblies of past years have wished to be kept informed.

The Commission is not, however, unaware of the difficulties which the mandatory Powers would experience if a date were selected which was too near the administrative periods in respect of which their annual reports are drawn up. The Commission therefore proposes to substitute, in the above-mentioned provisions, for the words "the first Tuesday in August" the words "in the second half of June". It thereby believes that it is reconciling, so far as is practicable, the convenience of the mandatory Powers and the exigencies of supervision by the League of Nations.

(2) The first paragraph of Rule 5 of the Rules of Procedure reads: "The Commission shall be put in possession, at the latest by the end of June, of the annual reports which, in conformity with the provisions of paragraph 9 of Article 22 of the Covenant, it is constituted to receive". It is necessary that the members of the Commission should be in possession of the reports with which their enquiry will be concerned at least one month before the date of the ordinary session. It is proposed in consequence to substitute for the words "at latest by the end of June" the following words "at latest before May 20th".

(3) Paragraph 2, of Rule 5 of the Rules of Procedure at present in force provides that "the mandatory Powers shall be requested to send 20 copies of these reports to the Secretariat of the League and one copy each, at the same time, to the members of the Permanent Mandates Commission, whose names and addresses shall be communicated, with this object in view, to the Governments of these Powers." Having regard to the fact that, by the terms of the Covenant, the mandated territories are administered on behalf of the League of Nations, it appeared desirable to the Commission that each Member of the League should receive a copy of every annual report issued by the mandatory Powers. It is in the general interest that the delegations to the Assembly, of which several have in the past taken part in the debates on the question of mandates, should be in possession of the relevant documents, not only of the observations of the Permanent Mandates Commission, but also of the text of the annual reports of the mandatory Powers. The Commission therefore proposes to substitute for the words "twenty copies" in the above-mentioned text, the words "one hundred copies".

(4) The last paragraph of Rule 8 of the Rules of Procedure at present in force reads as follows: "The Commission shall hold a plenary meeting in the presence of all duly authorised representatives of the mandatory Powers, when it has adopted the final terms of its observations on all the reports which it has examined. This meeting shall be public. If the majority of its members so desire, the Commission may take advantage of the presence of the duly authorised representatives of the mandatory Powers to bring before them all matters connected with the mandates which, in its opinion, should be submitted by the Council to the mandatory Powers and to the other Members of the League."

The Commission, considering that no proof has been given of the necessity for holding a plenary and public meeting, as laid down above, proposes that such meeting should be optional, and that for this purpose the following provisions, which it has the honour to submit to the Council, should be approved:

"If a majority of the members of the Commission should express the desire, the Commission shall hold a plenary meeting, in the presence of the duly authorised representatives, when it has adopted the final terms of its observations on all the reports which it has examined. The Commission may take advantage of the presence of the duly authorised representatives of the mandatory Powers to bring before them all matters connected with mandates which, in its opinion, should be submitted by the Council to the mandatory Powers and to the other Members of the League.

"The meetings, as well as the plenary meeting, shall be public if it be so decided by a majority of the Commission."
