

LEAGUE OF NATIONS.

C.527.1922.VI.

July 22nd, 1922.

DRAFT RESOLUTION APPROVING THE TERMS OF THE MANDATE
FOR SYRIA AND LEBANON.

Whereas, by the Treaty of Peace to be concluded with the Principal Allied Powers, the Ottoman Empire renounces in favour of the Principal Allied Powers all rights and title over the territories of the former Ottoman Empire situated to the south of the southern frontier of Turkey as fixed in this Treaty;

And whereas by the said Treaty the High Contracting Parties agree that the part of the above mentioned territory known as Syria shall in accordance with the terms of Article 22, paragraph 4, of the Covenant of the League of Nations, be entrusted to a mandatory power charged with the duty of rendering administrative advice and assistance to the population;

And whereas the Principal Allied Powers have decided that the Mandate for these territories comprising Syria and Lebanon should be conferred on the Government of the French Republic, which has accepted it;

And whereas the terms of this mandate, which are also defined in the articles below, have been accepted by the Government of the French Republic;

And whereas the Government of the French Republic has undertaken to exercise this mandate on behalf of the League of Nations, in conformity with the following provisions;

The Council of the League of Nations hereby approves the terms of the mandate for Syria and Lebanon.

ARTICLE I

The mandatory will frame, within a period of three years from the coming into force of this mandate, an organic law for Syria and Lebanon. This organic law shall be framed in agreement with the native authorities and shall take into account the rights, interests and wishes of all the population inhabiting the mandated territory. The mandatory shall further enact measures to facilitate the progressive development of Syria and Lebanon as independent States. Pending the coming into effect of the organic law, the government of Syria and Lebanon shall be conducted in accordance with the spirit of this mandate.

The mandatory power shall, so far as circumstances permit, encourage local autonomy.

ARTICLE II.

The mandatory may maintain his troops in the mandated territories for the defence of the territory. He shall further be empowered, until the entry into force of the organic law and the re-establishment of public security, to organise such local militia as may be necessary for the defence of the territory, and employ this militia for defence and also for the maintenance of order. These local forces may only be recruited from the inhabitants of the territories under the mandate.

The said militia shall thereafter be under local authorities, subject to the control which the mandatory shall retain over these forces. The mandatory shall prevent the employment of the militia for other purposes than those mentioned above. Nothing shall preclude Syria and Lebanon from contributing to the cost of the maintenance of the forces of the mandatory stationed in their territory.

The mandatory shall at all times possess the right to make use of the ports, railways and means of communication of Syria and Lebanon for the passage of its troops and of all materials, supplies and fuel.

ARTICLE III.

The mandatory shall be entrusted with the exclusive control of the foreign relations of Syria and Lebanon and with the right to issue passeports to the Consuls appointed by foreign powers. Nationals of Syria and Lebanon, living outside the limits of these territories shall be under the diplomatic and consular protection of the mandatory.

ARTICLE IV.

The mandatory shall be responsible for seeing that no part of the territory of Syria and Lebanon is ceded or leased or in any way placed under the control of a foreign power.

ARTICLE V.

The privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by capitulation or usage in the Ottoman Empire, shall not be applicable in Syria and Lebanon. Foreign consular tribunals, however, shall continue to perform their duties until the coming into force of the new legal organisation provided for in Article VI, unless the Powers whose nationals have enjoyed the aforementioned privileges and immunities on August 1st 1914 and had previously renounced the right to the re-establishment of these privileges and immunities, or to their application during a certain period, these privileges and immunities shall at the expiration of the mandate, be immediately re-established in their entirety or with such modifications as may have been agreed upon between the Powers concerned.

ARTICLE VI.

The mandatory shall establish in Syria and Lebanon a judicial system which shall assure to natives, as well as to foreigners, a complete guarantee of their judicial rights.

Respect for the personal status of the various peoples and for their religious interests shall be fully guaranteed. In particular, the mandatory shall exercise the administration of the *sharifs*, in complete accordance with religious law and the dispositions of the founders.

ARTICLE VII.

Pending the conclusion of special extradition agreements, the extradition treaties at present in force between foreign powers and the mandatory shall apply within the territories of Syria and Lebanon.

ARTICLE VIII

The mandatory will 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. It will be the duty of the mandatory to see that the extradition treaties in force between foreign powers and the mandatory are observed in the territories of Syria and Lebanon. No discrimination of any kind shall be made between the inhabitants of Syria and Lebanon on the ground of differences in race, religion or language.

The mandatory shall encourage public instruction which shall be given through the medium of the native languages in use in the territories of Syria and Lebanon.

The right of each community to maintain its own schools for the instruction and education of its own members in its own language, while conforming to such educational requirements of a general nature as the administration may impose, shall not be denied or impaired.

ARTICLE IX.

The mandatory shall refrain from all interference in the administration of "conseils de fabrique" or in the management of religious communities and sacred shrines belonging to the various religions, the immunity of which has been expressly guaranteed.

ARTICLE X.

The supervision exercised by the mandatory over the religious missions in Syria and Lebanon shall be limited to the maintenance of public order and good government; the activities of these religious missions shall in no way be restricted, nor shall their members be subjected to any restrictive measures on the ground of nationality, provided that their activities are confined to the domain of religion.

The religious missions may also concern themselves with education and relief subject to the general right of regulation and control by the mandatory, or of the States under the mandate, in regard to education, public instruction and charitable relief.

ARTICLE XI.

The mandatory must see that there is no discrimination in Syria or Lebanon against the nationals (including societies and associations) of any State Member of the League of Nations, as compared with its own nationals (including societies and associations) or with the nationals of any other foreign State, in matters concerning taxation or commerce, the exercise of professions or industries and of navigation; or in the treatment of ships or aircraft. Similarly there shall be no discrimination in Syria or Lebanon against goods originating in or destined for any of the said States, and there shall be freedom of transit, under equitable conditions, across the mandated territory.

Subject to the above/^{the} mandatory may impose or cause to be imposed by the local authorities such taxes and customs duties as it may consider necessary.

This provision shall not prevent the mandatory, or the local authority acting under its orders, from concluding on grounds of contiguity any special customs arrangements with an adjoining country.

The mandatory may take or cause to be taken, subject to the provisions of Paragraph 1, such steps as it may think best to ensure the development of the natural resources of the mandated territory and to safeguard the interests of the local population.

Concessions for the development of these natural resources shall be granted, without distinction of nationality, between the nationals of all States Members of the League of Nations, but on condition that they do not infringe upon the authority of the local Government.

Concessions in the nature of a general monopoly shall not be granted. This clause shall in no way limit the rights of the mandatory to create monopolies of a purely fiscal character in the interest of the mandated territories, and with a view to assuring to the territory the fiscal resources which would appear best adapted to the local needs or, in certain cases, with a view to developing the natural resources either directly by the State or through an organisation under its control, provided that this does not involve either directly or indirectly, the creation of a monopoly of the natural resources in favour of the mandatory or its nationals, nor involve any preferential treatment which would be incompatible with the economic, commercial and industrial equality guaranteed above.

ARTICLE XII.

The mandatory shall adhere, on behalf of Syria and Lebanon, to any general international agreements already existing, or which may be concluded hereafter, with the approval of the League of Nations, especially in respect of the following: the slave trade, the traffic in drugs, the traffic in arms and munitions, commercial equality, freedom of transit and navigation, aerial navigation, railways, postal telegraphic and wireless communications and measures for the protection of literature art and industries.

ARTICLE XIII.

The mandatory shall secure the adhesion of Syria and Lebanon so far as social, religious and other conditions permit, to such measures of common utility as may be adopted by the League of Nations for preventing or combating disease, including animal and plant diseases.

ARTICLE XIV.

The mandatory will draw up and put into force in the year following the coming into force of this mandate, a law of antiquities, in conformity with the provisions of the Treaty of Peace concluded between the Allied Powers and Turkey. This law shall assure equal treatment in the matter of excavations and archaeological research to the nationals of all States Members of the League of Nations.

ARTICLE XV.

Upon the coming into force of the organic law referred to in Article 1 an arrangement shall be made between the Mandatory and the local authorities for reimbursement by the latter of all expenses incurred by the mandatory in organising the administration, developing local resources, and carrying out permanent public works the benefit of which the country would retain. Such arrangement shall be communicated to the Council of the League of Nations.

ARTICLE XVI.

Arabic and French shall be the official languages of Syria and Lebanon.

ARTICLE XVII

The mandatory shall make to the Council of the League of Nations an annual report as to the measures taken during the year to carry out the provisions of this mandate.

Copies of all laws and regulations promulgated during the year shall be attached to the report.

ARTICLE XVIII.

The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate. In case of any modification proposed by the mandatory, such consent ~~may~~ be given by a majority of the Council of the League of Nations.

ARTICLE XIX.

On the expiry of the mandate it will be the duty of the Council of the League of Nations to provide for any measures which may be necessary in order to safeguard for the future the fulfilment by the Government of Syria of the financial obligations, including pensions and allowances, which had been regularly assumed by the Administration of Syria during the period of the mandate.

ARTICLE XX.

If any dispute whatever should arise between the Members of the League of Nations relating to the interpretation or the application of the provisions of this mandate, this dispute shall be submitted to the Permanent Court of International Justice provided for by Article XIV of the ~~Constitution~~ of the League of Nations.

Made at Geneva, on

in one original, which shall be deposited in the archives of the Secretariat General of the League of Nations.

Certified copies shall be forwarded by the Secretary-General of the League of Nations to all powers signatory to the Treaty of Peace with Turkey,