LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

MINUTES

of the

NINTH SESSION

HELD AT GENEVA FROM JUNE 8th TO 25th, 1926

(Including the Report of the Commission to the Council)

GENEVA 1926
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All the members of the Commission were present at the ninth session:

The Marquis THEODOLI (Chairman);
M. VAN REES (Vice-Chairman);
M. FREIRE D'ANDRADE;
Sir Frederick LUGARD;
M. MERLIN;
M. Pierre ORTS;
M. Leopoldo PALACIOS;
M. William RAPPARD;
Mrs. WICKSELL;
M. C. YAMANAKA.

Also present: Mr. H. A. GRIMSHAW, representative of the International Labour Organisation.

Secretary: M. V. CATASTINI, Chief of the Mandates Section, replaced at certain times by Mr. Huntington GILCHRIST, member of the Mandates Section.

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

The Rt. Hon. Sir Joseph COOK, G.C.M.G., High Commissioner for the Commonwealth of Australia in London, assisted by Mr. J. A. CARROUS, Secretary of the Home and Territories Department of the Australian Government;

M. A. DUCHÊNE, Councillor of State, Director of Political Affairs at the Ministry of the Colonies, assisted by M. MARCHAND, Commissioner of the French Republic in the Cameroons;

M. M. HALEWYCK, Director-General at the Belgian Ministry of the Colonies, assisted by M. MARZORATI, Royal Commissioner in Ruanda-Urundi;

M. H. DE JOUVENEL, High Commissioner for the French Republic in Syria and the Lebanon, assisted by M. Robert DE CAIX, former Secretary-General of the French High Commissariat for Syria and the Lebanon;

Mr. John SCOTT, Chief Secretary to the Government, Tanganyika Territory, assisted by Mr. CLAUSON, of the British Colonial Office;

Mr. Jacobus SMIT, High Commissioner of the Union of South Africa in London;

Lieutenant-Colonel SYMES, C.M.G., D.S.O., Chief Secretary to the Government of Palestine, assisted by Mr. CLAUSON.

All the meetings of the Commission, except the first and sixteenth, were held in private.
FIRST MEETING

Held on Tuesday, June 8th, 1926, at 11 a.m.

In the Chair: M. Van Rees (Vice-Chairman).

Present: All the members of the Commission, with the exception of Marquis Theodoli and M. Freire d’Andrade.

549. Opening Speech by the Acting Chairman.

The Acting Chairman spoke as follows:

Gentlemen, I have the honour to open the ninth session of the Permanent Mandates Commission.

On this occasion it is I who have this honour. The Marquis Theodoli, our Chairman, who has been detained in Italy by a family bereavement, has asked me to express his regret that he is unable to be present at the opening of the session. His regret, however, cannot be stronger than that which we ourselves feel at his absence, which happily will not be for any length of time, and at the causes of that absence.

Mr. Grimshaw, who is detained for several days in England, has also lost a member of his family. I propose that we should send a telegram to our Chairman and to Mr. Grimshaw expressing our sympathy and regrets.

Gentlemen, we should be grateful to Mrs. Wickseil, who, despite the terrible loss which she has just sustained, and despite her very recent grief, has had the courageous nobility and energy to make the long journey from Stockholm to Geneva in order to assist us with her special knowledge. In the name of the Commission, I thank her for having attended this session.

Date of the Session.

At our last meeting, June 14th was decided upon as the opening date of the present session. On the proposal, however, of one of our colleagues, and since the majority of the members had no objection, the meeting has been convened for to-day, June 8th.

Welcome to M. Merlin.

We have lost a friend and colleague in the person of M. Beau, and you know how much we regretted that loss at our last session in Rome. The gap which he left has been filled by our colleague M. Merlin, whose colonial experience, so long, so varied, and so profound, will certainly be very valuable for our future work. In the name of us all, I extend to him the most cordial welcome.

Decisions taken by the Council since the Last Ordinary Session of the Commission.

The members of the Commission have already received the Minutes of the Council sessions for December 1925 and March 1926, together with the annexed documents. It is, therefore, only necessary for me to call your attention to certain points which I regard as the most important.

At its meeting on December 9th, 1925, which was attended by our Chairman, the Council considered the report on the work of our seventh session and the documents relating thereto. On the proposal of M. Undén, the Rapporteur, the Council approved the Commission’s proposals regarding the summoning of an extraordinary session at Rome to consider the position in Syria and regarding the adjournment of the examination of the report regarding Iraq. The Council further decided to forward our observations on the annual reports (Palestine, British Cameroons, Ruanda-Urundi, Caprivi Zipfel, the islands under Japanese mandate, and Samoa) to the Governments of the mandatory Powers concerned, and to request them in each case to take the requisite action. It also approved our conclusions on the petitions considered and drew the attention of the mandatory Powers to the Commission’s desire to receive precise indications from them as to their views in regard to petitions transmitted by them. It also recommended to the favourable consideration of the mandatory Powers our request for information concerning the present situation of ex-enemy property in mandated territories.

At the same meeting the Council took note of a communication from the British Government regarding the frontier between Tanganyika and Kenya Colony and approved the conclusions of a report by M. Undén on the subject of the German Government’s memorandum and the note of the Belgian Government on the law regarding the administration of Ruanda-Urundi dated August 21st, 1925, which had been fully considered by this Commission at its seventh session.

On March 17th, 1926, the Council considered the documents relating to our eighth (extraordinary) session, during which we examined the position in Syria, and it decided to forward the report of the Commission, together with the report by the Rapporteur, to the French Government, with the request that it should take the requisite action.
The discussion in the Council dealt, among other matters, with the proposal made by our Chairman, on our behalf, that a copy of our report should be forwarded to the Executive Committee of the Syro-Palestinian Congress in reply to its petition dated September 26th, 1925. Doubts having been expressed as to the advisability of this action, certain members of the Council said that they wished to examine the question of procedure in a more general form. The Council therefore postponed its decision on this matter and the general question of the procedure to be followed in replying to petitioners was placed on the agenda of the session which is now being held.

During the same session in March, the Council also approved the terms of a letter from the British Government dated March 2nd, 1926, to which the text of the new Treaty between Great Britain and Iraq, dated January 13th, 1926, is annexed, as giving effect in Iraq to the provisions of Article 22 of the Covenant. In addition, it decided to transmit to this Commission for its consideration certain documents relating to the administration of Iraq, including a memorandum from the British Government dealing with the administration of the Kurdish districts.

The agenda of the present session of the Council includes the consideration of three general questions raised by our Commission during its third and fourth sessions: State domain, military recruiting, and the definition of certain terms in regard to the liquor traffic, together with the question of procedure in regard to petitions which I have already mentioned.

**Programme of Work.**

The agenda which you have before you is, as usual, a very heavy one. In addition to the consideration of a number of annual reports, some of which unfortunately we received only at the last moment, it includes the consideration of several petitions, the revision of our questionnaire for B and C mandates, a few very important points relating to the interpretation of the Covenant and mandates and a number of points of procedure, a full discussion of which would be very helpful for the future conduct of our work.

As regards the arrangement of our programme of work, I shall submit a few suggestions for your consideration, but it would perhaps be desirable in the first place to ask the Chief of the Mandates Section to make a short statement on the work done by the Secretariat so that we may judge of the present position with a full knowledge of the facts.

**Publicity of Meetings.**

As regards the admission of the public to our meetings, I consider that my colleagues will agree with me in following our usual practice of considering the annual reports in private session. If there are certain questions which can be discussed in public, we shall, of course, give the Press adequate notice.

In the name of all my colleagues, I have the honour to welcome the representatives of the mandatory Powers whose intention to come here has been announced and who will come to give us their valuable assistance during the examination of the various annual reports.

550. **Statement by the Chief of the Mandates Section.**

M. CATASTINI (Secretary of the Commission) made the following statement:

"Since the Commission's last ordinary session, the Mandates Section has continued to collect, for the use of the Commission in accordance with its request, as complete documentary information as possible with regard to mandates."

"**Monthly Dossiers.**"

"Since October last the Mandates Section has distributed five monthly dossiers containing information which it considered likely to interest the Commission concerning the policy of the mandatory Powers and the situation in the mandated territories, together with comments on the work of the League of Nations. This information was derived from various sources, particularly from official publications, gazettes and Parliamentary records, etc. The Secretariat would, as usual, be grateful to the members of the Commission for any suggestions for improving this service."

"**Statistical Tables.**"

"On the proposal of Sir F. Lugard, the Commission, at its seventh session, asked the Secretariat to compile tables giving a certain number of statistical details, drawn from the annual reports, regarding each mandated territory. The Secretariat has compiled these data on the basis of a form supplied by Sir F. Lugard.

In the note accompanying these tables, I have already stated that I do not consider them very satisfactory. Should the members of the Commission wish to have these tables completed, it would perhaps be well to keep this point in mind when discussing the questionnaire intended to help the Mandatories in drafting the annual reports. In this way it will perhaps be possible to obtain further information on certain items which would be of value for the Commission's ordinary work and might also serve to complete the tables."
'Reprinting and Sale of the Annual Reports of the Mandatory Powers.'

The members of the Commission will remember that, in accordance with a recommendation of the fifth Assembly, the Secretariat has caused to be reprinted the annual reports of the mandatory Powers for 1924 in order to place them at the disposal of members of the public who wish to buy them. As regards the subsequent reports, the Publications Department of the Secretariat has adopted a new method and has taken steps to procure copies of the original editions published by the mandatory Powers. The public interested in these documents will therefore be able to obtain them at Geneva from this Department or from the agents for the publications of the League of Nations, without being obliged to apply to seven administrations or publishers in four different continents. The Secretariat hopes by this arrangement to carry out more economically the Assembly's desire to enable students to procure these important documents without difficulty.

"Index of the Commission's Minutes." "An index, arranged according to subject-matter, of the first five sessions of the Commission was compiled and printed towards the end of 1925. This work will be continued regularly and the second volume containing an index of the sixth and seventh sessions will shortly be published."

"List of Annual Reports."

The annual reports of the mandatory Powers which have reached the Secretariat and have not yet been considered by the Commission were received in the following order:

<table>
<thead>
<tr>
<th>Annual Reports</th>
<th>Administrative period</th>
<th>Number of copies</th>
<th>Date received at the Secretariat</th>
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<tr>
<td>Iraq</td>
<td>April 1923 - December 1924</td>
<td>100</td>
<td>June 13th, 1925</td>
</tr>
<tr>
<td>New Guinea</td>
<td>July 1st, 1924 - June 30th, 1925</td>
<td>1</td>
<td>May 3rd, 1926</td>
</tr>
<tr>
<td>French Togoland</td>
<td>1925</td>
<td>100</td>
<td>May 18th, 1926</td>
</tr>
<tr>
<td>French Cameroons</td>
<td>1925</td>
<td>100</td>
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</tr>
<tr>
<td>Ruanda-Urundi</td>
<td>1925</td>
<td>100</td>
<td>May 20th, 1926</td>
</tr>
<tr>
<td>Nauru</td>
<td>1925</td>
<td>100</td>
<td>May 21st, 1926</td>
</tr>
<tr>
<td>South-West Africa</td>
<td>1925</td>
<td>100</td>
<td>May 27th, 1926</td>
</tr>
<tr>
<td>Palestine and Transjordan</td>
<td>1925</td>
<td>18 revised proof copies</td>
<td>June 7th, 1926</td>
</tr>
<tr>
<td>Tanganyika</td>
<td>1925</td>
<td>100</td>
<td>June 7th, 1926</td>
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In the majority of cases, the Secretariat was informed that copies of the reports had been sent directly to the members of the Commission.

"General Questions."

As in former years, it may possibly be useful for the members of the Commission to have before them a short statement of the present position with regard to various general questions raised in the previous reports of the Permanent Mandates Commission.

With regard to three of these questions — military recruiting of inhabitants of mandated territories (third and fourth sessions of the Commission), land tenure and State domain (third and fourth sessions), and definition of terms connected with the liquor traffic (fourth session) — a document now before the Council (C. 317. 1926. VI and C. 317 (a). 1926) contains the complete text of all communications on this subject received to date from the mandatory Powers. The Council will probably take decisions on these questions at its present session, and I need not therefore dwell on them further.

"Frontiers between the French and British Cameroons and French and British Togoland (Third, Fourth and Sixth Sessions)."

In the report on the work of its sixth session, the Commission noted that conversations were taking place concerning the possible rectification of the frontiers between the French and British Cameroons and between French and British Togoland. The only information received by the Secretariat on this subject since then will be found on page 124 of the report on French Togoland for 1925, where it is stated that, as a result of correspondence between London and Paris on the one hand, and Lome and Accra on the other, the Governor of the Gold Coast is to meet the French Commissioner for Togoland at Accra next February in order to discuss the official delimitation of the two zones of the former German Togoland.

1 One hundred copies of the completed document were received on June 26th, 1926.
"Equalisation of Liquor Duties (Third and Fourth Sessions).

"Since last year no further information has been received on this subject.

"Education (Fourth Session).

"The Commission’s report contained a general recommendation concerning the desirability of certain methods of education, which was communicated by the Council to the mandatory Powers. In my statement at the sixth session of the Commission, I informed the Commission that several of the mandatory Powers had replied to the effect that they had noted this recommendation.

"In a letter dated May 29th, 1925 (document C. 377. 1925. VI), the Australian Government said that it had noted the Commission’s opinion and that the system at present in force in New Guinea conformed, in the main, to the views of the Commission. This communication also contains some information on the programme for the development of practical education among the native population of New Guinea.

"Extension of Special International Conventions to Mandated Territories (Third and Sixth Sessions).

"The recommendation made by the Commission at its sixth session was approved, with certain textual modifications, by the Council, and a circular letter directing attention to this decision was sent by the Secretary-General on October 7th, 1925, to the mandatory Powers and to all other States Members of the League.

"With regard to the territories under B mandate, the British Government replied on January 11th, 1926 (document C. 20. 1926. VI), referring to its letter of April 29th, 1921, which was communicated to you at that time. It pointed out that, as regards Iraq, it would be necessary, in view of the special status of that territory, to consult the Iraq Government on all conventions except those to which that Government was bound to adhere under the terms of the Treaty with His Majesty’s Government.

"In a letter dated April 15th, 1926 (document C. 297. 1926), the Australian Government referred to the views which it had already expressed and which have been communicated to you. It added that no distinction was drawn between the mandated territory of New Guinea and the neighbouring territory of Papua as regards the application of international conventions, and that the Australian Government would bear in mind the fact that, even if there were no need to apply certain conventions to these territories at present, a change in the situation might render them applicable in the future. The letter also contained a statement of the present position with regard to the application of international conventions to New Guinea.

"On page 120 of the 1925 report on Togoland, the French Government gives a list of the special international conventions which have been, or will shortly be, extended to the territory. It assures the Commission that in future reports it will draw attention to special international conventions which will be applied to Togoland, or will state the reasons set circumstances which would prevent their extension to that territory.

"It should also be mentioned that the Italian Government, in a letter dated April 3rd, 1926, informed the Secretary-General that, at any rate so far as the enquiries it has conducted up to the present show, there exists no convention or agreement concluded by Italy with any mandatory Power which could be profitably extended to mandated territories. The Italian Government, however, has given an assurance that it will bear the Council resolution in mind and will act in conformity therewith in the case of new agreements which might be extended to these territories.

"Frontier between South-West Africa and Angola (Fourth and Sixth Sessions).

"In the report on the work of its sixth session, the Commission expressed the hope that the question of the frontier zone between South-West Africa and Angola and of the use of the water of the Cunene might be settled as soon as possible.

"In view of this recommendation, and of the various communications received from the representatives of the Governments of Portugal and the Union of South Africa at the Sixth Assembly, the Council adopted a resolution to this effect on September 15th, 1925.

"In a letter dated February 19th, 1926 (document C. 196. 1926. VI), the Government of the Union of South Africa stated that it was proposed to hold a conference during the current year with representatives of the Portuguese Government, with a view to a settlement of this question if possible.

"Presentation of the Annual Reports of the Mandatory Powers (Sixth and Seventh Sessions).

"(a) Date of Receipt of Reports. — At the suggestion of the Commission, the Council had fixed for each territory a date by which the annual report should be received by the Secretariat. Several mandatory Powers have informed us that they have noted the Council’s decision and will make every endeavour to comply with it, but the list given above seems to indicate that difficulties are still being encountered in carrying out the Commission’s recommendations."
In the letter accompanying the report on the administration of Ruanda-Urundi for 1925, the Belgian Government has called attention to the fact that the distances involved make it very difficult for the Colonial Ministry to send in its report by the date fixed by the Mandatory Commission. It requests the Secretary-General to inform the Commission of the Belgian Government’s desire to be allowed to present its future reports at a somewhat later date.

(b) Titles of Reports. — The Commission has frequently urged that all annual reports should contain in their titles the explicit statement that they are addressed to the Council of the League of Nations in conformity with Article 22 of the Covenant.

The members of the Commission will have noted from the various reports how far the Commission’s request has been complied with by the mandatory Powers.

"Transmission to the Commission of Legislative Texts applicable to Mandated Territories (Sixth Session)."

In its report on the work of its sixth session, the Commission expressed the wish that the mandatory Powers should publish, as an annex to their annual reports, the legislation of general interest enacted during the year or communicate it separately in the form of a special volume.

This procedure was already being followed by the French, Belgian, Australian and South African Governments. The British Government, in its letter of January 11th, 1926 (document C. 20. 1926), expressed the fear that certain practical difficulties would be involved in the adoption of either of the methods referred to and suggested that the matter might be discussed with the Mandates Section. When my assistant — Mr. Gilchrist — recently visited London, the matter was discussed at the Colonial Office, and the procedure suggested by the Commission will be followed in future.

"Distribution of Mandates Documents to the Mandatory Powers (Sixth Session)."

On September 15th, 1925, the Council approved a recommendation by the Mandates Commission to the effect that the mandatory Powers should be requested to consider the expediency of distributing the documents of the League of Nations relating to the mandate system — in particular, the reports and Minutes of the Mandates Commission — to all officials in mandated territories whom these documents might concern.

Several mandatory Governments have already requested the Secretariat to supply a number of copies of the documents in question for distribution as recommended by the Commission. The British Government has asked for fifty copies, the Belgian Government for forty, the New Zealand Government for three, and the Australian Government for ten. The last-named Government stated, in a letter dated April 15th, 1926, that it considered it highly desirable that the principal officials in New Guinea should receive copies of all mandates documents issued by the League.

"Ex-enemy Property (Seventh Session)."

On December 9th, 1925, the Council requested the mandatory Powers to comply with the Commission’s request for special information on the present situation of ex-enemy property in mandated territories.

The South African, New Zealand, Australian and Japanese Governments forwarded to the Secretary-General their replies to the Commission’s questions in letters dated respectively February 19th, 1926 (document C. 196. 1926), March 3rd, 1926 (document C. 261. 1926. VI), April 8th, 1926 (document C. 292. 1926. VI), and June 2nd, 1926 (document C. 317. (a) 1926). The report on French Togoland for 1925 (pages 33, 34, 130 and 131) also gives some information on this subject.

"Observations of the Mandatory Powers on Petitions transmitted by Them (Seventh Session)."

The Council associated itself with the Commission’s recommendation that, in forwarding petitions, the mandatory Powers should give a definite indication of their views upon them.

The Governments of New Zealand (letter dated March 3rd, 1926, document C.261.1926. VI) and Australia (letter dated April 8th, 1926, document C.292.1926.VI) stated that they would comply with the Commission’s wishes. The Government of the Union of South Africa states that it has taken note of the Council’s resolution on this question.

551. Election of the Chairman and Vice-Chairman.

Marquis Theodoli and M. Van Rees were re-elected Chairman and Vice-Chairman of the Commission.
552. Adoption of the Agenda of the Session (Annex 1).

The Acting Chairman, referring to the suggestions to which he had referred in his opening speech, spoke as follows:

In view of the fact that certain reports on our agenda — the report for Iraq (1925) and that for Syria — have not yet reached us, I propose that my colleagues should examine during this session the reports on Nauru and South-West Africa which were not inserted in the agenda but which reached us shortly after May 20th, the date fixed by the Commission for the adoption of most of the reports.

With regard to Iraq, the report for 1923-24 has been in our possession for a year. The British Government has neverthe less proposed that the Commission should postpone the examination of this report to its next session in order to be able to consider it in the presence of Sir Henry Dobbs, High Commissioner for Iraq, who, unfortunately, finds it impossible to attend the present session. In view of the great advantage resulting for the Commission from the co-operation in its work of a highly placed official specially qualified to give it information on the policy pursued in the country for whose administration he is directly responsible, and in view also of the fact that the first examination of the position with regard to Iraq must be particularly detailed, I think that my colleagues will agree with me in deciding to postpone the examination of this report to our next session. Further, the British Government has informed us that the report on Iraq for 1925 cannot be printed and despatched from London before June 17th. It will therefore be to our advantage to postpone the examination of the two reports on Iraq to our autumn session, when we shall be able to profit from the co-operation of Sir Henry Dobbs. It is all the easier for us to take such a decision, in view of the fact that the postponement will be for only three or, at most, four months.

The Commission decided to add to its agenda the examination of the reports on Nauru and South-West Africa and to postpone to its autumn session the discussion of the reports on Iraq.

The Acting Chairman continued as follows:

The reports for Palestine and Tanganyika only reached us on the eve of our session. This delay may be explained by circumstances beyond the control of the mandatory Power, but such delay has caused us grave inconvenience, for it will be very difficult to examine these reports in detail according to our practice. I will confine myself to drawing the attention of my colleagues to the unhappy consequences of this delay.

M. Rappard pointed out that Colonel Symes and Mr. Scott, chief secretaries of the Palestine and Tanganyika Administrations respectively, were in Europe; it would be desirable to know if they had come for the meeting of the Mandates Commission and whether they would still be in Europe at the time of the next session. If the Commission were forced to choose between a hurried examination of a report in the presence of accredited representatives in a position to answer all necessary questions and a more detailed examination undertaken in the absence of accredited representatives, he would choose the former alternative. It was to be understood that this should not be regarded as the normal course; in declaring in favour of the former procedure he was only choosing the lesser of two evils, in the belief that its disadvantages were compensated by the advantage accruing from the presence of the accredited representative.

M. Catastini stated that he had learned from the Colonial Office that Colonel Symes and Mr. Scott had come to Europe for various reasons, and particularly to be heard by the Mandates Commission. They would no longer be in Europe in October.

M. Rappard thought that, in this case, the two reports should be examined if the length of the agenda made it possible to do so. The Commission should have an interview with the accredited representatives so as to clear up all obscure points.

M. Palacios supported this proposal, which was adopted.

The Acting Chairman read the following letter relating to Syria which he had just received from M. Briand, Prime Minister of France:

"The findings of the enquiry now being conducted in Syria with a view to furnishing the Permanent Mandates Commission with certain information requested by its members in February at Rome did not reach the French Government in sufficient time to be communicated to the Commission before its present session.

"In view of the importance for the Commission of having the results of that enquiry before it when examining the supplementary report on Syria, you may think it preferable to postpone this examination to the October session.

"I should be grateful if you would make this suggestion to the Permanent Mandates Commission, and ask it at the same time to set aside one of its meetings next week for the hearing of M. de Jouvenel, who will be accompanied by M. de Caix. The High Commissioner of the French Republic in Syria has recently returned to France and is very anxious to avail himself of this opportunity of laying before the Commission the results already achieved in pursuance of the mission entrusted to him by the mandatory Power."
The Acting Chairman thought that there would be no objection to granting this request. He proposed, therefore, to adjourn the examination of the final report on Syria to the October session and to hear M. de Jouvenel during the present session.

M. Rappard asked whether, according to the terms of this letter, it did not appear that the French Government was already in possession of the results of the enquiry conducted in Syria and that it had been unable to forward them in time. In this case, whilst warmly welcoming M. de Jouvenel, would it not be as well to ask the French Government if it could not at least forward a part of the findings of the enquiry so as to avoid having to deal twice with the subject.

The Acting Chairman said that this point was settled by the following letter from M. Chauzel, head of the French League of Nations Office, to the Secretary-General:

"I have the honour to forward you herewith a letter which I should be grateful if you would despatch urgently to the Chairman of the Permanent Mandates Commission, in order that the discussion of the supplementary report on Syria may be postponed till the October session, on which date will be available the findings of the enquiry now being conducted on the spot with the object of furnishing certain information requested by the Commission at its February session held at Rome."

The Commission decided to adjourn the examination of the final report for 1925 on Syria and the relevant petitions to its autumn session.

Mrs. Wicksell pointed out that the comments concerning the date upon which certain reports had arrived applied equally to two reports from the French Government on Togoland and the Cameroons, which had reached here on the preceding day at the same time as the reports upon Tanganyika and Nauru, and of which the study required even more time in view of their bulk.

M. Catastini informed the Commission that the French Government had sent him on May 15th a certain number of copies of the reports on the Cameroons and Togoland, stating that it was forwarding copies direct to each of the members of the Commission.

The Acting Chairman noted that the Commission was agreed as to the general lines of work and proposed the continuance of the discussion in private session.

(The discussion was continued in private.)

The Commission approved a provisional programme of work, fixing the dates for the examination of each of the annual reports on its agenda.

M. Orts pointed out that proceedings generally started slowly and became unduly hasty towards the end of the session; he proposed that the Commission should take up the matter of the questionnaire whenever a spare hour was available.

The Acting Chairman approved this suggestion and proposed, in the event of the examination of the report concerning New Guinea being finished at the third meeting, to reserve the fourth meeting for the examination of the questionnaire and the general questions, giving priority to Sir F. Lugard's report upon procedure in the matter of petitions.

M. Rappard expressed the opinion that the programme was somewhat optimistic; six of the accredited representatives would be present at the session were actually concerned with the administration of the countries; this afforded the Commission a very rare opportunity to question the high officials of these territories who had never before appeared before the Commission. It should be noted that the study of several of these reports would necessitate long sittings.

M. Orts doubted whether the date of the present session had been well chosen. Members were compelled to make the same observation every year, to the effect that most of the reports did not reach the Commission until just before the session and, in consequence, members were not allowed the necessary time to examine them. On the other hand, some of the mandatory Powers had referred to the difficulties encountered by their Administrations in furnishing a report for a date so close to the end of the administrative year of the territory. He thought that it would be to the advantage of the Commission to return to the month of July for holding the ordinary summer session.

Sir F. Lugard concurred in the view of M. Orts.

The Acting Chairman proposed to re-open this question as soon as the Marquis Theodoli, who had been re-elected Chairman, and M. Freire d'Andrade were in a position to take part in the discussions of the Commission.
SECOND MEETING

Held on Tuesday, June 8th, 1926, at 3.30 p.m.

In the Chair: M. Van Rees (Vice-Chairman).

Present: All the members of the Commission, with the exception of Marquis Theodoli (Chairman) and M. Freire d'Andrade.

553. Appointment of Mrs. Weaver as Observer during Mr. Grimshaw's Absence.

The Acting Chairman said he had received a letter from the Director of the International Labour Office saying that during the first meetings of the Commission Mr. Grimshaw would be unavoidably absent and that in the meanwhile Mrs. Weaver would attend the meetings of the Commission as an observer.


The Acting Chairman welcomed Sir Joseph Cook, High Commissioner for Australia, and asked him to take his seat at the table of the Commission.

The Acting Chairman enquired whether any members of the Commission desired to ask any questions of a general character.

M. Orts desired to know whether the report on the administration of Nauru for 1925 had been forwarded to the Commission by the British Government or by the Australian Government.

M. Catastini explained that the report had been forwarded under a covering letter from the British Foreign Office.

British Phosphate Commission.

The Acting Chairman noted on page 6 of the report a statement to the effect that the British Phosphate Commission was treated from the governmental point of view as if it were a private company. He noted, however, on page 18 that the Commission enjoyed freedom from Customs duty for the material and appliances serving for the exploitation of the phosphate, as well as for its provisions, etc. It seemed, therefore, that the British Phosphate Commission was not entirely a private company in the ordinary sense of the term.

Sir Joseph Cook said that the Commission was a private company in so far as it must obey the laws and regulations of the Administration. He had frequently explained that the Commission was always subject to the laws of the Administration in the same way as any other private company.

Labour.

The Acting Chairman thought that it might be well to reserve questions specially dealing with labour in respect of Nauru and New Guinea until the arrival of Mr. Grimshaw. This would not, however, prevent the members of the Commission from asking the High Commissioner any questions which they desired.

Sir F. Lugard enquired whether the death and morbidity rates amongst the Kanakas continued to be high and whether they were more liable to disease than the Chinese.

Sir Joseph Cook said that there were only ten Kanakas on the island. The Kanakas had been sent home last year on account of the high mortality prevalent among them. He would point out that the mortality among the Chinese was only five per thousand. The workers on the island, if they found the work too heavy, could abandon it and return home.

M. Orts enquired how the phosphate was extracted. Was it hard work and was the work done underground, in galleries or in open-air quarries?

Sir Joseph Cook said the phosphate was extracted by surface digging. The work was neither more nor less laborious than all work of that class. Light railways had been constructed and there was no porterage or carriage of baskets.

M. Palacios asked for information regarding the application of the Labour Conventions. The report stated on page 7 that they had not been adopted in toto. How far had they been adopted? For example, what was the number of hours of work?

Sir Joseph Cook said that the hours of coolies and mechanics were 9½ hours for five days of the week and 4½ hours on Saturdays, or an average of 8½ hours per day.

M. Palacios enquired whether any of the other International Labour Conventions were applicable in the island.
Sir Joseph Cook said that the application of these Conventions would not in any way improve the position of the workers. Incidentally, he would point out that very few Members of the League had yet ratified the Eight-Hour Convention.

Sir F. Lugard said it had been suggested last year that a Chinese consul or official should be appointed in order to look after the interests of the 826 Chinese workers. Had this step yet been taken?

Sir Joseph Cook drew attention to the paragraph on page 8 of the report in which it was stated that a Chinese interpreter was maintained by the Administration and was available at all times at the Government station. Chinese workers who had any complaints to make might go direct to the Administrator, and it was an offence for anyone to hinder them from doing so.

Sir F. Lugard said that this interpreter did not seem to be quite in the same position as an independent Chinese official or consul. Such an official had been appointed by the New Zealand Government in Samoa, though there were, he thought, less Chinese in Samoa than in Nauru.

Sir Joseph Cook doubted whether the appointment of such an official would make much difference. The Chinese interpreter in Nauru looked after the interests of his countrymen, and was obviously the officer who had been appointed as a result of the recommendation of the Commission.

Sir F. Lugard suggested that the Chinese Government might be glad to appoint an independent official.

Sir Joseph Cook thought that the natives would more readily approach an official such as the Administration had appointed than an official in a consular position.

Mrs. Wicksell said that the freedom of the official in regard to the Administration was an important point. The Chinese interpreter in Nauru was presumably paid by the Government. She observed that it was an offence to hinder complaints from reaching the Administrator. Were any complaints actually made, and what happened as a result of them? Statistics of such complaints were given in respect of other colonies.

Sir Joseph Cook said he would call the attention of the Administration to the observations of Sir F. Lugard and Mrs. Wicksell.

M. Palacios, referring to the third paragraph on page 8 of the report, noted that Chinese and natives employed under contract who deserted from work were liable to fine or imprisonment. What were the conditions of imprisonment? Was it accompanied by hard labour?

Sir Joseph Cook said he had heard of no punishment of the kind being inflicted. He was not aware of the conditions under which offenders were imprisoned.

M. Palacios asked if Sir Joseph Cook could say the same thing of the fines and if they had not been enforced either.

Sir Joseph Cook said it would be observed from the statement of revenue on page 16 of the report that the total fines for all offences for 1925 amounted to £413 4s. 9d.

M. Palacios enquired as to the opposite case: was an employer who failed to observe a contract with a Chinese or other labourer liable to punishment or action for civil damages?

Sir Joseph Cook said that an employer charged with such an offence would be in the same position as any other man who broke the law. He would draw attention to the fact mentioned in previous reports that the Administrator had to assure himself that contracts entered into with the labourers were fully understood by them and that they were equitable. The Administrator certainly would not permit the British Phosphate Commission to make inequitable terms or to evade its obligations. He would further draw attention to the fact recorded on page 14 of the report that an Advisory Council had been formed, consisting of two Europeans appointed by the Administrator and two Nauruan Chiefs elected by the Chiefs. This Council advised the Administrator on all matters and was instructed to bring forward any suggestions for the improvement of the administration and the community in general. It also served as a medium through which any grievances or complaints might be brought to the notice of the Administrator. The two Europeans who sat on this Council were the harbour-master and the foreman of the Phosphate Commission. Any complaint brought to the Administrator would probably go to the Advisory Council and would there be settled without resort to litigation.

M. Palacios said he was entirely satisfied with the explanations of Sir Joseph Cook, and he was happy to know that there was nothing in the nature of forced labour in Nauru.
Trade and Manufacture of Alcohol and Drugs.

The Acting Chairman noted a considerable increase in the imports of whisky. In 1924, 1,072 bottles had been imported, as compared with 587 bottles in 1924.

Sir Joseph Cook said he did not clearly understand the reasons for this increase; it was probably a special order which was still unconsumed.

M. Orts enquired whether the sale of spirits to the Chinese was permitted.

Sir Joseph Cook replied that he presumed so. Spirits, however, could not be sold to the natives.

M. Orts enquired whether in practice the natives did not obtain the spirits through the Chinese.

Sir Joseph Cook replied in the negative.

Education.

Mrs. Wicksell said that the educational system in Nauru appeared to be excellent. She noted a statement on page 11 of the report to the effect that, if the present progress were maintained, Nauruans might become fully qualified to fill nearly the whole of the professional appointments in the island. Did this imply that, in order to exercise a profession, appointment by the Administration was necessary?

Sir Joseph Cook said that this was not the case. It would be some years before the natives were sufficiently educated to take up any except very subordinate positions. Only a few natives were likely to become qualified to fill the higher positions, and for these there would be a sufficient number of posts available in the Administration and in the service of the Phosphate Company and in the church missions. This applied not only to the clerical professions but to the mechanics.

In regard to arts and crafts, he would ask the Commission to note that the Administration had brought over from Victoria the necessary equipment for the training of boys.

Sir F. Lugard noted that the curricula of the schools given on pages 34-37 appeared to be entirely literary.

Sir Joseph Cook drew attention to the statement on page 11 to the effect that boys were instructed in the use of tools — carpentry, canoe building and other useful crafts.

Land Tenure.

The Acting Chairman drew attention to the statement on page 13 of the report to the effect that the landowners had submitted a proposal that an annual rental should be paid for any further lands leased; this proposal has been put forward in view of the expiry of their agreement with the administration of the Phosphate Commission on June 30th, 1927. Had the Government considered this proposal?

Sir Joseph Cook said that the proposal had been put forward by the natives themselves and, so far as he knew, had not yet been considered. Present conditions would continue until July 1927. The proposal had been included in the report in order to indicate that the natives were asking for a more favourable arrangement. This was evidence that the natives were in no way prevented from putting forward their claims.

Moral, Social and Material Welfare.

Mrs. Wicksell said it was gratifying to note that the deposits in the savings bank amounted to £7,000. How was this money employed? Was it, for example, borrowed by the natives and used in the island?

Sir Joseph Cook said that the money was deposited in a branch of the Commonwealth Bank and he presumed that it went into the general account of the bank. The bank, of course, would pay the current rate of interest.

Public Finance.

M. Palacios said he had investigated the accounts shown on page 16 of the report. He noticed an appreciable decrease in receipts for the year 1924-25. The difference was more than £3,000. On the one hand, expenditure had increased during the same period by nearly £2,000. This meant that the budget, which had shown a considerable surplus in 1924, was burdened in 1925 with a slight deficit. On the other hand, the difference in the revenue was due primarily to a very great decrease in the revenue from the post office. In 1924 the revenue had been £2,615 and in 1925 only £449. How was this difference to be explained? What, also, was the explanation of the difference in the expenditure of the post office, which, however, was not so great, that expenditure amounting to £851 in 1924 as against £214 in 1925?

Sir Joseph Cook said he had noted that item and would telegraph for an explanation.
M. Orts enquired as to the significance of the item "Police contribution" which appeared under the heading "Revenue".

Sir Joseph Cook said that this contribution was made by the Phosphate Commission to the Government for police purposes.

M. Orts noted that the rate of the poll-tax levied on the Chinese was 20s. a head. He desired to know the proportion of this tax as compared with the average salary of a Chinese labourer.

Sir Joseph Cook said that the labourer was paid 32s. per month when he was first employed, and afterwards 36s. a month. Under his contract he was expected to raise five carloads of phosphate, and he was paid 8d. per car in new workings and 6d. per car in old workings for any phosphate raised in excess of this amount. Some workers were well able to perform their task under the contract in six or seven hours. In addition to his wages, the labourer had free rations, clothing, medical attendance, etc.

The Acting Chairman said he understood that the island enjoyed fiscal autonomy. Was this autonomy granted by law, as was the case in New Guinea?

Sir Joseph Cook said he could not remember whether this was so, but there was fiscal autonomy in fact.

The Acting Chairman noted from the statements of revenue and expenditure for 1925 that in that year there was a small deficit. Had this deficit been covered by the Phosphate Commission?

Sir Joseph Cook said there was no need, and drew attention to the fact that in December 1925 there was a credit balance of £21,505 2s. 11d.

M. Catastini drew attention to Article 2 of the Agreement between the British Government, the Government of Australia and the Government of New Zealand, given on page 50 of the report. In this article it was laid down that all the expenses of the Administration, so far as they were not met by other revenue, should be defrayed out of the proceeds of the sales of the phosphates.

The Acting Chairman noted on page 11 of the report that there were five schools in the island for Nauruan children. Were these schools paid for out of the Nauruan Royalty Trust Fund, the accounts of which were given on pages 17 and 18 of the report? It appeared from the conditions of the agreement between the natives and the British Phosphate Commission that a penny royalty, due to the owners, on phosphate shipped from the island was paid into the Trust Fund to be used solely for the benefit of the Nauruan people. It would accordingly appear that, since the sums necessary for the education of the natives were provided from the Trust Fund, the natives paid for their schools. In the statement of revenue and expenditure of the Administration, the only item for education was the item given under the heading "European School".

Sir Joseph Cook said that in the expenditure on native education included under the Royalty Trust Fund the salaries of the European teachers who came from Victoria were not included. The money from the Trust Fund did not quite cover the total expenditure on native education.

Mrs. Wicksell said she believed that the teachers from Victoria taught in the European schools and only inspected the native schools.

Sir Joseph Cook said that the native schools were not segregated but were part of the general educational scheme, and that the total expenditure connected with the native schools was not completely borne by the Royalty Trust Fund.

The Acting Chairman said that perhaps it would be possible in the next report to indicate how much money, out of the Royalty Trust Fund and out of the funds of the Administration, was spent on education from which the natives benefited.

Demographic Statistics.

The Acting Chairman drew attention to the fact that the figures for emigration and immigration during 1925, as regards Europeans and Chinese (page 19 of the report), were exactly the same as those given in the report for last year.

Sir Joseph Cook said that this was obviously a clerical error. The correct figure was given on page 7.

555. New Guinea: Examination of the Annual Report for 1924-25. (Continuation.)

Sir Joseph Cook introduced Captain Carrodus of the Administration of New Guinea, who was at the disposal of the Commission.

The Acting Chairman, in welcoming Captain Carrodus, said that the Commission desired to thank the Government of the Commonwealth of Australia for having allowed it an opportunity of questioning a member of the Administration of New Guinea.
Sir F. LUGARD referred to the Australian Government's letter of April 15th, 1926, containing observations on the report of the Permanent Mandates Commission on the work of the six session, and noted that the total area of New Guinea under regular or partial administrative control was in the neighbourhood of 16,000 square miles. What was the total area of the mandated territory, what proportion was under administrative control and what efforts were being made to bring the remainder under control?

From the letter it would appear that two factors governed the policy of the Administration in this respect: (1) the financial aspect and (2) the lack of trained staff. With reference to the first factor, Sir F. Lugard observed that there appeared to have been as yet no regular grants-in-aid from Australia to New Guinea but that one would be made in 1926.

As far as trained staff were concerned, it would appear, as the mandate had now been in existence for six years, that a sufficient number of trained officials should now be forthcoming.

Sir Joseph Cook referred first to the question of grants-in-aid and said that, although no grant had been made up to the present, the sum of £10,000 had been allocated in 1923 for medical purposes and that a grant of a similar amount was now permanent. This sum, however, by no means represented the total expenditure of the Government of Australia on the mandated territory. That Government, for instance, maintained a mail service at the cost of £45,000 per annum and had incurred other expenditure which amounted to a fairly large sum.

At the beginning of the present year, the Parliament of the Commonwealth had passed an Act with the object of stimulating tropical industries (cocoa, fibres, sago, spices, kapok, etc.) by allocating the sum of £25,000 a year for ten years for expenditure in the territories of New Guinea and Papua.

In reply to Sir F. Lugard, Captain Carrodus explained that the allocation of the £25,000 voted had not yet been made between Papua and New Guinea.

Sir F. Lugard said that he had suggested at a previous session that a table should be drawn up by the Secretariat showing the total amount of free grants and of loans made by the mandatory Powers in each mandated territory. This had been done, but the Secretariat had had some difficulty in compiling the details in the table regarding New Guinea.

Sir Joseph Cook undertook to complete the information in the table by answering, with the assistance of Captain Carrodus, the questions contained in the questionnaire drawn up by Sir F. Lugard at a previous session as an aid in the preparation of such a table.

In reply to the question of Sir F. Lugard regarding the area of New Guinea, Captain Carrodus said that the total area was 91,810 square miles, of which the mainland of New Guinea comprised about 70,000 square miles and the islands 21,000 square miles.

Sir F. Lugard noted that according to these figures only about one-sixth of the total area was under administration.

Captain Carrodus said that a map was in course of preparation, which would correct the inaccuracies of the first map issued and showing the areas under complete control, those under partial control and those under influence only. The map would, he hoped, be ready before the end of 1926.

With regard to the training of staff, Captain Carrodus referred to the section in the Australian Government's letter of April 15th, 1926, dealing with that matter.

Sir F. Lugard observed that the information contained in that letter was of great interest for it showed that the mandatory Power had taken up the matter. It would, however, be some time before the six cadets mentioned would be fit to assume their duties.

Captain Carrodus replied that they would be on probation for two years, at the end of which time they would undergo an examination. If they failed or were found to be unsuitable for reasons of health or moral reasons, they would be sent back to Australia. If they succeeded, they would be sent to the University of Sydney to undergo a course of training in anthropology under Professor Radcliffe Brown before taking up their permanent appointments.

In reply to M. Orts, who asked how the Administration was to be kept up to strength during the period before these new officials were ready to take up their duties, Sir Joseph Cook explained that the mandated territory had been staffed by returned soldiers, many of whom were untrained and some unsuited for the work. The process of eliminating these had continued since the taking-over of the territory. The letter from his Government referred to the first attempt at training a staff on the lines of British colonial administration. It should not be thought that the returned soldiers had been a failure; many of them were doing well, but as vacancies occurred in their ranks they would be filled by cadets trained according to the plan set out in the letter.
Sir F. Lugard asked whether it was not proposed to increase the staff regularly apart from the filling up of vacancies.

Captain Carrodus replied that the staff would not be increased to any great extent. It would probably decrease when the natives became sufficiently educated to occupy junior positions. It was to be hoped that instead of white men occupying such positions natives would do so at some future date. This would be of advantage to all concerned. Sickness, dismissal or resignation caused vacancies, which were filled when they occurred. As new areas in the mandated territory were opened up, the staff would increase.

M. Rappard asked if difficulties were met with in recruiting staff. In view of the high salaries paid in Australia and the fact that the salaries offered by the Administration were not very high, it might be asked what measures the Administration took to assure the recruiting of an adequate administrative staff.

Captain Carrodus replied that no difficulty of that nature had ever been experienced. There had been as many as 600 applications for one position, all who had applied being good types. The chief difficulties of the Administration were to obtain senior men with knowledge of the natives or with the faculty to deal with them and to fill the posts of first division officials.

M. Rappard, referring to paragraph 7 of the report, noted that the staff in the public service of the territory was divided into three divisions. Did these represent grades or areas?

Captain Carrodus replied that they represented grades. District officers and heads of departments were in the first division, clerks and patrol officers, etc., in the second, while the third consisted of artisans and foremen supervising native labour, etc.

Sir F. Lugard noted that the Administrator retained his powers when absent from the territory. This was of great interest. Did the deputy Administrator possess full powers in the absence of his superior?

Captain Carrodus replied that the Administrator went yearly to consult the Australian Government on various points connected with the Administration. It had been found necessary that he should retain his full powers, in order that he might fulfil various official duties in Australia. The retention of his full powers, however, in no way interfered with the powers of the deputy Administrator replacing him in New Guinea.

In reply to a further question from Sir F. Lugard, Captain Carrodus said that the Advisory Council was not yet in existence. An Ordinance had been prepared on the subject early in the previous year. Ordinances were drafted by the Attorney-General's Department in Australia, usually on the initiative of the Administrator himself, but sometimes on that of the Australian Government, and those dealing with important matters were sent to the Administrator for criticisms or suggestions.

The Administrator had raised certain objections and made certain proposals with regard to the draft Ordinance on the Advisory Council which had necessitated the preparation of a new draft. This had had to be re-submitted to the Administrator for his approval and then returned to the Australian Government before it could be promulgated. It took on an average ten days for letters to pass between Sydney and Rabaul, and it was possible that a delay of six or seven weeks might occur before a reply could be received in Melbourne from Rabaul.

Delays, however, were occasionally inevitable. He thought that the Ordinance in question would be promulgated at any moment, if this had not already been done.

Sir F. Lugard referred to the question mentioned in the 1921-22 report with regard to the wives of white officials. Were they compelled or encouraged to join their husbands?

Captain Carrodus replied that there was no compulsion. A wife could not join her husband in Rabaul unless proper accommodation was available. The question was decided by the Government. The Administration had not erected more bungalows in Rabaul because more would become available when the officials of the Expropiation Board left. The wives of white officials were encouraged to go to the Territory whenever there was accommodation available. There was no difficulty in this respect in the outlying stations.

M. Rappard asked why preference in the matter of accommodation was given to officials of the Expropriation Board rather than to permanent officials of the Administration.

Captain Carrodus said that no preference was shown. An amicable working arrangement had been concluded between the Administration and the officials of the Expropriation Board whereby a certain amount of accommodation was reserved for officials of both Administrations. Some of the bungalows in Rabaul were expropriated property and the Administration might one day buy these, but it would not do so as long as they were occupied by officials of the Expropriation Board.
The Acting Chairman said that the members of the Permanent Mandates Commission had not yet obtained any clear idea of the general policy pursued by the mandatory Power in the administration of New Guinea. He asked if Captain Carrodus could make a general statement on this question at the next meeting.

Sir Joseph Cook said that a memorandum on this question was in course of preparation and would be distributed to the members of the Commission very shortly.

M. Rappard hoped that it would be possible to question Captain Carrodus on this memorandum, which would undoubtedly be of great interest.

After a short exchange of views, Captain Carrodus undertook to make a verbal statement at the next meeting, supplementing the memorandum which he had prepared, on the policy of the mandatory Power.

THIRD MEETING
Held on Wednesday, June 9th, 1926, at 10.30 a.m.

In the Chair: M. Van Rees (Vice-Chairman).

Present: All the members of the Commission, except Marquis Theodoli and M. Freire d'Andrade.

556. Appointment of Mrs. Weaver as Substitute for Mr. Grimshaw.

The Acting Chairman said he had received a letter from the Director of the International Labour Office stating that, in the absence of Mr. Grimshaw, Mrs. Weaver was authorised to act as his substitute.

M. Orts asked whether this letter did not raise the question whether a member of the Commission could be replaced by a substitute.

The Acting Chairman pointed out that Mr. Grimshaw did not sit as a member of the Commission but as the representative of the International Labour Office, appointed by the Director. The acceptance of Mrs. Weaver as a substitute for Mr. Grimshaw would not, therefore, constitute a precedent in regard to the replacement of a member of the Commission.


On the invitation of the Acting Chairman, Sir Joseph Cook, High Commissioner for Australia, came to the table of the Commission.

Labour.

The Acting Chairman asked Mrs. Weaver whether she wished to present any questions on the subject of labour arising out of the report on the administration of Nauru for 1925.

Mrs. Weaver pointed out that the Commission had stated in its report on the work of its sixth session that it had taken note of the fact that the question of bringing breaches of labour contract before the Courts for civil instead of criminal action was receiving the attention of the Administration. There was no allusion to this matter in the report on Nauru for 1925 and it would be of interest to know if any decision had been reached.

Sir Joseph Cook said that this point was dealt with in the special observations which he had received since the despatch of the annual report. The Administration did not consider it advisable to forego the possibility of criminal action. The fact that criminal action might be taken would act as a greater deterrent to laziness and malingering on the part of the workers. The labourer was brought out to go to prison than to work in the mines. He would observe that the fact of these penalties existing in reserve was a sufficient safeguard and that in practice they never had to be applied.

Mrs. Weaver said that the Commission had also asked why so considerable a proportion of repatriated Chinese labourers were unfit for work. It appeared from the present report that the number of medically unfit repatriated Chinese was again high. Was there any medical examination of recruited Chinese at Hong-Kong before they were embarked for Nauru? If so, these repatriated sick labourers presumably all became unfit after taking up service in Nauru.

M. Catastini said at the end of the meeting that the special observations referred to by Sir Joseph Cook had been received by the Secretariat (document C. 379, 1926. VI).
Sir Joseph Cook said that the workers were examined both at Hong-Kong and in Nauru. The number of workers who were medically unfit was not so very excessive in the circumstances.

Mrs. Weaver noted that there was a large number of lung cases and of beri-beri, which seemed to point to malnutrition.

Sir Joseph Cook said that the cases were not in excess of those observed in China. Beri-beri arose from the habit of eating polished rice, and seemed inseparable from such a diet. The Government had three excellent medical men who were working on these subjects.


General Policy of the Administration.

On the invitation of the Acting Chairman, Captain Carrodus came to the table of the Commission.

Captain Carrodus made the following statement:

"I am afraid that the time at my disposal has not been sufficient to enable me to deal as fully with this matter as I had desired, but I hope to give you some indication of what the general policy in New Guinea is.

The obligations imposed upon the Commonwealth Government by the mandate in regard to:

(a) The prohibition of the slave trade and of forced labour;
(b) The prohibition of the supply of spirits and intoxicating beverages to the natives;
(c) The control of the traffic in arms and ammunition;
(d) The ensuring of liberty of conscience;
(e) The non-establishment of military or naval bases or fortifications; and
(f) The prohibition of the military training of natives except for purposes of internal police and land defence;

naturally form a portion of the Mandatory's policy for the territory of New Guinea.

In addition to the foregoing, the following may be mentioned as constituting the main items of the Commonwealth Government's policy at the present stage of development of the territory:

1. The medical care and treatment of the natives;
2. The preservation of native laws and customs, so far as they are not repugnant to our sense of morality, and the cultivation of a better understanding of native habits of life and native thought;
3. The protection of the native labourer in his contractual relationships;
4. The inauguration of a system of native agriculture for the cultivation of foodstuffs and economic crops by the natives under trained instructors and inspectors;
5. The inauguration of a system of technical and general education of the natives;
6. The participation of the natives to an increasing extent in the administration of the territory;
7. In furtherance of the foregoing, the requirement that appointees to the service shall undergo special training and instruction;
8. The economic development of the territory.

"Medical Care and Treatment of the Natives.

The Commonwealth Government recognises it as a duty of paramount importance to eradicate native diseases and to accept the responsibility for the medical care and treatment of the natives. It considers that all its efforts in other directions to carry out the responsibilities imposed upon it by the mandate in connection with the welfare of the natives will be of no avail if the inhabitants are allowed to be decimated by disease.

To this end it has appointed an efficient medical staff under the direction of an expert in tropical medicine, has established native hospitals, and has devoted much attention to the training of natives in the treatment of the more common diseases.

By the inauguration of a system of medical patrols, it has insured that medical treatment will not be confined to natives in the immediate vicinity of the hospitals but will be extended to the inhabitants of areas far removed from the administrative centres.

For the closer analysis and diagnosis of diseases, an efficient laboratory and staff have been established in the territory. It is proposed that, as circumstances permit, branch laboratories will be established at the principal headquarters of districts.

In addition to ensuring that all natives who contract for employment are physically fit before engagement and are maintained in a healthy condition during the term of their employment, the strictest precautions are taken against the spread of disease by labourers returning to their homes. Before a native is allowed to proceed to his home on the termination of his contract, it is the duty of the medical officers to certify that he is free from disease.
"As an auxiliary to the eradication and prevention of diseases, the populations, both indigenous and non-indigenous, are instructed in tropical hygiene and sanitation.

Every precaution has been taken against the introduction of diseases into the country from abroad by the application of the Commonwealth Quarantine Act and Regulations.

"Native Customs, etc.

It is the policy of the Commonwealth Government to preserve native laws and customs, so far as they are not repugnant to the European sense of morality, and also to ensure that the officers of the Administration shall have a thorough knowledge of native thought and native habits of life to enable them efficiently to carry out their administrative duties.

It is considered that unless a white official has a thorough knowledge of the psychology of the native or, in other words, is able to 'think black', he cannot hope to succeed in the administration of native races.

A trained anthropologist has therefore been appointed to the Public Service of New Guinea for the purpose of making a scientific study of the natives of the territory. The reports by this officer will be published as separate documents and distributed amongst the officials of the territory. Arrangements have been made for copies of those reports to be made available for the Permanent Mandates Commission.

The Commonwealth Government also contributes £1,000 per annum towards the maintenance of the Chair of Anthropology which has recently been established at the University of Sydney.

"Protection of the Native Labourer in his Contractual Relationships.

"Until the natives of New Guinea have arrived at such a stage of civilisation as to enable them to appreciate the value of their labour and to understand their obligations to their employers, it is considered desirable that the Administration should be responsible for regulating the relationship between the native labourer and his employer, so as to ensure, on the one hand, that the labourer volunteers his services, understands the conditions of his employment, is adequately paid for his labour, and does not suffer in health as a result of his employment; and, on the other hand, that the employer shall have reasonable prospect of knowing exactly what labour is available for the particular industry in which he is engaged, and that such labour will be at his disposal for a definite period.

The Government's policy in this respect is embodied in the Native Labour Ordinance, with the provisions of which the members of the Commission are already conversant.

This policy has been modelled on that which is in force in the territory of Papua and which has been found, after many years' experience, to be the most satisfactory for the peculiar conditions prevailing in both territories.

"System of Native Agriculture.

One of the results of the extension of Government control, and the consequent abatement of inter-tribal fighting, is that the male natives of the areas affected find themselves suddenly relieved of the necessity to work and to keep fit, and the tendency is for them to lead a slothful life, leaving the womenfolk to perform practically all the duties connected with the village.

It is the duty of the Government to devise a means by which the male natives shall usefully occupy their time and maintain their interest in life.

A system of native agriculture has therefore been instituted for the cultivation of foodstuffs and economic crops by the natives under trained instructors and inspectors. Full particulars of this system are furnished in the statement by the Director of Agriculture printed in the report now under review.

In this connection, attention is invited to the remarks by the Director of Public Health as to the inadequacy, from a food-value point of view, of the crops at present grown by the natives.

Advantage will be taken of the opportunity afforded by the scheme of native agriculture to induce the natives to grow new crops to supply the deficiencies in food components at present existing in native foods.

"Technical and General Education.

A school has been established by the Administration at Rabaul for the technical and general education of natives. The curriculum of this school has already been communicated to the Commission through the medium of the annual reports.

The activities of the Administration in connection with education are additional to those of the missions, which, prior to the acceptance of the mandate by the Commonwealth, were the only bodies in the territory engaged in the education of the natives.

The immediate object of the Government's educational scheme is the training of certain selected natives to undertake work of a clerical nature, particularly in the Public Service, or to become proficient artisans. The Government considers, however, that it is a matter
of the greatest importance that facilities for obtaining education should be afforded to all
the natives of the territory, and the question whether this education shall be imparted through
the medium of Government schools or through subsidised mission schools is one in regard
to which no decision has yet been reached.

"Participation of Natives in Administration.

"There are no established tribal organisations in New Guinea such as exist in certain
parts of Africa, and it is therefore impossible to utilise native organisations in the adminis-
tration of the territory in the manner that has been found possible in Africa.

"The Commonwealth Government realises that there are many advantages to be gained
by entrusting a portion of the administration of the territory to native organisations. Such
a system would also be much more economic than direct administration by white officials.

"By the appointment of Luluais and the gradual increase of their authority and duties,
the Government hopes eventually to create a body of responsible native officials who can
be entrusted to an increasing extent with duties connected with the actual administration
of the territory.

"It is hoped that as a result of the system of education a number of junior officials will
be provided for the Government service.

"It is anticipated, however, that it will be many years before the natives of New Guinea
can be trusted adequately to administer their own affairs and to participate in the general
administration of the territory to the extent that has been found possible in Nigeria and other
African colonies.

"Special Training of New Appointees.

"Full particulars of the scheme for the special training of new appointees are furnished
in the letter to the Secretary-General, dated April 15th, 1926, relative to the observations in
regard to New Guinea made by the Commission at its sixth session (document C. 297. 1926.VI).

"Economic Development of the Territory.

"It is the policy of the Commonwealth Government to develop the resources of the
territory. Very liberal conditions have been laid down in the Land Ordinance for the taking
up of land for agricultural and pastoral purposes, with the object of encouraging the invest-
ment of capital in the territory for the development of its agricultural and pastoral resources.

"The provisions of the Mining Ordinance relating to mineral oil and coal not only regu-
late the prospecting for, and mining of, those minerals, but by providing for the grant of
reward leases for the discovery of oil or coal have encouraged private companies to expend a
large amount of capital in endeavouring to develop the mineral resources of the territory.

"To encourage the cultivation of economic crops which can be grown in the territory,
but which, up to the present, had not been cultivated on a commercial basis, the Common-
wealth Parliament recently passed two Acts, namely, the 'Customs Tariff (Papua and New
Guinea Preference), 1926', and the 'Papua and New Guinea Bounties Act, 1926'. The
former provides for the admission into Australia free of duty of certain commodities set
out in the schedule to the Act, and the latter prescribes that a bounty of £250,000 shall be
payable during a period of ten years, at the rate of £25,000 per annum, on certain goods pro-
duced in both territories and imported into the Commonwealth.

"To further the objects of these two Acts, the Government has in contemplation the
appointment of an officer whose duty it will be to co-operate with the Departments of Agri-
culture in both territories and the Government in keeping planters advised of the state of
the markets for the various products and of recent developments or improvements in the
methods of cultivation, etc.

"By the payment of a subsidy of approximately £44,000 per annum for the provision of
an efficient mail service to New Guinea, the Government provides a means for the exportation
of the products of the territory.

"It is hoped that the system of native agriculture will eventually result in the native
becoming a producer of economic crops and in his partaking to a considerable extent in the
economic development of the territory. In many portions of the territory the natives have
already become producers. Their products are usually disposed of to traders, who are licensed
by the Administration.

"The foregoing are the principal items of policy which occur to my mind at the present
moment."

The ACTING CHAIRMAN asked whether any members of the Commission desired to ask
Captain Carroodus for supplementary information on any points mentioned in his statement.

Public Health.

M. ORTS asked of what the staff of the health service consisted.

Captain CARROODUS said that there was a Director of Public Health and eight doctors
assisted by a staff of about 30 medical assistants. In addition, there were some 300 trained
native orderlies or medical tultuls.
Sir F. Lugard noted that the total vote for the Public Health Department was £28,000. This was not a very large sum for so considerable a territory.

M. Orts asked whether the activities of the health services extended over the whole of that part of the mandated territory under the effective control of the Administration.

Captain Carrodus replied in the affirmative.

Sir F. Lugard enquired whether the expenditure on the district services was additional to that of the Public Health Department.

Captain Carrodus said that the item of £28,000 was expended exclusively on the Department of Public Health and that the expenditure on the district services should be added.

**Anthropological Service.**

M. Palacios asked if Captain Carrodus could give additional information regarding the Anthropological Service. This was a service worthy of the greatest encouragement. Captain Carrodus had stated that a Chair of Anthropology had been founded at Sydney University and that students and officials for the service of the territory were being trained. Had the Anthropological Service published any reports? If so, it would be of interest to receive them.

Captain Carrodus said that there was a trained anthropologist attached to the Administration of the territory. This officer had already issued two reports and these were at the point of being published and would be distributed to all officers and institutions in the territory. The Chair of Anthropology had been established in Sydney and the expenses were paid by the Commonwealth Government at £1,000 per annum. The Administration of New Guinea proposed to send young officials to Sydney so that they might receive instruction.

M. Palacios agreed with Captain Carrodus that this anthropological and ethnographical basis of instruction was of the greatest importance if the Administration desired to pursue a practical policy and exercise its civilising influence. It was necessary on occasion to know how to "think black" in order to achieve progress worthy of the white man.

The Acting Chairman enquired what exactly was the work of the anthropologist in New Guinea. Was he stationed at Rabaul and did he confine himself to instructing the officials, or did he make tours of investigation in the territory?

Captain Carrodus said that the anthropologist had his headquarters at Rabaul. He had, however, a schooner at his disposal and made frequent tours of the territory. On some of these occasions he was accompanied by the younger officials, who were able to observe him at work among the natives. He prepared reports on these tours and instructed the younger officials in regard to the results of them.

**Native Organisations.**

The Acting Chairman, referring to the statement that there were no native organisations in the territory, enquired whether there were not any native village communities which might be used as a nucleus for building up some kind of native organisation.

Captain Carrodus said that in some places there was a small native council and that where it existed use was made of it. In the majority of cases, however, there was no recognised village organisation. In some native villages an old chief would be in authority; while others were controlled by young warriors.

**Distribution of Reports and of the Minutes of the Commission to Officials of the Territory:**

M. Rappard said he would like to raise two questions. The first was a question of procedure. Captain Carrodus had said that the anthropological reports ought to be printed separately from the annual reports to the League in order that they might be distributed to the officials of the territory. He would like to know whether the annual report to the League was not also distributed to the officials. It was very desirable that the Administration should receive these reports together with the Minutes of the meetings of the Mandates Commission. The distribution of such reports would enable the younger officials to keep in touch with the activities of the Commission.

Secondly, he would enquire to what extent the administration of the two territories of New Guinea and Papua were co-ordinated. Was there any difference made in regard to choice of staff, police or administrative methods in the two territories?

Captain Carrodus said that the annual report to the League was sent to every district in the territory and that a file of these reports was kept at all district headquarters. The anthropological reports would be distributed in the same manner. These latter reports were being issued apart from the annual report because there would be several of them during the year and it would be desirable to publish them immediately. Hitherto the Administration had not received a sufficient number of copies of the Minutes of the Commission for distribution. Only two copies were originally sent and, until recently, the Administration...
was not aware that it could be supplied with further copies. It had expressed the wish that as many copies as possible might be sent; it was actually asking for ten but would be glad to receive thirty copies for distribution. He agreed that it was extremely important for the officials of the territory to keep in touch with the proceedings of the Mandates Commission. The Administration of Papua and the Administration of New Guinea were kept entirely distinct. At the moment when the mandate was about to be conferred a Royal Commission had considered the matter and had presented a majority and a minority report. The majority report was in favour of a complete separation of the two Administrations and the Government had taken a decision in accordance with this report.

There was a certain amount of co-ordination between the two Administrations. In matters of policy, the administration of Papua and New Guinea and of Norfolk Island were all dealt with by the same department of the Australian Government, and decisions in regard to one of these territories naturally influenced decisions with regard to the others. Moreover, consultations took place between the Administrator of New Guinea and the Lieutenant-Governor of Papua, and occasionally the Lieutenant-Governor of Papua would place experienced officials at the service of the Administration of New Guinea. The Administrations, however, were totally distinct and their budgets were entirely separate.

M. RAPPARD thanked Captain Carrodus for his information, which appeared to him to be in complete conformity with the decisions of the Commission.

M. ORTS asked what were the characteristics which distinguished the Administration of the mandated territory from the neighbouring Administration of Papua. Was there any difference in tendency and method? How, in practice, was account taken of the fact that one of those countries was under the full sovereignty of the mandatory Power whereas the other was a territory covered by a mandate of the League of Nations?

Captain CARRODUS said that there was in practice no real difference between the two Administrations. The spirit and method were the same in both cases. The same conventions and practical the same legislation would apply to both territories without discrimination.

Sir F. LUGARD remarked that the Australian Government accorded to the two territories jointly a sum of £250,000 to be distributed as bounties on account of exports from these territories to Australia. It was essential to know how much of this would be given to the mandated territory.

Captain CARRODUS said that the allocation of these bounties had been made jointly to the two territories in order, probably, to simplify the progress of the necessary Act through Parliament. There was no special allotment of the bounties as between the two territories, and he presumed that they would be distributed in proportion to the amount of exports which came from each of the territories. If, for example, New Guinea exported 75 per cent of the produce sent to Australia it would obtain 75 per cent of the bounty. He would ascertain whether there were any regulations dealing with the subject.

Economic Development and Labour Supply.

M. ORTS noted that the Administration was encouraging the investment of foreign capital in the mandated territory. Was the amount of the capital invested important and was there any prospect of industrial development?

Captain CARRODUS referred to Part IX of the report. In paragraph 71 it was stated that 4,404 acres of land had been granted under lease for agricultural purposes, in paragraph 73 that 274 licences of land for trading purposes had been granted, and in paragraph 76 that 26 licences had been granted to prospect for mineral, oil and coal.

M. ORTS enquired whether such enterprises were easily supplied with labour.

Captain CARRODUS said that no difficulty had so far been experienced in finding the necessary labour.

M. ORTS enquired whether the labour was recruited on the spot or brought from districts which were more or less distant.

Captain CARRODUS said that in some instances the labour was brought from other districts. There were many indentured labourers in Rabaul who came from the Sepik district.
FOURTH MEETING

Held on Wednesday, June 9th, 1926, at 3.30 p.m.

In the Chair: M. VAN REES Vice-Chairman.

Present: All the members of the Committee, except Marquis Theodoli and M. Freire d'Andrade.


Sir Joseph Cook and Captain Carrodus came to the table of the Commission.

Ex-Enemy Property.

Sir F. Lugard noted that the expropriated estates in New Guinea had been put up to tender. Had any of these estates yet been sold?

Captain Carrodus said he had no official information on the subject. He had, however, an extract from the Press, in which it was stated that forty-six of these estates had been offered for sale. Tenders had been received for forty-three. 325 persons had submitted tenders, three of whom had offered to purchase the plantations as a whole. These three offers had been rejected, as the Administration thought that, in the interests of the territory, it would be better to establish many plantation owners. Twenty tenders received were likely to be accepted, and the total proceeds of these sales would amount to £201,510. Eighty-seven trading stations had also been offered for sale, and tenders for seventy-three were to be accepted. The proceeds from these stations would amount to £10,643. Of the tenders received for the plantations, fifty-four had been submitted by Australian ex-soldiers.

The Acting Chairman enquired as to the average area of the twenty plantations for which tenders had been accepted.

Captain Carrodus said that particulars would be found in the catalogue of the estates prepared by the Government. He noted the following areas: 550 hectares, 412 hectares, 635 hectares, 171 hectares, etc.

The Acting Chairman enquired how the ex-soldiers obtained money for the purchase. To what particular class did they belong, and had they received the necessary training and experience for the management of such estates.

Captain Carrodus said that the conditions of sale would be found in the catalogue. The ex-soldiers referred to were soldiers who had fought either in the South African or in the Great European war and had since been demobilised and repatriated. The majority of them were already managers on the plantations which they were offering to buy. Certain privileges were extended under the conditions of sale to ex-soldiers. They would be required to pay 5 per cent of the purchase price at the time of the tender, 10 per cent within one month of its acceptance, and the rest in eight quarterly instalments. No German tenders had been admitted.

Sir F. Lugard observed that the Expropriation Board owed to the Commonwealth Government one million pounds. Was there any prospect of the liquidation of the whole of this amount?

Captain Carrodus said that this was a matter with which the Commonwealth Government alone was concerned and in regard to which he had no special information. He could not say how the adjustment would be made as between the amount obtained by the sale of these estates and the debt of the Expropriation Board. The Administration of the mandated territory would not in any case be responsible.

The Acting Chairman noted that the Commonwealth Government had advanced a loan of £67,000 to the mandated territory. What were the conditions under which this loan had been granted?

Captain Carrodus said that interest was charged on the loan and that there was a system of repayment by instalments. He would obtain further particulars in regard to it.

Labour.

Mrs. Weaver noted in paragraph 17 of the report that an inspector had been appointed in the Department of Native Affairs whose duty it would be to visit the various districts and make an inspection of the native labourers, with a view to ensuring that the provisions of the Native Labour Ordinance were strictly observed. How far did the inspection carried out by this officer differ from that carried out by the district officers under Section 64 of the Ordinance?
Captain CARROODUS said it was the duty of the district officers to inspect the native labourers, but the Administration had thought it advisable that their work should be checked by an expert familiar with native affairs and with the kind of abuses which might arise.

Mrs. WEAVER enquired whether he was accompanied by a medical officer?

Captain CARROODUS said that he might be accompanied by a medical officer if he thought it necessary, but his duty was to ensure that the Native Labour Ordinance was satisfactorily observed.

Mrs. WEAVER asked whether it would be possible to have a summary of his reports.

Captain CARROODUS said that this would be possible.

The Actmg Chairman enquired whether the inspector could make a complete tour of the territory in a single year.

Captain CARROODUS said this would be impossible. His practice was to go to any district where the Commissioner for Native Affairs had reason to suspect that conditions were not wholly satisfactory.

Sir F. LUGARD remarked that the accredited representative had said that there was an abundant supply of labour, but he found it stated in the report that this labour was mainly recruited in the new districts and that it was now difficult to obtain labour in the old districts. What was the reason for this?

Captain CARROODUS explained that in the old districts the natives were now working on their own account and had no need to accept employment elsewhere.

Sir F. LUGARD observed that, under Section 80 of the Native Labour Ordinance, a labourer who on the expiration of his contract was prepared to make a new contract with the same employer would do so without returning to his home. He asked whether it was not preferable that workers should return home before taking up a new contract?

Captain CARROODUS said the point whether a labourer should return home on the expiration of his first contract had been carefully considered by the Administration, which had come to the conclusion that there was no objection to his remaining with his original employer if he desired to do so. Personally, he thought it would be well for the native to go home on the expiration of his contract, but in some cases the native himself did not wish to return.

Sir F. LUGARD enquired whether there was not a danger under this system of the native labourers who were absent from their homes for five or six years completely losing touch with the tribe and the village life.

Captain CARROODUS said he did not think so. The native labourer invariably returned after his second period of service.

Sir F. LUGARD, referring to paragraph 89 of the report, noted that the roads were maintained by the respective district officers. How was the labour for the maintenance of these roads recruited?

Captain CARROODUS said that, in places where there were native villages adjacent to the roads, the natives were made responsible for their upkeep. In cases where there were no villages adjacent, the district officers recruited and paid labour for the purpose. The roads in question were merely paths or tracks.

Sir F. LUGARD asked whether the control of the Administration over labourers employed in the expropriated plantations would be maintained after they had been sold.

Captain CARROODUS said that supervision would certainly be maintained.

M. OWRS noted, on page 55 of the report, that the total number of indentured labourers in the territory was 23,121. The total population was, according to one estimate, 257,000, and according to another estimate 378,000. What were the actual figures?

Captain CARROODUS said that there was a population of 257,000 which had actually been counted. In addition to this, the district officers had estimated the population in districts where no census could be taken at 121,000. The estimated total was therefore 378,000.

M. OWRS observed that, taking this figure, it would be seen that more than one-twelfth of the total population was constantly employed in plantations under long-term contracts.

Captain CARROODUS said that this was not strictly correct. One-eleventh of the population was under contract but the contracts of the labourers enumerated in the table might overlap and this number included labour of all kinds and for all periods. Not all of these labourers were absent from their homes, as some of them were able to go home every night — for example, those working along the coast of Kavieng or as domestic servants in their own districts.
Sir F. Lugard asked if any women were indentured.

Captain Carrodus, referring to paragraph 178, pointed out that there were 565 of them.

M. Orts noted, without making any criticism, that a large proportion of the population was working as indentured labourers outside their own district. Were there not any inconveniences attaching to this circumstance? Could the labourers on returning to their villages recover their places in the traditional surroundings or did they lose touch with native life?

Captain Carrodus said that all the native indentured labourers eventually returned to their homes and that no difficulty was ever experienced in sending them back. As a matter of fact, the employers were required by Ordinance to return their labourers to their homes. He was not aware that the natives had any difficulty in recovering their place in the life of the village and the tribe.

Mrs. Weaver, referring to paragraph 54 of the report, noted that there was a reference to a difficulty which arose from insufficient hospital accommodation to deal with sick labourers. Did this mean that the regulations of the Native Labour Ordinance could not be effectively applied?

Captain Carrodus said that the reference in paragraph 54 was to a lack of hospital accommodation on the smaller plantations for the treatment of serious or infectious cases. Adequate arrangements were made under the Native Labour Ordinance to provide labourers on the smaller plantations, who were suffering from ordinary complaints, with medical attendance and the necessary local accommodation. It was only on the larger plantations, however, where 500 or more labourers were employed, that it was obligatory for the employer to provide a properly equipped hospital and the services of a doctor. Serious cases occurring on the smaller plantations would require to be treated by the inspecting medical officer or taken to the nearest Government hospital.

Mrs. Weaver noted that in 1925 there had been an increased death rate among native labourers amounting to 31 per thousand. She observed that the Administration was making great efforts to deal with this problem, but she would like to know whether any measures were contemplated under the Native Labour Ordinance which was being consolidated and amended. It seemed that the problem was largely a matter of diet and that improvements could be effected under the Labour Ordinance.

Captain Carrodus referred to paragraph 57 of the report dealing with native dietaries. He did not think that the rations prescribed by the Administration were altogether to blame for the high death rate, since in the previous year, though the rations had been the same, the rate had been only 1 per cent. The Administration was endeavouring to ascertain the cause of the high death rate in 1925, and, in order to make sure that the prescribed rations were not responsible for it, the Director of Public Health had laid down certain alternative dietaries for the native workers. The same problem had arisen in Papua. A year showing a high death rate might be followed by a year showing a low one, and no reason could be discovered for this variation.

Mrs. Weaver noted, in paragraph 83 of the report, a reference to the practice of engaging casual native labour and the hiring of it to private employers such as shipping companies. Did this mean that labour had been recruited by the Administration for private employers?

Captain Carrodus said that, in certain ports of New Guinea, the Government had formerly maintained squads of men, who were housed, fed and paid by the Government, and hired to the shipping companies in order to unload their vessels. The majority of the companies now, however, employed their own men under the usual contracts, so that the Administration had discontinued its previous practice. The natives formerly employed by the Government and hired to the shipping companies had always been paid the same rates of wages as under the ordinary contracts.

M. Palacios enquired whether there was any forced labour.

Captain Carrodus replied in the negative.

M. Palacios asked what provision was made in the event of labourers meeting with accidents.

Captain Carrodus said that the native labourers were covered by the Employers' Liability Ordinance of Papua, which had been applied to the territory of New Guinea.

Trade and Manufacture of Alcohol and Drugs.

In reply to Sir F. Lugard, Captain Carrodus said that the duty on spirits of proof strength was 20s. per gallon. Spirits over proof paid at the rate of 20s. per proof gallon.
Liberty of Conscience.

In reply to M. Palacios, Captain Carrodus undertook to furnish in the next report a special section dealing with liberty of conscience.

In reply to Sir F. Lugard, Captain Carrodus said that some missions held trading stations, others plantations, and one a sawmill, the profits of which were used in the work of the mission.

Education.

Mrs. Wicksell said that she was following with interest the development of the one existing Government school. The Administration had apparently not yet decided whether to develop the Government schools or to rely entirely upon missions for elementary education.

Captain Carrodus stated that, whatever policy was followed, the Government would in any case retain entire control.

Mrs. Wicksell emphasised the importance of training native teachers. If the missions were left to train these teachers entirely for themselves the standard was inevitably lowered. Government control and aid in the training of teachers was essential. She noted that native teachers were not apparently being trained in the Government school, the pupils of which, on leaving, either found immediate employment or gained admittance to the technical school.

Captain Carrodus said that there were two forms of education — a literary and a technical form. Quite a number of pupils were found to make good artisans, and for this reason a course of manual arts had been introduced into the curriculum. The Government had hopes of obtaining numbers of native clerks from the school, after the pupils had received a six-year training.

Mrs. Wicksell doubted whether the curriculum was sufficiently advanced for the training of teachers, though it might be so for clerks.

Captain Carrodus replied that the Government had not yet taken a definite decision concerning the line of policy which it would pursue in the matter of education. The system in Papua was for the Government to leave the education to the mission schools under strict supervision. Those schools were inspected and required to reach a certain standard, otherwise the Government grant was refused. The Government would shortly decide whether this same system should be adopted in New Guinea or whether it should itself train native teachers, who were in any case necessary in the villages. The system of education was in the experimental stage. No subsidy was granted to any mission school in New Guinea.

Mrs. Wicksell asked the meaning of the heading "Native and Asiatic Pay" as distinct from "Trainee Pay" shown in the table for the expenditure from the Native Education Trust Fund (page 72).

Captain Carrodus explained that the salaries of the Asiatic instructors were included in that item. There was, for instance, an Asiatic basket-weaving instructor and an instructor in plumbing. That item would also cover the wages of labourers employed on the construction and upkeep of school buildings.

In reply to a further question of Mrs. Wicksell, Captain Carrodus explained that the Native Education Trust Fund had been created as a result of the provisions of Article 15, Section 2, of the Natives' Taxes Ordinance of 1921.

M. Palacios noted that the deficit in the accounts of the Native Education Trust Fund mentioned on page 35 of the report had been covered by the credit balances of the other trust funds. What were those funds?

Captain Carrodus said that there were various trust funds in the ordinary accounting system of the territory.

M. Palacios asked for further explanations concerning the sources of these "trust funds".

Sir Joseph Cook said that certain monies received were not shown in the estimates but were kept in temporary trust funds or suspense accounts in order to meet immediate outgoings. Those funds had been created with the object of preventing such monies from being regarded as ordinary revenue several times over.

In reply to M. Palacios, Sir Joseph Cook explained that the trust funds were the balances of payments authorised but not finally expended. The number of them differed according to circumstances, and they were used solely to meet immediate payments, so as to prevent the revenue earmarked for that payment from going back to the consolidated revenue; for once it had so returned it was extremely difficult to get it out again until it had been authorised. If, for instance, one Government department had to make a payment by a certain date, the
money for that payment was placed in a trust fund to prevent it lapsing until that date arrived. Naturally, any borrowing from one department to cover the temporary deficit of another was immediately paid back when that department's funds were in credit.

Sir F. LUGARD said that it seemed as if the term "trust funds" was a misnomer. They were really unexpended balances passed to a suspense account.

Sir Joseph COOK agreed. This was a common method of Government accountability. Such transfers within the budget were authorised by the Treasury Regulations.

M. PALACIOS did not wish to criticise these transfers; he merely wished to have information concerning the funds which were mentioned occasionally but without any details as to the way they were formed and how the deficit—which was explained in detail—was covered. It seemed, however, that this was undoubtedly both just and legal—that part of the particular resources were used for other purposes than those which benefited directly the education of the natives (pages 35 and 72 of the report).

The Acting Chairman regretted the invariable confusion which arose in the minds of members in regard to these trust funds. He asked that a clear statement regarding them might be inserted in the next report, showing their origin, their maintenance, etc.

Sir Joseph COOK pointed out that a complete explanation of such funds would involve a full statement of the accountability methods of the Government. Every Government instituted trust funds of this kind to which monies were transferred.

M. MERLIN said that a similar system was in use in Madagascar, where, for instance, the expenditure on public health was met by a health tax paid by the natives. This tax was specially earmarked and could not be used for other purposes.

Captain CARRODUS said that the Native Education Trust Fund owed its origin to the Natives' Taxes Ordinance. All the other funds were a part of the accounting system used by the Government.

In reply to the Acting Chairman, he said that the money for the Native Education Trust Fund was furnished by a tax not exceeding £6 a head per year on the contracts for indentured labour. The Administration possessed the right to tax the native for education, but so far, except on one occasion, this tax had not been imposed, the total cost being met by the tax on native labourers which was paid entirely by the employer. In 1921 the natives had been required to pay an education tax which had been used for the erection of the school buildings, but that had been the sole occasion on which such a tax had been paid by the natives. The only tax which they paid was a capitation tax used for the general revenue.

In reply to the Acting Chairman, he undertook to furnish a complete statement of the method of taxation in the next report.

Sir Joseph COOK emphasised the fact that, with the exception of the Native Education Trust Fund, which had been created by the Natives' Taxes Ordinance of 1921, all trust funds were a part of the general governmental accounting system in use in the territory.

In reply to Sir F. LUGARD, Captain CARRODUS said that all education was paid for out of the Native Education Trust Fund. There was no payment from general revenue.

Sir F. LUGARD noted that there were only two Government schools, one for 120 pupils and the other for 39 technical pupils. Would it not be possible for the Government to do more in the matter of education? There was no grant to missions and the only expenditure on education was the Native Education Trust Fund, which had diminished from about £19,000 in 1924 to about £10,000 in 1925.

Captain CARRODUS replied that the Administration was still considering what policy should be adopted with regard to education. It was hesitating between instituting Government schools or subsidising the missions.

Sir Joseph COOK reminded the Commission that New Guinea at the moment showed a deficit of £27,000. This would have to be liquidated before any large increases could be made in the sums devoted to education.

Captain CARRODUS pointed out that, for the moment, the sums spent on education could only be increased either by the imposition of new taxes or by a grant from the mandatory Power.

Public Health.

In reply to Sir F. LUGARD, Captain CARRODUS said that the medical staff consisted of the Director of Public Health, eight doctors, about thirty white medical assistants and some three hundred medical tultuls or native trained assistants.

Sir F. LUGARD referred to the system adopted in the territory of Ruanda-Urundi whereby native medical assistants were trained in five or six special diseases and were then sent to tour
a the country. At the end of two years they underwent a refresher course. This system appeared to have given excellent results.

Captain Carrodus said that the tultuls were trained in the common diseases of the village. They were thoroughly inspected by the regular medical patrols, and if found in any way deficient were sent back for further training.

Public Finance.

Sir F. Lugard pointed out that the report did not show the total amount expended on any particular heading in the budget. The expenditure was shown partly under departments and partly under districts. Would it be possible in future to supply the total sum expended under each heading (Education, Medical, etc.) for the whole territory?

Captain Carrodus undertook to supply this information in the next report.

Sir F. Lugard said that such a general statement should contain information similar to that which he had asked the Secretariat to supply on a form he had prepared. Since it had been found impossible to supply this information from the annual reports, he suggested that all the mandatory Powers should be asked to fill it up. The information included the total amounts of grants-in-aid, loans, etc., given to the territory by the mandatory Power.

The Acting Chairman noted that the budgetary deficit amounting to about £7,300 (page 34 of the report) was covered by the Commonwealth Bank of Australia. He concluded, therefore, that the territory of New Guinea had no public debt towards the mandatory Power but only to the Commonwealth Bank of Australia.

Sir Joseph Cook agreed, but pointed out that the overdraft at the Commonwealth Bank was guaranteed by the mandatory Power. This meant that the Bank could not exercise a lien or mortgage on the territory of New Guinea. If it ever happened that New Guinea failed to cover the overdraft, then the Commonwealth Government of Australia would have to do so. The Commonwealth Bank was a Government bank under independent management.

M. Rappard referred to the passage in the letter of the Australian Government dated April 15th, 1926 (document C.297.1926.VI), in which it was stated that, owing to the adoption of an incorrect principle in recording the opening balances of the Civil Administration, it had been thought that up to the financial year 1923-24 there had been a surplus. Such an illusion had apparently been created by the difficulty of adjusting the military and civil accounts.

Captain Carrodus agreed. Great difficulty had been experienced in definitely deciding what expenditure involved the liability of the Administration and what that of the Defence Department.

Sir F. Lugard asked what was meant by the heading in paragraph 8: "Appropriation of former years".

Sir Joseph Cook undertook to obtain the information on this point for the next report.

M. Rappard enquired whether the grant of £10,000 from the Commonwealth Government of Australia was annual. Apparently it was only to begin in 1926 and had only been granted once before, in 1922-23.

Captain Carrodus agreed. An amount of £10,000 had been voted in 1922-23 for medical services, but a grant of the same sum for the welfare of natives was now to be made annually, starting in 1926.

M. Rappard noted the sales of certain Government property, such as Government printing works, boats, etc., mentioned in paragraph 82 of the report. The proceeds of such sales were evidently not regular revenue. It would be interesting to know the method of accounting for these proceeds.

Captain Carrodus said that it was probable that the sums obtained from these sources had either been expended on the refitting, at a cost of £11,249, of the S.S. Franklin (which had been presented to the territory by the Commonwealth Government) or else the amount realised had been paid to the Commonwealth Government as a set-off against the loan. Information on the point would be included in the next report.

Request of Captain Carrodus to attend some Meetings of the Commission.

The Acting Chairman warmly thanked the High Commissioner and Captain Carrodus for their cordial co-operation. The information which they had furnished had enabled the Commission to appreciate better than before the policy and objects of the mandatory Power.
Captain Carrodus thanked the members of the Commission for the courtesy with which they had received him. He would greatly profit from his interviews with the Commission and its suggestions would be of great assistance in compiling the next report.

Sir Joseph Cook asked if Captain Carrodus might be permitted to attend a few subsequent meetings of the Commission as an unofficial observer with the object of obtaining a fuller understanding of the methods and procedure of the Commission and its requirements.

The Acting Chairman said he had no objection to such a procedure, provided that the accredited representatives of the other mandatory Powers raised no objection.

M. Catastini felt it his duty to refer to the necessity for discretion with regard to the proceedings of the Commission, which were private.

M. Rappard, while fully agreeing with the Acting Chairman and the Secretary, thought that the request of Captain Carrodus ought to be noted with great satisfaction, for it showed a desire to understand and co-operate with the Commission, upon which the Commission should congratulate itself.

Sir F. Lugard had no objection to raise to the request, provided it were understood that no observer should take any part in the proceedings or speak to members during the sitting.

Mrs. Wicksell reminded the Commission of the case of Mr. Hofmeyr, who had attended several meetings in the same capacity.

The Commission unanimously agreed that the request of Captain Carrodus to attend its meetings as an unofficial observer should be granted.

FIFTH MEETING

_Held on Thursday, June 10th, 1926, at 10.30 a.m._

In the Chair: M. Van Rees (Vice-Chairman), then Marquis Theodoli (Chairman).

Present: All the members of the Commission, except M. Freire d’Andrade.


M. Van Rees said that the Council on the previous day had adopted a resolution on the recommendations of the Permanent Mandates Commission concerning the questions of military recruitment, State domain and the liquor traffic. The resolution was as follows:

"The Council, having noted the views expressed by the mandatory Powers on the proposals of the Permanent Mandates Commission:

"(a) Military Recruitment — Endorses the opinion expressed by the Permanent Mandates Commission in the report on its third session concerning the question of the military recruiting of inhabitants of mandated territories;

"(b) State Domain — Endorses the opinion expressed by the Permanent Mandates Commission at its fourth session on the question of State domain (rights of the mandatory Power in virtue of Articles 120 and 257 (paragraph 2) of the Treaty of Versailles) and approves the observations presented to the Council by the Rapporteur as constituting an official interpretation of the text drafted by the Commission;

"(c) Liquor Traffic — Requests the Permanent Mandates Commission to consider the views expressed by the mandatory Powers with regard to the definition of the term concerning the liquor traffic which are found in the mandates, and to inform the Council, if possible before September, of such conclusions as it may reach as the result of this further examination of the question."

It would be seen that, in regard to the liquor traffic, the Council was asking the Commission to inform it before September of its conclusions in regard to the views of the mandatory Powers. In order to comply with these instructions, it would be necessary for the Commission
to consider the matter during the present session. He would accordingly ask Sir F. Lugard, who had first raised this question, whether he would prepare a new draft for submission to the Council.

Sir F. Lugard agreed.


Mr. Smuts, High Commissioner for the Union of South Africa, in London came to the table of the Commission.

The Acting Chairman asked whether Mr. Smuts had any objection to the presence of a representative of the British Colonial Office at the meeting.

Sir F. Lugard explained that the representative of the British Colonial Office was attending all the meetings of the Commission in order to keep his Department in touch with the procedure of the Commission.

Mr. Smuts said he had no objection to this arrangement. South Africa had no relations with the Colonial Office but with the Dominion Office.

The Marquis Theodori, taking the Chair, thanked the members of the Commission for having once again elected him as their Chairman and for their expressions of sympathy. He regretted that he had been unable to be present at the beginning of the session, and thanked M. Van Rees for having acted in his place.

He welcomed Mr. Smuts, and said that the Commission was sure, from its previous collaboration with the representative of South Africa, that his presence there could not fail to assist the Commission in the discharge of its duties.

Mr. Smuts thanked the Chairman for his kind words. He hoped that the report was presented in a form which would meet the suggestions of the Commission. He would point out that certain questions had been carefully elucidated, as, for example, the expenditure of the Administration on native betterment and the position in regard to native moral.y. He would refer to the separate report which was being submitted on the Caprivi zone. He might mention that there was one important newspaper in Cape Town which appeared not even to have known of the existence of the Caprivi zone previous to the second discussion on the part of the Mandates Commission. He mentioned this to make clear how unknown this area was.

The Chairman said it would at once be recognised that the report had been excellently drafted. It was clear in its terms and its general trend corresponded with the views and recommendations of the Commission. Moreover, it had been forwarded under a covering letter to the Secretary-General.

M. Rappard noted that the Administration had not only taken into account the report of the Commission but had evidently studied the Minutes and dealt with points which had come up during the previous discussions of the Commission but which were not included in the report.

Relation between South Africa, as Mandatory, and the Mandated Territory of South-West Africa.

M. Van Rees said he would ask the Commission, before considering the report, to note a declaration which had been made by General Smuts in the South African Parliament during a debate which had taken place from July 13th to July 27th of last year. General Smuts, referring to the Union of South Africa and the mandated territory, had expressed himself as follows:

"I should have preferred the two countries more closely linked up at this stage. When I urge this it may be said that I am working in favour of the annexation of South-West Africa to the Union; but I am not. I do not think it is necessary for us to annex South-West to the Union. The mandate or we is enough, and it should be enough for the Union. It gives the Union such complete power of sovereignty, not only administrative but legislative, that we need not ask for anything more. When the Covenant of the League of Nations and, subsequently, the mandate gave to us the right to administer that country as an integral portion of the Union, everything was given to us. I remember at the Peace Conference one of the great Powers tried to modify the position, and instead of saying 'as an integral portion' an amendment was made to introduce the word 'if' so that it should read — 'as if an integral portion of the mandatory Power'. But, after consideration, the 'if' was struck out. We therefore have the power to govern South-West Africa actually as an integral portion of the Union. Under these circumstances, I maintain — and I have always maintained — that it will never be necessary for us, as far as I can see, to annex South-West. We can always continue to fulfil the conditions imposed on us by the mandate, and we can always render annual reports to the League of Nations in respect of the mandate."

The Mandates Commission had always interpreted paragraph 6 of Article 22 of the Covenant in the sense that the mandated territory should be administered as if it were an integral portion of the territory of the Mandatory. According to the interpretation, however, given by General Smuts to this passage, South-West Africa constituted a part of the Union of South Africa, for he rejected the interpretation according to which this position only rested on a supposition.
In this case, however, nothing would remain but a territory which was incorporated politically and in actual fact in the Union, and consequently there would be no longer a
territory under mandate. It was for this reason that M. Van Rees thought that the Commis-
sion could not pass over in silence the declaration of General Smuts.

Sir F. LEGARD did not think that the insertion or omission of the word “if” made any
real difference in practice. The point of substance was that a mandatory Power was bound to
carry out the terms of the mandate, to present an annual report to the League of Nations,
and that the right of petition was recognised as belonging to the inhabitants. So long as these
points of substance were admitted, a mandated territory was in practice in quite a different
position from that of a colony.

M. ORTS did not think that what had been said during the discussions preceding the adop-
tion of the Covenant could be used as an argument. No Minutes had been kept of the confe-
rences at the Hotel Crillon, which meant that, as far as the Covenant of the League of Nations
was concerned, this ordinary source of interpretation was completely lacking.

In order to interpret the Covenant, the Permanent Mandates Commission could not take
into account the personal recollections of the statesmen who had taken part in those conferences.
It could not be influenced by the arguments put forward by General Smuts with regard to a
first draft of Article 22, of which no trace remained, any more than there remained any trace
of the considerations which had caused that draft to be modified.

M. RAPPARD agreed with M. Orts. The views of General Smuts on C mandates were well
known. He had indeed stated several years previously that in his eyes the institution of such
mandates was equivalent, in all but name, to annexation or something very like it. M. Rappard
observed, with regard to the point raised by M. Orts, that Article 22 of the Covenant
had not even been discussed by the Committee on the League of Nations at the Peace Confe-
rence, but had been drafted by the Supreme Council. The conversations between the states-
men assembled at Paris which had taken place with regard to this matter could not be regarded
as binding on Members of the League of Nations.

He did not think that a matter of principle was actually affected by the declaration of
General Smuts. The Covenant by the terms of which mandated territories were administered
in the name of the League of Nations, remained untouched. General Smuts was perfectly
free to state that an integral part of the territory of South Africa was administered in the
name of the League of Nations, although, in the view of M. Rappard, it would appear more
logical to say that it was administered in the name of the League of Nations as if it formed
an integral part of the territory.

M. MERLIN pointed out that the C Mandate for South-West Africa laid upon the Mandatory
the same obligations as the B mandates, except that concerning economic equality. Both
B and C mandates involved the obligation to present an annual report and recognised the
right of the inhabitants to present petitions. These were the points which made it impossible
to dissociate the mandates as an equivalent to annexation.

M. VAN REES said that he had drawn the attention of the Commission to the declaration of
General Smuts because of the important position which General Smuts held, for he could be
considered, so to speak, as the spiritual father of the mandates system. He had also been
actuated by the idea that the Commission might desire to give its own interpretation of the
paragraph in question. The sentence to which that interpretation applied was to be found both in the B and C mandates. Consequently, if the interpretation of General Smuts
were adopted, what would be left of the new principle included in international law by the
creation of the mandates system?

M. ORTS asked on what occasion General Smuts had made the declaration in question
and what had been its practical consequences.

Mr. SMUTS said that, so far as he remembered, the speech had been delivered on the second
reading of the South-West Africa Act and had been made in reply to certain views brought
forward during the debate on the proposed constitution for South-West Africa.

He would point out that, under Article 22 of the Covenant, the mandated territory would
only be administered on behalf of the League of Nations so long as it was unable to look after
itself. The procedure would probably be for South Africa to come to the League with a
request for the termination of the mandate when South-West Africa was sufficiently advanced
to govern itself. He thought that annexation was a rather unfortunate word in this connec-
tion. South-West Africa would never be actually annexed to South Africa, even if the mandate
were withdrawn. There were two parties to be considered in addition to South Africa,
one of them being the League of Nations and the other an independent South-West Africa
which would eventually be associated with the Union.

M. ORTS thought that the declaration of General Smuts was of interest in so far as it
explained certain decisions of the mandatory Power — for example, regarding State lands
and more particularly the railways — of which the legitimacy had been contested by the
Permanent Mandates Commission. The Government of South Africa had maintained that the
railways of South-West Africa existing at the time at which the mandate had been conferred
upon it had been handed over to the Union in “full dominion.” This conception was contrary
to the opinion of the Commission and of the Council of the League of Nations. If the idea
which was a totally false one, predominated in South Africa that there was very little difference
between annexation and the mandate, then this view was explained. If the independence of
South-West Africa were recognised, the railways would certainly belong to South-West
Africa and not to the Union.
M. HAPPIARD observed that, if the Council of the League were asked to consider whether the mandate for South-West Africa should be terminated, the question would probably be referred to the Mandates Commission, and the Mandates Commission would, in that event, have to consider whether the time had come, in accordance with the terms of Article 22, when South-West Africa was able to stand alone. In this connection, however, it was necessary to ascertain what was meant by the territory being able to stand alone. The mandates system had been introduced on behalf of peoples not yet able to stand by themselves and would presumably cease as soon as the inhabitants were able to manage their own affairs. South-West Africa, however, was being administered by a small minority of white people and no one doubted that this minority would soon be capable of administering the country independently of the South African Union. This, however, did not at all mean that the inhabitants, that was to say, the native majority, would be able to stand by themselves. The Commission ought, therefore, to satisfy itself that the native population was able to stand alone before it could advise the Council that the mandate should be terminated.

Sir F. LUGARD said that the whole question of a possible incorporation of South-West Africa with the Union had been discussed at the ordinary session in June 1925. Any debate at the moment would be a mere repetition and particularly futile in view of the fact that the whole ground would have to be covered again when the question really came up for consideration.

The CHAIRMAN said that he assumed that the declaration of General Smuts was a reflection of certain tendencies of public opinion in South Africa. The question before the Commission was whether it would be satisfied with the record of the present discussion in the Minutes or did it desire to formulate a special declaration.

Mr. SMIT pointed out that the Commission, in making a formal declaration, would be taking official notice of a statement made by a private person, General Smuts being no longer a member of a Government.

The CHAIRMAN suggested that the question whether a formal declaration should be drafted or not should be taken up when the Commission came to consider the observations it would make to the Council.

The New Constitution for South-West Africa.

M. ORTS noted a reference on page 4 of the report to the Union Act No. 42 of 1925. Did this constitution fully safeguard the obligations of the mandatory Power to the League of Nations?

Mr. SMIT said that the text of the Act, together with the declaration of General Hertzog, had been sent to the Commission last year. The South African Government had delegated certain administrative powers to the people of the territory. These powers were merely delegated and in no way affected the position of the South African Government towards the Commission. The powers conferred on the South African Government by the League of Nations remained intact.

Sir F. LUGARD enquired whether any representation had been given to the natives in the new constitution.

Mr. SMIT replied in the negative. Under the new constitution, the body which had been set up had no right to lay down any measures affecting the natives. All such matters were reserved for the Government of the Union.

Administration of Ovamboland.

The CHAIRMAN, referring to paragraph 50 on page 30 of the report, noted a reference to the administration of affairs in Ovamboland. It was stated that four of the eight tribes in Ovamboland were ruled by hereditary chiefs and the remaining four by headmen selected by the people. These chiefs governed in close touch with the representatives of the Administration. He would ask how many representatives of the Administration there were in Ovamboland and what precisely were their relations with the chiefs? What steps were taken to advise and direct the policy of the chiefs?

Mr. SMIT said he did not know how many representatives of the Administration were in Ovamboland. The policy of the Administration was to interfere as little as possible with the natives, unless there was something in their laws and customs which interfered with the Europeans or was against public morals. The natives were left to the ordinary process of civilisation and as little as possible was done to destroy their tribal arrangements.

Situation of the Rehoboths.

Sir F. LUGARD asked:

(1) Had the Rehoboth Bastards settled down after the recent incidents in their country as reported in the annual report for 1924?
(2) Had they been granted their former constitution?
(3) Had the prisoners all been released?
Mr. SMIT replied:

(1) The Rehoboths had now settled down and had accepted the state of affairs. While sympathetic co-operation with the mandatory Power which was always so desirable had not yet been shown, it would doubtless soon make its appearance.

(2) The mandatory Power was awaiting the report from Mr. Justice Jacob de Villiers, who had been entrusted with the enquiry into the constitutional status of the Rehoboths.

(3) He thought that six months previously all the prisoners had been released. The worst cases had been amnestyed on the visit of His Royal Highness the Prince of Wales.

In reply to M. Rappard, Mr. Smit said that the report of Mr. Justice de Villiers would be forwarded to the Commission, as indeed would be the case with regard to reports on all matters vitally affecting the territory of South-West Africa.

Native Reserves.

Sir F. LUGARD asked what were the general conditions in the reserves. There had been a report that they were overcrowded.

Mr. SMIT replied that they had been overcrowded, but this was no longer the case. The original reserves had been enlarged and new reserves had been purchased. Before transferring the natives to them, however, it had been necessary to supply them with water which had been lacking. The Hereros and the Hottentots now occupied separate reserves.

Situation of the Bondelzwarls.

MRS. WICKSELL enquired whether the Bondelzwarls had now settled down.

Mr. SMIT replied in the affirmative. This people was now quite contented. In this case, the rebellion had been due to a single question, that of the dog tax, and not to any constitutional grievance.

The Imperial Cold Storage Company.

Sir F. LUGARD asked:

(1) What was the position of the Imperial Cold Storage Company?
(2) Was it the property of the Government?
(3) If not, did it exercise a monopoly?

Mr. SMIT replied:

(1) That the Imperial Cold Storage Company was now in operation together with other private companies, e.g., Liebig.
(2) It was not the property of the Government.
(3) The Administration contended that the Imperial Cold Storage Company did not possess a monopoly because similar contracts had been granted to other companies on the same terms in other parts of South-West Africa.

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The CHAIRMAN congratulated the Administration of South-West Africa on the manner in which it had set out in the report its answers to the questionnaire. Such a method enabled the Commission to obtain very quickly its information from the report.

Labour.

The CHAIRMAN referred to the difficulties with regard to labour mentioned in paragraph 37. How were difficulties arising between employers and employees being settled?

Mr. SMIT explained that the chief difficulty was the nature of the native labourer himself. He arrived at his work possessing nothing but the clothes in which he stood up. He entered into a contract with an employer, but such a contract rarely conveyed anything to him, and he was liable at any moment to break it and either not present himself for work or move off and find a new employer.

To punish natives for breach of contract was extremely difficult. They had no discipline and no idea of the meaning of a contract. This was true of native labour throughout South Africa. If they were arraigned before a police court and punished for breach of contract, then the employer who did so might find himself boycotted by the natives and could consequently obtain no labour. The only safeguard was to treat the native labourers fairly and, above all, to feed them well. Employers who followed such methods usually experienced few difficulties.

Mr. GUMSHAW referred to the prosecutions under the Masters and Servants Proclamation mentioned on pages 28 and 36 of the report. On page 36 only one case of prosecution under this Proclamation was recorded. On page 67, however, it was stated: "the increase (in crime)
consists mainly of minor statutory offences, such as contravention of the Masters and Servants Proclamation, the Native (Urban Areas) Proclamation, etc."

Mr. Smit replied that there were two proclamations: the first concerning the labour areas, the second concerning masters and servants. Prosecutions under the first were to be found in the tables of cases brought before the magistrate's court; statistics of the prosecutions under the second were to be found under the heading "Statutory" in the table in paragraph 74.

Mr. Grimshaw said that the application of the Masters and Servants Proclamation was not quite clearly shown by the figures which had been supplied in the report, but Mr. Smit's explanation cleared up the difficulty.

On page 27, reference was made to the arrival during the year of some 400 Barotse and Portuguese natives in search of work. Presumably these natives came from Angola and also possibly from the Cape. In the latter case they were probably given travelling passes, but how did the natives from Angola arrive?

Mr. Smit replied to the first question in the affirmative. Such a proceeding was not contrary to the law of the Union of South Africa. The arrangement between the Government and the mine-owners, whereby the latter undertook not to recruit labour for the mines north of the 22°, was a "gentlemen's agreement", and referred only to work in underground mines. Diamond workings were above ground and natives could be employed in them without detriment to their health, which was not the case in mines of the former category. He could supply no information as to the way in which natives from Angola entered the territory. They probably slipped across the frontier unobserved.

In reply to Sir F. Lugard, Mr. Smit said that there was no recruiting of labourers in Angola, for it was practically impossible for a white man to enter that territory from South-West Africa owing to the extreme hardships necessitated by such a journey. All Union natives must possess a travelling pass. He doubted whether such Portuguese labour came from the Mozambique, for the journey would be too expensive.

Mr. Grimshaw noted that, of the 163 Xosas who had deserted their work and gone into the desert, fourteen had died. What forces had been used to recapture the remainder?

Mr. Smit replied that police had been used for that purpose. The Xosas were employed in the Cape mines and proved good but quarrelsome workers. They invariably insisted on carrying their sticks with them and not infrequently indulged in what they called "stick play", which often resulted in casualties.

Sir F. Lugard said that on the face of it the conditions of labour would appear to have been very bad if the 163 Xosas had preferred to run the risk of privation and death rather than continue their employment.

Mr. Smit replied that this was not the case, for it was frequently possible to cross the desert into which those men had fled. If the rains in the Kalahari had been good, no difficulty would be experienced in crossing it. Very often, however, they were good in one spot and bad in another, which meant that if the person crossing made a miscalculation, he ran the risk of perishing. Further, the water to be found in the wells was often bitter or poisonous.

Mr. Grimshaw asked:

(1) For what reason had the recruiting of Basutos ceased (page 28)?

(2) What was the unit of labour in the prisons referred to in the table in paragraph 216?

Mr. Smit replied:

(1) The recruiting of Basutos had ceased because better employment was now available for them nearer home.

(2) The unit of labour was eight hours per diem, which was universal throughout the Union.

Sir F. Lugard asked why some 2,000 prisoners were shown to be working on the Residencies.

Mr. Smit explained that the Residencies in question were Government property, usually with from eight to ten acres of land attached. The magistrates had the right to work that land on two days a week with prison labour.

Mr. Grimshaw said that he was gratified to note that the Administration of South-West Africa had carefully examined all the points raised by the Commission at previous sessions with regard to the health of recruited workers, and that the report contained complete information on this point.

The measures taken by the Administration had apparently resulted in a very gratifying decrease in disease and mortality. There still appeared, however, to be a good deal remaining to be done in this direction, especially in the case of new tribes, e.g., the Barotse, who had not yet become acclimatised and who died very rapidly when coming for the first time into contact with civilization. Many deaths from tuberculosis were to be noted. He hoped that the work to which Dr. Orenstein had referred last year would be continued.
Mr. SMIT said that Dr. Orenstein, who was the medical officer of the Chamber of Mines, had been sent last year by the mandatory Power to make a report on the situation. The territory of South-West Africa had its own medical officers.

M. RAPPARD asked, with reference to the miner's strike at Tsumeb (pages 28 and 64), among the white labourers, whether it had any reference to the colour bar.

Mr. SMIT replied that the colour bar question did not affect South-West Africa.

Mr. GRIMSHAW said that, according to information in the Press, the strike at Tsumeb had been caused by colour bar agitation.

Mr. SMIT replied that such might have been the case, but that the white miners would scarcely have struck as a protest against the adoption of such legislation.

In reply to Sir F. LUGARD, who had noted that hospital accommodation for only thirty-five patients and living accommodation consisting of only seventy brick huts had been erected in connection with the copper mines, Mr. SMIT said that this accommodation was supplied in the case of one mine only, a new one, employing 2,300 natives.

Mr. GRIMSHAW quoted Article 5 of the Proclamation No. 6 of 1925, as follows:

"The provisions of this Proclamation and the principal law, together with all regulations framed and in force thereunder, shall apply to every mine and works in the territory of South-West Africa, provided that the competent authority may in his discretion exempt any mine or works upon which not less than fifty native labourers are employed from the operation of all or any of the provisions of this and the principal law or all or any of the regulations for the time being in force thereunder."

Was there some mistake here? The phrase "not less than fifty" seemed to him possibly a mistake of the printer; otherwise it seemed possible for the competent authority to nullify the effect of the Proclamation.

Mr. SMIT replied that the article might be designed to meet cases, for example, of prospectors who went out with fifty to one hundred "boys" for the purposes of sinking prospecting shafts. In such circumstances, it would be very difficult to apply all regulations to small bodies of native labourers of this kind who were constantly on the move.

M. PALACIOS, referring to the Conference of Employers of Mine Labour and to the recruiting associations mentioned in paragraph 39, asked what methods were used to obtain labour.

Mr. SMIT replied that the employers in question required about 15,000 "boys" for their mines. Unless the natives were recruited it was impossible to obtain labour, for they would not come of their own accord. It had been found, however, that several mining companies were recruiting simultaneously in the same area, thus hindering each other. Associations had therefore been formed to each of which areas of operation had been assigned and each would cater for one or more mines. Persons in charge of recruiting entered the area, explained the conditions to the natives, concluded the contract, sent the natives for medical examination and then passed them on to the mine.

M. PALACIOS asked if the workers had formed unions to counterbalance the Conference and methods of the associated employers. If so, what was the importance of these workers' unions?

Mr. SMIT explained that the associations in question were not equivalent to employers' syndicates, but were used solely for recruiting purposes. All recruiting was conducted under Government licence.

The white workers possessed trade unions, and some natives who had returned to the country from America had started similar unions.

In reply to Sir F. LUGARD, Mr. SMIT stated that the system of hiring prison labour to private individuals had given excellent results. The prisoners worked under their own warders and not under the person who had hired them. The white warders were assisted by double the number of native warders.

Trade and Manufacture of Alcohol.

Sir F. LUGARD asked why Kaffir beer was prohibited in South-West Africa and not elsewhere.

Mr. SMIT replied that it was only prohibited within a certain radius of mines and towns.

Sir F. LUGARD asked why missions were allowed to make wines and spirits for sale.
Mr. Smit replied that it was necessary for the missions to teach the natives something. To what other use could their grapes and other products be put? The manufactured products were in all probability exported. He would remind the Commission that such missions could only sell wholesale and not retail.

The Chairman noted that there was a considerable increase in the import of liquor.

Mr. Smit said that this was due to the increase in the white population.

**Missions and Native Labour.**

M. Orts referred to pages 107 and 108 of the report, which mentioned the conditions under which authority to work in Ovamboland had been granted to the three religious missions working in that district. This authority had been made subject, in particular, to a written undertaking given by the missions “to encourage all natives under their influence to seek employment in South-West Africa proper: that is to say, within the police zone”. The report, to justify such a condition, recalled “that Ovamboland is the main source of labour for the mines and railways and nothing must be done which may be calculated to interfere with the free flow of labour”.

M. Orts thought that it was difficult to reconcile such a condition with Article 5 of the Mandate, which stipulated: “Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory shall ensure in the territory freedom of conscience….. and shall allow all missionaries…. to enter into, travel and reside in the territory for the purpose of prosecuting their calling”. To require missionaries to co-operate in the recruiting of labour did not appear to him to be justified by the desire of the Administration to maintain public order and public morals.

Mr. Smit said that the best way of bringing civilising influences to bear on the native was to remove him from his own environment and place him in a European environment. In the very uncivilised territory of South-West Africa, natives were induced to seek work away from their own homes: on their return from work they would assist, therefore, in the process of civilising their more backward relatives.

M. Orts pointed out that, generally speaking, missionaries were not naturally inclined to influence the native to seek work far away from his home. They did not like the natives leaving their homes to work, for they feared that they would be subjected to influences which would counteract those of the missionaries.

Mr. Smit replied that this might sum up the case in areas where natives could find an easy market for their labour. In a wild country, however, far away from any market, the missionaries were only too glad for the natives to go out and work, and thus earn sufficient money to assist in the upkeep of the mission stations. He would point out that the native worked for at most nine months away from his home and then returned to it, where he spent at least a year before resuming work.

M. Rappard agreed with M. Orts in thinking that the undertaking in question seemed to be somewhat contrary both to the letter and spirit of Article 5 of the Mandate, which stipulated that liberty of conscience should always be respected unless its exercise interfered with the maintenance of order or public morality. To impose as a condition of the exercise of this liberty, not that the missionaries should refrain from discouraging natives from working, but encourage them to do so, was equivalent to making missionaries, to a certain extent, the instruments of the Government. This seemed to him to be a singularly wide interpretation of Article 5 of the Mandate.

Mr. Smit agreed that this would be so if the native possessed any sense of government whatever. Such, however, was not the case. They had no idea of the meaning of government, no intellectual life and no notions of ordinary civilised life. They were nomadic and pastoral. One day they might be seen drinking beer with their friends in complete amity and on the next fighting those same friends or trying to steal their goods or cattle. In those circumstances, he considered it quite natural for the Administration to obtain the help of the missionaries in teaching the natives the rudiments of government. Further, he would point out that the natives knew nothing of the different religious sects, which meant that to throw open the country, without any restriction, to the exploitation of the missionaries — and it should not be forgotten that there were missionaries who became rich in exploiting the natives — would result in great confusion in the native mind, which would be the reverse of conducive to good government.

M. Merlin said that the problems of labour in Africa, regarding which he had had special experience, differed greatly from those of other territories. He had noted the justice of Mr. Smit’s observations concerning the difficulty of dealing with people who broke their contracts for no reason whatever a few hours after they had made them. Natives possessed no moral sense as the term was understood in Europe. They had no idea, when punished, why they had been punished or even that it was a punishment for cases frequently occurred in which the native preferred prison to any other treatment. The native did not seem to understand that there was any stigma attached to being sent to prison. Penal sanctions, unless of a very drastic nature — in which case the native fled to avoid them — were almost useless. A civil
punishment was equally useless, for what damages for breach of contract could a native, who possessed nothing but a loin cloth, pay? There was only one way of insuring the progress of the native he had to be led to work in the same way as a child to school.

While M. Merlin was in no way in favour of forced labour, he would emphasise the fact that it was necessary to encourage the native to work in order to civilise him. It should not be forgotten that for a native idleness did not mean starvation, as in the case of a white man, because a native could live indefinitely on the resources of the primitive country in which his home lay. The native could not be allowed to vegetate in his own home.

In these circumstances, while the question of recruiting labour was a very complex one, the Administration must be allowed to take steps to induce the natives to work. In the course of his past official duties, M. Merlin had tried various inducements and had met with quite considerable success. Such experiments, however, required a large staff. Some white employers of labour solved the problem by building large permanent villages of workers. This was successful but cost a great deal of money, though to proceed on these lines meant that the employer could count upon a permanent source of labour. So successful indeed had this method proved, that in several cases within M. Merlin's recollection the second generation of labourers was now carrying on the work performed by their fathers.

Consequently, even if the question in question was perhaps a little contrary to the letter of Article 5 of the Mandate, it was not contrary to the spirit. It should not be forgotten that missionaries had a tendency to keep the natives away from centres of work, in order that they might remain unspoiled in what might be considered as their natural virtues. It was precisely because the Administration had realised this that they had imposed the condition that natives should be encouraged to work. The Commission should not attach too much importance to this fact.

M. Orts replied that the question was a very simple one. It was the duty of the Commission to supervise the execution of the Covenant and of the mandates. Article 5 of the Mandate, which he had quoted, was quite explicit, and in this case he thought that it had not been exactly fulfilled either in its letter or in its spirit. No consideration of a political or of a moral kind justified the stipulation that missionaries should use their influence to recruit labour for the mines and the railways.

Mr. Smit pointed out that the missionaries were not called upon to urge the natives to work only in the mines and railways. The report merely stated that mines and railways were the principal forms of labour.

SIXTH MEETING.

* Held on Thursday, June 10th, 1926, at 3.30 p.m. *

* Chairman: The Marquis Theodoli. *

Present: All the members of the Commission, except M. Freire d'Andrade.


Mr. Smit, came to the table of the Commission.

* Economic Equality. *

The Chairman noted a reference on page 96 of the report to certain preferential rebates and minimum rates of duty granted to the United Kingdom and to the British Dominions.

Mr. Smit said that such rebates might certainly be in force and that similar arrangements might be made with any countries which concluded commercial agreements with the Union of South Africa.

Sir F. Lugard asked if the statement that the Government of the Union of South Africa exercised a monopoly of the seal hunting in South-West African waters was correct.

Mr. Smit said that the Government reserved to itself the right to hunt seals. It had been necessary to reserve this right to the Government in order to protect these animals from extinction.

Sir F. Lugard enquired whether any of the revenue derived from this monopoly went to the mandated territory.

Mr. Smit said that the revenue would be divided between the mandated territory and the Government of the Union.

Sir F. Lugard asked for information regarding the Bill before the Union Parliament under which the mandated territory would be prohibited from using water from the Orange River for irrigation purposes.
Mr. SMIT said that this was presumably a reference to an important irrigation scheme which the Union Government was considering. The Union Government would, in order to safeguard a scheme of this kind, find it necessary to come to an agreement with the administration of South-West Africa in order that the execution of the scheme might not be impaired by an interference with the water in that particular irrigation district.

Sir F. LUGARD asked whether complaints had not been made by German traders of the disadvantages for South-West Africa of the Customs Union.

Mr. SMIT said that the tariffs were the same as those in force in the Union. The maximum tariff would operate against German traders because there was at present no Customs agreement with Germany.

**Education.**

Mrs. WICKSELL said that the Administration had last year expressed the intention of issuing primers in two of the native languages. She noted that it had not been possible to complete these arrangements owing to the fact that there were few people who were at the same time competent as educationists and familiar with the native dialects. The Commission would doubtless like to have further information next year in regard to these primers.

She noted that complaints were made of the low standard of the native teachers. In other mandated territories it had been found possible to improve the standard of native teaching by arranging for the teachers to take vacation courses at the larger educational centres of the territory. The best of the teachers were sent to these centres during part of the vacation and refresher courses were given for them. The results had been very good.

Mr. SMIT said that no efficient primers had yet been issued. The scheme for the instruction of native teachers in the educational centres might possibly work very well in the case of natives who were comparatively civilised and had been in touch with the white race for a long time. The natives of South-West Africa, however, had not yet seen anything of white civilisation and they would be overawed on being brought to centres like Johannesburg or Capetown, etc. The difficulty in improving the standard of education was not lack of money or enterprise but of the necessary material. The natives were not yet ripe for higher education and educated natives who came to them from Europe were as a rule rejected by their own people. There were now some twelve native teachers being trained; many students had been found unsuitable for moral and other reasons.

M. RAPPARD noted, on page 52 of the report, that the number of native teachers was given as 234.

Mr. SMIT explained that these were merely persons trained by the missionaries who were not yet priests; they were not educationists.

The CHAIRMAN noted that there was a very remarkable disproportion between the amount of money expended on native education (£6,500) as compared with the amount expended on white education (£65,000).

Mr. SMIT explained that the expenditure on native education looked much less than on white education; for example, accommodation for the white pupils had necessarily to be more elaborate and expensive; native teachers were paid less.

Mrs. WICKSELL agreed with what was said in the report, that the establishment of an Advisory Board was not likely to be of much advantage for the time being, but observed that three years ago there had been a conference between the Education Department and the missionaries. The results of the conference had been excellent, and she would ask whether it would not be well to repeat the experiment.

Mr. SMIT said that the position in regard to local native education would entirely change from June 1st of the present year. Under the new constitution, primary education had been handed over to the local Legislative Assembly, which would have to frame and defend its own policy and which would necessarily keep in touch with the missionaries.

Mrs. WICKSELL said she had understood that no responsibility for native affairs had been handed over to the Legislative Assembly.

Mr. SMIT explained that the whole field of primary education had been delegated to the local authorities.

Sir F. LUGARD enquired whether all the natives were equally backward. Would it not, for example, be possible to find a more intelligent class among the Rehoboths and Hereros?

Mr. SMIT said that the Rehoboths and some other tribes were not natives but coloured people and these tribes would come under the general scheme of education. The Rehoboths had been offered their own school, but this was refused by them.
The Chairman noted a very frank statement on page 80 of the report to the effect that the figures given in an annex to the report "of the mortality on the fields of the mining companies are of little use for comparative purposes". He would congratulate the mandatory Government on the frankness of this declaration, but would suggest that it might be well for the local authorities to come to some agreement and introduce some uniformity into their statistics.

He would enquire how many doctors were employed in the public health services. He had already drawn attention to the importance of improving the medical services in the mines.

Mr. Smith said that thirteen doctors were employed by the Government in South-West Africa. Each mine had, in addition, its own hospitals and doctors. The Government doctors were not merely administrative officers but they prescribed and practised as medical men.

**Railways and Harbours.**

M. Van Rees said that last year the Commission had called attention to the existing legal situation of the railways and harbours in South-West Africa which had formerly been the property of the German Government. According to the South-West Africa Railway and Harbours Act of 1922, the whole of the railway system and the ports of the territory had been incorporated in the railway system and ports of the Union and vested in the Union in "full dominium". The Commission had asked whether, to avoid any misunderstanding in the future, it would not be advisable to amend this law in order to bring the text into conformity with Articles 120 and 257, paragraph 2, of the Treaty of Versailles, particularly as the expression "full dominium" did not apparently correspond with the interpretation given to the Act by the mandatory Power itself.

In the report now under consideration, however, the mandatory Power merely stated that it had noted the point, but no action had apparently been taken.

Mr. Smith said he had brought the matter to the notice of his Government. It would be very difficult to find a suitable expression in Roman-Dutch law to replace that used in the Act. The mandatory Power was the successor of the German Government, and had taken over the properties vested in that Government, acting as trustee for the mandated territory. The dominium in these railways and harbours must be transferred to someone, and there was nobody to whom it could be transferred except the Government of the Union.

M. Van Rees said that the expression "full dominium" implied the possession of the right of ownership on certain property and did not therefore represent the position. The railways which had formerly belonged to the German Government had been transferred to the mandatory Power as such, and the mandatory Power was acting as trustee for the property. It was not the full dominium which had been transferred but the right of management of administration. The mandatory Power had last year given a satisfactory explanation of its use of the term "full dominium", stating that it did not regard these railways and harbours as being the property of the Union and that in the event of the mandatory Power retiring they would be restored to the mandated territory. The Government of the Union therefore recognised that it had no proprietary right in the railways and harbours, and it was very unfortunate that the expression used in the Act could give rise to the contrary impression. He did not quite understand why it should be difficult to find an expression which corresponded with the facts and with the conception which the Government of the Union had of the position.

The Chairman said he would like to ask, apart from the question of principle, whether it would not be possible to state more clearly and in greater detail the financial position in respect of these railways and harbours. It was not clear whether the revenues of the railways and harbours went to the credit of the mandated territory or of the Union Government. It was stated on page 8 of the report that the Administration was extending the railways in South-West Africa at a cost of £162,000, and it was recorded on page 9 that the Administration had undertaken to cover any losses on the Walvis Bay Harbour to the extent of the interest on the capital sum expended on the wharf, etc. It would further be seen on page 4 of the report that the Union Government was to provide the capital for the extension of the Windhoek-Ondekaremba railway, but that the Administration of South-West Africa would cover any loss upon the working of the railway when complete to the extent of the interest upon the capital expended on the line. He did not quite understand the financial position of the railways in relation to the finances of the mandated territory. These were questions of fact which were connected with the question of principle raised by M. Van Rees.

Mr. Smith said that the railways were run as a commercial undertaking. The profits were not paid into the Government funds but were used either to reduce debt or to reduce the railway tariffs. The whole railway system was worked as a single unit, and he would point out that this arrangement worked to the distinct advantage of the mandated territory. The principle that profits earned in South-West Africa should only be used in South-West Africa,
with the corresponding understanding that profits earned outside the mandated territory would be used outside it, would be a most unfortunate arrangement for South-West Africa, as the traffic on the South-West African railways was at present undeveloped and the revenues would naturally be comparatively small.

He would obtain further information in regard to the finances of the railways and harbours and supply the Commission with the necessary figures.

He was still unable to appreciate the objections of M. Van Rees to the use of the word "dominium". The "full dominium" in the railways must be vested in some person on behalf of South-West Africa. At present it was vested in the Government of the Union. No practical difficulty arose as the railways were worked as a commercial enterprise and were not exploited for revenue.

M. Van Rees said that all the other mandatory Powers had recognised that the State domains and other State property of the former German Government were the property of the mandated territory. Mr. Smit had said that it was necessary to transfer the "full dominium" to some person. But, according to the provisions of the Treaty of Versailles already mentioned, there had only been a transfer of the managership and not of the property rights; the railways and harbours which, under the former regime, had constituted a part of the domain of the territory had not ceased to form part of it as a result of the handing-over of the territory to the Union of South Africa acting as Mandatory. Mr. Smit had further said that the railways were considered as an independent commercial concern. This state of affairs did not imply that the body exploiting the railways must necessarily possess the "full dominium". A society might exploit a property without having a right to full ownership.

He still did not understand why it should be impossible to find a more suitable expression. This was the first occasion on which the Mandates Commission had been confronted with a text which appeared to be a violation of the relevant articles of the Treaty of Versailles. The expression "full dominium" was incompatible with the treaties, and it did not correspond with the interpretation put by the Union Government itself upon the Act in question.

Mr. Smit said that the property in the railways and harbours was not transferred to the railway board or body exploiting the railways but to the Minister for Railways in his capacity as a Minister of the Government.

M. Van Rees said he was well aware that the Act as it stood conferred "full dominium" on the Government of the Union, which, under this Act, would be regarded as owning the railways. This was precisely the point in dispute.

He wished again to observe that the point he was endeavouring to establish in this particular case had been recognised by all the mandatory Powers and by the Government of the Union itself so far as the State domains were concerned. It might perhaps be difficult to find a suitable formula, but he felt that an effort should be made to convey the real position and intentions of the Union Government.

M. Rappard enquired in whom was vested the right of property in the ordinary State domains and who would receive the proceeds of the sale of the railways if, for the sake of argument, they were sold to a private company. He also enquired whether, according to Roman-Dutch law, full dominium could be vested in a trustee.

Mr. Smit said that a proportionate share in the sale of the railways would go to the territory of South-West Africa, a share which would correspond to the proceeds of its particular assets. There would be no legal difficulty in allocating this share to the mandated territory.

He must again insist that the transfer of these railways to the Union Government had been necessary and inevitable. There was only one supreme authority to whom the transfer could be made. The Union Government, accepting the transfer, held the railways on behalf of South-West Africa. Why should this property be vested in an officer subordinate to the Union Government — namely, the Administrator of South-West Africa?

M. Orts, referring to the programme of railway development in South-West Africa, according to which the Government of the Union was to find the capital and the Administration of South-West Africa was to guarantee the interest, asked if these railways were in the same legal position as the railways which were in existence at the time the mandate was conferred?

Mr. Smit said that, in the event of South-West Africa becoming an independent administration, there would have to be an agreement between the Government of the Union and South-West Africa, under which South-West Africa would, in taking over these new railways, make itself responsible for the debts which had been incurred for their construction.

The Chairman said that the Commission could not of course impose its views on the mandatory Power. The Commission had formed its own opinion with regard to this question.
which did not appear to be in accord with that of the mandatory Government. The Commission could only define its position as it emerged from the discussion which had just taken place.

He hoped that details of the finances relating to the railways of South-West Africa would be furnished to the Commission.

Mr. SMIT said he had asked the Administration to send the report on the railways to the Commission.

Native Land Tenure.

Sir F. LUGARD drew attention to the interesting description on page 110 of the Natal Native Trust for safeguarding the title of natives to land purchased by them outside the reserves and asked whether the system had been a success and whether there was any possibility of applying it to South-West Africa.

Mr. SMIT explained that in South-West Africa there was sufficient land for free distribution to the natives as native reserves. In the Union, however, there was not sufficient land available for free distribution. It had accordingly become necessary to encourage the natives to purchase land. This land was transferred not to the chief but to the Minister for Native Affairs, who acted as a trustee for the chief.

Sir F. LUGARD presumed that the object of vesting the land in the Minister for Native Affairs was to prevent its transfer to white purchasers.

Mr. SMIT said that in the Union certain natives had bought land for their tribes but had subsequently been ousted by the whites. It had therefore been arranged that the land should be vested in the Minister in order to protect the native owners. In many cases white men who had ousted the natives had been expropriated and the land restored to the natives.

Land Banks.

M. RAPPARD drew attention to the section of the report on the Land and Agricultural Bank. In this section there was a reference to another institution described as the Landwirtschaftsbank, whose assets were given in paragraph 157 of the report. This appeared to be a different institution, and there seemed to be some confusion between the two bodies.

Mr. SMIT explained that the Landwirtschaftsbank had been started by the German Government before the war in connection, he believed, with the Reichsbank. After the war the bank could no longer operate. The Agricultural Land Bank had been instituted in order to take the place of the Landwirtschaftsbank, and the bonds due by ex-enemy farmers to the Landwirtschaftsbank had been handed over to the Land and Agricultural Bank for collection.

M. RAPPARD noted that lands were disposed of under two different measures — one being the Land Settlement Proclamation and the other the Crown Lands Disposal Proclamation. Was there any difference between the lands disposed of under these two measures?

Mr. SMIT explained that, under the Crown Lands Disposal Proclamation, the Government invited tenders and applications and allotted the land or sold it to the highest bidder. Under the Land Settlement Proclamation, the purchaser selected a farm and, if the price were reasonable, the Administration assisted him. He paid only one-tenth of the purchase price. The Government providing the remainder of the money, which was regarded as an advance to be repaid within a certain period. The procedure followed in regard to any particular holding depended on the decision of the Land Board.

Native Welfare.

M. RAPPARD asked if more information could be supplied regarding the economic development of the native rather than of the white worker in the territory. A clearer picture of the economic status of the natives would be of great interest. From his own perusal of the report, he knew more about the cattle than about the natives.

Mr. SMIT thought that the magistrates had done their best to describe the economic position of the natives in their own districts.

Sir F. LUGARD said that Annex B of the report contained an excellent memorandum which went far to meet the point raised by M. Rappard.

In reply to a further question of M. Rappard, Mr. SMIT said there was very little cultivation of land in the territory. Farming was practically confined to stock-raising.

M. RAPPARD expressed the hope that the next report would contain more information about native affairs. If the mandatory Power feared that its reports might be too lengthy, it could reduce certain technical information given about the magistrates and sheriffs.
Mr. SMIT replied:

(1) That the boards could give advice on the general management of the village. They were invariably consulted before the promulgation of new regulations.

(2) Native squatters on white estates were generally discouraged. The Administration desired above all lungs to avoid overcrowding on estates, for this would mean trouble in the future. At present there was enough grazing for both the white man and the native squatter, but in five or six years this might not prove to be the case, which would mean that the native would suffer.

Sir F. LUGARD fully agreed with the policy of the mandatory Power in this respect.

How many of the former German laws were still in operation? Were they to be found in the collection of laws governing the territory?

Mr. SMIT was unable to supply this information, which would be included in the next report.

M. PALACIOS wished to have more detailed information concerning the political associations mentioned in paragraph 48 of the report, such as the Universal Negro Improvement Society of America, the African Peoples Organisation, the African National Bond. What were their activities, how important were they, and what was their organisation? Were they disturbing elements, as seemed to be indicated from the report, which spoke of "inflammatory articles" in their papers? Were they under the control of the Government? Did the Government tolerate them or was it actively against them?

Mr. SMIT replied in the negative. They were perfectly free and were similar to the European political parties. The Universal Negro Improvement Society was of American origin, and was mainly instrumental in stirring up strife. It was a militant body and was always to be found at the back of all trouble.

The remaining societies were composed of coloured people. They had formed political parties to deal, for instance, with the promotion of their own interests.

**Public Finance.**

The CHAIRMAN noted that, in general, the finances of the territory appeared to be well and prudently managed. He did not, however, quite understand the purposes to which certain figures referred. In one part of the report it was stated that there was no deficit, in another that there was a surplus of about £800,000, and in another that the mandatory Power had advanced about £900,000 to the territory. Would it be possible to have clearer information in the next report, especially with regard to the paragraph on page 18 stating that, while there was no existing public debt, the Union Government had prior to 1920 been obliged to contribute out of its revenue a total of £1,810,000 towards the administration of the country?

Mr. SMIT undertook to furnish such information. Before 1920 the country had not been under a civilian but under a military Administration, to which money had been advanced by the Union Government in order to run the territory. The subsequent civil Administration had never borrowed but had always succeeded in paying its way. The Union Government had not yet asked for the repayment of the £1,810,000 originally advanced, and this question, he thought, would not be settled until the territory became autonomous. The position of the Administrator seemed to be that until the Union Government claimed the debt he did not acknowledge its existence.

The CHAIRMAN hoped that the large sum in question had been spent on the direct welfare of the mandated territory and not consumed in military expenditure.

Mr. SMIT said he would obtain full details of the manner in which that sum had been spent.

The CHAIRMAN noted the undertaking given by the representative of the mandatory Power.

Sir F. LUGARD asked the meaning of the heading "Interest on loans, etc." in the table in paragraph 19, since there was no loan debt.

Mr. SMIT replied that this represented the interest guaranteed on a certain railway. In addition, the Administration realised that it would one day have to borrow for the purpose of constructing public works and had therefore started a sinking fund against such a contingency.
Sir F. Lugard noted that the Land Settlement Administration had advanced £225,000 to settlers. This seemed a large sum. Where was it to be found in the financial statement?

Mr. Smir replied that it was fully covered by the value of the land, which was held as security. The Government furnished nine-tenths of the purchase price of the land and the settler was required to pay this back within forty years. The money advanced did not come out of revenue, but was lent by the Land Settlement Board and gradually paid back by the property owner. Such money could be regarded as investment of surplus funds.

In reply to M. Rappard, Mr. Smir said that, as the money was repaid by the settlers, it would be placed to a capital account.

In reply to Sir F. Lugard, who had asked for a statement of assets and liabilities, Mr. Smir said that such information was to be found in paragraph 26.

Sir F. Lugard asked whether the information would be put in the form of an assets and liabilities account in the next report.

In reply to M. Rappard, Mr. Smir said that the heading "Recoveries" covered the first instalment of the money paid back by the settlers.

M. Van Rees noted that, on page 18, the surplus was stated to be, in round figures, £910,000. On page 9 it was stated that the surplus was about £23,076 16s. 6d. What was the exact figure?

Mr. Smir said that the figure mentioned in paragraph 26 was a round one. It probably represented the actual amount of the surplus standing to the credit of the Administration, while the figure on page 9 probably represented what was due to its credit on March 31st.

In reply to a further question of M. Van Rees, he explained that there had been no deficit in the previous year. The figures shown on page 18 represented the actual expenditure for nine months and showed that, instead of an estimated expenditure of about £900,000, only about £500,000 had actually been expended.

M. Van Rees enquired the meaning of heading C (Native Labour, Recruiting, Incidental Expenses) included in the table in paragraph 27 of the report.

Mr. Smir explained that the Government maintained a staff of officials to assist in recruiting and to examine natives who presented themselves for work. This staff was quite distinct from the district staff.

Sir F. Lugard, referring to the statement on page 9 of the report that the country had an accumulated surplus of £23,076 16s. 6d., pointed out that its revenue had never been more than £800,000 a year. How, therefore, had so large a surplus been accumulated?

Mr. Smir said that in 1921 the revenue had been £1,600,000, or almost double the normal revenue. Particulars were to be found in the final sub-paragraph of paragraph 26, which showed that in one year the revenue had been £1,600,000 and that for the remaining years between £800,000 and £650,000.

M. Rappard enquired why only eleven reserves were mentioned in paragraph 21, whereas in paragraph 43 fifteen were mentioned. The most important reserves had been left out of the table in paragraph 21.

Mr. Smir explained that the table in paragraph 21 referred to grazing fees and only those reserves which had actually paid them. Some reserves had refused to levy this rate, as was explained in last year's report.

M. Orts enquired the reason for the expenditure mentioned under the heading "Defence" (paragraph 22 of the table of expenditure). Had it not been said that there was no organisation for defence?

Mr. Smir said that this term covered the cost of administering Commando law, grants to rifle associations, to Boy Scouts and Girl Guides, etc.

Mr. Gilchrist (Acting Secretary) noted that ten copies of the estimates of revenue and expenditure had been forwarded to the Commission. It would be useful if 15 copies of such documents could be supplied in future as the Commission had increased in size.

Mr. Smir said that the Secretariat had only to ask for copies in order to obtain them.

The Chairman thanked Mr. Smir for his co-operation and said that the Commission took note of his undertaking to furnish information in the next report concerning certain chapters; in particular, those dealing with finance and railways.

Mr. Smir withdrew.
The CHAIRMAN said that he had received a letter from the delegation of the Waad Leumi (National Council of the Jews of Palestine), asking to be heard by the Commission with regard to the different problems arising out of the establishment of the Jewish National Home. The delegation expressed the hope that, despite the fact that the Permanent Mandates Commission had never yet heard representatives of the mandated territories, it would see its way to do so on this occasion. The delegation assured the Commission of its sincere desire to co-operate loyally with the mandatory Power.

This letter raised the question of principle. He called upon the Commission to discuss that part of the memorandum of Sir F. Lugard (Annex 2) dealing with the possible hearing of petitioners. He would remind the Commission that it had always reserved the right to hear petitioners, though it had never actually done so.

In his personal view, it was for the Council to settle the competence of the Commission with regard to this question. The Commission, however, should make a recommendation.

Sir F. LUGARD pointed out that for the Commission to give the right of audience to petitioners would mean a heavy addition to its work. This point would have to be considered in connection with the question of principle.

The CHAIRMAN thought that the Commission should first decide whether or not it was competent to grant the right of audience and, in the negative, whether it should ask the Council to grant it.

Sir F. LUGARD thought that it was entirely within the competence of the Commission to hear anyone it might desire to hear.

The CHAIRMAN explained to M. Merlin how the problem arose. The greater part of the petitions came from territories under A mandates, for the inhabitants of those territories were in a far more advanced stage of civilisation than the inhabitants of territories under B and C mandates and were therefore in a better position to submit their views. The Commission found itself in a very difficult position as regards petitions. It had, in fact, to be content with accepting the answers of the representative of the mandatory Power. Even if it felt that it had not fulfilled its whole duty unless it heard the petitioners, to hear such petitioners would place the mandatory Power in a difficult if not impossible position, since the statements of the petitioners could not be considered in any case as having the same authority as those made by the representative of the mandatory Power.

M. MERLIN thanked the Chairman for the explanations which he had given him. M. Merlin, being a newcomer to the Commission, had not been present at the preceding discussions.

He expressed his regret at disagreeing with the conclusions of Sir F. Lugard’s report and asked the Commission to allow him to explain his views on the two questions raised: — the examination of petitions and the hearing of petitioners.

He did not think that there was any reason for changing the procedure adopted by the Council on January 31st, 1923, which was very completely and clearly described in the Note of the Secretariat dated June 2nd, 1926.

Before discussing the substance of the question, he would draw the attention of the Commission to certain preliminary considerations which showed the wise prudence with which the Council had dealt with this delicate thing, and which explained the part to be played by the Commission and the limitation of its powers. Only the Council could take a final decision on the steps to be taken as a result of any petition and only the Council could reply to a petitioner. The Commission had therefore fulfilled its whole duty, when once it had forwarded its opinion to the Council, both towards the Council and towards the petitioner, and its moral and material responsibility then ceased.

It was further to be noted that in this case the Commission fulfilled a particular duty which must not be confounded with the special function attributed to it by Article 22 of the Covenant and defined in the decisions of the Council dated November 29th, 1920, January 10th, 1922, and February 20th, 1924.

The Council had clearly laid this down on June 10th, 1926, when it had stipulated, as a result of the report of the Swedish representative and the observations of Mr. Austen Chamberlain and M. Paul-Boncour, that the opinions of the Commission concerning petitions must preferably be submitted separately from its general report.

Having made these general observations, M. Merlin desired to discuss the substance of the matter, first in connection with the investigation of petitions and, secondly, with the hearing of the petitioners.

In practice, three kinds of petitions might be submitted to the Permanent Mandates Commission:

(1) An individual complaint on account of a personal and a particular injury;
(2) A complaint coming from an association, an institution or a collective organisation against an act, or a series of acts, committed by the mandatory Power in the mandated territory;
(3) A complaint coming from a political organisation, properly qualified or лица, against the general or special acts or against the policy pursued by the mandatory Power in the mandated territory.

The first kind of petition ought only very rarely to reach the Permanent Mandates Commission. As a general rule, mistakes or abuses ought to be pointed out by the persons concerned to the local authorities; then, if they failed to win their case, it could be referred by successive administrative authorities of the mandatory Power. He thought, therefore, that it would very rarely happen that, with all these means of appeal, persons with complaints would be unable to obtain justice before submitting their case to the League of Nations. It was only after having exhausted all these means that such persons had the right to appeal to the Permanent Mandates Commission. M. Merlin thought that such should only be, and should continue to be, the procedure, for the following reasons: In order to prevent any useless delay in the examination of petitions, to prevent the Commission from having to perform useless work, to ensure the proper working of the mandate, to safeguard the authority of the mandatory Power and, finally, to prevent the Commission from becoming involved in shady local intrigues which might discredit its moral authority.

With regard to the second class of petitions, the association, institution or collective organisation should first address its complaint to the mandatory Power and should only submit it to the Permanent Mandates Commission if it had not been attended to within a reasonable time. Further, the Permanent Mandates Commission should invariably return to the petitioners any petition which had not followed this course before reaching the Commission. With this class of petitions also, therefore, the Permanent Mandates Commission should only be called upon to deal as an exception.

There remained the third class of petitions. It seemed probable that most petitions reaching the Commission would belong to this class. No one could doubt this who had any experience of the taste for wrangling, for intrigue and for complaining, especially when complaints could be made free of charge, which was in every human heart, not only in those of African natives but principally in those of Orientals. The matter was all the more delicate because it concerned, on the one hand, political organisations, properly qualified or not, and, on the other hand, the policy of the mandatory Power. In such a state of affairs, the Permanent Mandates Commission could not be too prudent. It could not lose sight of the fact that the Allied and Associated Powers, in investing the mandatory Power with a special mandate, had publicly shown their confidence in that Power. Though it was the duty of the Commission to bring before the Council any acts contrary to the provisions of the Covenant, it was no less its duty to avoid doing anything which might undermine the authority of the mandatory Power and interfere with the normal exercise of the mandate. The Permanent Mandates Commission should therefore view petitions of this category with great circumspection and exercise still greater circumspection in deciding to examine them, being clearly understood that any petition dealing with questions not concerning the execution of the mandate, of which the terms had been drawn up by the Council, were ipso facto discarded.

After this preliminary procedure, there was yet another. The petition was submitted to the Permanent Mandates Commission, which, after having carried out a preliminary examination, either put it aside on the grounds that it was without value or foundation or else retained it. In the latter case, it forwarded it to the mandatory Power, whose duty it then was to investigate it with the greatest care. The mandatory Power must do its utmost to furnish the Permanent Mandates Commission with all useful and necessary explanations and details: firstly, because it was its duty to satisfy the requirements of the proper working of the mandate; secondly, out of deference to the Permanent Mandates Commission, whose legitimate desire it was only to express an opinion based on a knowledge of all the facts; and lastly, in its own interests, in order to show the excellence of its methods, to defeat all calumnious accusations and to do away with all misunderstandings both between itself and the members of the Permanent Mandates Commission, the Council and the Assembly of the League and between itself and the population which it had to administer. The Commission had the right urgently to demand from the mandatory Power all information necessary to enable it to lay before the Council conclusions based on a full knowledge of the facts and with a full appreciation of their consequences.

Properly applied, in practice, this procedure gave every guarantee to bona fide petitioners would furnish the Permanent Mandates Commission with all the elements necessary to enable it to form its decision and would satisfy the scruples of the most exacting of its members. Though there was no step in this procedure which should be omitted, no further step, he thought, should be added.

M. Merlin considered, therefore, that in the present circumstances no change in the procedure should be made.

In such circumstances, M. Merlin wondered what useful purpose could be served in examining a petition by deciding to hear the petitioner. Such a practice had not been followed up to the moment. Nevertheless, in every case except one, the Commission had been able to lay its conclusions before the Council without having recourse to the procedure which had just been proposed.

Provided that the mandatory Power had been careful, in pursuance of a duty which M. Merlin felt sure it would not fail to fulfil, to collect all possible information and submit every element necessary to form an opinion of the facts alleged in the petition, the hearing of petitioners would usually appear superfluous. On most occasions useless, it might swiftly become
very dangerous even if it were restricted to certain exceptional cases. Petitioners, above all those of a political persuasion, would certainly make every effort to be heard. Such a hearing would enable them to confront the mandatory Power and would give them in the minds of their fellow-countrymen a position of which they would not fail to make the greatest use in combating the local authority. The consequences would be many, grave and perhaps would enable them to confront the mandatory Power, which was already weak enough in itself owing to the institution of the mandate. To put such a procedure in practice was a very delicate matter.

There could be no question of hearing petitioners on the receipt of their petition until that petition had been investigated by the mandatory Power.

When a petition had been investigated, the Permanent Mandates Commission would have all the most necessary elements to form an opinion upon it.

After these investigations, should the petitioner be heard without the presence of the mandatory Power? Even if that Power consented to such a procedure, it would place it in a peculiar position and would inevitably give rise to all kinds of suspicion despite the distinguished character of the members of the Commission.

Should the petitioner be heard in the presence of the representative of the mandatory Power? Such a procedure would place that Power in a humiliating position which it would probably refuse to accept, and it would place its representative in a very delicate position. To do so would expose the Commission to a multitude of incidents which in most cases it would be very difficult even to foresee, let alone prevent or bring to a happy conclusion.

Finally, if the petitioners hoped to be allowed to be heard and if such a hearing, as was to be feared by the very nature of the case, became of more and more frequent occurrence, a long line of pilgrims would march to Geneva on the pretext of obtaining justice and would fill the Secretariat to overflowing with their intrigues during each session of the Commission. The Commission would be overburdened by collapsing beneath the weight of too heavy a load which it would itself have been responsible for shouldering.

In face of all these difficulties and in view of the prudent attitude of reserve which the Council had adopted regarding the examination of petitions, M. Merlin concluded that no amendment should be made to the present form of procedure and that the hearing of petitioners should be avoided.

Sir F. Lugard said that he had referred in his memorandum to the fact that the right of petition had apparently been overlooked by the Council when it had originally settled the constitution and procedure to be adopted by the Commission. The Council had later made additions to the rules of procedure dealing with petitions. The right of petitioners to submit a petition had never been questioned, and recently it had been decided that the term "petition" should include memorials from persons outside mandated territories. It followed, therefore, as a corollary to the right of petitioners to submit petitions, that the Commission should be able to hear those petitioners if it thought fit to do so. The question therefore appeared to be quite within the competence of the Commission.

M. Rappard agreed that the Commission was bound by the rules of procedure laid down for it by the Council. There was much to be said on both sides. Sir F. Lugard had maintained that the right of petition automatically involved the right to a hearing. M. Merlin had contended that to receive petitioners would make it impossible for the mandatory Power to submit its own observations. M. Rappard had doubts about the competence of the Commission in the matter, but the Council could certainly decide the point. The really important question, however, was: Should the Commission decide to exercise a doubtful right? That was the crux of the matter. If the Commission decided to exercise such a right, it might lay itself open to a reprimand from the Council if the latter disapproved of its decision, and the Council could undoubtedly take such action if it thought good.

He proposed, therefore, that the Commission should examine the very interesting memorandum of Sir F. Lugard and decide what procedure it desired to follow. When that decision had been taken, it could make a recommendation regarding it to the Council, but it should not itself settle the question of its own competence.

M. Van Rees reminded the Commission that he had been appointed Rapporteur on the memorandum of Sir F. Lugard. He proposed that the Commission should first settle the question of competence with regard to the hearing of petitioners. When that point had been dealt with, it could decide the terms of its recommendation to the Council.

With regard to the Commission's competence, he would refer the Commission to the statement he had made at the previous session (Minutes of the Eighth Session, nineteenth meeting, paragraph 534), when he had spoken as follows:

"He did not think that the question had ever been considered from a legal point of view. He considered, nevertheless, that it would be of interest for the Commission to take such a point of view into consideration.

He drew the attention of his colleagues to the last paragraph of Article 22 of the Covenant, which was as follows:

"A permanent commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates."
"
This provision assigned to the Mandates Commission, so far as the examination of the annual reports of the Mandatories was concerned, a purely advisory function. As regarded petitions, the Council of the League, by its resolution dated January 31st, 1923, had in addition assigned to the Commission an executive function which was clearly defined in the last paragraph of the resolution. As the Mandates Commission was essentially an Advisory Commission, and as, in the executive field, it had no other power than the limited power conferred upon it by the Council, it could not in any way exceed that power. The resolution to which he had referred made it the duty of the Commission to form an opinion upon written documents and did not give the Commission any authority to convene the authors of the petitions taken into consideration. It accordingly seemed that the convening of the authors was excluded, unless the Council previously authorised the Commission to adopt this procedure.

"This state of affairs might doubtless in certain cases prove to be a defect in the prescribed procedure, but, so long as it was not amended, the Commission could only defer to it.

"The revision of the procedure might be the subject of a later discussion, but for the moment he considered that the Commission had no authority to accede to the request of the Syrian delegation. Each of the members of the Commission had heard them privately. \"The Commission, in hearing them officially, would be exceeding its competence.\"

With regard to the question as raised in the memorandum of Sir F. Lugard, the latter considered that it would be difficult to maintain an attitude of perfect impartiality while refusing to hear a petitioner, and that the petitioner ought to be heard in the presence of the accredited representative of the Power concerned and be authorised to put questions to him. He had suggested, in consequence, that the Sub-Committee proposed in the memorandum should indicate in its report, amongst other matters, whether the request of the petitioner for a hearing should be granted. This was a very delicate question, and the Commission should proceed with the greatest prudence.

In the first place, M. Van Rees would point out that the position of the Permanent Mandates Commission with regard to petitions had not been provided for in the terms of its constitution, which determined the details of its competence. It had only been three years after the approval of that constitution that the Council, in 1923, had instructed the Commission to deal with petitions according to a definite procedure, which had then been drawn up and which had made no allusion to the hearing of petitioners.

This special duty, which was not a consequence of the duties to be fulfilled by the Commission under the terms of the Covenant and of its own constitution, appeared, in the view of M. Van Rees, to be incapable of any other but a strict legal interpretation, and to interpret it legally meant that, since the Commission had not been authorised to convene the petitioner, it did not possess the right to grant such authority on its own initiative.

In his view, therefore, such an authority should be obtained from the Council if the Commission thought it necessary.

M. Orts thought that the question whether the Commission had the right to invite petitioners to come before it and to hear them was of secondary importance, in view of the fact that, even though the members were all agreed that the Commission had this right, it should still be undesirable to use it without being certain that the Council agreed. Such a decision might, in fact, lead the Commission very far. The moment it was known that petitioners could be heard by the Commission, the latter would be overwhelmed with a flood of requests for an audience. This would mean still another duty for the Commission, which the Council, no doubt, had not taken into consideration when expressing its view in favour of the right of petition.

The Commission could not expose itself to a disavowal. It must submit the matter to the Council.

The Chairman noted that the members of the Committee were in general agreement that the question of the competence of the Commission to hear petitioners should not be settled by the Commission itself.

It remained for the Commission to decide whether it should make a recommendation on the subject to the Council and, if so, what the terms of that recommendation should be.

SEVENTH MEETING

 Held on Friday, June 11th, 1926, at 10.30 a.m.

Chairman: Marquis Theodol.

Present: All the members of the Commission except M. Freire d'Andrade.

564. Examination of the Revised Draft Questionnaire for Territories under B and C Mandates.

The Chairman read the Minutes of the meeting held on July 4th, 1925 (Sixth Session, Minute 411), from which it appeared that the new text of the questionnaire, when adopted, was to be addressed personally to the various members of the Commission and would consi-
M. MERLIN said he had examined the questionnaire with the greatest interest. It was a
document which appeared to him to be intended rather to give a complete account of the
position of each of the countries under mandate than to form the framework of information
furnished annually. When once replies had been given to the numerous questions contained in
the questionnaire, it seemed to him that there would not be any need to take up the questions
again every year. So much was this so that the Commission would run the risk of
receiving no more than chapter headings followed by a statement to the effect that there
was nothing to report. This observation was not intended as a criticism. It was, in fact,
necessary that an account should be given of the position of the mandated territories as they
stood. He merely wondered whether it would not be well to lighten the document somehow
what in the future in order that the mandatory Powers might not each year be confronted
with an irrevocable skeleton imposing upon them the wearisome task of repeating themselves
without advantage to anybody.

Sir F. LUGARD observed that the questionnaire was intended merely as a guide. If
certain questions had already received a reply, the Administrations would confine themselves
to giving a reference to the reply.

M. ORTS recognised that the two observations of M. Merlin were well founded. First,
this document constituted a kind of inventory of the position of the territory and its legisla-
tion. Secondly, it was intended to elicit indications in regard to the general lines of policy
pursued. He then observed that it was stated in the Preamble that, if a subject had already
been dealt with in a previous report, it would be useless to mention it.

It was true that the questions were numerous. They amounted to a total of 118. This
was due to the fact that it had been necessary to take into account to a certain extent the
various amendments which had been suggested to the Rapporteur. Each of the members
who was more especially interested in one or other of the points was bound to multiply the
questions on the subject in which he was interested. In fact, this questionnaire, volumi-
 nous as it was, was the result of a work of compression and elimination. Since it was not
necessary to reply every year to each of the questions, and since each of them ought to be
dealt with at least once, these requests would not call for additional efforts. In fact, the man-
datory Powers already supplied information in regard to each of the points raised in the ques-
tionnaire. If it were desired to revise the draft, article by article, it would no doubt be pos-
sible to propose the suppression of several points but it was also to be feared that this revision
would result in the addition of a larger number of supplementary questions.

M. MERLIN thought that the work of composing this document was similar to that of
framing the scholastic programme in France. Each of the professors was quite naturally led
to increase the volume of the subjects which he taught, and the final result was a swollen
programme which overburdened the minds of the pupils. It was necessary to beware of falling
into a mistake of this kind in the future. This remarkable questionnaire, however, showed a
very real effort at compression. He would therefore merely ask whether it would not be
well at a later stage to introduce something less rigid.

The CHAIRMAN said that M. Merlin had perfectly well understood the character of the work.
It was intended to draw the attention of the Governments to the points on which the
Commission desired to be informed, leaving them at liberty to develop their replies more or
less as they thought fit.
He would point out that the title "Questionnaire" was not very happy.

Sir F. LUGARD proposed that the full text of these "Notes for guidance in preparing
Annual Reports" should not be printed each year in extenso in the report of each Mandatory
but merely the number of the question with the reference to the page or paragraph.

M. MERLIN, following an exchange of views, proposed the following title: "Outline for
the Annual Reports of the mandatory Powers".

The CHAIRMAN proposed that M. Merlin and M. Orts should agree on a draft title before
the next meeting.
He invited the Commission to examine the text of the document, taking the chapters in
their order.
He insisted that during this examination it would be well not to be excessively scrupu-
los and to aim at a text which would be legally perfect. The importance of certain omissions
which might exist in this work should not be exaggerated. The text, moreover, had been
revised and corrected on several occasions during the last three years, and in its present
form it represented the unanimous views of the Commission.

The text of the draft was adopted with certain amendments (Annex 10).

Mr. GRIMSHAW said he would submit to the Secretariat certain purely formal amendments
which concerned only the English text.
EIGHTH MEETING

Held on Friday, June 11th, 1928, at 4 p.m.

Chairman: Marquis Theodoli.

Present: All the members of the Commission except M. Freire d'Andrade.


The Chairman recalled that the Commission had to take a decision on the memoranda submitted by Sir F. Lugard concerning the procedure to be adopted with regard to memorials or petitions (Annex 2).

M. Merlin referred to what he had said on this question at a previous meeting in connection with the matter of hearing petitioners.

M. Van Rees, alluding to the following passage in Sir F. Lugard's report:

"I suggest that these various decisions should be clearly set forth, together with Annex 9 of the sixth sessional minutes, and printed, together with the rules approved by the Council, for easy reference"

and

"The right of petition should be made fully known, as also the method of procedure and the other conditions."

— said that he entirely agreed with the conclusions of the Rapporteur on this point.

M. Catastini informed the Commission that the Secretariat had already fulfilled to a certain degree the wishes expressed by Sir F. Lugard and M. Van Rees by including in a report which had been approved by the Council a complete statement of the procedure adopted in replying to petitions concerning mandated territories.

The Chairman and M. Merlin said that, in their view, the Commission should be left entirely free to decide in what manner it should deal with the petitions. They thought that it would be inopportune to lay down a definite series of regulations on this point.

M. Merlin added that these questions of procedure were purely of an internal kind and could be of no interest to the petitioners. This was a matter which concerned the Council and the Commission.

M. Van Rees thought, on the contrary, that the petitioners should be informed of the provisions contained in Annex 9 to the Minutes of the Sixth Session of the Commission, though, of course, in a more appropriate form.

M. Merlin pointed out that, speaking generally, the inhabitants were perfectly well aware of the methods of recourse which were open to them. Numerous associations kept them informed in the matter. There was no need, moreover, for the reasons which he had already given, to encourage them to lay complaints before the Commission. Further, the resolution contained in Annex 9 to the Minutes of the Sixth Session, though it might be perfectly intelligible to members of the Commission, was less intelligible to prospective petitioners in view of its legal subtlety.

Sir F. Lugard confirmed the opinion which he had expressed in his report. He thought it only just that so long as the right of petition existed it should be known. On the other hand, the conditions, which should be equally known, were aimed at restricting petitions, excluding, for instance, all cases which could properly be decided by the local courts.

M. Merlin replied that the right of petition could be exercised in the easiest possible way. It was quite enough to send a letter to the Commission. He did not, so far as he was concerned, understand the use of regulating the manner in which such petitions should be submitted, seeing that such regulations might vary, and seeing that each time they were amended a great deal of publicity would have to be given to the amendment.

On the proposal of the Chairman, the Commission decided to instruct the Secretariat to prepare before the next session a memorandum containing all the decisions concerning the procedure to be followed by the Commission in dealing with petitions.

M. Van Rees, alluding to the conclusions contained in paragraph 15 of Sir F. Lugard's report, thought that the Commission should appoint, in the cases mentioned by the Rapporteur, not one but three Sub-Committees, in view of the fact that all members of the Mandates Commission would, no doubt, desire to take part in the examination of petitions and memorials. Further, the Sub-Committees should meet more than one day before the beginning of the session of the Commission, in order that they might have time to prepare carefully the questions before them.
Sir F. Lugard pointed out that he had made provision for the appointment of Sub-Committees only in cases where memorialis or petitions were so complex that they could not be usefully studied by the Commission as a whole. He thought that it would be better to entrust the preparation of petitions of such a nature to a Sub-Committee than to a single Rapporteur.

The Chairman asked M. Van Rees in what manner he thought the work should be divided up between the Sub-Committees.

M. Van Rees said that the questions would be entrusted to the Sub-Committees in accordance with the special competence of each.

Sir F. Lugard thought that one Sub-Committee would be sufficient.

M. Orts considered that the Chairman should be left free to decide the number of Sub-Committees to be appointed.

M. Merlin thought that it would not be necessary to have recourse to the appointment of Sub-Committees. It was necessary that complex and grave questions should be investigated by the whole Commission. If such questions were entrusted to a Sub-Committee, that Sub-Committee would have to submit a report. If a report had to be submitted, it would be preferable, in his view, that it should be drawn up by a single Rapporteur who would submit it to the full Commission.

M. Merlin pointed out the difficulties which would occur if it were a matter of appointing Sub-Committees. Questions of nationality would arise regarding a particular petition of which a member of the Commission might be a national. He thought that the appointment of Sub-Committees, far from facilitating the procedure, would have the effect of complicating it.

M. Rappard had the impression that the entire discussion of the Commission was dominated by the question whether or not certain petitioners should be recognised to possess the right of audience. The main argument in favour of the granting of such a right lay in the consideration that it was perhaps scarcely just to hear representatives of the mandatory Power when a petition was submitted which might be directed against the action taken by the Mandatory. In support of the contrary view, it could be maintained that to transform the Mandates Commission into a court called upon to pass judgment on cases verbally laid before it by the representatives of the mandatory Power on the one hand and the petitioners on the other would be to misjudge the character of the Commission.

He desired to suggest a solution which was based on both points of view. The Commission should examine petitions according to the ordinary procedure. It would inform the petitioners of the result of its examination. If the petitioners informed the Chairman in a letter that any particular point in their petition had been neglected, the Chairman, if he were satisfied that such an assertion was well founded, might propose that the Commission should hear the petitioners. Such a hearing would take place at most every two or three years and would satisfy the scruples of the members of the Commission. Further, in view of the fact that petitioners would not be heard until a year after the submission of their petition, this period of time being necessary in order to give the mandatory Power sufficient time to reply to the petition, it was probable that when the day for hearing arrived, the petitioners would view their grievance in a calmer spirit. There would then be no need for the Commission to appoint Sub-Committees in view of the fact that the petition would already have been examined with care.

The Chairman thought the proposal of M. Rappard to be of great interest. Members of the Commission had, indeed, to decide for themselves whether they were really capable of forming an accurate idea of the questions with which they were called upon to deal when they only heard one of the parties to a dispute. He thought, nevertheless, that there was a certain danger in the proposal, since, by its terms, the Chairman of the Mandates Commission would alone be called upon to decide whether the appeal of the petitioners was well founded or not.

The Chairman pointed out that it was important for the Commission to give its representative before the Council, who was in actual fact the Chairman of the Commission, very precise instructions regarding the question of hearing the petitioners. That representative would have, among other things, to inform the Council of the scruples felt by members of the Commission who desired to have all possible light shed on the questions upon which they were called upon to take a decision. The Council, it appeared, considered that the Permanent Mandates Commission used its powers somewhat too freely. In the view of the Chairman, however, it would never adopt a sufficiently independent attitude. Its power of initiative could not be limited. It was for the Council, moreover, to reject such suggestions if it thought them inopportune.

M. Van Rees agreed with the proposal submitted by Professor Rappard, although he did not hide from himself the fact that it might have, in practice, undesirable results.

M. Palacios also agreed with M. Rappard. The question was difficult and complex. He desired, however, that it should be clearly understood that the mandatory Power concerned would be warned in time that the Commission had agreed to hear a petitioner.

M. Orts considered that to hear petitioners was an inevitable consequence of the right to petition, but he was certain that it would give rise to difficulties. In his view, the system proposed by M. Rappard was still the one which offered the best guarantees against the abuses which might result.
M. Merlin repeated the arguments he had already brought forward on this subject. Nevertheless, he realised the very honourable feelings which in certain cases might actuate the conscience of some of his colleagues. In deference to such feelings which he himself might one day experience, he would be ready to agree to the proposal of M. Rappard with the express reservation that the new procedure should only be followed in most exceptional cases which should each be subjected to special examination and discussion by the Permanent Mandates Commission.

The Chairman proposed that M. Rappard should draw up a draft resolution concerning the question of hearing the petitioners.

M. Rappard thought that it was not the intention of the Commission to specify that the representative of the mandatory Power and the petitioners could never meet. The petitioners would never be heard unless a representative of the mandatory Power were present, except in the case when the latter did not wish so to be represented.

M. Orts thought that, in any case, the representative of the mandatory Power should be invited to assist in the discussion and that he should be left free to accept or refuse such an invitation.

Sir F. Lugard emphasised the importance of not giving the mandatory Power the impression that the Commission was acting without its knowledge. In his view, the members of the Commission ought not to grant private audiences, in their capacity as members of the Commission, to petitioners who were not granted audience before the Commission and the accredited representative.

M. Merlin said that he fully agreed with the last observation of Sir F. Lugard.

M. Rappard supposed that the Commission did not wish absolutely to prohibit interviews between its individual members and persons who might apply to the Commission as petitioners. The Commission would be going too far, and, indeed, would be making itself somewhat ridiculous, if it decided that the only people in the world whom its members must take care not to meet were people who could give them first-hand information as to the position in mandated territories. All they could ask was that such interviews should be kept strictly private and that it should always be made clear to any petitioners who might be received by members of the Commission that their interviews were entirely unofficial.

566. Question of the Hearing of M. de Jouvenel, High Commissioner of the French Republic in Syria.

The Chairman laid before the Commission a telegram from the French Government to the effect that M. de Jouvenel, accompanied by M. de Caix, would reach Geneva on June 17th and would be at the disposal of the Commission.

The Chairman emphasised the importance of this mark of deference to the Commission shown by the mandatory Power.

After an exchange of views, the Commission approved a draft letter to M. de Jouvenel asking if he would be prepared to make his statement regarding Syria at a public meeting, it being understood that this meeting would be followed by a private one at which the members of the Commission could discuss the questions raised in his statement.

567. Reply to the Request from the Delegation of the Waad Leum'i (National Council of Jews in Palestine) to be heard by the Commission.

The Committee adopted in its final form the draft of a letter for despatch to the delegation of the Waad Leum'i, in reply to its letter (see Minutes of the Sixth Meeting). By the terms of the Commission's letter, it regretted to be unable to grant the desire of the delegation to be heard.


The Chairman communicated to the Commission the following telegram from the Australian Government, which he had received from Sir Joseph Cook:


The Commission took note of this telegram.
NINTH MEETING

Held on Saturday, June 12th, 1926, at 10.30 a.m.

Chairman: Marquis Theodoli.

Present: All the members of the Commission except M. Freire d'Andrade.


M. Rappard agreed with certain of his colleagues in thinking that it was not very probable that the Council would act upon this draft recommendation. Nevertheless, the recommendation was not, for that reason, without its uses. The Mandates Commission was subject to a critical examination by public opinion. It was often accused of conducting a simple academic examination and of showing itself somewhat credulous. It was therefore useful to show that it fully realised the difficulties of the position and the fact that it sometimes found it impossible to decide whether certain petitions were indeed well founded. Secondly, when the matter had once been brought before the Council, the Commission would be in a better position to declare that in certain cases it was impossible for it to take a decision since the procedure in force did not allow of it.

Sir F. Lugard preferred to make no recommendation at all to the Council but simply to state the facts as follows: The Commission was instructed to receive petitions and memorials and to report to the Council. The members felt that they could not in many cases carry out this duty without giving the petitioners the opportunity of replying. Did the Council wish that the Commission should accede to such requests for a hearing or did it desire that the audience should in all cases be refused? The matter seemed to call for a question pure and simple without any recommendation whatever.

M. Rappard did not see any objection, provided the memorandum which he had distributed to his colleagues (Annex III) were annexed to the Minutes in order to enable the Council's Rapporteur to find, if necessary, the material for a positive proposal.

M. Orts said he was not in favour of this procedure, which would give rise to loss of time.

M. Merlin, on the contrary, thought that it was desirable that the Commission should not be put at a disadvantage.

M. Rappard, following a short exchange of views with M. Orts and Sir F. Lugard in regard to certain details of his draft, observed that the draft was merely a note in which his personal views were expressed with the intention of guiding, if necessary, the Rapporteur appointed by the Council. It would be sufficient if the draft were annexed to the documents without any discussion of its details.

M. Merlin observed that this proposal would make it natural for each of the members of the Commission to present a distinct and personal opinion. If the text were presented to the Council as expressing, for purposes of information, the general view of the Commission, it was necessary to discuss it.

The Chairman observed that the practice of the Commission was based upon an experience of five years. All were agreed in thinking that in certain cases it was indispensable that the petitioners should be heard. It was necessary, however, in order to secure this end, that there should be a formal decision by the Council. In these circumstances, there was no objection to suggesting a procedure to the Council.

M. Catastini observed that the advantage of the procedure which, according to M. Rappard's note, might be employed, was that it would enable the Commission to ascertain the opinion of the Council before presenting it with concrete proposals.

The Chairman emphasised the fact that it was impossible for any member of the Commission to submit his personal view to the Council, which required an expression of opinion from the whole Commission. It was therefore indispensable to state briefly that the Commission considered that in certain cases it was essential to grant an audience to petitioners.

M. Rappard agreed that the report might contain a statement of this kind to the effect that the Commission considered it impossible to reach conclusions in certain cases without having heard the petitioners. The draft which he had proposed would then be annexed to the Minutes of the Commission. It would be for the Rapporteur, if he thought it desirable, to draw the Council's attention to this document, explaining that the Commission was contemplating the possibility of adopting a definite procedure but that it did not desire to take any steps without knowing the views of the Council. If the Council agreed, it would perhaps take this note as a basis for the text of its resolution.
The CHAIRMAN consulted the members of the Commission and noted that they were unanimously agreed in thinking that it was essential in certain cases to hear petitioners and that it was necessary to submit a statement to the Council to this effect.

He proposed that the last suggestion of M. Rappard should be adopted. The Rapporteur of the Council, if he perceived that the Council was ready to move in the direction pointed out by the Commission, would submit a formal proposal based on the statement contained in the report of the Commission, as well as on the Minutes of its meetings and on the draft recommendation drawn up by M. Rappard.

This proposal was adopted.

The CHAIRMAN reminded the Commission that there were two special points in connection with the report of Sir F. Lugard (Annex 2) which remained to be settled. The first concerned the place where enquiries should be conducted. Sir F. Lugard thought that it was not desirable that investigations on the spot should be made. Personally the Chairman was not, in principle, in favour of adopting this procedure for reasons of policy and opportunity. The Commission should take care, however, not to bind its hands for the future and thus entirely prevent the possibility of conducting an enquiry on the spot.

Sir F. Lugard considered that an enquiry on the spot was beyond the competence of the Commission. It was for the Council itself to appoint a commission of enquiry in cases of this kind.

M. Rappard considered that it was clear that an enquiry on the spot could not be carried out without the authority of the Council.

The CHAIRMAN replied that obviously every power possessed by the Commission was limited by the decisions of the Council but that there was no limit to the Commission's right to submit suggestions to the Council.

The second point concerned the printing of petitions.

Sir F. Lugard proposed that they should not be printed in extenso in the Minutes unless a special decision was taken to the contrary with regard to a particular case. He thought that certain petitions, such as those concerning Palestine for example, were too long to be printed.

M. Van Rees thought that this question should be decided with regard to each particular case as it arose. Had the Council taken any formal decision?

M. Catastini replied that the decision taken by the Council on January 31st, 1923, included the following passage:

"The Commission, after discussing any petitions received, should decide which, if any, accompanied by the observations of the mandatory Power, should be circulated to the Council and the Members of the League. The Minutes of the meeting at which the petitions were discussed should be attached."

He added that the Commission had discussed the matter at its meeting of July 9th, 1923.

Sir F. Lugard said that in those circumstances he withdrew his proposal.

TENTH MEETING

Held on Monday, June 14th, 1926, at 10.30 a.m.

Chairman : Marquis Theodoli.

Present : All the members of the Commission.

570. Arrival of M. Freire d'Andrade.

M. Freire d'Andrade explained to the Commission that he had not received the communication informing members that it had been decided to fix an earlier date for the ninth session of the Commission and to settle definitely on June 8th, 1926. He had thought therefore that the first meeting would have taken place on June 14th, as had originally been decided. This explained the reason why he had only arrived at Geneva on Saturday, June 12th.

M. Catastini said that the members of the Mandates Commission had been summoned for June 8th, 1926, by a telegram dated April 9th, 1926, and by a letter dated April 16th, 1926.

The Chairman welcomed the representatives of the French Government: M. Duchêne, Director for Political Affairs at the Colonial Office, and M. Marchand, Commissioner of the French Republic in the Cameroons.

General Statement by M. Marchand: Health of the Native Peoples and the Public Works Programme of the Mandatory Power.

M. Marchand said that the members of the Commission would be able to learn for themselves from reading the last report that a very marked improvement had been shown as regards exports and imports. He thought that this augured extremely well for the demographic development of the Cameroons. It was a question which was of great concern to the Administration. As the Commission was aware, the density of the population in the Cameroons was not great enough and did not correspond to the extent of its area. This was due to various causes—first, to the health situation; secondly, to the improvidence and ignorance of the natives and their under-feeding.

The health situation was improving yearly. During the present year the French Administration had appointed a permanent sleeping-sickness mission. Sleeping-sickness was one of the worst of the diseases from which the native races suffered. There was a tendency for this disease to diminish in certain parts of the eastern region of the territory, but, on the other hand, it seemed to be increasing in one of the sub-divisions of this same region. It had been decided, in agreement with the Minister for the Colonies, to despatch a mission to the Cameroons whose particular duty it would be to lead the campaign against this formidable endemic disease.

Under-feeding affected to a certain extent the demographic situation. It was due, in great measure, to the improvidence of the natives and to the lack of agricultural implements. To meet such a situation the Administration had reached the conclusion that all its efforts should be directed towards improving crops. With this object in view, agricultural committees had been established. The reports on the Cameroons for 1924 and 1925 had informed the Mandates Commission that the manner in which these agricultural committees worked had achieved most fortunate results. The administrators had been able to note the progress made, the natives having followed intelligently the advice given by the agricultural inspectors. At the moment, all risk of famine had disappeared, and the reappearance of this scourge, which had for a long time ravaged the black races of Equatorial Africa, was no longer to be feared. The Administrative officials were in a position to note that the people ate as much as they wished—that was to say, the conditions were such that they could resist the morbid influences surrounding them.

To effect the regeneration of the native races the mandatory Power had been compelled to struggle against preconceived ideas and the routine-like habits of the natives in the matter of the care of early infancy. Infant mortality was unhappily still very high in the Cameroons. Mothers were ignorant and inert. An increasing number of doctors gave them advice. Endeavours had been made to establish an organisation of native medical assistants capable of instructing the population in those districts where infant mortality was particularly high. Nevertheless, it could not be denied that satisfactory results could only be obtained after many years of effort. This work would, however, be tenaciously pursued.

Porterage was also one of the many factors to which the degeneration of the native races was due. This system was the scourge of Tropical Africa. The Administration was endeavouring to combat this practice in the Cameroons as far as possible and with the aid of the whole resources of its budget. The programme of public works which had been put into execution and a large part of which was approaching completion had been drawn up precisely with a view to remedying such a state of affairs. By constructing railways, and by connecting with the main lines roads which could be used for motor traffic, the migration of the population was being avoided and thereby the spread of numerous diseases. The mandatory Power was therefore anxious to carry out a programme of road construction and had obtained in this respect the complete agreement of the population. In all parts of the country the natives asked the Administration to construct roads. Offers to work with this object exceeded the Administration’s desires; the latter possessed, in fact, only a limited budget. It was obliged to deal with the construction of roads piecemeal. It had the satisfaction, however, of knowing that the natives understood the usefulness of the present system of lorry transport, as the result of which the European trader could reach the most distant villages, awakening in the natives the desire to purchase, at the same time encouraging them to gather in the natural products which were close at hand. The native, thus provided with the necessary means of acquisition, could improve his food supply. It was seen that by developing local trade the Administration was gradually putting an end to porterage, which was already an important point; it was also assisting very effectively in the work of health improvement by furnishing the natives with more and more means to improve their food supplies.
Two railways were at the moment under construction. One, of 106 kilometers in length, started at the terminus of the German railway and went towards Yaoundé. This railway, the road-bed for which was all prepared, would probably be open to traffic in December next or at latest by February 1927. In constructing the first 38 kilometers considerable difficulties had been encountered. To give the Commission an idea of these, it would be sufficient to say that within a distance of 15 kilometers five viaducts of 110 meters and three tunnels had had to be constructed. It was in carrying out that part of the work that the native workmen had suffered most. At the moment those engaged in laying down the line were close to their villages and were living in conditions as favourable as could be desired.

A second line was in course of construction, beginning at Otélé and going towards the River Nyong. The object of this line was to open to navigation a canal of 250 kilometers. This line, known as the Nyong Railway, would reach the sleeping-sickness area, where it was proposed also to improve the road system in order to lessen the movement of the population by providing them with markets close to their homes. Further, the district was rich in rubber. These railways and roads would therefore have the twofold advantage already mentioned: in addition to improving the health of the population, they would enable the native to increase his own resources by the sale of the natural products of the country.

To complete this large programme of public works, the Administration had decided to enlarge the port of Douala. The company which had secured the contract would begin work during the present year. It was establishing itself at Douala with a view to beginning dredging operations. Merchant and passenger-carrying merchandise vessels reached the port of Douala by a channel which was somewhat sandy, the state of which, however, did not materially interfere with navigation, since certain passenger vessels could berth at Douala. It was essential, nevertheless, to enlarge the harbour, which was no longer adequate for the present volume of shipping. The Germans had constructed a wharf for vessels to come alongside, but it had suffered in the course of time, and it was necessary to construct a second wharf, together with harbour roads, quays, and warehouses—in fact, a completely installed harbour corresponding to the amount of tonnage exported, of which the volume would increase in the years to come.

This programme of public works, the cost of which would amount to fifty-one millions francs, would be carried out with the resources of the territory, and no recourse would be had to a loan.

The French Parliament, at the request of the Colonial Office, had authorised the issue of a loan of twenty-five millions, which it had guaranteed. The resources of the territory, however, had been sufficient to make it possible for the territory to dispense with this appeal to public credit. With the aid of the Customs receipts, the native tax, and an issue of token money, it had been possible to construct the railways and to prepare for the enlargement of the port of Douala without involving the finances of the territory in any debt.

Having used all its efforts to develop cultivation, to supply adequate medical assistance, and to extend the railway and road system, the Administration considered it necessary to spread means of education. With this object, it had established schools in all districts and in the sub-divisions. It proposed to devote for this purpose still larger sums next year. In this field the Administration received very valuable and practical aid from religious missions. These missions had realised that education in the Cameroons must be principally directed towards the training of the native for a calling.

**Method of Financing the Public Works Programme.**

The Chairman thanked M. Marchand for his statement. M. Marchand might perhaps not be fully aware that certain questions of a general kind—for example forced labour—were of particular interest to the Commission. With regard to the sum of 51 million francs necessary for the construction of public works, the Chairman desired to know whether it had been obtained by increasing taxation or by the imposition of special taxes.

There was also this further problem: Was it preferable rapidly to give the native population the advantages of modern civilisation or should the Administration confine itself for the moment to achieving their material welfare? This was a problem to be solved with regard not only to the Cameroons but also to the whole of Africa.

M. Duchêne said that the French Colonial Office had impressed the importance of this problem on all its African officials, both in the Cameroons and elsewhere. It was very important to decide whether to call upon the present generation to make a special effort or to act in such a way that the benefits aimed at could be gradually attained as the years went by.

M. Marchand knew the views of the Permanent Mandates Commission with regard to these two points and had endeavoured to meet them.

M. Marchand explained that the size of the tax paid by the native was governed by the social development of the population and their economic resources. For the programme of public works, in respect of which the sum of 51 million francs represented the whole amount, the principal resources had been obtained from the Customs receipts and from the issue of token money, which had cost the population nothing, since such money depended on the credit of the territory. This issue was guaranteed by the assets of the Cameroons including the two railroads in use, two others in process of construction and a considerable amount of maritime or administrative material. It had thus been possible to use this very elastic form of credit or loan bearing no interest, which consisted in issuing currency up to a very
The profits of the natives had been such that in the most distant districts parcels contain in g only a few kilometres into the forest, collect a load of palm-tree products, and sell them to works to an extent incompatible with their ability to do so. As a set-off to that, to ask them to contribute to the execution of the programme of public works to an extent incompatible with their ability to do so. Though the natives might be required to pay a certain tax, it was not intended, of the connection between the opening of these roads and the improvement in the health of the blacks. Though the natives might be required to pay a certain tax, it was not intended, of the connection between the opening of these roads and the improvement in the health of the blacks.

In certain districts very rich in natural products, for instance, it had been sufficient at the opening of these roads to put two questions on this point. In what approximate proportion had the cost of the railways been covered, by the Customs receipts, by the direct taxes and by the issue of money? Had the currency, issued as the result of an operation described by M. Marchand as a loan without interest, taken the place of any other currency, or had it been added to another currency? In the latter case, had not such an issue meant a rise in prices?

M. Marchand replied that the currency in question had not taken the place of another currency. Both European and native traders had had to have the necessary means of exchange and had recognised that it was indispensable to put it into circulation. The notes of the West African Bank had been insufficient. They had been open to the following objection as far as the natives were concerned. Natives encountered certain difficulties in regulating their accounts with European traders, and the Administration had therefore thought it indispensable, in order to stimulate trade and to safeguard the rights of the natives, to put into circulation divisional coins.

It would have been possible to ask France for French token money, but the Cameroons would have been obliged to cover the amount, and this would have meant having recourse to an outside loan. It had been thought more rational not to burden the finances of the territory, thus limiting the future programme of public works.

Further, it was important to take into consideration the state of the financial market. It has therefore been considered that the best way to achieve the programme of work without overburdening the native population with taxes was to have recourse to local credit and to base an issue of currency on the assets of the territory, such an issue being extremely limited in order to avoid the risk of inflation and the possible consequent rise in prices. At the moment, despite the fact that 15 millions of token money had been put into circulation in the territory and absorbed by salaries and various purchases on the spot, there was no rise in prices which could be the result of this issue.

Sir F. Lugard, referring to the statements of M. Marchand concerning the means whereby the 51 million francs necessary for the achievement of the programme of public works were to be provided, asked whether the programme did not impose a somewhat heavy burden on the present generation in the demand for labour. Was it always a wise proceeding to pay for everything immediately, and would it not be preferable to spread the payment over a certain period in order that the present generation should not have to support too heavy a burden? Moreover, the profits obtained by the natives in return for their labour would be diminished, and this would disadvantageously affect the trade of the country, and the revenue from Customs.

M. Marchand replied that this consideration had not escaped the representative of the mandatory Power. The Administration had decided to postpone the extension of its programme of large public works as soon as those at present under construction had been finished. The completion of two railway lines and the enlargement of the harbour represented a durable basis for progress from which, moreover, the present generation would profit. The same was the case in regard to the building of roads. He would remind the Commission of the connection between the opening of these roads and the improvement in the health of the blacks.

Though the natives might be required to pay a certain tax, it was not intended, as a set-off to that, to ask them to contribute to the execution of the programme of public works to an extent incompatible with their ability to do so. Each district had been asked to make an effort corresponding to its capacity to pay. In certain districts very rich in natural products, for instance, it had been sufficient at the moment, in view of the high prices obtained for the products of the territory, for a native to go only a few kilometres into the forest, collect a load of palm-tree products, and sell them to the nearest factory in order to obtain an appreciable profit.

The present generation would benefit from the advantages resulting from the construction of roads which made it possible for a trader prepared to pay high prices to reach the native. The profits of the natives had been such that in the most distant districts parcels containing...
clothing and various produce had arrived in such large quantities that the Administration had been compelled to construct new buildings to store them. Tailors had established themselves in these centres and were provided with sewing-machines. This showed that the native had paid the modest tax required of him, his purchasing power was still relatively important.

Sir F. Lugard explained that he had not intended to maintain that the railways in question were not of benefit to the present generation but merely that the whole burden and cost of construction was borne by the present generation. So far as the cost was concerned he wished to suggest that instead of covering all this expenditure by means of taxation, direct or indirect, an endeavour should be made to meet it, in part at least, by means of a loan, in the repayment of which future generations would also take part.

M. Marchand explained that if the Administration had had recourse to a loan 25 million francs in the present banking situation, that loan would have had to have been repaid in thirty years, and the territory would have had to pay nearly 65 millions taking into account the annuities, the sinking fund and the interest. Thus, burdens would obviously have been distributed for two future generations but they would not have been less considerable on that account, and they would have interfered seriously with any new extension of the programme of public works, because the territory would not have been able to continue to contract loans at a high rate of interest.

M. Duchêne added that the French Government, being responsible for the management of the territory of the Cameroons for which it held a mandate, had first of all considered the question of a loan. The loan of 25 million francs, the objections to which M. Marchand had already described, had been decided upon by the French Government and even with the guarantee of the French State. A problem in this connection arose for the Permanent Mandates Commission. Could a mandatory State give its guarantee for a loan contracted by a mandated territory? This problem, then, which appeared to be somewhat difficult to solve, had caused the French Government to hesitate. It had been in doubt whether it should note postpone the execution of the scheme for a loan, all the more so in view of the fact that each year had shown a surplus which could be used for the preliminary work of construction, and because it had been possible to use other means, such as loan money, while at the same time avoiding the danger of inflation. All these considerations had decided the French Government to postpone the execution of any scheme providing for an appeal to public credit.

If the present programme, which was limited to the construction of two railway lines, to the establishment of a road system and to the improvement of the port of Douala, was to be developed in the future it was obvious that the Administration would have inevitably to return to the first idea of the French Government and have recourse to a loan in order to prevent, as M. Rappard and Sir F. Lugard had pointed out, the present generation from having to support the total cost of public works which would certainly be of benefit to it but which would also be of benefit to future generations.

M. Van Rees pointed out that the Administration had been compelled already to have recourse to a loan, since French Togoland had lent 5 million francs to the Cameroons.

M. Duchêne said that this was a form of loan; it had not been a question of an appeal to public credit but, in reality, a form of mutual assistance between two mandated territories.

M. Marchand emphasised the very advantageous conditions under which that loan had been granted. The 5 million francs were repayable in five years, the rate of interest being only 5 per cent.

M. Orts supposed that the authorisation for the loan remained and that the territory could have recourse to it in case of necessity.

M. Duchêne replied in the affirmative. The question had, indeed, been settled by the Permanent Mandates Commission, which had recognised that the mandatory Power had the right to guarantee a loan.

M. Orts concluded from the information furnished by the representatives of the French Government that when the railway line had reached Yaoundé and when the improvements in the port of Douala had been completed, public works would no longer be financed from the ordinary budget. If the central railway line were lengthened, would not the cost be met from the resources of the loan?

M. Marchand said that when the programme to which he had referred had been completed the Administration would find itself in possession of a rather considerable surplus which would perhaps enable it to execute a new programme without having recourse to an external loan. It would only be later on, however, that the advisability of extending the railway system would be considered, if this proved necessary. For the moment it seemed to be desirable to allow the population some respite and thus to encourage its harmonious development.

M. Rappard hoped that the mandatory Power would not have the impression that the Commission viewed the financial policy which had been adopted in an unfavourable light. On the contrary, it had rarely had submitted to it so encouraging a statement of the financial position of a mandated territory.
He would point out that at the moment the French Government had certainly had to take account of the fact that the interest on loans was very high. The guarantee of the French Government did not make it possible for loans to be contracted by the mandated territory under more favourable conditions than those granted to France herself, who was compelled to pay lenders a heavy interest. This temporary condition of affairs had perhaps had the effect of causing the Administration to adopt a policy of taxation rather than a policy of contracting loans.

M. Merlin pointed out, with regard to the Cameroons as well as other African territories which were not mandated territories but colonies, that the position of France was peculiar so far as the natives were concerned, because the natives possessed no capital. Capital was only to be found in those countries after the arrival of the whites, who brought it from Europe or who carried on work on all kinds in those territories. As long as the habits of the natives remained unchanged they were content to collect just sufficient natural products to meet their requirements for food.

Sir F. Lugard feared that in making the population bear the cost of constructing public utilities the burden borne by them would be in too high a proportion. M. Merlin agreed. He had always preferred recourse to a loan, for it seemed more just for all the generations profiting from the equipment to pay for it rather than only that generation which would bequeath it to those coming after it.

As M. Rappard, however, had pointed out, the situation of the Cameroons was somewhat peculiar. Had the situation in the European and French markets not been so difficult, M. Merlin would have urged recourse to a loan rather than to taxation. In view, however, of the particularly heavy burdens which any loan would impose at the present time, the Commission could not but approve the action of the Administration of the Cameroons.

In reply to the observation of Sir F. Lugard, M. Merlin pointed out that the amount of taxation imposed on the population to cover the cost of public utilities was not very large. Public utilities constructed in the colonies immediately increased their wealth, and the development of the territory invariably exceeded hopes and calculations. Thus, the railway going to the centre of the curve of the Niger had attracted all the neighbouring population, and the trade in that district had become so great that the roads and railways were no longer adequate. Consequently, unless an unsound financial policy were followed, there was no reason to fear that the population would find itself too heavily burdened by certain taxes, for taxes immediately created wealth. Obviously, this did not mean that the taxes on the population should be unduly increased.

Sir F. Lugard observed that his questions were merely directed to eliciting full information as to the policy of the mandatory Power. According to the report, there would be a net surplus of 8 million francs on the past year. The report also stated that the taxation of the natives had been increased. He did not quite understand why it was necessary to increase taxation when there was such an enormous surplus in this and in each preceding year.

M. Marchand said that it was indispensable, despite this budgetary surplus, to make provision for the conditions under which the present programme of public works would be completed. A scale of progress had been adopted in advance. If progress were slower, the Administration would be obliged to do away with a part of the workshops and dismiss a number of the staff, with the result that the work undertaken in connection with the construction of the railway would cost more. The Administration was therefore obliged, in order to finish the work in the work fixed, to make provision for the use not only of the sums in the reserve fund but also of the surplus furnished by taxation and by Customs receipts.

M. Owrs thought, therefore, that the financial policy of the Administration of the Cameroons would only be open to criticism if it resulted in the imposition of too high a tax on the natives. This was a question which would be examined by the Commission when it discussed the finances of the territory.

**Title of the Report: M. Marchand's General Policy.**

The Chairman desired to make a general observation. As he had already pointed out in previous years, the title of the report did not state that it was addressed to the League of Nations.

M. Duchêne could only think that a purely material error had been the reason for the adoption of an incomplete title for this volume, when the title given to the report on Togoland was in conformity with the desires of the Commission. The title of the next report on the Cameroons would contain a reference to its destination.

M. Owrs asked M. Marchand how long he had been at the head of the Administration of the Cameroons.

M. Marchand replied that the French Government had appointed him Commissioner for the Cameroons in March 1923.

M. Rappard desired to put a question of a general nature. M. Marchand, in his very interesting statement, had shown great personal modesty. M. Rappard thought that it would be of use to know what changes M. Marchand had thought it necessary to make in the general
administration. What were the particular questions towards which his efforts had been directed and what was the general direction of the territory's progress under its present administration?

M. Marchand explained that his only task had been to continue to apply the principles laid down by his predecessors, principles which he had developed in proportion as trade increased in the Cameroons. He had thought that the evolution of the territory should be effected by the native and for his benefit. In pursuance of this policy agricultural commissions had been established in 1923 and Councils of Notables in 1925. The Administration had wished to make the natives take part in the management of public affairs to the full extent compatible with their degree of evolution.

Sir F. Lugard said that, from information he had received, he believed that M. Marchand's efforts had resulted in great improvements.

The Chairman said that the whole Commission had that impression.

Extent of Control Exercised by the Mandatory. Numbers of French Officials.

The Chairman asked M. Marchand whether the whole of the territory was under the direct control of the Administration.

M. Marchand pointed out that the Administration exercised effective control over the whole territory except in a small district situated between Garoua and Ngaoundéré. That region was still under the rule of a Sultan who was a firm friend of the Administration. It had not seemed necessary to do away with his direct authority. When the Sultan died, the Administration would consider the matter. In the district of Foumban there was also a small sultanate, and the French Administration had thought it proper to leave the chief in possession of his authority, subject to the control of the Administrator.

M. Orts observed that, generally speaking, direct administration was exercised over almost all the territory.

M. Marchand replied that direct administration had naturally been introduced into the territory owing to the fact that the mandatory Power had been obliged in certain regions to separate the vassals from their lords, especially in the northern part of the Cameroons, where the feudal system resembled slavery.

M. Orts reminded M. Marchand that the Chairman wished to know whether the control of the Mandatory was exercised over all the territory either directly or through natives who might be trusted.

M. Marchand said that the Mandatory exercised complete control over all the territory.

The Chairman asked whether the French officials exercising administrative functions were numerous.

M. Marchand explained that the territory comprised fourteen districts directed by colonial administrators. These were very remarkable officials who came mostly from the Colonial School of Paris or had been officers of the Colonial Army. These fourteen districts included forty sub-divisions, and every year new special divisions were created in proportion as the specially qualified staff became more numerous.

Certain officials of the Administration began as clerks. They were expected to pass from five to six years in the colonies or in the mandated territories, either in the Cameroons or elsewhere, before entering the Colonial School, and it was only afterwards that they were appointed administrators.

M. Orts asked whether these officials were attached permanently to the territory under mandate or if there were frequent exchanges as between the officials of the territories under mandate and the colonies.

M. Marchand explained that the staff of the Colonial Administration might exercise its duties in the whole of the Colonial Empire and in the French mandated territories.

M. Orts desired to know whether the administrative organisation was of sufficient importance to enable an official to make a career in administering the mandate. In other words, did the officials reside sufficiently long in the Cameroons to enable them to become familiar with the country and learn the native language?

M. Marchand replied that the Colonial officials left the territory of their own free will. The majority of the officials, however, were greatly attached to the special conditions obtaining in the mandated territory. He could quote the cases of several administrators who, instead of taking the leave which was due to them after two years in the country, had remained at their posts uninterruptedly for three or even four years. This was evidence of the attachment of the officials for this territory and for the work which they were called upon to do there.

The Chairman asked whether the French Administration facilitated the establishment of the wives and children of the officials.

M. Marchand replied that any married official obtained an authorisation to take his wife and children into the country. If he had family expenses, he obtained special allowances which were fairly high.
M. FREIRE D'ANDRADE presumed that he might draw the conclusion from the statement of M. Marchand that the mandatory Power had been obliged in the Cameroons to substitute direct for indirect administration over the greater portion of the territory. Was this, in fact, what M. Marchand had intended to say?

M. MARCHAND explained that the mandatory Power was confronted with a de facto situation. In the northern regions there were Moslem chiefs who exercised supremacy over heathen populations and willingly engaged in slave-dealing. The French Administration had therefore been obliged to withdraw the heathen natives from the authority of these Moslems — their tyrannical lords.

Councils of Notables.

The CHAIRMAN asked M. Marchand to furnish the Commission with some information concerning the Councils of Notables.

M. MARCHAND explained that the Administration had, in the first place, created agricultural commissions. At the outset it had seemed to be necessary to make experiments in associating the natives with the management of public affairs, but it was important that these experiments should be very moderate, and it was indispensable to take into account the civic capacity of the natives.

The opinion was held that it was necessary to direct their activities in the first place towards agricultural affairs. After having ascertained that the natives were not devoid of a certain critical sense, and after having noted that they followed attentively the discussions of the commissions and respected the advice which seemed to them to be applicable, at the same time giving evidence of an enlightened reflective spirit in regard to advice to which there were objections, the Administration had been led to extend the participation of the natives to the public councils. It was then that the Councils of the Notables had been instituted. It had been felt that the natives might be consulted on a whole group of questions, such as the opening of roads, health conditions, prophylactic measures, the assessment of taxes, etc.

M. MARCHAND, replying to a question of the CHAIRMAN, said that there were fourteen Councils of Notables, corresponding to the number of districts.

M. VAN REES observed that he had at his disposal a report of M. Archimbaud — a Deputy — which contained a remarkable statement and certain interesting suggestions. He would like to know whether any action had been taken as a result of these suggestions.

M. DUCHÊNE replied that he had not at that moment the report of M. Archimbaud, but if M. Van Rees so desired he would study the report and give him a reply either personally or at a meeting of the Commission.

Ex-Enemy Property.

M. VAN REES noted on page 69 of the report that options on sixty-seven estates had been purchased and that the price of the option had been fixed at one franc. He would like to have some explanations on this subject.

M. MARCHAND observed that the estates acquired for one franc were small properties or plantations situated in the interior of the Cameroons. No buyer had come forward when they had been put up for auction, so that the Administration had been obliged on several occasions to lower the price, finally reaching the figure of one franc, which had induced the Administration to buy the option. It was the Administration which was keeping these estates, and certain of them had again been put up for sale.

M. VAN REES observed that the Administration, which had acquired these estates at the rate of one franc and which had sold some of them for a much higher price, made a fairly considerable profit.

M. MARCHAND explained that this profit had been paid into the account of the proceeds of the State domains. Accordingly, it was the population of the territory which benefited. He explained that the majority of these properties were only small houses, often constructed of corrugated iron and in a bad state of repair, which no purchaser was tempted to acquire.

On the other hand, there were also relatively important plantations, but as these were situated some distance in the interior of the territory no purchaser had come forward even though they were offered at a very low price. In order not to delay the liquidation procedure, the Administration had been obliged to exercise its right of option and to keep these lands in reserve.

M. RAPPAUD said that if he rightly understood the matter, it would not in any case be the territory which was the loser but perhaps the reparations account.

M. MARCHAND said that the value of the estates having fallen for the reasons indicated — one franc per estate — the reparations account was not being cheated. He recalled the fact that these properties had been put up for auction without any result. The price was lowered in successive stages, but the public continued to refuse to purchase. The Administration had therefore found it necessary either to keep under sequestration the 67 properties, and incur the costs of management, or fix a time limit for the liquidation, suppress the costs of management and keep the 67 estates in reserve.
M. VAN REES asked whether the Administration was keeping these estates provisionally.

M. MARCHAND replied that the Administration of the territory was the proprietor of these estates since it had exercised the right of pre-emption.

M. VAN REES presumed nevertheless that the Administration wished to sell the properties.

M. MARCHAND said that a beginning had already been made in realising them. Certain farmers had realised that owing to the development of means of communication there would be some advantage in acquiring these estates. It might be hoped that when communications had been improved in the interior of the country, purchasers would again come forward.

M. ORTS thought that the expression "pre-emption" had been wrongly used.

M. RAPPARD thought that the use of this expression might perhaps lead to a certain confusion. It would be better to use the word "post-emption".

M. MARCHAND explained that it was provided in the Decree of August 11th, 1920, that the property must be put on sale after being valued by an advisory commission. It was stipulated that the territory of the Cameroons had the option to buy the properties, but on condition that it could not transfer them by an immediate and definitive sale. The Administration, basing its action on Article 9 of the Decree of August 11th, 1920, had asked the tribunal to authorise it to exercise its right of option.

Sir F. LUGARD inferred that it was not the mandatory Power which acquired the properties but the Administration of the territory.

The CHAIRMAN proposed that the discussion of this question should be interrupted and that the questionnaire should be followed.

Slavery.

M. MARCHAND, replying to a question of the CHAIRMAN, said that there were no longer any slaves but only a few cases of slave dealing. As soon as these cases were discovered, the Administration severely punished the persons who engaged in this traffic.

Mr. GRIMSHAW observed that Schedule A on page 35 of the report mentioned twenty-six cases of traffic and of the pledging of persons. He would like to know the nature of these cases; were they, for example, cases of captures by violence or were they sales of children?

M. MARCHAND said that there were no violent captures, but sales to which the parents sometimes consented.

Mr. GRIMSHAW observed that the new administrative sub-divisions had been instituted in the territory with the object of exercising a more effective supervision over possible slavery cases.

He would like to know whether at present the whole of the territory was placed under the supervision of the Administration.

M. MARCHAND replied that, generally speaking, the whole territory was under the supervision of the Administration, except a small district which he had indicated and over which the Administration of the mandatory Power exercised a certain control, as there was some reason to fear that clandestine slave dealing was taking place. The Administration was nevertheless obliged to act with prudence, as it was dealing with a Sultan who represented an ancient dynasty and who, moreover, was extremely loyal.

Mr. GRIMSHAW presumed that the twenty-six cases of slave-dealing mentioned in the report constituted almost all the cases which could have occurred.

M. MARCHAND replied that the cases which had escaped the vigilance of the authorities could only be very few in number, as the Administration had means of information at its disposal. The information came from native agents who were instructed to ascertain the facts. The twenty-six cases scheduled had come to light in the course of enquiries made by the Administrator. The population was well aware that the Administration did not tolerate slavery and that it punished very severely those who engaged in the traffic.

Mr. GRIMSHAW asked for some information with regard to the household slaves mentioned on page 1 of the report.

M. MARCHAND explained that the household slaves were real domestic servants. They knew that they could claim their liberty, but they did not do so as they thought that there were distinct advantages in their situation. Their masters, who formed an aristocracy which was not fitted for working, gave them means of existence in order to retain their services. Nevertheless, it would be noted that in 1925 there had been 283 manumissions as compared with 94 in the previous year. Certain household slaves had thought it more advantageous to engage in commerce on their own behalf and to travel rather than to remain in the service of their masters, however kind the latter were.
Mr. Gilmshaw, alluding to the sedentary population mentioned in the second column of page 1 as having held in subjection certain nomad peoples, asked whether this population consisted of the Foulbes.

M. Marchand explained that in the northern region a heathen population, living either in the forests or in the mountains, was constantly obliged to struggle against this tribe in order to escape subjection. These populations had been politically freed from the power of the Foulbes. They were at present under the direct authority of the Administration.

Sir F. Lugard asked whether the British and French officials always collaborated closely on the northern frontier and whether this collaboration was effective.

M. Marchand said that collaboration was quite perfect and that the results were excellent. The Administrators of the two territories provided one another with information which enabled them to track down the slave dealers and even those who were delinquents under common law.

Labour: Road and Railway Construction.

M. Van Rees noted that on page 61 reference was made to a thousand kilometers of carriage roads, whereas, on page 62, reference was made to roads amounting to more than 1,000 kilometers. He would like to know which of the two figures was correct.

M. Marchand explained that before the French occupation there existed several roads or tracks constructed by the Germans, particularly the road from Kribi to Yaoundé. It had been sufficient to improve the tracks in order to convert them into carriage roads. The system previously constructed was about 800 kilometers long. The French Administration had established about 1,000 kilometers of new roads, so that there was a total of carriage roads amounting to 1,800 kilometers.

M. Van Rees said that, according to the calculations which he had made, 345 kilometers of carriage roads had been constructed in 1925. He would ask M. Marchand whether this figure was correct.

M. Marchand replied that this was the case.

M. Van Rees desired to know whether the populations which had participated in the construction of these roads in 1925 had been paid or not.

M. Marchand said that the natives who worked more than the ten days which they were called upon to provide under the labour levy were remunerated in accordance with local conditions prevailing in the labour market.

M. Van Rees asked whether the natives were individually remunerated.

M. Marchand explained that they were paid both collectively and individually. Contracts were made at so much per kilometer. Formerly the sum was paid to the native chiefs, but it had been observed that some of them did not make a fair division and since that time the Administration itself paid out the salaries to the workers. On the other hand, the Administration possessed a permanent native staff for the construction of the roads. There existed, among others, a battalion of bridge-makers recruited from among the best of the native workers. Those who formed part of this battalion obviously received higher salaries.

Sir F. Lugard said he would like to have details concerning any mechanical or other labour-saving methods to replace native labour. What mechanical transport vehicles were in use? Had steam ploughs or other machines been introduced with a view to saving labour? He wondered, moreover, whether it was necessary to construct roads in view of the wheelless or "half-track" vehicles with which Frenchmen had crossed the Sahara — such as the Citroën, Kegresse, and the Renault motors, which could cross country even though there were not any roads.

M. Marchand said that it would be difficult for caterpillar motors to circulate over the territory of the Cameroons. There were certain rugged portions, and the traders, moreover, were not at all disposed to use this means of locomotion; they were accustomed to automobiles for which carriage roads were necessary. Further, use was also made of vehicles drawn by animals or human beings. The American Presbyterian Mission sometimes used a kind of vehicle drawn by four men, enabling a quantity of goods to be transported which it would have required twelve porters to carry. The Administration, on its side, used vehicles which were light and easy to handle and which enabled an economy of ten men to be effected for every 300 kilograms of goods.

Sir F. Lugard asked what was meant by the term "roads". Were they macadamised?

M. Marchand replied that no roads in the Cameroons were macadamised. The existing roads were very easy to keep in repair, however, as they were covered with lateritic gravel. The villages in the neighbourhood of the roads were required to keep them in repair.

Sir F. Lugard asked how much the construction of a road cost per kilometer.
M. Marchand said that, in principle, it was necessary to reckon 2,000 francs per kilometer. He observed, moreover, that these roads did not at all resemble European roads. They fully met, however, the purposes for which they were required and had the advantage of being rapidly constructed.

Sir F. Lugard asked whether ploughs had been introduced into the Cameroons.

M. Marchand said that the natives still used very primitive instruments for ploughing. The Administration was now endeavouring to introduce the ordinary plough, but it was impossible to advance too rapidly and to change long-established habits. It was probable, however, that it would very soon be possible to spread the use of the plough.

He would draw the attention of the Commission to a decision on page 116 of the report under which he had authorised the distribution of ploughing instruments to the natives of the district of Lomie. He would observe that a similar decision had been taken in 1926 for other districts and that this year he had instituted agricultural co-operative societies which would enable the natives to acquire their agricultural equipment themselves.

Sir F. Lugard noted that, on page 55 of the report in the chapter on recruiting, it was stated that, of the 6,000 labourers required for the railway, 1,300 were volunteers. How were the remaining 4,700 men obtained? They were not part of the labour levy, since their contract was for nine months. Was any pressure brought to bear on the natives to furnish this labour?

M. Marchand explained that for work on the railways the Administration had required 6,000 men; 1,300 volunteers had come forward and 4,700 men had been recruited by the Administrators according to a list which enabled all the able-bodied men of the district to take their turn at the work.

Sir F. Lugard asked what was the proportion of the persons recruited in each district to the total population.

M. Marchand explained that there was an exact proportion. The Administrator could only appeal to the able-bodied population by taking as a basis the proportion between the number of individuals able to work and the number of workers required.

Sir F. Lugard said he would like to know the proportion of the workers engaged to the number of the population.

M. Marchand said he could not give an exact figure, but he did not think it exceeded 3 per cent. When the Administration required 6,000 men, it appealed to 12,000 individuals. After a preliminary examination on the spot, only 6,000 men had been retained who were really fitted for this kind of work. The workers, on their arrival, were submitted to a second medical examination, and certain of them had been sent away.

Sir F. Lugard said he wished to congratulate the Administration of the Cameroons on two particularly successful measures which it had initiated, namely: the introduction of piece-work and the detailing of one woman or native for every group of ten in order to cook the food, the native being paid by the Administration as though he were working on its behalf.

M. Ort	sx asked what salary the workers received after the tenth day.

M. Marchand said that the salary for those working on the roads amounted to 50 or 60 centimes per day. The conditions enjoyed by the labourers working on the construction of the roads were not the same as those enjoyed by the workers on the railways. The latter were subject to a nine-months contract. They might be taken from their district and were sometimes removed to some distance from their community. They therefore had a right to more material consideration and higher wages. On the contrary, the natives used for the construction of the roads usually worked near their native village, and for this reason their wages were lower.

ELEVENTH MEETING

Held on Monday, June 14th, 1926, at 3.30 p.m.

Chairman : The Marquis Theodoli.

Present: All the members of the Commission.


(M. Duchène, Director for Political Affairs at the Colonial Office, and M. Marchand, Commissioner of the French Republic in the Cameroons, came to the table of the Commission.

Control of Emigration.

Mr. Grimshaw pointed out that on page 4 of the report it was stated that it was becoming more difficult to meet the demands for labour because of the needs of neighbouring territories. What were these neighbouring territories, and were Articles 2 and 3 of the Decree of July 9th, 1925, intended to meet this particular situation?
M. Marchand replied that the natives sometimes went to work in Gabon, Fernando Po or the Rio Muni. When the sequestered property had been liquidated in the British Cameroons there had been a certain exodus of blacks from the French Cameroons. They had left of their own free will and some of them had returned.

Articles 2 and 3 of the Decree of July 9th had not been specially promulgated with the object of putting an end to this movement but rather with a view to regularising it. Natives always expatriated themselves of their own free will but sometimes also for an adventure and without any guarantee regarding the conditions under which they would be employed. Now they had to obtain the consent of the Administration, which ascertained first of all the value of the proposals made and the advantages offered. On the other hand, the decree had been necessary for the purpose of controlling health matters. In fact, there was a risk that certain persons suffering from sleeping-sickness might spread the disease to neighbouring territories.

Mr. Grimshaw pointed out that the Decree in question required a deposit of 500 francs per head to be paid in the case of emigrant workers. Did the native or the employer pay this deposit?

M. Marchand replied that it must be the employer who had to pay it. These measures had not been taken only as regarded Fernando Po, the British Cameroons or Gabon but also in order to prevent certain natives who were without resources from taking ship at Douala in order to get to France and then be repatriated at the expense of the territory.

Labour Conditions in the Native Plantations.

Mr. Grimshaw asked the opinion of M. Marchand on the "European" system of plantations (page 71).

The policy which had been adopted was different from that in French Togoland, where individual cultivation appeared to be encouraged and to be successful.

M. Marchand replied that with some exceptions there were no large plantations of a European type in the French Cameroons. The principal estates were small native-owned properties and native plantations. There was less tendency to develop large plantations on a European model than native plantations worked and developed by means of a small amount of native capital.

Mr. Grimshaw remarked that certain concessions appeared to have been granted to native chiefs using a large number of labourers under conditions which might conceivably lead to abuse.

M. Marchand replied that these concessions were granted to natives who were not necessarily chiefs and who might indeed be private persons. The concessions were constantly supervised by the labour inspectors and the forestry service. A concession had, for instance, been withdrawn from two natives who had not observed the regulations.

Mr. Grimshaw asked whether, with the exception of such cases of abuse, the Administration was satisfied with the general conditions of labour in these plantations.

M. Marchand replied in the affirmative. The Administration had noted that a certain number of native planters rigorously observed the conditions provided for in the Decree on labour. Certain plantations were already in force, and the object of the Decree was therefore merely to give them legal force and to complete the legislation concerning labour conditions which had not been sufficiently studied.

Mr. Grimshaw asked whether, in cases where the native chiefs possessed concessions — for example, in the district of Edea — natives were not compelled to undertake compulsory labour.

M. Marchand replied that compulsory labour was prohibited and that the Administration, by the exercise of frequent inspection, was able to discover whether the native chiefs were breaking the law. In such cases they could be punished.

Mr. Grimshaw took a special case as an example. What would happen if a chief possessing administrative authority and also a concession used that authority to exploit his concession by means of native labour?

M. Marchand stated that the Administration would deal severely with such a case. Only once had a case of this kind occurred. A very important native personage had been accused of having committed abuses with reference to the labour furnished by his employees on sequestered property. The district inspector, after an enquiry, had discovered that the native chief had been unjustly accused and that in actual fact the labour in question had been paid.

M. Van Rees asked whether there were many natives possessing large concessions.

M. Marchand replied that there were very few. The chief in question had obtained sequestered property on which he had established cocoa plantations. As a general rule the Administration examined in detail any request for a concession submitted by a native chief, precisely because it feared that without its knowledge the chief might put pressure on the native labourers. On the other hand, it encouraged the small forestry concession and the small holdings from which it had obtained fairly encouraging results.
The Question of Corvée and Compulsory Labour.

Mr. Grimshaw asked whether a labourer furnishing the corvée labour of ten days without payment could be obliged in case of necessity to continue such work.

M. Marchand thought that there was in this case no such thing as compulsory labour properly so called. When the Administration decided to construct a road, it made known its intentions by means of palavas, and the native chief was instructed to inform the persons under him of this intention. He made them understand the usefulness of constructing such a road or the conditions under which it would be constructed. If the Administration was obliged to send away the workers at the end of ten days, there would be a change of workmen, which might prejudice the proper progress of the work. It therefore preferred to ask the natives to remain for a certain time, and as they worked close to their village they, as a general rule, raised no objection.

In reply to M. Van Rees, M. Marchand said that the native was free, and that no punishment was inflicted upon him if he refused to continue to work at the end of ten days. As regards the Labour levy, payment could be made in money instead of labour if the native preferred. Such cases, however, did not occur.

The Administration possessed only 1,300 volunteer workers out of 6,000, which showed that it was obliged to have recourse to a form of requisition as light as possible, but which, nevertheless, amounted to requisition. Certain tribes, however, entirely escaped requisition for work on the railways. Those tribes furnished the labour for the construction of roads. There were groups of natives who escaped both requisition for work on the railroads and corvée, since local military forces were only composed of volunteers.

Mr. Grimshaw pointed out that from 300 to 400 kilometers of roads appeared to have been constructed in 1925. Such construction had entailed considerable expenditure in labour, and consequently in money. He found no reference, in the financial statistics given in the report, to this expenditure.

M. Marchand replied that, in the chapter "Public Works" of the Budget for 1924 (pages 90 and 94) the headings "New Buildings, Repairs"; "Upkeep of Roads and Bridges"; "New Road: Roads and Bridges". The amount mentioned under the first head was 677,000 francs, and that under the second 818,000 francs. In cases of urgency, transfers in the same article of a chapter were allowed.

Mr. Grimshaw referred to the following passage (page 81): "The native is required to pay the prestation tax. He can pay this by labour or in money. In view of the alternative allowed, this cannot be described as forced labour".

M. Marchand replied that this statement was correct. There was no requisitioning, as in the case of the work on railroads, which was compulsory.

In the latter case, the Administration approached a relatively small number of tribes in such a way as not to transport them too far away from their homes. The labour was compulsory in the sense that the labourers were under the necessity of fulfilling a contract of nine months' duration. This contract was justified by the fact that the tribes ought to cooperate in a work which would improve the resources of the territory and from which they themselves and their descendants would derive profit.

There was no forced labour for the construction of roads. Natives made so many demands for the construction of new roads that the Administration was obliged to deal with them one after the other.

Now that the principal public works were well advanced a "Roads and Bridges" service had been formed. Three captains of engineers had been instructed to make a preliminary inquiry concerning roads. In company with the Administrators, they would examine the conditions under which natives might be set to the task, the total cost of the roads, and the division of the labourers employed upon them. When the railroads had been finished — that was to say in February or March 1927 — the work of road construction could be developed much more considerably. At that moment, part of the existing surplus could be used to increase the payment of the labourers. The Administration always had a major interest in causing money to circulate in the country, since the money paid out in the form of wages returned to it in the form of purchases on the spot or from Europe, and in the form of Customs duties, and thus contributed to the upkeep of the budget.

Mr. Grimshaw said he had raised the question of labour corvées because the Commission had expressed doubts on occasion as to whether the existence of such labour was entirely in conformity with the terms of the mandate. He had been very happy to have the views of M. Marchand on this point.

M. Duchêne pointed out that the opinion of M. Marchand on the principle of corvée labour was entirely in conformity with that which had been expressed by M. Bonneauarre with regard to Togoland. It was to a certain extent a tax paid in kind of which the legitimacy was recognised by several European countries. It could be compounded for and could be paid in money. Seventy per cent. of the persons susceptible to this tax in Togoland compounded in this manner. In the Cameroons, as M. Marchand had pointed out, most of the natives preferred to pay the tax in labour. As the natives grew richer, however, they would tend in the Cameroons, as elsewhere, to pay the tax more and more in money than in labour. The suppression of the corvée tax might perhaps be contemplated, but such a tax was not only legitimate but was of far greater value in the Cameroons than in Europe, for it was instrumental in multiplying roads and means of communication.
M. Orts asked whether it was quite true that natives chosen to work on the construction of railroads could not obtain exemption by a money payment.

M. Marchand replied that they could not obtain exemption except for grave reasons, reasons of health, for example, of which proof must be given.

M. Orts said that in this lay the difference between forced labour and corvée labour; in the latter case it was lawful to substitute the payment of a sum of money.

M. Van Rees said that he had regularly raised the question of principle without, up to the moment, having been convinced. A person called upon for corvée labour who refused to supply it or its equivalent value in money was punished. It could not be said, therefore, that this labour was voluntary. Further, if, by giving to a labour tax the form of a fiscal measure, it was possible to remove from it the qualities of forced labour, this would be a very simple way of avoiding the provisions of Article 4 of the Mandate.

Corvée labour of this kind existed in numerous colonies, where it was included in the table of taxes. These colonies, however, were not subject to the mandate system. The question was a very wide one, which the Commission would no doubt wish to deal with at a later meeting when Mr. Grimshaw had submitted his report on the subject.

M. Freire d'Andrade reminded the Commission that this question was of a general kind and that it had been referred to a rapporteur. Its consideration could therefore be adjourned.

M. Rappard put the following questions:

Condition of the Labourers employed in constructing the Railways.

(1) As the Cameroons were rapidly developing it was not surprising that labour questions should be somewhat acute in the territory. Was there not a risk that the programme adopted, by its very size, might affect the physical well-being of the native? From a passage in the chapter "Military Clauses" (page 15 of the report) it appeared that the assistance offered by volunteer workers, natives paying corvée labour and the 6,000 men especially recruited for the construction of the railway had not been sufficient, and that the armed forces of the State had had to be called in to assist.

(2) Mention had formerly been made of abuses which had occurred in connection with the construction of railways, but there did not seem to be any further references to them. Had they occurred during the difficult period through which the Administration of the Cameroons had passed when there had been serious technical difficulties to get over?

(3) Finally, M. Marchand had pointed out that on most occasions the Administration undertook the construction of roads to satisfy the population. Supposing, however, that villages A and C asked for a road to be constructed, and village B, which was situated on the line of the road, did not desire it: how would this difficulty be solved?

M. Marchand replied to the three questions as follows:

(1) In certain districts it had been found that the numbers of the guards had been insufficient. These guards had been in reality gendarmes. The officer in charge of construction possessed administrative powers allowing him to punish certain crimes against common law. For that reason he had to have gendarmes under his orders. The number of these had been slightly increased from ten to fifteen. This number was far from considerable when compared with the 6,000 workers employed in the different construction areas.

(2) These complaints had originated in certain rough actions which had led, as the report stated, to the appearance of two non-commissioned officers before a court-martial and the condemnation of a civilian workman by the European courts. In addition, a native chief who had abused his authority to recruit labour by exempting certain persons—an action which had resulted in the departure of several young men—had been brought before the native courts and punished. A very minute enquiry carried out by the Inspector of Administrative Affairs and the Director of the Railway had made it possible to establish the fact that no case of violence, no act justifying serious disquiet on the part of the Administration, had occurred. Native foremen were occasionally somewhat heavy-handed in exerting their authority, of which they were proud, but there had been no question of acts of violence in the proper sense of the word. As soon as a native complained, the Administration intervened, and, if necessary, M. Marchand was prepared to inflict very severe punishment.

(3) With regard to the general consent of the villages, it was obtained by the fact that the palaver was attended by representatives of all the villages through which the road must pass.

M. Rappard asked whether volunteers were paid 10 per cent. more than conscripts.

M. Marchand replied that, properly speaking, there was no increase of 10 per cent., because the native who was paid 75 centimes received a bonus which made it up to 85 centimes. The voluntary worker received 90 centimes. He was paid a little more because he possessed a technical skill which the workmen did not possess.

M. Rappard asked whether the work of construction had had an effect on the mortality rate of the natives taking part in it.
M. Marchand replied that the death rate was 0.71 per cent., which showed a marked improvement as compared with former years. In those parts where the ground was rough and uneven through the thick and damp forest, the death rate had been higher. The health conditions had improved considerably now that the work was being done on the high lands. The Administration had started a regular distribution of quinine. This step, which had been very warmly welcomed, had resulted in an increase of expenditure, but the Administration was concerned first of all with the welfare of the natives.

Mr. Grimshaw pointed out that the average death rate for the year was between 30 and 60 per thousand. This was a very high rate. During the present session it had been stated that a death rate of 30 per thousand in another area under mandate had caused much anxiety to the Administration concerned. Was the case in the Camerons attributable to any particular cause, such as the prevalence of epidemics? He noted that the report referred to the health conditions of those employed on the railway work as being "particularly favourable" (page 24).

M. Marchand replied that the statistics showed a proportion of 7.10 per thousand of the whole of the workers and was not based on the figure of those treated for illness. Moreover, account should be taken of the fact that a great number of natives were suffering from diseases which they would have caught just as easily had they remained with their tribes. During the rainy season, lung diseases were prevalent everywhere as much in villages as in the construction areas where the conditions were the same.

M. Orts noted that the whole of the equipment supplied to each worker was one blanket. On the other hand, other organisations for the construction of railways in Tropical Africa had concerned themselves with clothing their workers suitably, with the result that the death rate from lung diseases had immediately fallen. It was true that the native was not so well equipped when living with the tribe, but the conditions there were more normal and he was less exposed to the inclemency of the seasons than in the construction areas, where he had to work in all weathers.

M. Freire d'Andrade asked whether difficulties in connection with labour could not, to a certain extent, be removed by using the system in force in French East Africa, where the workers only received a part of their wages, the other part being put into a fund which was given to them when they left.

Secondly, would not an increase in wages lead to an increase in the number of volunteers and thus put an end to the necessity of having so large a recourse to the conscription of labour? Thirdly, did the French Government consider that the railways, or at least some of them, were included in the heading "Essential Public Works" for which the mandate allowed the use of compulsory labour?

Finally, if similar administrative posts were occupied by a European and a native, were they both paid the same salary?

M. Marchand replied that the institution of savings funds for labourers had been tried in the Camerons, but as there was an insufficient number of accountants available it had had to be abandoned. The system of a bonus therefore had been adopted. When the worker returned to his district he went to the local treasurer to obtain his bonus.

It was not easy to increase the number of volunteer workers, for the natives were chary of binding themselves by contract, whatever its length of time. They were essentially vagabond and unsteady in character; and they hoped, after working hard for four or five days, to be able to leave the construction areas and return after several days of wandering about. Contractual engagements had been necessary in the interests of both parties, for the natives on breaking an engagement, became lazy, vagabond and addicted to marauding. It was scarcely to be hoped, however, that the native population would regard the contract with favour without a course, though short, of special instruction to this end.

With regard to the third question, it was undeniable that the railways were works of general interest and might even be described as the sole work of a general interest within the meaning of the mandate.

Finally, no responsible post now in the hands of a European could be given to a native. Up to the present, natives had only been capable of taking up the duties of assistants. Certain posts had been specially created for them. M. Marchand had, for instance, created posts of clerks and accountants, work for which the blacks could obtain as much as 12,000 francs, which represented for them a considerable salary. Their cost of living was very low. Their wives were still free to work or collect the products of the palm tree for sale to the factory. Their conditions of life could not be compared to those of the average working-class family in Europe, infinitely less favourable in every respect. It was not therefore possible to pay them the same.

The Chairman noted that M. Marchand did not appear to be astonished at a death rate of 5 to 6 per cent. among the adult workers, and that he had pointed out that as high a death rate was also to be found in the villages.

M. Marchand feared that there was some confusion. He recognised that this average was high and everything was being done to reduce it. The natives employed in construction areas, moreover, did not work under unfavourable conditions. On the contrary, it had been
noted that, though somewhat unfit when they arrived, they developed musclessly to an extraordinary extent after two months of a meat diet. Moreover, the above-mentioned average could, without disadvantage, be compared with previous statistics.

In reply to a question of M. Rappard, M. Marchand said that he had sent a circular requiring the establishment of statistics recording the death rate among natives. Up to the moment, it had not been possible to find in the villages persons sufficiently educated to keep the death registers.

Mr. Grimshaw asked whether corvée labour was required from women and whether they were employed in road construction.

M. Marchand replied that wives occasionally accompanied their husbands to the construction areas, and thus received a certain amount of food. Generally speaking, however, they were used in auxiliary or normal work, such as the preparation of food. In any case, they were not required to furnish corvée labour.

Mr. Grimshaw asked whether corvée labour was required from women and whether they were employed in road construction.

M. Marchand said that he had been informed of a circular prohibiting the use of women for porterage. That circular was not to be found in the report.

M. Marchand explained that the natives, when they worked for their own profit, willingly used their wives to help them in the transport of goods, so that convoys of porters were sometimes to be met with in which somewhat ailing women were to be found. It was for this reason that the circular in question had been sent to the Administrators in order that they should supervise the natives and prevent the use of women for porterage.

Mr. Grimshaw noted that the hours of labour were 51 per week and, with the necessary camp labour on Saturdays, might possibly be more. The opinion had been expressed in the Commission and elsewhere that, in view of the inexperience in regular work and the physical capacities of many African tribes, an eight-hour day was often too long for them. What was the opinion of M. Marchand on this point?

M. Marchand replied that Saturday afternoon was given to the natives for work in the camp. During the week they worked ten hours on the construction area but, deducting the amount of time taken to reach the area and return to the camp, the effective use of their tools did not exceed nine hours. It would be difficult to shorten the length of this working day, for, other conditions being equal, the yield of native labour was far less than that of European labour. To obtain the equivalent European yield, it would be necessary to double the hours of work of the native.

Further, they enjoyed a period of rest between the hours of 11 a.m. and 1 p.m. They were left in their camps during the wet season.

Mr. Grimshaw asked whether the term effective hours of work had the same meaning as had been given to it by a recent Conference of Labour Ministers held in London, which had decided that it should be understood to mean "the hours during which the worker is at the disposal of the employer:"

M. Marchand pointed out that the worker was always at the disposal of his employer, even during the period of rest between 11 a.m. and 1 p.m. In those circumstances, if anything occurred requiring urgent action — for example, if a landslide blocked the passage of an engine, the Administration was obliged to call on any men who happened to be on the spot to clear the ground. The European officials were careful not to overwork the natives, in order not to exhaust the source of recruiting in the native tribes.

Mr. Grimshaw asked in what conditions the indemnities in cases of accident were paid to workers. Was there a system of insurance, as was now becoming general in Africa, or was it a system of gratuities? If the former, did the Administration itself undertake the risks of insurance?

M. Marchand replied that the Administration carried out the insurance and paid out of its own funds for accidents occurring during working hours. According to the gravity of the accident as estimated in the report of the public works administration the Commissioner of the Republic granted an indemnity which could vary between one and two thousand francs: this represented a considerable sum for a native.

Mr. Grimshaw pointed out that Article 4 of the regulations mentioned in the Decree of July 9th, 1925, appeared to restrict the movement of native workers in the interior of the territory far more severely than the regulations imposed by French Administrations elsewhere. What was the unit of area within which absolutely free movement was possible?

M. Marchand explained that this fact was due to the necessity of preventing the spread of tropical diseases. If no control were exercised, sleeping-sickness, in particular, might become more widespread. The administrative unit in such circumstances was the district.

Arms Traffic.

The Chairman asked how the figure 1,170 gun licences (page 6 of the report) was made up.

M. Marchand said that the figure included the renewal of old licences. Very frequent requests were made by the natives for permission to possess a rifle to drive away the elephants which ravaged their plantations. The most frequent case, however, was that of a native
who desired to possess a weapon which was apparently useless to him but which he had found in the catalogue of a European firm. This being so, the Administration was compelled to classify the requests for permits and only to grant them as a reward or when it was convinced that a plantation was threatened.

Sir F. Lugard asked whether the use of poisoned arrows was prohibited.

M. Marchand replied that there were no poisoned arrows in the territory.

**Liquor Traffic.**

The Chairman noted a marked decrease in the quantity of alcoholic drinks imported.

M. Marchand said that the restrictive measures adopted had given very good results.

M. Rappard pointed out that, if a comparison of the first and second tables on page 7 of the report were made, 27,444 units of lemonade — he wondered if they were litres — had been imported, as compared with 963,854 litres of wine. Were these figures accurate?

M. Marchand explained that the decrease in the consumption of spirituous liquors had resulted in an increase in the consumption of non-alcoholic beverages or those having a small percentage of alcohol (boissons hygiéniques) (the consumption of wine being included in the last category).

M. Van Rees asked whether the diminution in the import of alcohol was considerable. On page 7 of the report there was a table headed “Imports of distilled liquors for 1925: Kind and origin”. Without a similar table for the preceding year it was impossible to make any comparison.

M. Marchand believed that he was correct in stating that in the previous year 111,000 litres of alcohol had been imported into the territory. In comparison with the year 1925 this showed a difference of about 30,780 litres.

This diminution could, he thought, be attributed to the Decree of May 23rd, 1924, to the increase in the duties, which had been raised to 2,400 francs, and to the announcement that a Decree was in preparation which would limit the public houses in European centres to one for twenty Europeans, and in native centres to one café selling “boissons hygiéniques” for one thousand natives. The consumption of wine would also be limited.

Sir F. Lugard asked, in view of the interest taken by the Commission in the question of alcohol in the territory, whether a table could be drawn up showing not only the import of spirituous liquors for this year and last but also for the five or six previous years.

M. Marchand replied that this table would be included in the report for 1926.

M. Rappard noted that the consumption of wine was considerable. It had doubled. Had the import been abnormally increased at the end of the year in anticipation of the higher Customs duties which were to be imposed?

M. Marchand replied that stocks had perhaps been accumulated in the territory.

Sir F. Lugard asked whether the import duties were as high in the French Cameroons as in the British Cameroons.

M. Marchand did not possess detailed information regarding the import duties in the British Cameroons. The French Cameroons, however, had now reached the extreme limit with regard to the duties on alcohol. If the duties were increased the European population would be so hit by them as to make such a system equivalent to the introduction of prohibition.

As, on the other hand, the object of legal administrative measures was to prohibit the consumption of alcohol by natives, the Administration had sufficient means of enforcing the restriction of the consumption of alcohol by the natives, namely: by import duties and taxes on consumption as well as by administrative measures. It appeared that the measures taken had achieved the expected result, for some natives, more thirsty than fastidious, drank eau-de-cologne as a liqueur.

M. Rappard, referring to the statements of M. Marchand concerning distilled liquors, asked his views on the possible existence of a smuggling trade which might have been the cause of the measures which had been taken.

M. Marchand said that he knew of no smuggling between the French and British Cameroons.

**Missionary Work.**

The Chairman asked M. Marchand to give additional information on the help afforded by the missionaries as regards elementary education, especially from the point of view of health.

M. Marchand replied that the Administration had nothing but praise for the work of the missionaries, who gave it valuable aid in the spread of education and the essential doctrines of health. For the first time it had subsidised their work and it hoped to increase the subsidy, since to do so would ensure excellent medical auxiliary aid.
In reply to Sir F. Lugard, he said that the missionaries were under the obligation to teach French in the recognised schools — that was to say, in schools under the control of the Inspector of Education — and that they were paid a subsidy for this. In non-recognised schools, instruction was given in the native language. This was only religious instruction which was strictly limited.

Military Forces.

The Chairman pointed out that in Chapter XIII of the report concerning the political situation, reference was made to the possibility of reducing the police force.

M. Marchand replied that the existence of four companies was due to present necessities. It was possible that, in the more or less distant future when the Administration was freed from any apprehensions regarding the northern zone of the Cameroons, the reduction of these military forces might with advantage be carried out.

Economic Equality.

Sir F. Lugard asked if any European, whatever his nationality, could acquire land in the territory for the purpose of conducting trade.

M. Duchêne replied that at the moment German nationals were not granted what were known as rights of establishment. Article 122 of the Treaty of Versailles left to the mandatory States the choice whether they would place German nationals in the former German colonies on an equal footing with the nationals of States Members of the League of Nations or not. Up to the present, German nationals had not been treated on a footing of equality in the former colonies of Germany under French mandate.

Education.

Mrs. Wicksell noted the statement in the report that, although from the beginning instruction of the masses was envisaged, even the village schools found it impossible to receive all the children whose parents desired to send them to school, and that a selection was made preferentially from the families of chiefs and notables. The reason, of course, was lack of native teachers; but, still, a certain number of monitors was turned out in all centres where there were administrative posts. It was with this object in view that native monitors had been created. It was not the duty of these monitors, however, to take charge of a village school. They were intended to make it possible to develop instruction in one centre in proportion to the number of European instructors at the disposal of the Administration.

The Administration hoped to possess forty new native monitors this year. Answering a question from Mrs. Wicksell, M. Marchand stated that the necessity of opening a training school in a centre other than Yaoundé had not yet arisen. The number of young persons desiring to become teachers might be further increased without it being necessary to create a new school. Whatever happened, however, that question would arise sooner or later. Nevertheless, account should be taken of the fact that young persons going to the training school of the district found far more favourable conditions than if that school had been nearer the homes of their families. They were much more under the influence of the Administration.

Mrs. Wicksell asked whether it was true that only boys attended the village schools.

M. Marchand replied in the affirmative. The Administration, however, was considering the establishment of schools for girls wherever it was possible to do so. With this object in view, schools of domestic economy had been established for young girls who, if they married, would make it possible to set up establishments of native teachers.

Mrs. Wicksell would be very glad if the Administration could allow pupils of the school of domestic economy to instruct young girls in the villages in their capacity of wives of the native monitors. A wish was expressed in the report to retain in the district schools for one year more pupils who had passed their examination for the certificat d'études primaires, in order to procure a better selection for the superior school. Was there any hope of this desire being fulfilled?

M. Marchand replied that this programme was being carried out.

Mrs. Wicksell asked whether, when a new school was opened, consideration was or was not taken of the fact that there was already a missionary school in that place.
M. MARCHANT replied that as far as possible the Administration preferred to establish a school in places where none existed. Nevertheless, in a very important centre there might be a school run by the Administration in addition to a mission school. This was the case in Ebolowa, where the usefulness of the two schools was incontestable.

Sir F. LUGARD noted that there were 4,000 children attending the Government schools and 50,000 the private schools. What kind of control was exercised over private schools? Were they mission schools or schools run as business concerns by natives possessing a rudimentary education, as was often the case in Nigeria?

M. MARCHANT replied that nothing of this kind existed in the Cameroons. The schools in question were religious schools where Christian natives trained by the missionaries gave religious instruction. The Administration thought that there was no need to intervene with regard to such schools.

Sir F. LUGARD asked how the Administration could ascertain that the instruction given was purely religious.

M. MARCHANT replied that the Administration was always accurately informed by the parents of the pupils or by the native chiefs.

M. RAPPARD pointed out with regard to recognised schools that mention was made of European missionaries (page 13 of the report). The Administration had probably meant white missionaries for there were many American missionaries in the territory.

M. MARCHANT replied in the affirmative.

M. RAPPARD pointed out that the heading "Non-recognised schools" contained information which was all the more interesting in view of the fact that the American mission educated about half the total number of children (25,000 out of 50,000). The report spoke of the very limited ability of the monitors but further on stated that the mission was abundantly provided with material and trained staff. Was not this contradictory?

M. MARCHANT replied that the report referred solely to technical education given by this mission. It possessed a very considerable amount of equipment and had for a long time maintained workshops in which it trained tailors, masons, and carpenters for these professions.

M. RAPPARD pointed out that mention was made of the needs of the missionaries. He quite understood that the missionaries must find somewhere to live, but it seemed from the report that a place to live in was their aim and the education given a mere means to that end.

M. MARCHANT replied that the missions were enlarged occasionally, for the number of adherents to their creed increased yearly. When a missionary arrived having special competence in a profession — which was very often the case — he was called upon to give instruction in his own special trade. It was in this way that he was employed in increasing the buildings of the mission.

MRS. WICKSELL asked what were the results of the work of the Committee on Public Education established in 1924.

M. MARCHANT replied that information would be given in the next report regarding the work of that Commission. It had already led to excellent results, for it had made it possible to group together all those dealing with education, whether official or unofficial, so that they could examine in common the most advantageous means of developing education.

**Public Health.**

The CHAIRMAN noted a slight decrease in the number of doctors in the Cameroons and would like to know the reasons for this.

M. MARCHANT explained that some doctors had left before the end of their term owing to illness. The organisation of the permanent Sleeping-Sickness Commission would increase the number of doctors in 1926 and the Administration would have to draw more largely from the schools at Lyon and Marseilles.

M. FREIRE D’ANDRADE reminded the Commission that the report of the Ministry for the Colonies contained a long statement refuting accusations made in certain newspapers. It would be of interest to the Commission if M. Marchand could give information on this point. Among other criticisms, it had been maintained that at the moment there were fewer doctors in the Cameroons than when that territory had been occupied by the Germans.

M. DUCHÈNE referred to the great importance of this question. The figure of the total German medical staff in 1914 had applied to the whole Cameroons, comprising both that part of the territory now under British mandate and also the whole zone attached to French Equatorial Africa. The comparison, from this point of view, therefore, was incorrect. Further, there was no necessity to believe that the German Government had met with no difficulty in recruiting doctors. In 1914 an official report of the Governor of the Cameroons...
had shown anxiety in this respect. Moreover, if the medical staff under the French Administration had been insufficient at one moment, the tendency was for it to increase rapidly. Another consideration showed that the comparison was still more untrue. In 1914 there had been sixteen medical companies in the German Cameroons requiring a medical staff far greater than the four companies now in that territory.

Mrs. Wicksell noted with satisfaction that midwives and nurses were being trained. Were they attached to the various clinics throughout the territory?

M. Marchand replied in the affirmative. They were at the moment receiving instruction and had not sufficient knowledge to make it possible to send them into the interior of the country. When their training had been completed they would be sent there and endeavour would be made to marry them to medical assistants in accordance with the practice already followed.

M. Ovys noted that the medical staff was composed of doctors attached to the colonial forces and civilian doctors. This was probably only a provisional system, since the staff in question was only temporary. In no branch of the service, however, was a permanent staff more necessary than in the medical service. Tropical pathology was a very specialised subject, and preventive medicine had to be continuously applied. He hoped, therefore, that this solution would only be regarded as the best that could be adopted under the circumstances and that a permanent staff of doctors, medical assistants and nurses, as well as native assistants, would be attached to the territory.

M. Marchand replied that the doctors attached to the colonial troops had a very wide knowledge of tropical diseases. They were not employed only for the troops but looked after the native population. They therefore obtained practical knowledge of the treatment of diseases peculiar to the black races. Obviously, it would be most desirable to establish a permanent staff of doctors, but a certain number of the colonial army doctors had already shown an inclination to renew their periods of service several times, that was to say, to return several times to the Cameroons. It was possible, therefore, to look forward to a specialisation on the part of certain members of the medical staff — in particular, those interested in the campaign against trypanosomiasis.

Sir F. Lugard said that bismuth treatment for yews had given excellent results in New Guinea. Had the Government of the Cameroons heard of this new treatment?

M. Marchand replied that he would have to obtain information on this point, which was entirely a medical one. Doctors, however, in the Cameroons had undoubtedly tried this treatment, for they kept abreast of the progress of medical science.

TWELFTH MEETING

Held on Tuesday, June 15th, 1926, at 10.30 a.m.
Chairman: The Marquis Theodoli.

Présent: All the members of the Commission.

573. Cameroons under French Mandate: Examination of the annual Report for 1925 (Continuation).

M. Duchêne and M. Marchand came to the table of the Commission.

Land Tenure.

M. Van Rees observed that it was noted, apparently with satisfaction, on page 17 of the report that the question of the State domain had ceased to be a subject for discussion. He confessed that he was as pleased as the author of the report. He would desire to draw the attention of the Commission to the following passage which was also to be found on page 17: [Translation.]

"The expression State domain is still used in the ordinances and decrees regulating the State domain, but its interpretation gives rise to no confusion. It is clearly understood that the word 'State' must be taken to mean the mandated territory. In order, however, to bring the expression into accord with the facts, a new decree was about to be framed which will not give rise to any further misunderstanding. It was not merely intended by this decree to settle this question definitely. It will also aim at improving the measures in which the experience of four years had shown that there were certain defects."

He would ask whether this new decree had already been promulgated.

M. Marchand explained that the decree in question would be a general measure embodying the results of an examination of the texts adopted during the four previous years. Advantage would be taken of this examination to substitute the word "territory" in place of the word "State". The revised text adopted by the Administration would be communicated to the Commission next year.
M. Marchand, replying to a further question of M. Van Rees, explained that the institution of native reserves had been decided upon by the Administration owing to its desire to enable a population which had come to establish itself voluntarily in the region of Nkongsamba to live under the best conditions near settlements. It had been thought necessary to constitute two reserves to enable the native families coming down from the Western plateau to have lands for cultivation, and a small portion of forest. In short, it had been desired to take from the lands which could be granted to Europeans the portions necessary for the support of native communities.

In reply to a question of Sir F. Lugard, he explained that the populations for which the reserves had been delimited were extremely industrious. They had insufficient room on their territories, and were obliged to look for lands outside those which they cultivated every year, especially owing to the necessity of providing for a rotation of crops. This explained their exodus towards the region of Nkongsamba, which was only some 90 kilometres from the point where they were originally established. This last region was very fertile and favourable to the development of these populations, the establishment of which the Administration had wished to protect by the institution of native reserves.

Sir F. Lugard observed that, in the following paragraph, it was said that a fairly large quantity of land had been sold by the natives to Europeans. Were these sales authorised?

M. Marchand replied that the natives were authorised to sell their lands when they belonged to them individually. When, however, they belonged to a community, a sale could only be effected after a conference and with the consent of all the interested natives and with the authority of the Administration. Such cases did not often occur.

Moreover, the Administration took great care that the natives should not be able to get rid of lands which had been theirs by tradition and which were necessary for their agricultural life.

M. Rappard asked whether the displacement of native tribes as a consequence of the advance of colonisation to which reference had already been made was not such as might inspire the Administration with certain anxiety in regard to the future.

M. Marchand said that the displacement of the native tribes was not due to the advance of colonisation. On the contrary, the population in question was one which was extremely short of land in a territory to which colonisation had not yet penetrated, and which had insufficient scope for amplifying and extending its cultivation. This population had thought that it should look for more fertile land where a more intensive cultivation might be practised, and where a remedy might be found for the total absence of manure on the plateau. In these circumstances, a small group had migrated in order to take up its quarters in the regions which were being colonised, and, as in these regions the land was very fertile, the Administration, in the interest of the natives, and in order to encourage, if necessary, a new migration of this character and to relieve the congestion on the plateau, had constituted two reserves which could not be taken for colonisation purposes.

M. Rappard desired to know whether the congestion to which reference had already been made was merely the result of an excessive birth rate or whether it was due to colonisation under whatever form colonisation might be exercising its influence.

M. Marchand said that the new needs were due to the presence of colonists beyond the western plateau.

The natives had felt the need for a standard of comfort of which they had not previously formed any idea. They had appreciated the fact that their lands were not sufficient to procure for them the necessary resources in order to satisfy their new requirements. They had accordingly endeavoured to move towards more fertile lands giving prospects of easier circumstances.

M. Rappard noted that the result of colonisation was necessarily to develop the standard of comfort, and to create a movement of expansion at the same time as it gave rise to new needs. This was one of the great problems for Africa. He would like to know how M. Marchand regarded the evolution and the displacements which had occurred.

M. Marchand thought that extensive cultivation gave rise to congestion among the native communities; the Administration was therefore endeavouring to increase the amount of cattle so as to enable the natives to obtain manure and to go in for intensive cultivation. He would repeat that the population affected was extremely industrious and one which had a very well-developed agricultural sense. Each head of a family shut himself up jealously within his holding, but he was hampered by lack of resources. If a cow could be given to each of these small landed proprietors, it would be possible to arrive at the very satisfactory result of being able to maintain the natives on land which was improved by animal manure and, as a consequence, gave a better yield. The Administration was at present organising societies for raising stock. It had granted subsidies which would enable cattle to be bought in fairly large quantities, cattle which would be distributed during subsequent years, under conditions to be fixed, to the small landed proprietors, so as to maintain them on their lands.

Unfortunately, it had not hitherto been possible to find any mineral fertilisers in the territory of the Cameroons, in spite of the efforts made by the mining engineer who had been instructed to prospect for them. It was important urgently to discover mineral fertilisers, as it must not be forgotten that arable land was not very abundant in tropical Africa.
Sir F. Lugard asked if it was necessary for the Administration to intervene in the matter. When a tribe became over-populated, was it not the custom for part of its population to emigrate to the territory of another tribe, and did not this other tribe receive the newcomers as their guests, on condition that they respected the authority of its chief?

M. Marchand said that he did not see any advantage in perpetuating these customs. It was clear that, when a tribe migrated and joined another tribe whose territory was already somewhat limited, disputes might arise.

M. Merlin said that the question raised by M. Rappard showed a certain anxiety lest, under the pressure of colonisation, certain tribes which were too closely confined should feel the need to migrate to other lands. This was a phenomenon which had occurred throughout America at the time of the European occupation, but it was not a phenomenon which had been observed in Africa.

He had noted in many places that, in proportion as the European colonisation developed — and he was speaking of colonisation in the widest sense of the term, namely, colonisation by means of public utilities, railways, roads, etc., — the natives felt the need to migrate, not in order to avoid such colonisation, but in order to come nearer to the districts where they might find better conditions of existence and wider possibilities of profit. They accordingly came towards the districts which had been newly occupied, where they were welcome, and found the improvements which they sought. Such a movement was a source of congratulation.

He would remind the Commission how, after the occupation of Senegal by the French, important towns and villages were created along the routes by which the white population advanced in places which were previously entirely deserted.

This was a phenomenon not of expulsion, but, on the contrary, of attraction, and, as the natives migrated towards richer lands and lands which were more subject to dispute, the Administration delimited reserves which were withdrawn from distribution as lands for colonisation. In this way the movement resulted, as it developed, in the enriching of the natives and the improvement of their social position.

The phenomenon was peculiar to Africa. The African native used the word "property" in a different sense from that adopted by Europeans. There was no permanent property in Africa, and if the harvest which the natives had sown was not satisfactory, or if there was any other reason, the native would migrate towards other land which was more fertile. These movements of the population were extremely frequent, and they need not give rise to an anxiety which might be justified in other countries and in other circumstances.

He would repeat that this was a process of attraction by civilisation. It was wise to regulate it by reserving lands for the natives in centres which were to be occupied by the Europeans in order that the Europeans might not take possession of all the available land.

Co-operative Societies.

M. Palacios said he had read with satisfaction what was said in the report concerning co-operative societies for school-children which were still encouraged by the Administration. They were very well defined; they taught the elements of joint labour, made it possible to do good and to work together for the good of the community. The association in Ebolowa had already attained considerable importance. Did their work finish when the pupils left school? Could an attempt be made, perhaps by making use of the organisation of associations of old students to extend to adults its training and its social, educative influence? It would be very interesting to see the organisation, on this plan, of co-operative societies for production, for consumption, agricultural products, sales, etc.

M. Marchand said that the Administration had begun with the organisation of the societies which M. Palacios had referred to in order to spread the idea of co-operation, not only among the children, but also among their parents. The results had been so conclusive and so interesting that the Administration had this year created agricultural co-operative societies in the most important tribes. The object of these societies was to enable the village communities to purchase agricultural equipment in common. The report for 1926 would explain the conditions under which these co-operative societies worked. They were steadily developing and tended to spread through the territory; such a development would undoubtedly have most excellent results.

Polygamy.

M. Palacios, referring to page 44 of the report — the chapter dealing with demographic statistics — noted that the beginning of the breakdown of polygamy was due not so much to moral and religious influences as to other reasons: the revolt, or at least the untractableness, of the wife, and the expense. It was to be seen that here, as elsewhere, economic development played a much more important rôle than other factors. He wished to state this as a sociological fact rather than to comment on it.

M. Marchand explained that the causes of this decrease of polygamy were fairly divergent. He had explained them at the end of the relevant chapter in the report, in order to show clearly that the first factor in the transformation of polygamy was the influence of the missions. The missions encouraged the native to adopt monogamy, and to give him a new conception of family life. Official education also had the same aim. It was, moreover, indisputable that economic factors had exercised a powerful influence on this process of
transformation. When a motor-lorry arrived at a distant village bringing with it the products of European industry, which aroused among the women the desire of possession, the power of the husband was weakened. This was a fact which had actually been noted, and polygamy clearly became of less advantage than hitherto for the men. Though the women had been the agricultural workers, whose duty it was to look after the crops for the enrichment of the chief of a polygamous family, they were at present becoming less docile. They were working less willingly in the fields and preferred to go into the forest to collect natural products in order to sell them to the traders for their own personal profit.

**Participation of the Natives in Public Affairs.**

M. Palacios noted a reference on pages 34 and 35 of the report to the participation of the natives in the administration of the territory. It seemed to him that there was a contradiction, explicable however, between the hope and the realisation. In the first part of the paragraph, the participation was recommended, while in the second it was indicated that the results were somewhat disappointing. Was it intended to continue this desirable policy by endeavouring to fit the native for these administrative duties?

M. Marchand said he did not think that there was any contradiction between the two paragraphs. The first part of the chapter dealt with the participation of the natives in the Administration. In the first place, the population as a whole was under consideration. On this side there was undoubtedly an improvement in the material and moral position. The arrival of motor lorries in the distant villages had resulted in introducing a new factor in the improvement of health conditions. When the native had been beyond all contact with civilisation, and had had no real needs, he lived the whole day seated before his hut in a condition which can only be described as neurasthenic. This condition gave rise to a kind of hopelessness, and this perhaps, among many others, was one of the causes of mortality among the natives. Since comfort had developed under the conditions described there had been a transformation which the Administration continually noted. The transformation was slow, but perceptible and full of promise.

As regards the participation of the natives in the administration of the territory, however, the Administration was but beginning an experiment. The first natives who had been instructed and introduced into the Administration had proved of very unequal value. The object aimed at had not been achieved, namely, the constitution of a staff of employees who should have not only practical and technical instruction, but, at the same time, a certain degree of morality. It had been noted that among the postmen, interpreters, etc., there were too many disloyal agents who did not sufficiently take into account the dignity of their employment, and it had on several occasions been necessary to punish them. There was, however, no real cause for anxiety. It was clear that the Administration was at the beginning of the process of training a staff from which it was impossible at the moment to require perfection, which would only be attained in course of time.

Sir F. Lugard noted the existence of Native Councils for agriculture and for health, and Councils of Notables. He saw, on the other hand, on page 34, that the Administration contemplated setting up a representative system with an electoral college. He would ask which system it was proposed to use. Would the Administration introduce the system of voting and of representative institutions as in Europe, or would it proceed, on the contrary, to the setting-up of native councils in which the natives would be able to manage their own domestic affairs?

M. Marchand replied that there was no idea of creating institutions modelled on European institutions. The natives of tropical Africa were far from having attained a degree of understanding which would enable the principle of suffrage to be applied purely and simply in their territory. In creating a Council of Notables, however, the tribe would be asked to appoint a notable for every thousand inhabitants. These Councils differed from the agricultural commissions as the commissions were appointed by the Administration, whereas the Councils of Notables would constitute the nucleus of a representative system. The choice of representatives would be made by means of conferences which would bear a very distant resemblance to the practice of the right to vote. During these conferences a list would be drawn up from which the Administrator himself would choose the Notables to sit on the Councils.

Sir F. Lugard asked at what ideal the Administration was aiming. Was it aiming at a general elective system, or at the institution of tribal councils?

M. Marchand said that for a long time the present position would be maintained. The object was to create native Councils in order that the Administrator could spread his teaching and obtain, through contact with those who were being administered, valuable ideas to assist him in his role of inspirer and guide.

M. Marchand read the following circular letter describing the work of the Councils of Notables:

**[Translation.]**

"In instituting the Council of Notables, I desire to carry out a recommendation of the Department and of the Mandates Commission, and to give to the persons under our Administration the possibility of making their wishes known, of expressing their desires and of giving the Administrator the benefit of suggestions based on their experience."
He would draw the attention of the Commission to the expression "suggestions based on their experience".

(He continued reading the circular):

"The representative in authority will take advantage of the periodical meetings of the Council in order to comment on the essential regulations, to determine and maintain within reasonable limits economic policy and to encourage the constitution of co-operative organisations. The Councils of Notables will be established in a way which will confer a certain prestige upon their members. They will be comfortably installed in their meeting rooms and each member will be free to express his opinions or his desires."

"By the scrupulous care with which you will direct the discussions and the courtesy you will show towards each intervention you will make the notables realise the dignity of the part they have been asked to play. I would like the Minutes to be more than a dry and concise analysis of the discussions. They should emphasise the part taken by the members in the various examinations or exchanges of view:

"The Council of Notables should not overlap with the Agricultural Commission, the scope of which is clearly defined. The Council of Notables should act in a more general way and should be limited only by its agenda to be established previous to its meeting."

"I would ask you to proceed as a matter of urgency to the solemn installation of the Council of Notables of your district, and to forward me before the end of 1925 the Minutes of the first meeting."

Public Finance.

The Chairman, referring to the report of M. Archimbaud, general Rapporteur for the budget of the French Colonies relative to the financial year 1926 (Journal Officiel de la République française, Chamber of Deputies, Annexes S.O. 1925, March 13th, 1926, etc.), spoke as follows:

"The Rapporteur of the Finance Commission often refers to the work of the Mandates Commission, and to its Minutes.

It is hardly necessary, of course, to deal with the suggestions of the Rapporteur in regard to the status of the two territories and their mutual relations. It has been suggested that a High Commissioner should be appointed for the two territories, the Cameroons and Togoland. It is interesting to observe that the proposals of the Rapporteur are inspired to a large extent by regard for the League of Nations. This is, however, a suggestion which it will be for the Commission to consider when the French Government has itself taken a decision either in one sense or in the other.

The report of M. Archimbaud gives an interpretation of the doctrine of the Mandates Commission in regard to public finance in the mandated territories. This interpretation seems worthy of attention, all the more so as it appears to be in conformity with the opinion expressed by the Minister for the Colonies in December, 1924. (See his speech in the Chamber on December 23rd, 1924.) Referring to the fact that the territories under mandate would, from the beginning of 1925, be called upon to support the military expenditure incurred on their behalf, the Minister spoke as follows:

[Translation.]

"The Rapporteur is astonished and believes that this procedure is hostile to the ideas of the League of Nations. I believe I may say that this is not the case. The League of Nations, on the contrary, has on various occasions during its meetings, by means of its discussions and resolutions, declared that no confusion should be tolerated between the finances of the protecting State and those of the State protected."

On the other hand, M. Archimbaud in his report (page 1907) expresses himself as follows:

"Although there no longer exists any financial bond between the African territories under mandate and the budget of the State, in conformity with a desire expressed by the Mandates Commission and the Council of the League of Nations . . . ."

And further on (page 1928) he says:

"Finally, we cannot lose sight of the fact that the Mandates Commission has expressed the wish that the guarantee of the mandatory State should not be used for loan purposes on behalf of these territories. At least, it expresses the desire that there should be no confusion between the finances of the mandated territories and those of the mandatory countries. The very important scheme presented by M. Daladier when he was Minister for the Colonies was partly based on the levies in kind furnished by Germany which are payable to the French Government in twenty-four annuities. Such an advance from the State is precisely of a kind which is calculated to create the confusion to which I was referring a moment ago, and the solution of the problem applicable to the French colonies is of no use for the mandated territories."
"It is therefore necessary to look for some financial means differing in its character and method but adapted to the circumstances and to the special position of the mandated territories."

If it is true that the Mandates Commission has always insisted on the advisability of separate budgets for each mandated territory, and has supported the thesis that the revenues of these territories must not be used otherwise than for their own needs, it hardly seems that one is justified in drawing the above conclusions.

The thesis that the revenues of these territories must not be used otherwise than for their own needs seems to me to go rather far.

First, it is clear that the Commission has never thought of deciding that the mandatory Powers should not make free gifts to the mandated territories if local conditions render such an interpretation of the terms of the Covenant, in which, by reason of their resources, can best undertake the responsibility for the mandated territories.

Secondly, it is not within my knowledge that the Commission has ever expressed itself as opposed to the adoption by the mandatory State of a guarantee for a loan on behalf of these territories. The views of the Commission were expressed in a resolution which it proposed to the Council and was adopted by it in September last. There is no reference to this subject in that resolution.

I am making these observations not from a purely theoretical point of view, but in view of a certain tendency which appears to prevail in the policy which is in fact being applied by the mandatory Power. From the Parliamentary documents and discussions to which I have referred, it might be supposed that it was in conformity with the views of the Commission that all local expenditure of whatever kind in the mandated territories should necessarily be borne by those territories. The principle has been carried even further by making the territories grant subsidies to the institutions of the mother country in the activities of which the colonial territories had a particular interest.

According to the report of M. Archimbaud, it was in application of this policy that the decision was taken last year to make the mandated territories support all the military expenditure incurred on their behalf, which was, as a matter of fact, very considerable.

The Chairman here remarked that it was precisely the contrary thesis which had always been sustained by the Mandates Commission. He continued as follows:

Happily, the two mandated territories, and particularly Togoland, are at present in a most favourable position financially. The accounts for the last financial years have shown considerable surpluses, and the reserve funds have been considerable. It would seem that this position would enable the territories to bear the costs in question, but care should be taken not to lay down a fixed doctrine for the future when circumstances might be different.

In this connection, it should be observed that the particularly favourable position at present existing arises, at all events partially, from the fact that world events have caused the public debt corresponding to the economic and financial equipment existing in the territories at the moment when the mandates system was introduced. The local governments have, with the approval of the French Government, recently adopted a very considerable programme of public works and have begun to put it into operation. As regards the Cameroons, the French Parliament, in April 1923, voted a loan of 25 million francs intended to meet expenditure on public works in the Cameroons.

M. Duchêne gave the Commission explanations on this subject during the examination of the reports for 1923 and 1924, and in the report of M. Archimbaud, it is stated that this loan cannot be realised, and that present circumstances do not even enable its realisation to be contemplated in the near future.

The Commission has often dealt with the policy followed in regard to the reserve funds, and the report of 1925, as well as the previous report, gives, in response to the desires of the Commission, certain detailed indications in regard to its present position.

The report for 1925 (page 43) also contains some information probably as the result of certain observations which were made on the subject by the Commission. In this report it is first stated that the cash balance of the reserve fund will probably be reduced to the legal minimum after very considerable payments provided for in the budget of 1926 have been effected. Then appears the following paragraph:

"The fund will thus be reduced almost to the legal minimum, since it is contemplated that the surplus of the receipts paid into the reserve fund at the close of 1925 will be devoted in whole or in part to increasing the annexed supplementary budget for public works."

"Thus the sums received by this fund, far from accumulating indefinitely without immediate profit for the present taxpayers, are, on the contrary, allocated and used as they become available, for the most important public works of general interest and thus benefit the generation contributing to the building up of the fund."

"This use, within a fixed period, of the greater portion of the sums realised during each financial year appears to be in conformity with the wishes of the Geneva Assembly."

It is not desirable to open once again the discussion in regard to this policy, but it is advisable to note that this argument only partially meets the considerations brought forward within the Commission during its discussions on the previous reports.
If it is true that the taxpayers profit from the fact that a large part of the reserve is immediately spent on public works, it is, nevertheless, also true that the taxpayers would only draw a portion of the benefit from these works, the greater portion of which is reserved for future generations, which, owing to the financial policy hitherto followed, will not be called upon to bear the burden of the expenditure effected in order to carry out the programme of works.

It is a cause for congratulation that the financial position of the Cameroons and of Togoland is so favourable. But, in these circumstances, it is a little astonishing that the report should insist on the necessity of increasing the rate of the three principal native taxes, the capititation tax, the tax for medical assistance, and the compounding of labour levies.

The Chairman considered that he had now made it possible for M. Marchand to make a statement on this subject. He would not like, however, to put M. Marchand in such a position that he should not be forgotten that the author had presented a personal report, drawn at any length. It was connected with certain passages in the report of M. Archimbaud. It should not be forgotten that the author had presented a personal report, drawn up, it is true, in the name of one of the most important of the Parliamentary Committees, the Finance Committee of the Chamber of Deputies. The opinion thus expressed certainly was of importance, but did not bind the Government itself. The report of M. Archimbaud contained interesting ideas concerning, among other things, the administration of the territories under mandate. The opinion of the Rapporteur, his suggestions had not all been approved. He had, for instance, proposed that the two territories confided to France should be placed under a single authority. This was a delicate step to take—a step which would have given rise to many other questions—merely from the point of view of bringing it into perfect accord with the mandatory system which was being more and more clearly defined by the Permanent Mandates Commission. M. Archimbaud had, perhaps, simply been struck by the fact that the two territories of Togoland and the Cameroons were administered by, and placed under the authority of, officials who were described merely as Commissioners of the French Republic, although in other territories, more particularly in Syria, their title was High Commissioner. No doubt there was nothing more than a distinction in appearances, but it was necessary to take even appearances into account.

M. Duchène, however, felt obliged to dwell at greater length on certain statements to which the Chairman had just referred, which had been made by a member of the French Government, the Colonial Minister himself, and which concerned the financial situation in the Cameroons. When M. Archimbaud had referred to this question, when the Colonial Minister in his turn had mentioned it (the question concerned the assistance which the French State as mandatory Power could give to mandated territories), M. Duchène had seemed to hear the echo of a certain hesitation which had existed even in the Mandates Commission itself, regarding the financial system finally to be adopted in the territories in question. The Commission was aware that there were two opposite points of view in regard to this matter. The first was that the mandatory Power, owing to the fact that it held a mandate from the League of Nations and therefore acted in the capacity of guardian of a territory, could, and to a certain extent must, lend financial aid to such a territory. The second was that the territory should support itself out of its own resources and should possess a financial system entirely separated from that of the mandatory Power. The Mandates Commission had been so struck by these two opposing views that it had carried out what amounted to a small enquiry among the mandatory Powers themselves with regard to certain questions in which there was some doubt. Briefly, these points were as follows:

Could the mandatory State grant an advance of money to the mandated territory? Could it guarantee a loan contracted by that territory? If it made an advance to the mandated territory, or if the guarantee which it had given to the territory was used, that was to say, if the mandatory Power was obliged to pay its creditors, could it at a future date (this was one of the questions with which the Commission had dealt) recoup the advance thus made? Could it, in short, that advance particularly in the case of the transfer of mandated territory from one mandatory Power to another?

It was obvious that this was inevitably a matter for consideration. The Rapporteur to the French Parliament on the colonial budget had certainly been influenced by it, as also had been the case with the Parliament itself when the Colonial Minister had been obliged to inform it that [Translation] "if the French State refused all responsibility for any expenditure incurred in respect of the mandated territory this action will in no way contradict the mandates system."

There had been and still were persons who maintained that in the case of a mandate, when there was the duty of guardianship, there was also the duty to provide assistance and support for the mandated territory. When the French Government had refused responsibility for military expenditure which the Cameroons or Togoland ought to bear (such expenditure, as had been pointed out, was small) it had felt a certain anxiety due to these opposing doctrines, and nothing more.

In his recent remarks, the Chairman had raised another problem which had engaged the earnest attention of the French Government in its capacity of mandatory Power. This
problem concerned reserve funds. M. Duchêne would return to the question when Togoland was being discussed, for it was of still greater importance in connection with that territory than with the Cameroons. It was obvious that, if the reserve fund became really large and if the wound did not correspond to the immediate or future needs of the territory, the level of taxation would have to be reduced. M. Duchêne thought that he could prove that, in the Cameroons and in Togoland, especially in the latter, the reserve funds were in a prosperous condition. These resources were nevertheless earmarked for expenditure on enterprises which were profitable to the territory itself.

M. Duchêne would now pass to the question whether it was necessary, so far as the Cameroons were concerned, to increase certain taxes in view of the fact that the position in the territory was satisfactory. He thought that such an increase in taxation had been very small, and M. Marchand would furnish additional information on the point. In any case, if such an increase were made, it would be in the interest of the mandated territory.

He had merely wished to emphasise that, in theory, the report of M. Archimbaud and similar statements made by a Colonial Minister might be of a nature to attract the attention of members of the Commission. He thought that any anxiety which had been expressed had now been completely removed and would be still more definitely removed as a result of the remarks of the Chairman.

The CHAIRMAN said that he had not intended to raise a discussion on this point. He had thought, nevertheless, that it would be convenient to point out that occasionally resolutions or statements adopted or made in the Mandates Commission during its meetings were used to go a little further than had been the intention of the Commission. M. Duchêne had quite understood to what his correction had referred.

M. RAPPARD was of opinion that it was possible to dissipate completely any misunderstanding which might exist regarding the question of separating the two budgets. Any analogy between civil law and public law should not be exaggerated, but it was understood that the mandate was a form of guardianship. Everyone agreed that a guardian could not use any of the wealth of the person under his charge in order to enrich himself. In this respect, the financial independence between the guardian and the person under his charge must be complete. On the other hand, there was nothing to prevent a generous and prosperous guardian from bestowing gifts on the person under his charge. The same was true of the mandate system. The independence of the territory must be safeguarded to prevent any suspicion arising that the mandatory Power was deriving material or financial profit from looking after the territory. On the other hand, it was entirely permissible for guardians to make it possible for the persons under their charge to share their prosperity, and, indeed, most guardians, who in fulfilling their duties felt affection for the persons under their charge, did so.

M. MERLIN much appreciated the remarks of M. Rappard which he thought very true. They accurately defined the respective situations of the mandatory Power and the mandated territory. There were, however, certain observations to be added. It was not enough to consider that the mandatory Power could assist the mandated territory on every occasion. He thought that it was very necessary that the finances of the mandatory Power and the mandated territory should be very clearly separated and that when the mandatory Power, in the exercise of that control which it was its duty to maintain, made advances or granted subsidies to the mandated territory a completely separate account of such advances should be kept, so that when the mandated territory had recovered its prosperity it could repay to the mandatory Power the amount of the advances or subsidies given to it. If the mandate were transferred from a creditor country to another, reimbursement of such advances could be obtained from that country.

M. Merlin therefore fully agreed with the statement of M. Rappard, subject to the reservations implied in his statement.

M. RAPPARD fully agreed with M. Merlin. The guardian could certainly keep separate accounts and ask for the repayment of his advances.

M. FREIRE D'ANDRADE desired to make certain comments on the report of M. Archimbaud. M. Duchêne had, it was true, pointed out that the ideas expressed in that report were not entirely those of the French Government. Nevertheless, there were statements in it which were perhaps somewhat far. It was said, for example, that certain territories formed part of French Africa, and that such a consideration should be more than ever considered as one single whole. [Translation] "I do not speak here", said the Rapporteur, "of Northern Africa, but only of the total number of our possessions constituting French West Africa, East Africa and the mandated territories." In other words, M. Archimbaud considered that the mandated territories formed part of the French Colonial Empire. But, as M. Duchêne pointed out, this was not a declaration on the part of the French Government.

There was, however, another point. In the previous year M. Duchêne had informed the Commission and he had repeated it on the present occasion, that it was impossible to make a loan of twenty-five millions francs because the circumstances were not favourable, and that the issue had therefore been limited to a block of five million francs. M. Archimbaud, however, had said that Togoland had just provided assistance in the form of an advance of five million francs. This had been a mere expedient. M. Freire d'Andrade had never seen either in the budget of Togoland or in the budget of the Cameroons any mention of an advance of five million francs.
The Chairman pointed out that, nevertheless, mention was made of the sum in both reports. He had understood M. Duchêne that he would prefer this question to be adjourned until the report on Togoland was being discussed.

M. Duchêne said that, before asking that five million francs should be advanced from the reserve fund of Togoland, the Administration of the Cameroons had considered the possibility of applying for this sum out of the loan of twenty-five million francs authorised by the French government. With this intention negotiations had been opened with certain French Banks. The operation, however, was seen to be extremely disadvantageous to the territory of the Cameroons. On the other hand, the advance made by Togoland was repayable in a fairly short period of time at an interest of 5 per cent., that was to say, under very favourable conditions.

M. Freire d'Andrade said that M. Duchêne had stated that, since the reserve fund amounted to a considerable sum, taxation should be decreased. He did not think that such a reduction of taxation should be accepted as an absolute principle, in view of the fact that the taxes were light enough and that there was still much to be done in the territory, schools, hospitals, roads, railways, etc. This work would use up the excess revenue.

M. Duchêne pointed out that he had only put forward the suggestion as his personal opinion and as a general thesis. He reserved the right to come back to the matter later. He would remind the Commission that he had immediately stated that if the reserve fund, even when it amounted to a large sum, were to be expended for purposes which would be of use to the territory such expenditure was justified in itself and did not necessarily involve a lightening of taxation. He considered that he would be able to prove this when the Commission discussed the question of Togoland.

M. Freire d'Andrade agreed with this view, that was to say, he considered that it was preferable to discuss the question when the report on Togoland was before the Commission.

The Chairman thanked M. Duchêne for his explanation. He could not, however, accept the description given by M. Duchêne of the position of the person who had been the Rapporteur to the Finance Committee. The opinion expressed in the report was not the personal view of M. Archimbaud. When the Rapporteur of the Finance Committee submitted his report, he made that report as Rapporteur of the majority of the Committee.

The Chairman stated that he was happy to note that M. Duchêne desired that a full report of the discussion on this matter should be inserted in the Minutes.

M. Van Rees pointed out that, on page 43, mention was made of the legal minimum of the reserve fund. What was that minimum?

M. Marchand said that it was 1,500,000 francs. The figure had been fixed by a decree. It represented an inalienable sum which must be always at the disposal of the Administration to meet any disaster which might occur.

M. Van Rees pointed out that in that case the fund might fall below the legal minimum.

M. Marchand replied that this was not the case because any diminution in the funds could be covered by the issue of token money which had just been authorised. Further, the Commission should bear in mind the excess of revenue over expenditure. The surplus of revenue for the year 1925 had been paid into the fund on May 31st, 1926. There was already an surplus over estimated receipts for the beginning of the year 1926, particularly as regards customs receipts.

In reply to M. Van Rees, M. Marchand said that he would have no recourse to a loan except in cases of immediate necessity. The reserve fund was not really exhausted at the end of the financial year. It had been impossible to include under the heading "Revenue" in the budget for 1926 money which could not have been paid in until May 31st, 1926, but it remained as a sum left over from the financial period of 1925. Administratively speaking, such sums could not be considered as having been paid before May 31st. The programme of work for 1926 had been based on the surplus noted on December 31st, 1925. In connection with this programme, twenty-six million francs had been set aside for completing the railways in course of construction or on the point of completion. In this sum of twenty-six million francs was included the first annual payment — consisting of 6 million francs — for the construction of the harbour of Douala which was to be begun in the present year.

In this connection, M. Marchand would point out that, in the communiqué to the Press based on the previous day, it had been stated that the improvements in this harbour had been completed whereas in actual fact they were only to be begun in the present year.

M. Rappard raised a question regarding which he did not wish to make any criticism but to look for any recommendation. It was well known that, unhappily, the French exchange was low and still falling. Consequently, when a mandated territory paid a sum of ten million francs into the reserve fund, it was owed that nominal amount. If it were repaid a year later it would lose a part of that sum. M. Rappard would be glad if the accredited representative could explain how he viewed this problem. It might perhaps be a reason for limiting the accumulated reserve fund, for it was undeniably true that, owing to the fall in the franc, the mandated territory lost part of its wealth.
M. Duchêne saw in this fact an inevitable consequence of what might be called the unhappy condition of the exchange. There was certainly a risk but the position might at some time be reversed. It might happen that the sum repaid would be larger than that which had been borrowed from the reserve fund.

The Chairman asked where the profits from the issue of token money to cover the need of the territory were shown.

M. Marchand replied that there had been several issues of token money: first an issue of 4 million francs, then a second of 6 millions and then a third of 5 millions. One was being issued at the moment of 5 million francs and M. Marchand thought that, with the help of the ordinary resources of the budget, the programme of work laid down could be carried out.

In accordance with the authorisation granted, these issues were made in Paris by the Mint and the Administration of the territory repaid the cost of minting and the cost of the metal used. The Treasury of the territory had included in the receipts a gross figure for the token money and the amount expended on the minting and purchase of the metal was shown in the expenditure column. M. Marchand inserted the following heading in the budget column showing the extraordinary revenue in the budget for each year: "Amount of the issue of token money". This heading was to be found in the budget for 1926.

M. Rappard desired to know, with regard to the imposition of taxation, whether M. Marchand considered that the taxable limit had been reached so far as the natives were concerned and whether the Administrator intended to reduce little by little the duties which had recently been established.

M. Marchand said that he thought it necessary, in drawing up the budget for 1926, to impose new taxes on Europeans, for example, a house tax, to increase the fees for licences, the taxes on the liquor traffic and the excise duties. But, side by side with this increase in taxation, which affected as much as possible the European population, the Administration had thought it necessary to make an equal distribution between those subject to taxation and thus to call for a contribution — though only a very small one — from certain parts of the native population towards the financial effort to be made this year to meet, among other items, the expenditure of 26 million francs provided for public works.

The Administration considered that all its efforts should be concentrated on the year 1926, in order not to prolong beyond that year what might be regarded as a burden on the native population. It was perfectly true that 4,700 labourers were subject to the system of requisition and forced labour for carrying out essential public works in accordance with the terms of the mandate. The sooner such a burden could be lightened the better. It was with this object that the Administration had asked the natives of Edea, for example, who had attained a remarkable degree of prosperity, and the inhabitants of Douala, who possessed appreciable resources, to make an additional effort, which could not be regarded as very considerable since it had not been necessary to increase the capititation tax by more than two francs. Such an increase in taxation was imposed as a result of a consultation with the persons concerned. The replies had been in the affirmative, except for one or two reservations. As a result of the information furnished by the Administrators, M. Marchand had considered that this additional effort could be required of the population. In his view, however, the taxes which the inhabitants would be called upon to pay would not be progressively increased.

He thought that, when the work of constructing the two railways was finished and when the money necessary for the construction of the harbour had been found, the territory would possess, owing to the annual surplus of which he had spoken, resources which would make it possible to avoid asking the native population to make a further effort in the matter of taxation for a period to be decided by circumstances.

With regard to taxes for medical aid, the slight increase to be noted this year had been necessitated by the fact that the Administration had desired to develop to a considerable degree the campaign against sleeping-sickness. A mission for this purpose had been established which would necessitate an expenditure of several million francs for a first period of two or three years, for it was intended to carry on this campaign as rapidly as possible and to make use of very considerable therapeutic material. Such an effort would mean an expenditure which could not yet be accurately calculated, but which might be as much as two or three million francs.

M. Marchand assured the Commission that questions concerning taxes which burdened the native inhabitants constituted one of the most important problems before the local administration; this applied also to the burden laid upon the natives by the execution of the programme of large public works. As soon as it was possible to reach a point at which development could momentarily cease, the Administration would not hesitate to do so.

M. Freire d'Andrade thought, contrary to the views of some of his colleagues, that the taxes to be paid by the inhabitants of the territory of the Cameroons were fairly light and that, in order to obtain the benefits of modern civilisation, from hospitals down to agricultural implements, the natives ought to be called upon to pay higher taxes. He did not think, therefore, that the Commission should recommend that M. Marchand should try to lighten the fiscal burdens of those under the administration. If a comparison were made between the total revenue and the number of inhabitants in the country, it would be seen...
that the charges per head were about 9 francs or a little more than a shilling. The taxes, therefore, were very light, and if there was a surplus it should be used for the development of the country. If the taxes were reduced, it would be difficult to increase them again later.

M. Marchand explained that the Administration of the territory did not contemplate an actual fact the possibility of reducing taxation. He thought, indeed, that to do so would be an unfortunate step. He had merely pointed out that, in a fairly short time—probably about the year 1928, when the public works had been finished, since the harbour had to be completed in three years—the surplus would be such that it would appear useless to obtain any additional revenue from the capitation tax.

M. Freire d'Andrade had suggested that the sums collected should be used to increase hospital systems, establish agricultural bonuses, etc. To this M. Marchand would reply that the problem was one of direct or indirect taxation, and that he preferred to obtain the necessary surplus from the Customs duties. The development of local trade would furnish, by means of the Customs receipts, the funds for increasing medical aid.

M. Rappard said it had never been his intention to say that the weight of taxation was too heavy for the inhabitants. Like his colleagues, however, he had been struck by the fact that, despite the prosperity of the country, taxation was increasing. There were other taxes besides the capitation tax. There were the labour levies; there was a part of the revenue from indirect taxation which affected every inhabitant of the territory. It was true that the question of the exchange also had to be taken into account with regard to this point. It was, perhaps, easier to pay 20 francs in 1926 than 15 francs in 1925. M. Rappard had had an intention of criticism. He had merely wished to know the views of the Administrator with regard to future taxation.

M. Marchand pointed out that, in its present form, the tax was not a burden for the natives. Proof of this lay in the fact that, in certain rich districts, most of the tax was paid during the first two months of the year, although the native had all the year round in which to pay it. It must be admitted that the tax collectors were partly responsible for this zeal shown by the native. They exercised no pressure, however, on the inhabitants.

The Chairman thanked M. Marchand and M. Duchène for the manner in which they had co-operated in the work of the Commission. The Commission had done useful work in the last few days. He added that the Commission had been very happy to make the acquaintance of M. Marchand. It already knew him through his work and had come to esteem him through his reputation. It was glad now to know him personally. He would add that France should congratulate itself on possessing such an Administrator.

The Chairman asked M. Duchène and M. Marchand to send more recent and more accurate maps than those in the possession of the Commission.

M. Marchand was very grateful for the kind welcome given him by the Commission. He drew particular encouragement from the courtesy of that welcome, and would continue the work with which the Government of the mandatory Power had entrusted him.

THIRTEENTH MEETING

_Held on Tuesday, June 15th, 1926, at 3.30 p.m._

Chairman : The Marquis Theodoli.

Present: All the members of the Commission.

I. Togoland under French Mandate: Examination of the Annual Report for 1925.

M. Duchène, Director for Political Affairs at the French Ministry for the Colonies, came to the table of the Commission.

The Chairman expressed his satisfaction at finding that the annual report had been admitted in good and due form, and that it had been correctly addressed to the Council of the League of Nations.

Delimitation of the Frontier between British and French Togoland.

The Chairman asked for information regarding the question of the delimitation of the frontiers.

M. Duchène replied that the delimitation of the frontier between British Togoland and French Togoland had been begun. But even during the exchange of views which had already taken place, no scheme had been put forward for the tracing of an arbitrary frontier between the territories of the same tribe.
Creation of the Legal Status of Citizen of Togoland.

The Chairman recalled the fact that the efforts of the local Government to create the legal status of citizen of Togoland had been of great interest to the Commission. He would like to know what had been done in this matter.

M. Duchêne replied that this question was extremely delicate, and could not yet be completely settled. The inhabitants of the mandated territories were, according to the definition adopted, "administrated or protected under the mandate." The exact equivalent of this legal status, as regards the internal relations between the mandatory Power and the population, was difficult to find. In Togoland, at the present time an endeavour was being made not so much to complete a provisional or indefinite definition as to define an intermediary status conferring on the inhabitants of Togoland certain rights recognised as belonging to French citizens. It was difficult to create an intermediate status between that of French citizen and that of a foreigner in such a way as to set up a kind of semi-nationality allowing its holder to be eligible for certain offices.

The Chairman asked whether the inhabitants of Togoland were in a higher state of civilisation than those of the Cameroons.

M. Duchêne thought that Togoland was one of the most favoured regions of tropical Africa. Generally speaking, the population was more developed and more capable of adapting itself to European customs than most of the neighbouring populations.

Sir F. Lugard asked whether he understood rightly that the Administration had the intention of proceeding on the lines of A Mandates, in which a definite nationality had been created, such as, for example, the Palestinian nationality.

M. Duchêne replied that such a procedure would be going much too far. The problem was simply to give definition to a certain status which would make a part of the population only eligible for carrying out certain duties. The status in question would only apply within the country. Thus, on passports persons were described as nationals of Togoland or the Cameroons, and sometimes as "Togolais, and "Camerounais". Such a definition, however, had no international value.

Labour.

Mr. Grimshaw said that the report was very complete, and that he had obtained very full information on the previous occasion. He would therefore put only a few questions.

On page 98 it was stated that the construction of the branch of the Agbonou-Agbandi line (90 kilometres) would take three years, and, further, it seemed that a European and native staff of 300 men were to be employed on it. Would this number of employees be used to construct the whole line, and was the labour requisitioned?

M. Duchêne replied that the 300 men in question would not construct the whole line. The possibility of requisitioning labour had never been considered. On the contrary, efforts were made to conclude contracts with the population of Northern Togoland. Material difficulties had arisen, because the population had a tendency to move towards the coast and to work for private enterprises. Nevertheless, this movement was somewhat on the decrease, and no longer troubled the Commissioner, who considered that the natives were beginning to show a desire to work, and were multiplying their contracts in proportion as they came in contact with private enterprises.

Further, payment for voluntary labour would continue to improve. As the report stated on page 6, there was another source of recruiting for labour, the Konkombas, and the experiment of engaging labourers from that tribe by contract would be tried.

Mr. Grimshaw observed that, in a country where there had been no requisitioning of labour during the previous year, it would be very satisfactory if the Administration could contrive to carry out the work on the new railway without reversing its previous policy.

He noted on page 6 that the death rate among the workers transferred to the southern region was comparatively low, being under 4 per 1,000. The tables on pages 5, 7 and 8 of the report were extremely interesting, though he noted that the figures given did not quite coincide.

In the table on page 8, he noted that the number of natives subject to labour levies in Lomé in 1925 amounted to 28,454, and that the same number of workers compounded for their labour. In 1924, however, only 8,345 workers compounded out of a total of 31,137. Was there any special circumstance which accounted for this very great change of practice on the part of the inhabitants? He further noted that the total number of persons liable to this levy had decreased by some 3,000 in 1925, as compared with 1924.

M. Duchêne observed that it was always necessary to consider one fact. The system of labour levies was applied to regional work and, according to the district in question, the compounding might be more or less from one year to the other. In fact, it appeared from the report as a whole that, more and more of those subject to the labour levy wished to pay off the tax in money. It could be seen that the sums received in lieu of labour were an important
item in the budget receipts. The number of natives who compounded for their labour was steadily increasing as they became more prosperous: this would be the case more and more in the northern part of the territory. The population of southern Togoland was already comparatively rich with the other populations in tropical territories.

M. Palacios thought the system of arbitration boards a good one and noted that, on page 6 of the report, it was said that they had been asked to express an opinion on a request for a settlement of wages put forward by a labour gang of "cabrais" which had been engaged by a native owner in October 1924, and employed on his plantations up to the following May. What exactly was this gang? Was it established, for example, on the basis of a labour contract drawn up in accordance with French law? Was the contract a collective one? In that case, did the workers themselves conclude it or the native chiefs? It was to be supposed, of course, that the gang in question included also native workers.

M. DuChêne said that there might be collective or individual contracts; the former were then concluded through the intermediary or with the assistance of the chiefs. In Togoland the chiefs were allowed a real authority and one of their tasks, among others, was the recruiting of labour. The gang in question might, nevertheless, have been made up of a number of individuals separately engaged, who were working together, or a group of person who had received a collective contract.

M. Freire d’Andrade noted various references in the report to immense plantations, and he noted that the number of workers was small as given in the schedules on page 7.

M. DuChêne said that the schedules included only statistics of contracts which were actually known and numbered. They did not include a considerable number of workers employed by the Administration or of casual workers engaged for fifteen days or one month, as was the case with the Konkombas.

**Liquor Traffic.**

Sir F. Lugard noted on page 11 of the report that there had been a considerable increase in the import of spirits during 1925 as compared with 1924. The imports of gin had increased 60 per cent, the imports of whisky and rum were double. He noted a passage in the report to the effect that this increase might be explained by the increased wealth of the natives. Was it not possible to raise the duties on alcohol, which were now, he thought, rather low? The duty was 15 francs per litre of pure alcohol, with a retail duty of 10 francs. This appeared to be a very small duty as compared with the duty of 25 shillings per gallon at 50° Tralles levied in the neighbouring British territory. Would it not be possible to levy these duties in gold francs?

M. DuChêne said it would be very difficult to do so, for, in the neighbouring territory, that of Dahomey, the duties were levied in French francs. As from 1926, the taxes in Togoland would be higher than those described by Sir F. Lugard. One of the reasons for the sudden increase in the imports of spirits was that the dealers had increased their stocks on learning that higher duties were to be imposed. The increase was also due, of course, to the greater wealth of the natives, more particularly as most of them had been earning English money. It was hoped that the increase of the duties in 1926 would check consumption, though, perhaps, further steps would be necessary.

Sir F. Lugard enquired whether it would not be possible to levy different duties in Togoland from those levied in Dahomey. The natives of Togoland, being richer than those of Dahomey, could afford the higher duties. Duties throughout the British colonies were now uniform, but this had not always been the case. Different duties had formerly been levied in the Gold Coast and in Nigeria.

M. Merlin pointed out that, unlike the Gold Coast and Nigeria, Togoland and Dahomey were contiguous. If duties were levied on an appreciably different scale in two contiguous territories, there would inevitably be a good deal of smuggling.

M. DuChêne added that it was hoped that the new duties would meet the case. Thirty francs per litre of pure alcohol was a fairly high duty, even taking into account the money in Togoland. He did not think that the increased consumption was really disquieting. He would point out that, whereas in 1924 the consumption had been 1.02 litre per head, it had only increased to 1.04 litre per head in 1925, which was still a moderate consumption as compared with that which prevailed before the war.

**Liberty of Conscience.**

M. Palacios said that last year he had asked for more information concerning the observances practised in connection with the native religious rites which were in opposition to civilisation and concerning crimes committed by the witch doctors and others. He would like to thank the Administration for the information contained in the report for 1925, which was very satisfactory. He noted that such crimes had virtually ceased.
Education.

Mrs. WICKSELL noted that the section of the report on education was very full, and contained much valuable information. She would like to know how many of the sixteen village schools referred to in the report were in the north of Togoland, and how many in the south?

M. DUCHÊNE said that this information would be given in the report for next year.

Mrs. WICKSELL noted that three schools had been established last year, and that eight were to be established during the present year. Were there any district schools in Northern Togoland, or was it proposed to establish them there?

M. DUCHÊNE said that there was a professional school at Sokode.

Mrs. WICKSELL noted that there was a boarding-school at Sansanné-Mango. Was this school connected with the ordinary village schools?

M. DUCHÊNE said that this boarding-school was quite independent. Education could only be developed in the north gradually, as communications were difficult.

Mrs. WICKSELL enquired as to the vacation courses in Lome.

M. DUCHÊNE said that they were usually entrusted to native assistants.

Sir F. LUGARD, referring to page 27, noted that between 1921 and 1925 the number of pupils had been doubled in the schools of Togoland, whereas the teaching staff, both European and native, had not increased proportionately. The European teachers had increased from 14 to 22, and the native teachers from 153 to 237.

M. DUCHÊNE said the Administration was well aware that it would be necessary to increase the teaching staff.

Sir F. LUGARD noted that the percentage of the total budget devoted to education had decreased during the last three years. In 1924 and 1925, the proportion had been over 7 per cent. of the total budget, whereas in 1926 it was only 5.33 per cent.

M. DUCHÊNE pointed out, on the other hand, that the total budget had considerably increased, and that, though the percentage of the budget devoted to education was smaller, the actual amount was really larger.

Public Health.

M. ORTS noted that the expenditure on public health in the comparatively small territory of Togoland was large as compared with the sums destined for the same purpose which were included in the budget of the Cameroons.

M. DUCHÊNE said it must always be remembered that Togoland was relatively richer than the Cameroons.

M. FREIRE D'ANDRADE noted that three new doctors had come into the territory. He also noted that the statistical tables of mortality, etc., were much more complete, which showed that the mandatory Power was endeavouring to give effect to the observations of the Permanent Mandates Commission. He observed on page 36 of the report, however, that a medical service established in November 1923 had not been able to work in 1925 as efficiently as in the previous year owing to the departure of the medical officer in charge. Would this officer be eventually replaced?

He further noted on page 41 that the French Government proposed to establish a statistical service to deal with statistics relating to mortality, the birth rate, etc. Would it be possible for the mandatory Power to provide the Commission with the information in question concerning the territories under mandate?

Lastly, he would observe that the comparative tables of expenditure by the French and by the former German Administrations in Togoland did not seem to take into account the very different value of the currencies.

M. DUCHÊNE said that the Administration had done its utmost to improve the medical service. It would certainly be a good thing to obtain more doctors, but it was not easy to do so. He would observe, moreover, that, in addition to the eight European doctors, there were native doctors and midwives. The special service referred to by M. Freire d'Andrade as being somewhat disorganised was a mobile service, which had received assistance during the interval from a military medical officer.

It was true that the tables on page 44 did not take into account the different value of the currencies, but the increase in the figures was so marked that it almost covered the difference in the value of the currencies.

He would point out that the total medical staff in 1913 amounted only to thirty-four persons, whereas now it had reached the figure of seventy-two.

M. FREIRE D'ANDRADE pointed out that his observations were intended in no way as a criticism. They had been made merely in order to obtain additional information which, moreover, M. Archimbod, Rapporteur on the budget of the Colonies in the French Parliament, had given to a very large extent.
Land Tenure.

M. Orts enquired whether large estates were held by native chiefs.

M. Duchêne said that not all the native estates were held by chiefs. Most of them were in the hands of private owners. The Administration was encouraging the development of private property among the natives, and it was also encouraging co-operation among the natives for the improvement of agricultural conditions.

M. Orts asked what was the average size of the immense plantations to which reference was made in the report.

M. Duchêne said that the greater part did not exceed 100 or 200 hectares.

M. Van Rees noted with satisfaction that the decree of March 13th, 1926, had removed all uncertainty regarding the legal position of the State lands of the territory so far as the French State was concerned (page 31). He asked that the text of this decree might be annexed to the next report.

M. Duchêne undertook that this should be done.

The Chairman said that he had learned of the judgment pronounced by the court of appeal on the contract for the Agou-Gadja-Togo plantation. He had been completely satisfied by that judgment.

Justice.

The Chairman asked to what court an inhabitant of Togoland could have recourse when he considered himself to be the victim of an act of injustice committed by the political or administrative authorities.

M. Duchêne said that, if the act in question were not such as could be brought before the civil courts, the native had to appeal to the French Government.

Economic and Social Development.

M. Palacios noted, on page 46 of the report, that there were a number of excellent institutions which had been established with a view to encouraging progress and social education, such as co-operative societies, loan banks, work for the moral improvement of prisoners, etc. He would only like to know what was meant in those regions by the construction of "workers' quarter".

M. Duchêne replied that the scheme, which was only as yet on paper, was based on the principle of mutual assistance and that a general outline would be found on page 167. The day for executing this plan, which was designed to draw closer the bonds of comradeship and co-operation, had not yet come.

M. Palacios understood from the report that the co-operative associations and the "workers' quarter" were not the same thing; he noted, however, that in any case, the scheme had not yet assumed a definite form.

Sir F. Lugard reminded the Commission that in the previous year he had expressed some surprise at the manner in which the cotton company of Togoland carried on its business. This company had to furnish the seed and the mechanical labour. The natives planted the cotton, and were free to sell it on the open market. The company derived no profit from such an operation, but he had been told that its losses were made good by the Government.

M. Duchêne replied that the original scheme had been modified since that date. The new Togo-Dahomey Company was now carrying on business on a somewhat different basis, as was shown in the report moreover, in that provision was made in the budget for a subsidy.

Public Finance.

The Chairman recalled that the rate of exchange for the pound sterling had been fixed at 50 francs, though the actual rate was far higher. This had given rise to numerous protests. Why was it that the circulation of the pound was prohibited in the territory, as it was maintained that this was a hindrance to business and caused discontent among the traders?

M. Duchêne replied that at the moment complaints had ceased. It had been decided, at the request of the French Treasury, to prohibit the circulation of the pound as money of account and to recall the pound into the Treasury of the Territory.

The Chairman asked whether the loan of five million francs granted by Togoland had been disadvantageous to it.

M. Duchêne replied in the negative. The Commission had in the previous year been struck by the fact that the reserve fund showed a somewhat considerable cash balance. The Commission had thought that this situation ought to involve a reduction in taxation. The
accredited representative had recognised the truth of this contention, provided, however, that the resources of the reserve fund were not being used within the territory. The cash balance of the reserve fund was a very important element, for it made it possible to view future years with tranquillity. Further, such a balance made it possible to carry out a programme of social and economic value, the estimated cost of which spread over the years 1926, 1927 and 1928 already amounted to 12,500,000 francs. Once this expenditure had been made, the reserve fund would amount in 1929 to a total of about 30 millions if the surpluses available during past years were maintained. This sum of 30 million francs was earmarked, in particular, for loans for agricultural purposes and for the working of the loan fund established for the benefit of co-operative and agricultural associations. This fund would make it possible, in particular, to put modern equipment at the disposal of farmers. Details of the development plan of these co-operative societies would be found on page 108 of the report.

In conclusion, the reserve fund was of first importance for the development of the country and would contribute much to the general programme of economic and social improvement.

The CHAIRMAN paid a tribute to the economic and financial policy of the mandatory Power. It would be interesting, however, to know how this money had been invested. The present depreciation of the currency meant the payment of very high interest. Did the deposit bear interest?

M. DUCHÉNÈ replied that most of the money had been invested in State securities.

M. RAPPARD was unable to forget the responsibilities of the Commission in regard to the question, however delicate it might be. Considerable reserves were accumulating and had been invested under conditions which no one would accept in investing his own fortune and still less money belonging to persons under his care. Obviously, the French Administration could not be recommended to invest the money in foreign securities, but the Commission should consider, however, whether it should not at least recommend a certain moderation in the economic policy, since the surplus resulting from that policy could only be invested in a currency which depreciated owing to the influence of certain factors which were not under control. This was a difficult and embarrassing question, but it was hard to preserve a passive attitude in face of a procedure which would inevitably result in losses to the territory.

M. DUCHÉNÈ quite understood the scruples of M. Rappard. If the Administration of the mandated territory, however, had not adopted such a procedure, there were only three lines of conduct which it could have followed: Either it would have had to have spent the money immediately and in that case be accused of wastefulness, for a first programme of work spread over three years would require somewhat longer before it could be carried out in full; or it could have left this money in the reserve fund without investing it, but in that case the territory would have been deprived of interest which might be to its advantage. Finally, though the Administration might have the right to purchase any foreign or industrial security, to do so would be to adopt a most risky financial policy.

M. RAPPARD said that, in any case, he thought the amount of this reserve should not be increased.

M. DUCHÉNÈ agreed, but force of circumstances inevitably caused a flow of money into the reserves of a prosperous country. It was not easy, however, to reduce the amount of taxation, for grave difficulties would be encountered in bringing it back later on to its normal level.

Sir F. LUGARD said that obviously the mandatory Power was using the reserve fund in a manner which it believed to be in the interests of the country. He could not, however, understand why it had not bought securities in a stable currency on a gold basis.

The CHAIRMAN agreed. He thought the way the mandatory Power was using the reserve fund in a manner which it believed to be in the interests of the country. He could not, however, understand why it had not bought securities in a stable currency on a gold basis.

M. DUCHÉNÈ said that exchange of views would be of great use. If certain expenditure could be made at once, the Administration would do so.

M. LUCAS said that, if the mandatory Power carried out its intention, he could only express satisfaction. The financial policy adopted in Togoland seemed to him to be too prudent so far as public works were concerned. The first problem to be solved in these new countries was the problem of transportation. The wealth of the country was increased by setting up an extensive system of roads and railways which would immediately promote the transportation of the riches of the country and their concentration at the points of exportation. In its legitimate desire to show a favourable budget, the Administration had shown excessive prudence in not immediately adopting a larger programme of public works (roads, railways, and ports).

M. RAPPARD said he was very pleased to find, on page 66 of the report, a schedule of the budgetary estimates for the moral, social and material welfare of the natives; this schedule constituted a comparison between the successive years 1922 to 1926. He would, however, have preferred to find in this schedule the amount of the actual expenditure rather than the budgetary estimates.

M. DUCHÉNÈ admitted that it would be much better to establish a comparison of effective expenditure.
Demographic Statistics.

M. Rappard congratulated the mandatory Power on the effort which it had made to secure demographic data in spite of the almost entire impossibility of obtaining exact statistics.

The Chairman thanked M. Duchêne for his assistance.

M. Duchêne withdrew.

575. Togoland under French Mandate: Petition presented by M. Caseley Hayford on behalf of Certain Natives of the Adjigo Clan.

M. Orts read his report (see Appendix to Annex 9, page 230).

The Chairman reminded the Commission that this petition was now under consideration for the second time. The facts which struck him were as follows: First, the decree banishing the members of the clan did not contain any reasons in justification of that action. Secondly, it was striking that for four years these people were still living in exile. Finally, if action were taken on the recommendation of M. Orts, the Commission would be obliged to postpone the settlement of this question to the October session. He proposed that M. Duchêne should be asked for information.

Sir F. Lugard remarked that M. Caseley Hayford had presented the petition in his capacity as a lawyer. He was, however, also a member of the Legislative Council of the Gold Coast Colony and a person of some standing in that Colony.

M. Merlin observed that M. Caseley Hayford was a black man. M. Orts had with reason emphasised in his report that the deportation of the members of the Adjigo clan had been a long and painful process. Possibly the complaint was well founded. It had also been pointed out that the internment at Manga had lasted for four years. It must not, however, be forgotten that an opportunity had been given to those concerned to return to their country on the one condition that they undertook in writing not to engage in political agitation, and that they had refused this offer.

When he had been in Togoland in 1921, the strife between the Lawson and Adjigo families was already extremely acute, and the Adjigo family had conducted a very active campaign, as a consequence of which the French Government had probably felt obliged to expel them. The members of the clan enjoyed complete liberty at Manga, and the conditions under which they lived appeared to be excellent, since no single member of the clan had died during the four years. He accordingly wondered whether the Commission had not all the elements which would enable it to decide whether these people were political agitators who only refused to subscribe to the conditions which would enable them to return to their homes.

M. Orts observed that it was always the duty of the Commission to ascertain whether any particular petition was well founded or not. He accordingly thought that the Commission must obtain supplementary information on the points to which he had referred in his report.

The Chairman noted that the Commission agreed to accept the note of M. Orts and to invite the representative of the mandatory Power to procure the information requested, so that the matter might be settled at the next session.

M. Duchêne came to the table of the Commission.

M. Orts, reminding him of the history of the question, asked him whether it would be possible to procure certain information on particular points.

First, the petitioners had stated that they had been obliged to walk on foot for 700 kilometres, though they had offered to pay for transport. They protested against the hardships and the humiliations which had been inflicted upon them. There had been amongst them one man who was old and another man who was infirm. Were these allegations founded on fact?

M. Duchêne said he had no information on this point other than that which he had found in the reports of the Administration, which were somewhat brief.

M. Orts asked, in the second place, if the Commission could be informed of the reasons which had prompted the Administration to deal equally severely with the twelve persons whose names were mentioned in the Decree of April 5th, 1922. There were no reasons given for the decree.

M. Duchêne said he would ask the Administration.

M. Orts added that the Commission would like to know what were the circumstances which had made it necessary to maintain these severe measures during a period of four years, although, according to the report, the Adjigo case had not given rise in 1925 to any manifestations which were worthy of notice.

M. Duchêne replied that the last reports showed that this family was as irreconcilable and as extreme in its attitude as in 1922. Its members had refused to sign any undertaking to abstain from interference in political affairs.
M. Orts asked whether it was true that they were subject to strict supervision at Mange, and whether they had no means of appealing against the administrative measures to which they had been subjected.

M. Duchêne said he had no precise information on this point. Generally speaking, he would say that the statement was far from being impartial. It contained allegations which were clearly exaggerated or false. M. Duchêne took one example by chance. On page 16 of the English text of the petition, according to the statements made, the deported family had only been able to lay in supplies eight times, and some of its members only six times, during a trip of twenty-seven days. This was extremely improbable. He would, in any case, do everything that was necessary to obtain precise replies to the questions which had been put to him.

The Chairman proposed that the note of M. Orts should be attached to the Minutes, in order that the mandatory Power might present its observations and that the question might be settled at the next session.

FOURTEENTH MEETING

Held on Wednesday, June 16th, 1926, at 10.30 a.m.

Chairman: The Marquis Theodoli.

Present: All the Members of the Commission.


M. Halewyck, Director-General at the Belgian Ministry for the Colonies, and M. Marzorati, Royal Commissioner in Ruanda-Urundi, representing the Belgian Government, came to the table of the Commission and were welcomed by the Chairman.

M. Marzorati, in answer to a question of the Chairman, said that he had been administering the territory of Ruanda-Urundi since the end of 1919.

Statement by M. Marzorati on General Policy.

M. Marzorati made the following statement in regard to his administration during the year 1925.

The first concern of the Government is to adapt its action to the general situation in the territory. The latter is distinguished by various special characteristics.

It is necessary, first of all, to emphasise the extreme smallness of the territory of Ruanda-Urundi, where a population of about five million inhabitants is confined within an area scarcely larger than that of Belgium. Another striking feature of the territory lies in the political organisation of a feudal type which is encountered there. This organisation is characterized by the supremacy of one class of the population, the shepherds, which represents, moreover, a minority. Lastly, the territory of Ruanda-Urundi has for a long time been remote from means of communication. At the present moment it has the character of a native reserve, movement within which is subject to special conditions, and within which commerce is only allowed at administrative stations.

The Belgian Government has endeavoured to bring its influence to bear in quite a number of spheres.

As regards the material conditions under which the natives live, it should be observed that the population of Ruanda-Urundi — like many African populations — is under-fed. This under-feeding is, to a large extent, due to the fact that the cultivation of foodstuffs was not very widespread in the territory, a large part of which is devoted to pastureage, which enables a fairly considerable amount of live-stock to be maintained. The Belgian Administration, in order to remedy this situation, has endeavoured to develop the seasonal products and to spread the cultivation of non-seasonal products which are not likely to be completely damaged or destroyed either by rain or by periods of prolonged drought. Thus the cultivation of manioc has been introduced over a considerable portion of the territory, as well as the cultivation of maize, which constitute a particularly nutritious foodstuff, owing to their high percentage of protein.

As regards public health, the Administration has devoted increasingly large credits every year to the medical services, a fact which sufficiently shows its desire to improve the conditions under which the natives live.

From the economic point of view, the mandatory Power has endeavoured to develop production of articles which may be used for export. It was not necessary here to think of deriving a considerable revenue from profitable crops as their cultivation might result in a
increase in the cultivation of foodstuffs. The Administration, with this in mind, has endeavored to develop among the natives of the territory the practice of working at home. It has, however, introduced the cultivation of certain profitable produce of interest from the economic point of view, such as coffee and tobacco.

The natives of Ruanda-Urundi, having shown special skill in weaving, the Administration has endeavored to take advantage of their ability in this direction. A special school has been opened at Shangguu, where monitors are trained, who, in their turn, spread a knowledge of the art of weaving in various districts of the territory. This organisation is at present in the stage of experiment, as is also the case with the rearing of silkworms, the introduction of which in Ruanda-Urundi should be noted.

All the officials of the Administration have received instructions to take a special interest in the possible development of native industries, and to set up workshops for teaching those industries. The officials have, for this purpose, been provided with special books in which the processes of modern manufacture are briefly explained, so that their attention may continually be drawn to the resources which may seem to be offered, from the industrial point of view, by the districts to which they are sent by the Government. Some interesting experiments have resulted from this practice as, for example, the extraction of nut oil and castor oil by means of presses.

All the administrative stations have, moreover, been provided with dairy material. The native chiefs are learning about the dairies, to which they send some of their herdsmen, chosen from among the more intelligent, in order that they may be instructed in making butter. When they have acquired sufficient experience in the manipulation of the plant, the dairy is put at their disposal, and the making of butter is carried out in the various native districts.

If M. Marzorati had not yet referred to the political action of the Belgian Government in Ruanda-Urundi, it was because, to a certain extent, political action is regarded as a means to realise the more general ends which the Administration is pursuing from the social point of view. The reference to the feudal organisations, which the Belgian authorities found on their arrival in the territory, should be borne in mind. The Administration has sought to make use of these institutions, inspiring them with a different spirit, and adapting them to the object which it has in view. The system applied is not that of a protectorate, since there is nothing in the national political organisation of a character to favour the civilising action of the mandatory Power. The policy in the territory is in reality directed by the European authority, though the native authorities are largely associated with this direction.

Education, which is intended to furnish the Administration with collaborators in the medical, agricultural, economic or political field, is given to the mass of the population by the religious missions. The directing action of the Administration, however, remains necessary in various fields. At the beginning of the Belgian occupation, the action of the missions did not, moreover, extend to the whole of the population. In fact — and this is a phenomenon which is found in most other African colonies — the educative action of the missions was brought principally to bear on the inferior classes of society, that is to say, on the natives having no political influence, whereas the aristocratic elements, who did not have such instruction, remained in a state of ignorance. The first preoccupation of the Government was to use its influence on the ruling classes and, with this in mind, a special school for the education of the sons of chiefs was instituted at Nyanza at the beginning of the Belgian Administration of the territory. This education has been extended to the district of Urundi. The missions, following the example given by the Government, have themselves opened similar schools.

The programme above explained is certainly very considerable, but its realisation is dependent upon financial possibilities. The financial resources are extremely limited in the territory, owing to the fact that, at the time when the German occupation came to an end, the export trade had scarcely begun to develop. Taxes, therefore, could only be levied on a fairly small scale. The credits devoted to the Administration from this source had been extremely small, and barely ten Europeans were used as tax collectors. To-day, after five years, the Belgian Administration possesses in this territory about 100 European officials. The sums devoted to the administration will be increased from year to year, but this will be done within the limits of the financial possibilities of the country. The first care of the Administration has, from this point of view, been to develop the taxable capacity of the natives. The Administration has endeavored to act in such a way that the taxes levied would not constitute an excessively heavy burden on the people. For this reason, the native taxation would play only a very subordinate part in any possible new revenue which might be contemplated. In the future, in order to increase its work, the Government will rely for the increase of its resources more particularly on indirect taxation. This indirect taxation comprises, in particular, Customs duties levied on imports and exports, the proceeds of which will increase in proportion as the production of articles for export, to which reference has already been made, is developed in the country.

Another means to which the Government may be able to resort in order to increase its revenue and, more particularly, its export and import duties, will be the use of certain regions at present almost deserted, within the mandated territory. As the Commission knows, the population of the territory lives in a high region which is for the most part mountainous. An important portion of the territory, including the valley of the Ruzizi and the plain of Lake Tanganyika, is almost uninhabited. Over an extent of several hundreds of thousands of
hectares, there are in fact only a few thousand inhabitants. In these districts lands are available, but with a purely tropical climate so that the populations of the mountain zone would be unable to establish themselves there permanently. With the object of drawing European capital to the country, the Administration proposes to lease certain of these lands to associations which will be able to cultivate commercial produce. The cultivation of such produce will increase considerably the financial resources of the territory, and this will enable the Administration to carry out more intensively the civilising action to which reference has been made.

Returning to the question of education, M. Marzorati explained that the Government intended to deal particularly with the education of women. This education presented certain difficulties, so far as the Government was concerned, in view of the fact that it was generally impossible to carry it on with a masculine staff. Accordingly, the Government would have to entrust this task to the missions. Nevertheless, during the last two financial periods the Administration had already entered upon the practical stage of the development of the education of native women by the creation of workshops in the missions. In these workshops, set up on the initiative of the Government, young native girls were instructed in various handicrafts, such as esparto work, weaving, etc. In the same way, the nuns succeeded in getting together groups of young women from the native aristocracy, who were usually averse to any relations with the European elements. These women were instructed in work appropriate to their social condition, such as fine basket-work. In this way the missions succeeded in developing their influence over the young women, and this action was extending to other fields. Apart from the workshops, the Government intended to bring about the institution of schools for housewives. On the other hand, as regards medical matters, the organisations such as the "Goutte de Lait" had enabled the nuns to instil in the young women under their care certain ideas concerning medicine. This embryonic development might serve as the basis for the future organisation of more extensive medical instruction which would prepare young girls to act later as nurses and midwives.

Development of Exportable Produce.

M. Marzorati, replying to a question of M. Rappard, explained that the region of which he spoke, in particular, the valley of the Ruzizi, was a vast plain which would lend itself very well to mechanical cultivation and could easily be irrigated. Cotton, for example, might be cultivated there by mechanical means almost under the same conditions as in Anatolia. The Administration would only authorise the establishment of companies in this region on condition that they had at their disposal mechanical equipment enabling them to reduce the amount of labour to a strict minimum.

As regards the development of products for export, he would point out that produce of poor quality was definitely eliminated in view of the high cost of transport from the territory to the sea coast on the Indian Ocean. The Administration would confine its attention exclusively to produce which could bear a high cost of transport, such as coffee, tobacco or silk, or to produce which might be disposed of on the spot, as there existed in tropical Africa industrial centres with a certain capacity for absorbing produce. With this object, the Government had taken the initiative in creating as an experiment a small tobacco factory, the produce of which might be disposed of in certain of the larger centres in tropical Africa.

Sir F. Lugard said he would like to have some details in regard to the entry of European capital into the territory to which M. Marzorati had alluded.

M. Marzorati said that even if, theoretically, the favourable climate enabled European farmers to settle in those regions of the territory which were at a high altitude, such settlements were not possible, in practice, to any great extent, because of the extreme density of the native population. The only part of the territory which could be cultivated by European concerns was the valley of the Ruzizi.

In this region, however, only tropical products could be cultivated as it did not lend itself to agricultural development such as had taken place in Kenya.

Question of the Food of the Natives.

M. Rappard asked, in regard to the underfeeding of the natives, whether such underfeeding was an absolute fact. Did such underfeeding exist whatever the conditions under which the natives lived, or was it merely relative; in other words, was the native really underfed only when he was called upon, owing to European colonisation, to perform work which he was not formerly accustomed to undertake.

M. Marzorati explained that the underfeeding of the natives had been a permanent phenomenon in these territories owing to the insufficiency of arable land previous to the white occupation. The native was fed normally when he took service with a European enterprise.

M. Rappard concluded from the declarations of M. Marzorati that underfeeding, which was normal among the natives in their primitive state, had not always a prejudicial effect upon their health. It was only when they were asked to undertake activities to which they were not accustomed that they might suffer from underfeeding. The following alternative accordingly seemed to present itself: either the feeding of the natives should be proportionate
The new efforts which they were asked to undertake, or these efforts should be proportionate to the food to which the natives were accustomed.

M. MARZORATI explained that the native was particularly a victim of underfeeding when he lived in the native districts.

He pointed out, in reply to another question of M. Rappard, that underfeeding was evident even in cases where no special work was required of the native in the sense that the native had little resisting power when attacked by disease or fatigue.

M. MERLIN explained that the phenomenon of underfeeding was general throughout Africa, and was not special to the territory of Ruanda-Urundi. All the African populations were underfed. There were several reasons for this. First, the native loved idleness and in many cases feared even the effort necessary in order to obtain adequate food. He practised the doctrine of the philosophers who held that it was preferable to restrict one's needs rather than to satisfy them. In these circumstances, the native made less and less effort to work, and the result was that the land became less productive. In this connection, very curious experiments had been made. In Morocco, Marshal Lyautey had himself noted that when a mother who was feeding her child had habituated it to underfeeding: the milk of a native nurse was less rich than the milk of a European nurse. The child from its infancy was accustomed to being underfed. Native children were often chubby, but their flesh was quite soft. These children had not the muscular development of a well-nourished European child.

Another cause of underfeeding was the fact that, when the Europeans arrived in Africa, the various districts had been subject to numerous raids on the part of native chiefs. The native had, therefore, formed the habit of producing what was strictly necessary for his personal requirements. It was of no interest to him to produce more than he required as the surplus was immediately confiscated by the chiefs or pillaged. The consequence of this restriction of production, whether due to idleness or the fear of raids, had been, and still was, that the native in Africa was underfed. It was only under the influence of European colonisation that their standard of living rose.

The arrival of civilisation and the conditions of life which it imposed upon the native were not the cause of his under-nourishment. Far from it. Through contact with civilisation he became accustomed to a higher standard of living, both as regards the quality and quantity of the food given him, either in the various enterprises in which he was employed or elsewhere. Another characteristic fact might be mentioned regarding natives recruited by France for her troops. This country possessed recruiting standards similar to those of all recruiting Powers of a European type. At the time of recruiting, certain natives did not reach the required standard. In a number of cases they were, however, passed into the army and three months later they exceeded in a marked degree the required standard owing to the fact that they received plenty of good food.

M. Merlin could assure the members of the Commission that under-nourishment was a general phenomenon throughout Africa, and as such had existed before the arrival of the whites. It was due to native habits and native ways of life. The position of the native had continuously improved through contact with civilisation. If natives were under-nourished, it was not because they were given heavier work to do. The civilising action of Europeans could not but contribute in raising their standard of living and their physique.

Use of Native Clerks in the Administration.

In reply to a question of Sir F. LUGARD, M. MARZORATI said that the idea of using native clerks in the Administration had occurred to him on his return from a journey to Uganda. He had never regarded such secretaries as advisers of the chiefs, as had been the case under the German administration in former East Africa. In that territory clerks called Akid were attached to the native chiefs as representatives of the Administration not belonging to the Chefferie. In their capacity as actual agents of the Government, their duty had been to advise the chiefs. It had been in their power to acquire an altogether undue influence owing to the position they occupied. The system introduced into Ruanda-Urundi by the Belgian Administration consisted, on the other hand, in placing at the disposal of a chief, who was often illiterate, a native with a sufficient knowledge of reading and writing to enable him to act as a clerk. Such a clerk, however, possessed no kind of authority and was completely dependent on the chief.

M. Marzorati, however, thought that he should state that the Belgian Administration had not yet attached clerks to all the chiefs. Up to the moment these clerks were used in the administrative stations under the direction of Europeans. Later on, they would be placed in the positions for which they had been trained. They would be attached to the chiefs of the district to which they belonged and would thus be in no respect representatives of the Administration accredited to those chiefs. They would merely be instruments in the hands of the chiefs to make it possible, for example, for them to carry out a census of the population or draw up lists of taxpayers or keep the accounts of the taxes which the chief had collected. He had seen such a system at work in various districts in Uganda, more particularly in the year 1921. At that time, all the officials had expressed their satisfaction with such a system.

In reply to Sir F. LUGARD, M. MARZORATI explained that the Abatare were collectors of native tribute to which King Musinga had a right. These Abatare no longer existed, since the tribute was now levied by the chiefs themselves. These chiefs paid it to Musinga without the intermediary of another collector especially appointed by him.
Powers of the Governor of the Territory.

The Chairman, referred to the following passage in the report of the Belgian Government on the administration of the territory in 1925:

[Translation.]

"While giving to the mandated territory the benefit of the institutions of the Belgian Congo, the law of August 21st, 1925, carefully preserved for that territory a legal personality absolutely distinct."

He asked M. Halewyck if the Belgian Government intended by such a statement to reply to the observations made by the Permanent Mandates Commission at its session in October 1925.

M. Halewyck pointed out that the report only explained the main lines and the dominating ideas of the law of August 21st, 1925. At the time of the discussions, however, he had taken note of the remarks of the Permanent Mandates Commission, and had made, in the name of the Belgian Government, formal declarations which had been put on record both by the Commission and the Council of the League. These declarations, which had given satisfaction to the Commission and to the Council, were confirmed.

M. Van Rees wished to put two questions of direct reference to the law on the Government of Ruanda-Urundi. By the terms of Article I of that law, the territory in question formed at the moment a Vice-Government-General, that was to say, a province of the Belgian Congo.

From an administrative point of view, did this mean that the Royal Commissioner was subordinate to the Governor-General of the Congo?

M. Halewyck replied in the affirmative. The Royal Commissioner would in future bear the title of Governor like the other heads of the Vice-Government-General. He was subordinate to the Governor-General.

M. Van Rees examined Article 3 of the law to the effect that the decrees and legislative ordinances of the Governor-General, the provisions of which did not specially concern Ruanda-Urundi, would only be applied to that territory after having been made capable of execution by an ordinance of the Vice-Governor-General, administering that territory.

He desired to know who possessed the power of taking a decision on this matter. Was it the Governor-General or the Governor of the territory of Ruanda-Urundi?

M. Halewyck replied that, as a general rule, the Governor of Ruanda-Urundi would be perfectly free to take a decision, and not the Governor-General. Consequently, the Governor would be responsible for his own decisions.

M. Rappard thought that this was a new system. He did not think that the Commission had any objection to make to it, but the Governor-General of the Congo was now associated with the Administration of the mandated territory, for he was the administrative superior of the Governor. On the other hand, certain provisions of the Congo laws could not be applied to the territory, for they would be contrary to the mandate. He thought that the practical conclusion which the Commission should draw was that it would be desirable for the Governor-General of the Congo to be informed of the entire work of the Commission in the same way as his subordinate received this information.

M. Halewyck said that the Minutes of the Mandates Commission, as well as all the documents issued by the Commission which would be of interest to him, had already been sent to the Governor-General. Nevertheless, the instructions relating to this matter would be confirmed.

In view of what M. Halewyck had just stated, M. Orts asked what meaning the Commission should attach to the statement that the Governor of the mandated territory was subordinate to the Governor-General. This was a point upon which he desired explanations. The Governor of the mandated territory had freedom of action, and it was his duty to decide if any particular law of the Congo should be applied to the mandated territory. The Governor-General could not therefore give him instructions in this respect. Was this the case?

M. Halewyck replied that it was the Governor of Ruanda-Urundi and not the Governor-General who, by law, had the right to promulgate in the territory under mandate the legislative acts of the Congo.

M. Orts asked in what circumstances, therefore, did the Governor of the mandated territory find himself under the authority of the Governor-General.

M. Halewyck reminded the Commission of the reasons for the system embodied in article 3 of the law concerning the Government of Ruanda-Urundi. The character of this country was so peculiar that it would have been dangerous to apply to it, without modification, all the legislation of the Congo. This was the reason why it had been laid down by
law that the Governor of the territory under mandate would have to decide whether or not the legislative acts of the Congo would be applicable to this territory. The situation therefore was as follows. In principle, the Governor-General was in authority over the Governor of Ruanda-Urundi, as he was in authority over the Governors of the four provinces of the colony. But the Governor of the mandated territory possessed, in virtue of the provisions of the law of August 21st, 1925, a special right which gave him the authority to promulgate in the territory under his administration the legislative measures of the Congo Government. The Governor would be guided by practical considerations. He would take into account the question of convenience and the de facto situation. When it was a question of applying the ordinance, law or decree promulgated, the Governor of Ruanda-Urundi was entirely under the authority of the Governor-General.

M. Orts said that, from the statements of M. Halewyck, the Governor of the mandated territory was in practice outside the authority of the Governor-General. He could always veto the application of a Congo law to the mandated territory.

M. Halewyck replied that, formally, the putting into force of the ordinances, laws and decrees of the Congo was undoubtedly under the authority of the Governor.

M. Orts asked whether the Governor of the territory possessed the right of initiative in the matter of regulations and decrees, and whether, if necessary, he could exercise this right without previous reference to the Governor-General. If the Governor thought that the adoption of certain legislative acts or regulations was necessary for the territory could he introduce them on his own authority?

M. Orts thought that an affirmative reply would be a logical consequence of the first reply of M. Halewyck.

M. Halewyck replied that, if the Governor of Ruanda-Urundi had received from the legislator and executive head certain powers of initiative as regards legislation and regulations, the dispositions according him those powers should be given a reasonable interpretation according to the general principles governing administrative matters. Undoubtedly, the legal provisions gave the Governor of the mandated territory very wide powers, both as regards legislation and regulations. In view, however, of the fact that he was under the authority of the Governor-General, the latter might make observations, give instructions and tell him that as regards any particular question it was desirable to take such-and-such a decision. The two officials exchanged views. In case of disagreement, however, it was the will of the Governor-General which prevailed. Normally, the Governor of Ruanda-Urundi was at liberty to introduce into his province the laws and regulations of the Congo. In the last resort, however, the Governor-General took the final decision in those cases where he felt it necessary to take up a position.

M. Halewyck explained that, after all, the situation might present two aspects. Either the Governor-General thought that there was no definite reason for him to intervene and he allowed the Governor of the province to take any steps which he thought desirable — in that case no difficulty would arise — or else the Governor-General was of the opinion that it was important for a particular law or regulation of the Congo to be put into force in the mandated territory. He explained the reasons for this view to the Governor of the latter territory and asked him to make use of his right to promulgate such a law. If the Governor did not agree, and if his objections did not convince the Governor-General, it was necessary, in fulfilment of the general principles of administrative law, for the responsible superior officer to use his own authority and instruct his subordinate to put in force in his territory the decree or regulation in question.

Sir F. Lugard desired to know whether, in cases of decrees or regulations not applying to the Congo, which the Governor of Ruanda-Urundi desired to introduce himself, he had always to refer the matter to the Governor-General.

M. Halewyck explained that, according to the colonial charter to be applied to Ruanda-Urundi in future, legislative power was only granted in cases of urgency to the authorities administering the territory.

If the matter was not urgent, it was not the Governor-General who intervened but the Legislative power established at Brussels — the only competent organ when it was a question of drawing up a decree for Ruanda-Urundi or for the Belgian Congo.

M. Rappard pointed out that in theory the Commission only recognised the mandatory Power, that was to say, the Belgian Government. Nevertheless, the information of a general kind which had been given to it had cleared up the situation. As far as M. Rappard was concerned, the question was as follows: either the Governor of Ruanda-Urundi was responsible to the mandatory Power and the mandatory Power to the League of Nations, which meant that the Governor was responsible indirectly to the League of Nations — in which case the League had no occasion to consider the intervention of the Congo — or else — and M. Rappard thought that this was what M. Halewyck's reply meant — the Governor remained
officially subordinate to the Governor-General of the Congo, and in this case the Governor-General was to a certain extent officially responsible to the Belgian Government for the administration of the mandated territory.

M. Halewycx explained that the League of Nations recognised and had represented before it only the Belgian Government. The latter applied to the mandated territory the principles of internal administration which it considered to be the most appropriate. It was free to choose its administrative organisation. It could enter into direct relations with the Governor of Ruanda-Urundi, but it could also — as it had done — have recourse to the intervention of an intermediate authority. Its officials were only responsible to it. Only one responsibility was involved before the League of Nations and that was the responsibility of the Belgian Government.

M. Van Rees would be grateful to M. Halewycx if he would explain the following point. Article 6 of the law concerning the government of Ruanda-Urundi said that any provision of the laws of the Congo which were contrary to the stipulations of the Mandate or to the agreement approved by the laws of October 20th, 1924, would not be applied to Ruanda-Urundi. M. Van Rees desired to know if the powers granted by Article 3 to the Governor-General applied to all his decrees and legislative ordinances, or if Article 6 should be understood to mean that these powers concerned only those legal provisions which would be contradictory to the terms of the mandate. In other words, did Article 6 limit the powers conferred by Article 3?

M. Halewycx explained that, in virtue of Article 3 of the law, the Governor of Ruanda-Urundi could apply to that territory the legislative acts in force in the Congo. Before using that power, he had to make sure that there was nothing in the legislation which he desired to introduce into Ruanda-Urundi which was contrary to the provisions of the mandate. If later on it was noted that any provision of the laws governing the Congo which had escaped his close examination was contrary to the stipulations of the mandate, it was legally inapplicable by the terms of Article 6 and it was the duty of the courts to consider it as null and void.

M. Orts asked what was the largest administrative subdivision of the Belgian Congo and what was the title of the official at the head of that subdivision.

M. Halewycx said that he would have to give a double reply. According to the law, the Congo was divided into Vice-Governments-General. But, with a view to simplification, these divisions had been called provinces by royal decree. At the head of each province there was an official who, according to the law, bore the title of Vice-Governor-General; according to the royal decree, however, he was called Governor of a province.

M. Orts pointed out that, according to the law of August 21st, 1925, a Vice-Governor-General was at the head of the territory of Ruanda-Urundi. He added, however, that, in fact, Vice-Governors-General no longer existed in the Congo.

M. Halewycx stated that, from the strictly legal point of view, there were only Vice-Governors-General. The head of Ruanda-Urundi also was a Vice-Governor-General: but with a view to simplifying the position he also had been given the title of Governor.

M. Rappard noted that, in this case, the officials possessed three titles, since mention was made of Royal Commissioners, Vice-Governors-General and Governors of a province.

M. Halewycx replied that, as regards the head of Ruanda-Urundi, the expression Royal Commissioner belonged to the past. Since the law concerning the Government of Ruanda-Urundi had been promulgated, the strictly legal title was that of Vice-Governor-General, replaced, in practice, by that of Governor.

**Customs Union between Ruanda-Urundi and the Belgian Congo.**

M. Van Rees pointed out that one of the direct consequences of the law concerning the Government of Ruanda-Urundi ought to have been the Customs union of the mandated territory with the Belgian Congo, if this Customs union had not already been established four years ago. What measures had been taken to make a just division of the import and export duties between the mandated territory and the Congo?

M. Halewycx replied that no difficulty had arisen in connection with the division of the receipts. Imported goods were accompanied by documents indicating the place of destination so that the Customs official knew whether the duty claimed was to be paid into the Congo or Ruanda-Urundi account. Goods leaving the territory were accompanied by documents indicating the place of departure. The Customs official knew therefore whether these goods came from a place in the Congo or from a place in Ruanda-Urundi and be accordingly placed the duty paid to the credit of one or other of these territories.
He added that there was no Customs barrier between the Congo and Ruanda-Urundi and that the Customs posts were on the outer frontier. These posts ascertained the place of origin or the destination of the goods passing through and placed to one account or the other the amounts received, in accordance with the information obtained.

M. Van Rees pointed out that certain goods might cross the Belgian Congo of which the destination was the mandated territory.

M. Marzorati said that the contrary might also be the case.

M. Halewycy explained that the question of the division of Customs receipts no longer arose the moment the goods reached their destination. If they then passed from one territory to the other, a different system was applied to them from the Customs point of view.

M. Rappard thought that the question was of little importance in cases of consignments sent by private persons. Its significance, however, would be greater if one of the territories concerned possessed a commercial centre, that was to say, if Usumbura, for example, was a great market to which goods from the Congo and the mandated territory were brought to be prepared for export. In such a case, whether goods were despatched east or west, the Customs duties would be paid into the revenue of the mandated territory, and yet the Belgian Congo would be right in claiming a part of them. The opposite situation might also occur. In the case of individual parcels the question was of small importance, but in the case of large consignments going to or coming from commercial centres, considerable sums might be involved. M. Rappard desired to know whether the question arose in practice.

M. Marzorati replied that in practice such cases did not occur.

The Chairman pointed out that the Belgian Government had dealt with this question. In the report submitted, it was stated, on page 87, that it was impossible to make any discrimination between alcohol consumed in Ruanda-Urundi and alcohol re-sold in the centres of the Belgian Congo economically dependent on Usumbura. Without being able to give definite figures, the Administration was of the opinion that almost all the imports of the Congo district of Kivu passed through Ruanda-Urundi, and that the European population of that district consumed about one-half of the alcoholic beverages imported into Ruanda-Urundi.

M. Halewycz replied that the Belgian Government had paid attention to this matter because of one of the questions put in the previous year by the Permanent Mandates Commission. That question did not concern the division of Customs receipts but the supervision of the trade in alcohol which, according to the terms of the mandate, was one of the duties of the Commission.

The Chairman desired to know how, in cases of that kind, the Customs receipts were divided between the Congo and Ruanda-Urundi. He reminded the Commission that he had put this question two years previously.

M. Halewycz pointed out that he had already replied to that question. It was of no importance, from the point of view of the collection and division of Customs receipts, that the goods, having been brought into the territory and stored in the warehouses of a trader, were brought out again after a time and despatched to another territory. Since there had been no transport in transit and since the imported goods had been broken in bulk, they should be considered as belonging to the territory in which they had arrived.

M. Merlin explained the question to the Chairman by the following example. Ruanda-Urundi formed a territory surrounded by others. How was trade between those territories carried on?

Returning to the Belgian Congo, M. Merlin took the following supposition: Supposing Usumbura became a great market of Ruanda-Urundi to which all goods exported converged. Usumbura was also in continuous relation through Lake Tanganyika, which was an inland sea, with the city of Baraka, which was becoming an important place for centralising goods for import and export. Supposing a consignment of goods was sent from Europe to Baraka, from a Customs point of view this consignment would increase the receipts of the Belgian Congo, although that country would in actual fact only act as a kind of warehouse for the goods, since they would have to go on at a later stage in their journey from Baraka to Usumbura for use in Ruanda-Urundi. Consequently, although the place in which they were used was the mandated territory, the goods in question were a source of profit to the Belgian Congo. Though the opposite case might occur in theory, the Commission should realise that it did not occur in practice because Ruanda and Urundi were territories entirely surrounded by other countries, and therefore all goods reaching them were sent first, according to his hypothesis, the Aga the market of Tabora, where they passed through the Customs. Once having passed through the Customs, as M. Halewycz had pointed out, such goods became the property of the Belgian Congo, and there was no longer any Customs frontier in existence between Usumbura and Baraka. The goods entered Ruanda-Urundi without the payment of fresh duties, so that the Belgian Congo derived profit from the Customs duties paid by goods consumed in Ruanda-Urundi or exported from that territory, and Ruanda-Urundi was deprived of such a profit.

Theoretical reciprocity mentioned by M. Marzorati did not, therefore, occur in actual fact. Further, if territory belonging to another nation had been contiguous to the territory of Ruanda-Urundi, instead of the Belgian Congo, and if Belgium held the mandate for Ruanda-
Urundi, a Customs frontier would be established at Usumbura for example, at which duty would have to be paid on all goods imported or exported. The duties would then profit Ruanda-Urundi.

M. VAN REES said that this was exactly the question which he had wished to put. He was grateful to M. Merlin for having explained it.

M. HALEWYCK remarked that the situation explained by M. Merlin was the inevitable result of the Customs union the establishment of which was permitted by the mandate, and the consequences of which it was necessary to accept.

M. ORTS thought that enquiry could usefully be made regarding the basis on which — in other cases where a Customs union existed — the Customs receipts were divided between two States so united. It was probable, moreover, that the Belgian Government had not made an innovation and that its solution of the problem had been the result of practical necessity.

M. RAPPARD wished for information on the following point. M. Halewyck had said that, since the mandate allowed the establishment of a Customs union, the territory must accept the consequences. He would emphasise the fact that it had always been understood by the terms of the mandate that this Customs union might be established only to an extent compatible with the other provisions of the mandate. If the adoption of the Customs union involved consequences contrary to the interests of the mandated territory, the Commission would be justified in saying that such a union was not acceptable. Article 10 of the Mandate was as follows:

"The Mandatory shall have full powers of administration and legislation in the area subject to the mandate; this area shall be administered in accordance with the laws of the Mandatory as an integral part of his territory and subject to the preceding provisions.

"The Mandatory shall therefore be at liberty to apply his laws to the territory under the mandate subject to the modifications required by local conditions, and to constitute the territory into a Customs, fiscal or administrative union or federation with the adjacent possessions under his own sovereignty or control; provided always that the measures adopted to that end do not infringe the provisions of this mandate."

M. HALEWYCK replied that this text had not been forgotten, but he did not see what provision of the mandate would be broken by the Customs union as it existed between Ruanda-Urundi and the Belgian Congo.

M. VAN REES noted that, as a result of the Customs union, the mandated territory might be deprived of a certain amount of revenue.

M. ORTS agreed with M. Rappard that the establishment of a Customs union ought to be justified by the interests of the mandated territory. There was no doubt in the mind of M. Orts on the point. It was clearly possible that Ruanda-Urundi might lose certain Customs receipts. It was also probable, however, that, if the matter were considered more closely, it would be seen that this loss was compensated and more than compensated by the collection to the profit of the territory, of duties levied on imported goods the final destination of which was the Belgian Congo. But this was only a detail. The essential point was that Ruanda-Urundi was able to draw considerable profit from its Customs union with the Belgian Congo, thanks to the unlimited opening afforded by this colony for the export of the produce of the mandated territory. The principal markets for the cattle and agricultural products of Ruanda-Urundi would be the industrial regions of the Congo which could be reached by way of Tanganyika.

If the Customs frontiers of the territory had been more restricted, the prospects of its economic development would have been very limited. The Customs union with the Belgian Congo was all to the benefit of the territory.

M. FREIRE D'ANDRADE entirely agreed with M. Orts. A Customs union existed in South-West Africa, and had not given rise to any difficulties. Customs duties were divided between the countries concerned. In the view of M. Freire d'Andrade, the methods of applying such a union should be discussed by the Governor of the mandated territory and the Governor of the colony with a view to concluding an arrangement of advantage to both parties. The question had been settled in that manner between South Africa and South-West Africa.

M. VAN REES pointed out that the question had already arisen concerning the Customs union between British Togoland and the Gold Coast, and between Nigeria and the British Cameroons. The Commission had always been solely concerned with the interests of the mandated territory and had always maintained that the mandated territory should have the benefit of its own revenue. If a part of the revenue which was its due went elsewhere owing to a Customs union, the Commission ought to deal with the question, and it was for this reason that M. Van Rees wished to know whether the mandatory Power had taken measures to assure the payment to the mandated territory of what was due to it.

M. HALEWYCK repeated that it was the place of destination of the imported goods and the place of origin of exported goods which determined the territory to benefit from the Customs duty.
M. VAN REES pointed out that an arrangement had been made with South Africa whereby 13.3 per cent of the total Customs receipts had to be paid to the mandated territory.

M. RAPPARD added that this convention had been based on the statistics for the three years previous to the establishment of the Customs union.

M. VAN REES thought that a proportional division of Customs receipts could perhaps be adopted for Ruanda-Urundi and the Congo on the same lines as that which had been adopted for South-West Africa.

The CHAIRMAN asked if M. Marzorati could give the Commission any information on the point.

M. MARZORATI said that, if any harm were done by the application of the present system, it was the Belgian Congo rather than Ruanda-Urundi which suffered. During the last years no imports for the mandated territory had gone through the Belgian Congo since the port of Matadi had been blocked and trade had therefore been inevitably limited. Consequently, during these last years imports and exports passed through Kigoma. The only important trade centre north of Lake Tanganyika was Usumbura. There were only about fifteen traders in the port of Uvira, while there were about two hundred in Usumbura.

Loan for the Development of Ruanda-Urundi.

M. VAN REES pointed out that, on pages 108, 109 and 110 of the report, there was a very interesting programme for the development of Ruanda-Urundi. The Commission would note that Belgium had agreed to a loan of 20 million francs, with a view to executing such a programme. It would be interesting to know under what conditions that loan had been granted.

M. HALEWYCK replied that the loan was to bear interest at the rate of 6 per cent.

M. VAN REES asked whether any arrangement for the redemption of the loan had been made, and, if so, what period of time it covered.

M. HALEWYCK said that the loan would be redeemed in thirty years.

M. ORTS desired to know whether this loan had actually been floated or whether it was still under consideration.

M. HALEWYCK said that it had been announced in the explanatory statements of the Belgian extraordinary budget for the year 1925 that the loan had been decided upon. By the Belgian budgetary law of the same year, the first block of the loan had been placed at the disposal of Ruanda-Urundi.


Sir F. LUGARD asked that the Administration of Ruanda-Urundi should forward every year to the Commission a clear and complete collection of the laws in force in the territory.

M. HALEWYCK said that it would be difficult to publish each year at the time when the report was being printed the new legislative acts concerning the period under review; that was to say, not only those which had been promulgated specially for Ruanda-Urundi, but also all those applying to the Belgian Congo to which the legislation of Ruanda-Urundi referred. The report had to be printed very quickly, and the Administration only had a few weeks in which to do it. In those circumstances, it was very difficult to reproduce as annexes to the report the legislation, of which there was sometimes a considerable amount, which, borrowed from the neighbouring territory, had been put in force in Ruanda-Urundi.

Sir F. LUGARD asked whether it would not be possible at least to have copies of these texts at a later date than the report.

M. HALEWYCK replied that the laws borrowed from the Congo were often very old. They might date as far back as 1890 and 1900 or even to the early days of the Independent Congo State. No more copies of the text of these laws were in existence, so that they would have to be reprinted.

M. RAPPARD said that the objection raised by M. HALEWYCK, concerning the very limited time at the disposal of the Administration for the printing of the report, raised the question of the date on which the report was despatched. This question had been raised in an official letter from the Belgian Government and in the report itself on pages 18 and 19. The authors of the report emphasised the impossibility of drawing up the final accounts of the territory for May 1st so that the Commission might obtain the report on May 20th. As the Commission was to hold two regular sessions a year, it might perhaps be possible to take account of the desires of the Belgian Government and adjourn the consideration of the reports on the Belgian mandated territory to the October session.

M. FREIRE D'ANDRADE desired to point out that for personal reasons it might be impossible for him to attend the October sessions regularly.

The CHAIRMAN thought that this question should be discussed separately by the Commission, which would take into consideration as far as possible the desires of the mandatory Power.

M. MERLIN pointed out that the Commission had to submit its report to the Assembly in September, and it might be somewhat difficult, therefore, for it to consider a report in October.
The Chairman said that the Commission would deal with this question at a future date and see what could be done.

M. Freire d'Andrade congratulated the Belgian Government on the completeness of the report. The information given concerning the points which had attracted the Commission's attention in the previous year was, in his view, entirely satisfactory. It was, however, difficult for the members of the Commission to appreciate the scope of certain laws and ordinances as long as the report was confined to a statement to the effect that such-and-such a decree in force in the Belgian Congo would be applied in Ruanda-Urundi. He would therefore be grateful if the Belgian Government would communicate to members of the Commission at least a collection of the laws of the Belgian Congo up to the year 1923.

**Question of Indirect Administration.**

M. Freire d'Andrade would also draw the attention of his colleagues to the second part of the report dealing with native sultanates (pages 31-68). This chapter was very complete and drafted in a very interesting way.

Nevertheless with regard to Chapter V, "Protection of Labour", he would desire to make the following observation. The penultimate paragraph on page 82 was as follows:

[Translation:]

"Too brusque an intervention on the part of the Administration would diminish the authority of the chiefs and would be contrary to this to the desires of the Permanent Mandates Commission, which was in favour of preserving a system of indirect administration."

Certain members of the Commission had, in fact, said that they were favourable to the system of indirect administration. It would not, however, be maintained that the Commission had unanimously declared itself in favour of such a system. It was not therefore absolutely correct to say that the Mandates Commission had urged the adoption of a system of indirect administration.

With regard to this point, it was also of interest to refer to the second paragraph of page 63, as follows:

"In the relations between the European authorities and the population of the country, the native kings have a very important part to play. It would be entirely wrong to maintain that the Administration could act directly on the chiefs and through them on the people. For in that case the intervention of the Mwami, justified only by tradition, is a source of complication and of no great practical utility."

Further on, the following passage, which was also of great interest, was to be found:

"These crises in the Chefferies are almost everywhere the great danger of native politics. To endeavour to solve them by dismissing a bad hereditary chief and to invest his powers in a native more susceptible to European influence often amounts to reestablishing insubordination by powerlessness. Legitimacy is a moral factor of incalculable importance."

He would also quote the following paragraph:

"The duties of the kings are very important. They, like the chiefs, however, have, for the welfare of the country, to submit to European control and they occasionally find such control irksome. Their limitless despotism has to give place to a regular system of administration. A prudent policy respecting their person and their prestige reconciles them to the inevitable changes in the exercise of royalty.

"Would it be sufficient to act through the kings and could not the Administration dispense with treating with the chiefs? Would not an autonomous administration, guided from above by mere advice, be possible and satisfactory? Anybody who knows the country would have to reply in the negative."

M. Freire d'Andrade finally read the following passage:

"To remedy this situation, the good advice given by the European resident to the native king is powerless alone. The great remedy is the real and general occupation of the country. This means the intimate contact of the European Administration with all the chiefs at once. No part of the country can escape the action of the white man, otherwise if one corner is neglected it will become the rendezvous of all those who are discontented with the white man's action elsewhere."

These different passages, as well as the final paragraph of Chapter V, deserve the attention of the Commission. It might seem that these quotations contained a kind of criticism of the somewhat too general views attributed to the Commission. Though some members had favoured a system of indirect administration, the majority had been of opinion that the Administration should make use as far as possible of the influence of the native chiefs, without however following too rigid rules. In any case, he did not think that the Commission had put forward a united view on the point. It appeared that a misunderstanding had arisen and the Commission might discuss such principles at another time.
M. HALEWYCK reminded the Commission that, at its last October session, it had almost unanimously taken note of and had expressed satisfaction with the statement that he had made to the effect that the Belgian Government did not intend to make any change in the policy of indirect administration which was practised in Ruanda-Urundi. The resolution of the Commission had then been confirmed by the Council of the League, and it was on this basis that it had been possible to state in the report that the Commission was in favour of indirect administration.

The CHAIRMAN did not think that M. Halewyck ought to interpret the remarks of M. Freire d’Andrade as being in the nature of a criticism of the mandatory Power.

M. FREIRE D’ANDRADE explained that he had not wished to criticise the mandatory Power. On the contrary, he had been very happy to note, in the passages which he had quoted from the report, statements which fully confirmed his own personal views. He himself was entirely in agreement with the views of the Belgian representative on this point.

**FIFTEENTH MEETING**

*Held on Wednesday, June 16th, 1926, at 3.30 p.m.*

**Chairman:** The Marquis Theodoli.

Present: All the members of the Commission.


M. Halewyck and M. Marzorati, representing the Belgian Government, came to the table of the Commission.

The Chiefs’ Assemblies.

The CHAIRMAN noted with satisfaction the cordial relations existing between Ruanda-Urundi and the neighbouring territories. What was the object of the assemblies of chiefs mentioned in the report? Were they general assemblies held for the purpose of exchanging views on administrative questions?

M. Marzorati replied that there had never been any meetings of chiefs for the whole country, but in Urundi there was a yearly meeting held on July 21st, to settle questions of boundaries, inheritance and the various disputes between the Chefferies. The Administration took the opportunity at such a meeting of giving the various chiefs general instructions on their agricultural, health and judicial programmes. During the course of the previous year, a meeting of a similar kind had been held in Ruanda.

Further, whenever the Administrator went on a tour he met the chiefs and gave them general instructions.

Prevention of the Spread of Bolshevist Propaganda and Censorship of the Press.

The CHAIRMAN asked what was the object of the ordinance of May 8th, 1925, granting the Commissioner-General the right to control or prohibit newspapers.

M. Marzorati replied that this ordinance had been promulgated with a view to preventing the spread of Bolshevist newspapers. There were certain sections in the Bolshevist organisation whose duty it was to conduct propaganda among natives. A similar censorship had been adopted in the Belgian Congo. The Administration of Ruanda-Urundi was in a very close relation more particularly with the Tanganyika territory, as regards the supervision of Communist propaganda. Up to the present, one newspaper had been prohibited in the Belgian Congo. This was the *Négro World*, a Pan-African organ of revolutionary tendencies. Since his departure on leave, he had been informed by M. Halewyck that the *Heure Rouge*, an organ of the Belgian Communist party, which had carried on propaganda among the negroes, had also just been prohibited in the Congo.

The CHAIRMAN asked whether Bolshevist propaganda was more active and more direct in mandated territories than in colonies.

M. Marzorati did not think this was the case. The movement was twofold. It was carried on on the West Coast by blacks returning from the United States, and on the East Coast it came from Asia. From both aspects, however, it was directed towards all the natives in tropical colonies.

In reply to Sir F. Lugard, he said that he had no knowledge of any connection between the Bolshevist propaganda and secret companies such as the Nabingi. Such companies were purely aboriginal, and this movement went on principally among natives possessing no home.
Slavery.

Mr. Grimshaw pointed out that the report referred to the possibility of a trade in native children with the great Islamic centres of Ujiji and Tabora both of which were in British Territory. Was there any reason to suspect that cases of such traffic entered neighbouring British Territory? Did the Administration of the two territories co-operate in the matter?

M. Marzorati replied that no cases of the traffic had been brought to his notice, but there was a real danger. It was for this reason that the populations which had become Arab were subjected to a special system. Co-operation with neighbouring countries existed to this extent, that the duty of the Belgian Vice-Consul at Kigoma was to control all the travelling passes originating in the mandated territory. Up to the moment, nothing of any real gravity had been noticed.

M. Raffard asked whether the populations which had become Arab considered the trade an abuse, or whether it was, on the contrary, a perfectly legitimate custom.

M. Marzorati replied that the population in question was very cunning and timid. It was careful never to violate an order of the Government.

Labour.

Mr. Grimshaw thanked the accredited representative for the minute and complete details given in the report.

M. Halewyck referring to the prestations which the natives had to give to their chiefs, pointed out that certain members of the Commission had been under a misapprehension at the session held last October. They had thought that the number of days of forced labour had been reduced by the European Administration to forty-two days a year while, in reality, the report for 1924 merely indicated that the number of days had been reduced by forty-two.

M. Marzorati explained that forced labour was not required from each individual, but from each family, the word family being employed rather in the Roman sense of the word gens. Prestation labour was therefore extremely moderate and was not in any way like forced labour; it was indeed of the nature of customary corvée labour.

In reply to M. Van Rees, he said that the native chiefs were well aware of their obligations. If the requirements of the chiefs were in conformity with custom, natives fulfilled them without protest. If they did not do so, the chief imposed the customary penalty. If chiefs demanded more than custom authorised and punished the natives for refusal, the Administration intervened in virtue of its political prerogatives. The labour furnished was used mostly for repairing and constructing the dwellings of the chiefs. If the workers came from a distance, they were generally fed.

Sir F. Lugard said that, if the Administration maintained ancient customs and, in addition, imposed a labour pretation, the burden laid upon the natives was heavier than before the advent of European control.

M. Marzorati replied that, under the German rule, the natives paid a tribute to the chief and, further, a tax to the German Administration. Calculated in rupees, the pretation had been far higher than that paid in paper francs to the Belgian Administration. The situation had therefore greatly improved.

M. Palacios asked how the Administration encouraged home industries, and of what these consisted. Everyone knew the good moral influence of work done by the family and of free home industry, but the abuses which might result from work done at home, when it was exploited by certain contractors, were well known. Had measures been adopted to prevent this form of labour being converted into the "sweating system"?

M. Marzorati replied that home industries were defined as those which the workers carried on for their own profit. Farmers carried out certain work at home during their leisure hours. To encourage this kind of work, technical schools had been established. Further, the Administration had tried to find markets. An ordinance promulgated two years previously allowed any official to carry on trade with the object of encouraging native industries and finding markets. The moment a market was found, the official gave place to the trader. Further, credits had been voted for the purpose of commercial propaganda. Finally, an exhibition would shortly be held at Elizabethville of various products of home industry.

Sir F. Lugard asked whether the Administration realised any profit from this source while acting as intermediary, or if this procedure had been followed solely in the interests of the natives.

M. Marzorati replied that the intervention of the Administration was purely disinterested.

M. Palacios asked whether an endeavour had been made to establish small purchasing or selling depots or associations where raw material could be obtained under the best conditions or where goods could be sold profitably.
M. MARZORATI replied that the ordinance to which he had referred contained certain provisions granting advantageous conditions to natives intending to trade.

M. VAN REES recalled that, according to the last report, more than 2,500 kilometers of carriage roads had been constructed or repaired. For this purpose, only 125,000 francs had been spent and, when questioned on the point, the accredited representative had said that this sum had only partially covered the cost of the work. The report now under examination supported that statement by referring, on page 93, to a considerable amount of work which had been done with the help of labour furnished by chiefs and usually on the request of the latter. Was this free preestation labour requisitioned by the chiefs?

M. MARZORATI replied that there was no question of labour furnished in addition to certain regular preestations. The chiefs were induced to devote to work of general utility the tribute to which they had a right. Moreover, the natives sometimes came to the missions to ask to be allowed to carry out work of local interest under the direction of the missionaries.

M. VAN REES desired to refer again to another form of labour required which had also been discussed last year, namely, labour required of the natives under the terms of the decree No. 52, dated November 7th, 1924. According to this decree, the natives were obliged or were subject to the infliction of a penalty — to perform each year in their respective Chefferies, for the benefit of the members, productive work — the cultivation of foodstuffs or of plantations of produce suitable for export (see page 84 of the report). This form of labour therefore was obligatory, unpaid and not devoted to essential public works. While in itself it could not be criticized, it was nevertheless not in accordance with the provisions of article 4 of the Mandate.

M. MARZORATI replied that this labour was imposed for the benefit of the natives concerned, and that it was legally sanctioned.

M. VAN REES added that several colonial countries followed this policy, that it could readily be justified in certain cases and that, in consequence, it was far from his thought to wish to criticise it, provided it was compatible with the letter of the Mandate, a question which he wished to reserve for the moment.

M. FREIRE d'ANDRADE said he thought that the Belgian Administration did not regard forced labour work in the interests of the natives or work which would later on give them a profit. The Belgian Administration was entirely within its rights. He did not think that this question should be regarded in a manner different from that in which it was regarded in civilized countries. Thus, inhabitants in European villages were compelled to empty the refuse of their homes in specially appointed places. There were also laws taking away land from farmers who left it fallow instead of planting it with corn. Further, tramps were not allowed to live in idleness at the expense of the community.

M. HALEWYCK said that the view expressed by M. Freire d'Andrade was shared by the Belgian Administration. It was a question, after all, of police measures.

M. MARZORATI, in reply to a question from Mr. GRIMSHAW, said that it would be difficult to compute exactly the share of each individual in this preestation labour. The Government was investigating the means of reducing this form of labour as far as possible. The obligations imposed on the natives were not abnormal. Porterage was carried out under a purely civil contract concluded between the natives and the Government under the same conditions as contracts concluded with traders. Porters were only engaged by the Government for the transport of material required for the various services.

Mr. GRIMSHAW pointed out that the report stated that natives furnished the customary preestations without protest. The point of view of the native was of interest, but what the Commission would desire to know was the point of view of the Administration. If the Administration thought that such customary preestations or corvees were harmful to the development of the population it was clearly its duty to prohibit them. Personally, he would hesitate to think that everything was for the best in the best of all possible worlds merely because the natives accepted the existing state of affairs. The report also said that, in its present stage of development, native life was impossible without preestations, and that the chiefs, in return for them, fulfilled the compensatory duties of protecting the natives and maintaining order. This may have been true at one time, but was it the fact that, under the present Administration, the duties of protecting the natives and maintaining the peace were still carried out by the chiefs? Did the latter give a real qui pro quo for the corvees they exacted?

It seemed to him that the Administration could not base its policy on the fact that the natives performed uncomplainingly these customary corvees for their chiefs, without considering their effect on the general welfare of the population. The policy of administration through native organisations as far as possible, which had sometimes been, unfortunately in his view, called "indirect" administration, surely did not mean that all native customs, good or bad, should be allowed to continue merely because the natives acquiesced in it.

The whole matter seemed to turn on the Administration's policy with regard to the chiefs. Did it desire to bring them into the framework of the Administration and make them its officials? If so, then it seemed clear that the chiefs should look for their salaries or rewards rather to the Administration than to levies and corvees.
M. Marzorati replied that the obvious tendency of the Administration was to make the native chief its representative to an ever-increasing extent, and to place him in an independent position which would not compel him to demand prestation labour from the natives. This, however, was a distant goal, which Uganda, for instance, was only just beginning to reach after having had it in sight for thirty years. Further, apart from the social aspect, account should be taken of the political aspect. The native chiefs would lose their authority if tribute were done away with.

M. Freire d’Andrade did not wish to emphasise the delicate question of compulsory labour. As Mr. Grimshaw, however, had brought it forward, the Commission would allow him perhaps to say a few words on the matter before raising the question which he desired to submit.

With regard to compulsory labour, he felt compelled to state that he had never considered as compulsory labour, under the terms of mandates, what was imposed by law on everybody, whether black or white. He considered that the natives should have the same rights and duties as Europeans and that certain duties could be imposed on the former just as they were on the latter. Prestation labour was one of these duties.

On the other hand, blacks should not be allowed to become vagrants any more than whites. In this connection, he would point out that among the observations concerning the memorandum which M. Freire d’Andrade, in accordance with the instructions of the Chairman, had submitted, on the well-being and development of the natives, it had been said that idleness was not punished in England. At that time he had not made any remark, but he had tried to obtain information on the point and had found a report submitted to the English Parliament in 1906 which was of great interest. Vagrancy had been punished in England at least as far back as the fifteenth century. Vagrants had been whipped, branded and even hanged. To-day they were still punished and the most curious thing was that, in the above-mentioned report, the view had been expressed that the present maximum penalty of fifteen days’ imprisonment ought to be very much increased. His very distinguished colleague would therefore allow him to make that correction. There was, however, a further side to the question. In certain districts belonging to the most advanced and most liberal countries, prisoners, including those condemned for vagrancy, were hired to contractors and worked under guards who were armed with rifles and whips.

He thought, therefore, that he was not going very far when he maintained the view that, though the native African should be allowed full liberty to work where, when and for whom he desired, he should not be left absolutely free to idle and to live on the labour of others.

This was M. Freire d’Andrade’s view and his colleagues would do him the justice of recognising that he had not departed from it since the very first session of the Commission. He would now submit the question which he desired to ask the representative of the mandatory Power.

On page 85 of the report, the amount of rations given to workers by the “Union Minière” was mentioned. The rations allowed to the men were quite sufficient, but those given to the women and children were clearly insufficient. With regard to this matter, he could speak from personal experience. If natives were allowed to eat as much as they liked, they began by eating far too much, and then very rapidly they accustomed themselves to rations which were far smaller than those granted to them.

M. Marzorati pointed out that in this case the women and children did not work, and consequently received their food without doing any work. The employers had decided that there was a moral interest in not separating labourers from their families.

Mr. Grimshaw referred to the question of the seasonal emigration to Uganda. The report stated that natives sometimes returned in a deplorable physical condition and the death rate among them was high. Had the Administration taken measures in co-operation with the authorities of Uganda?

M. Marzorati replied that this emigration was entirely seasonal and voluntary and had nothing whatever to do with recruiting. The Administration had considered the problem recently, and had drawn up a draft decree on native emigration, the regulations for which would be extremely severe, making possible the establishment of health and police control.

Arms Traffic.

The Chairman asked whether the Administration knew the number of rifles and weapons in the territory.

M. Marzorati replied that only Europeans or certain chiefs possessed such weapons. They were granted to the chiefs as a proof of special favour and under very severe restrictions.

Liquor Traffic.

The Chairman congratulated the mandatory Power on having promulgated an ordinance to correspond with the desires of the Commission.

Liberty of Conscience.

M. Palacios, referring to information given on page 29 of the report concerning the land system, asked whether the Administration intended to grant land to missions in perpetuity or on a long-term lease and if any distinction was made between the various faiths.
M. MARZORATI replied that they were all treated on an equal footing. There were no longer any German missions in the country. Their place had been taken by Belgian Protestant missions.

Education.

Mrs. WICKSELL congratulated the Royal Commissioner on the interest and fullness of the report on this question. It raised two main problems, the first of which concerned the extension of elementary education. The cause of the difficulty was the lack of native teachers. This problem existed in all mandated territories, and the Commission was well aware that the solution required time and, to some extent, money. Still, M. Halewyck had said in the previous year that both the high schools trained native teachers. The present report, however, gave no information on the point.

M. MARZORATI replied that the school at Nyanza trained teachers. The Administration, however, had had to take pupils from the higher classes in order to form its administrative staff. It was in this way that the greater part of the pupils had been given posts as chiefs or native secretaries. It would only be possible therefore in the future, though in the very near future, to train teachers and draw up a very large programme in co-operation with the missions with the object of increasing the number of schools.

In reply to Sir F. Lugard he said that the school at Nyanza was a State school, under the direction of an official who was subject to administrative authority.

Mrs. WICKSELL noted that, as regards the second problem raised in the report, that of the insufficient place given in the actual school programme to the education of women, the report declared it to be almost insoluble. She was very glad, however, to learn, from what M. Marzorati had said this morning, that the Administration, in spite of this insolubility, had begun straight away to solve the problem. She thought the solution found was just on the right lines and hoped it would meet with all possible success.

Sir F. LUGARD asked whether it would not be worth while to give to the missions a special subsidy to encourage them to train nurses and midwives.

M. MARZORATI replied that the Administration would do so. Most of the missions, however, were not authorised to deal with confinements. The government hoped gradually to develop special establishments where young women could be trained. As regards the medical side of the matter, it would grant subsidies to those missions capable of doing this work.

Military Forces.

M. FREIRE D'ANDRADE asked whether the native police were not inclined to abuse their authority. Was it not necessary also to have some white police?

M. MARZORATI replied that it was the sole duty of the municipal police to ensure order in the administrative stations and to carry out the duties of market police, to supervise vagabondage and prostitution, under the direct and permanent control of the European authorities. The troops were composed solely of natives from the Congo and the possibility of giving the natives of Ruanda-Urundi military training had not yet been considered. Hitherto there existed at the headquarters of certain chiefs not troops in the proper sense of the word but merely a native gendarmerie whose agents were armed only with truncheons.

Economic Equality.

Sir F. LUGARD noted that the value of the exports for 1925 amounted to 9,953,119 francs, whereas the Review of the Belgian Congo gave the figure as 4,500,000 francs.

M. HALEWYCK said he would ask the Editor of the Review from what source he had obtained his figures. So far as M. Halewyck knew, this paper was a private one, and no account should be taken of figures other than the official ones included in the report.

M. VAN REES drew attention to the road Uvira-Bukavu, constructed in the territory of the Congo, and asked whether the information given in the report on this subject (page 90) should be interpreted to mean that the Congo had borne the expenses incurred in the construction of this road.

M. HALEWYCK replied in his affirmative. The Belgian Congo had taken over all the cost of the road. As a certain anxiety had been shown in regard to the policy followed in the mandated territory and as the fear had been expressed that this territory was being put to the service of the Congo, the Belgian Government, which had never had such an idea, had wished to dissipate the least suspicion of this and, by an act of generosity, had put to the account of its colony all the costs of construction of the Uvira-Bukavu road, although in direct justice, for the reasons which he had already put forward last October, it could have placed the greater part of the costs of this road on the budget of Ruanda-Urundi.

M. VAN REES observed that the expenditure on the base at Dar-es-Salaam was supported by Belgium, the Congo and Ruanda-Urundi, and the expenditure on the base at Kigoma by the
two latter countries. It was added in the report (page 90) that the division of the expenses
had not been in proportion to the relative importance of the traffic to each of the participants.
He would like to know what was meant by this observation.

M. HALEWYCK replied that as it had been very difficult to divide up the expenses between
the three territories concerned, the empirical solution indicated had therefore been adopted.
In order, however, to compensate the territory of Ruanda-Urundi for the too high proportion
which it had had to bear, it had been agreed that the revenue obtained from both bases would
be for the benefit of that country only.

Public Health.

M. HALEWYCK, replying to a question of M. FREIRE D'ANDRADE, said that, in 1923,
there were six medical officers in the territory and that it was hoped that the number would
next year be raised to eight. In 1924, Ruanda-Urundi had only had four doctors. The progress
made in the health service therefore was considerable.

M. FREIRE D'ANDRADE noted that the mortality was still very high in the prison despite the very considerable efforts made by the Administration in the field of public health
in particular. It might be asked whether this was not due also to the fact that the natives,
brought suddenly into contact with European civilisation, had at once abandoned their
somewhat enforced sober habits, to the detriment of their health. The mortality rate was
also very high among the workers employed under the contract system, who, somewhat
weak on arrival at their place of employment owing to lack of food, suddenly found that they
were free to eat their rations, which, as a rule, were ample. It was necessary, therefore, to
take precautions and supervise the food of the natives in order to avoid this.

Land Tenure.

M. HALEWYCK stated that the principles on which the land tenure in Ruanda-Urundi
was based had been established by the putting into force of the law applied in the Belgian
Congo. Article 15 of that law laid down the general conditions for the cession and concession
of land. All that remained to be done was to provide, by administrative acts, for the application of those principles. The matter was being studied at present.

Public Finance.

The CHAIRMAN asked under what headings of the budget the expenses incurred for famine
relief were to be found. He also asked whether this was considered as extraordinary expenditure
or whether subsidies were granted which would recur every year.

M. MARZORATI replied that hitherto there had not been a special item in the budget
but that whenever a famine occurred special credit had to be obtained. As, however, famine
was a periodic event, the Administration had now provided a regular item, which would be
found in the budget for 1926.

M. HALEWYCK asked to be allowed to give now some details regarding the last famine.
The Royal Commissioner had left the territory when it occurred.
The famine had been serious at the beginning of 1926 in a certain region of the territory
to the north-east of Urundi. It had had deplorable results there which would be described
in the next report. In the territory as a whole the situation, from the point of view of the food
supply, no longer gave any cause for anxiety during the early part of 1926. Unfortunately,
there has been no rains in the north-eastern part of Urundi at the beginning of the season
devoted to the cultivation of beans. This crop had not been replaced by any other non-
seasonal foodstuffs owing to the complete indifference of the two native chiefs during the
previous months. Manioc had been distributed to them and the importance of cultivating
this crop had been urged upon them. Not only, however, had they taken no steps to supervise the plantations, but they had again used the prepared fields as pasture for their cattle.
The result of this was that the plantations, which should have supplied the deficiency in the
seasonal produce, had given no yield at all.

The CHAIRMAN asked whether the Administration intended to issue special currency
which would bring in a very appreciable profit to the Treasury.

M. HALEWYCK thought that the real solution would be to ascertain the amount of the
Congo currencies circulating respectively in the colony and the mandated territory and to
assign to Ruanda-Urundi a profit from the coinage of this currency which would be propor-
tional to its circulation.

M. VAN REES drew attention to item 17 of the budget, which showed a subsidy from the
Belgian Government amounting to 1,400,000 francs. This subsidy was presumably to be repaid. Did it bear interest?

M. HALEWYCK said that this was really a block of a loan of 20 million francs, which
would be raised to 4,300,000 francs as from 1926. The previous advances of the Belgian Government had not borne interest up to the present, but from 1926 they would bear interest at 6 per cent.
M. VAN REES asked whether item 15 of the budget for 1925 (Subsidy of the Government of the Colony for the veterinary laboratory) was a gift of the Administration.

M. HALEWYCK said that this was a subsidy granted in exchange for services rendered. In accordance with an observation made by M. Merlin, he admitted that it would be useful to define more clearly the nature of the various financial items by explaining their special technical significance when using the terms subsidy, advance or loan.

Replying to Sir F. Lugard, he said that the public debt of Ruanda-Urundi amounted to 10,000,000 francs on December 31st, 1925.

Sir F. Lugard asked whether all taxes were payable in kind and levied exclusively by the Europeans.

M. MARZORATI replied that they were paid in money. They were not levied solely by the Europeans. At present, certain native secretaries might levy taxes under the direct control of the Europeans. The object of the Administration was to decentralise fiscal operations and to have the payment of taxes effected in the various native districts.

Justice.

M. ORTS asked whether the sentences condemning criminals to capital punishment were carried out at once and to whom the right of reprieve belonged.

M. MARZORATI said that hitherto the right of reprieve had belonged to the Royal Commissioner, who frequently commuted the capital penalty to penal servitude for life when the execution of the capital sentence would be of no advantage for the maintenance of social order. At the present moment, it was necessary to establish a new organisation.

M. HALEWYCK added that, from the coming into force of the law of August 21st, 1925, on the government of the territory, the right of reprieve no longer belonged to the local authority because the Congo Charter, which was now applied to Ruanda-Urundi, granted that right to the Head of the State.

In reply to a question of M. VAN REES, he stated that by law Germans were not admitted into the territory, but the administration could deal with each case on its merits. The Germans actually residing in the territory were missionaries who, during hostilities, had not left the territory.

M. RAPPARD asked whether the tax on cattle was a purely fiscal measure or whether it had also been fixed to limit the number of cattle owing to the fact that the maintenance of the cattle interfered with the maintenance of the population.

M. MARZORATI replied that this tax had been fixed in order to stimulate the natives to derive a profit from their cattle, particularly by the introduction of dairies.

M. MERLIN said that this tax was imposed for purely fiscal reasons. In East Africa and Madagascar, it was the custom of the population to pay to the Treasury one-twentieth of the value of the herd.

The CHAIRMAN said that the Commission was very grateful to the Belgian Government. The Royal Commissioner and M. Halewyck were now in a position to realise the advantage of collaboration between the Mandates Commission and the administrators of the mandated territories. They would also realise that the supervision of the Commission, though critical, was exercised also in a spirit of loyal co-operation.

M. MARZORATI thanked the Commission for its kindness. He would carry away with him the most agreeable memory of the co-operation to which the Chairman had referred and which would enable him, in the Administration of Ruanda-Urundi, to act in accordance with the views of the League of Nations.

M. HALEWYCK associated himself with the thanks of M. Marzorati.

SIXTEENTH MEETING

_Held on Thursday, June 17th, 1926, at 10.30 a.m._

_Chairman:_ The Marquis THEODOLI.

Present: All the members of the Commission.

578. Administration of Syria: Statement by the High Commissioner of the French Republic for Syria.

M. de Jouvenel, High Commissioner of the French Republic for Syria, and M. de Caix came to the table of the Commission.

The CHAIRMAN spoke as follows: On behalf of all my colleagues on the Permanent Mandates Commission, I have great pleasure in welcoming M. de Jouvenel and M. de Caix. M. de Jouvenel needs no introduction either to the Commission or to the public; he is already
well known and appreciated in League of Nations circles, but I should like to thank him for having come to Geneva to explain to us in person the situation in Syria, which, as he knows, is the subject of our constant preoccupation.

The Commission was in session last October when the situation in Syria grew serious, and its anxiety was immediately aroused. It even wondered whether it should not proceed without delay to study the situation, but it decided to do so in a more thorough manner with the help of a detailed written report which the mandatory Power promised to provide. With the Council's approval, the Commission held an extraordinary session at Rome last February to consider the situation in Syria. After three weeks' investigation, it submitted its conclusions to the Council, which have since been published. These conclusions cannot be regarded as final on every point. M. Robert de Caix, as representative of the mandatory Power, announced at that session of the Commission that the French Government had instructed him to institute a thorough inquiry into the origin and all aspects of the situation in the mandated territory, and that this inquiry was to be extended to all the particular facts referred to in the different petitions received by the Permanent Mandates Commission. The Commission took note of this declaration and expressed the hope that the results of M. de Jouvenel's enquiry would be communicated to it at the same time as the final report for 1925.

We have been informed that this enquiry is now in progress. While awaiting its results and the annual report which will be examined at our autumn session, and in view of the special situation in the mandated territory, we shall be very glad to receive any information that M. de Jouvenel can give us and I thank him again for having been good enough to attend this meeting.

M. DE JOUVENEL thanked the Commission and the Chairman for having agreed to the proposal which he had made, to the effect that he should be heard by the Commission on the situation in Syria. Above all, he would thank the Commission for having decided not to sit in private during its hearing, because he would thus be enabled to dissipate in public a certain number of fables with which it was useful and indispensable to deal in this manner. Though such a necessity might not have appeared so evident to everyone as it was to M. de Jouvenel, it would have been particularly and indeed strikingly obvious owing to the last petitions received by the Commission. These petitions came from the Syro-Palestinian Committee in various forms and under various names. If the Commission would permit, he would base his statement on those petitions in order to give a definite reply to them, and to take the opportunity afforded by them to explain the position in Syria as clearly as it was possible for him to do so. He asked the Commission in advance to excuse him if he was obliged to worry it with a certain number of quotations.

He would reply briefly first of all, if it were permitted, to the question just raised by the Chairman when he referred to the enquiry which was now being made. There was, in fact, an enquiry now being made concerning the events which had occurred before his appointment and his arrival in the country.

He had not desired to conduct that enquiry himself because anyone succeeding to take up a post was rarely regarded as impartial. He had therefore obtained all possible guarantees of prudence and impartiality. With this object in view, he had wished to entrust it to a magistrate who knew the country and who, because he had not belonged either to the Administration of General Weygand or to that of General Sarrail, would prove, not only in actual fact, but also in appearance, perfectly impartial. This enquiry could only deal with the special questions mentioned by the Commission, as from the time when the authority of the mandatory Power had been restored in the Jebel Druse.

The magistrate had begun work at the beginning of June, and the High Commissioner would obtain the results of his enquiry personally from him and lay them before the Commission. Though M. de Jouvenel, however, might be unable to reply with regard to action before his arrival in Syria, he was quite capable of replying immediately concerning action taken under his authority.

He would now deal with the petition sent to the Secretariat on June 7th, bearing the signatures of the Emir Chekib Arslan and Ihsan El Djabri. He would leave on one side, if they would allow him, certain points of a quite general character, such as the passage where mention was made of his cruelty. This petition had reached him on the previous Monday. He had received another one yesterday from the same source, for all these petitions came from the same source and reproduced in another form the same accusations. He would deal, therefore, with the first petition; the Commission would see the others, to which also he would at the same have replied. He did not intend to read the whole document, with which the Commission was familiar. The petition opened with a general statement:

[Translation.]

M. de Jouvenel has surpassed his predecessor in cruelty. He has allowed a war to continue uselessly for six months, although he could easily have avoided doing so. As our Executive Committee has pointed out in its report, the ideal of the Syrian people has never differed from that contained in the Covenant of the League of Nations. The most extreme nationalists agree in thinking that an agreement with France is a necessity. To achieve this it would be sufficient to change the colonial system in force and to satisfy the aspirations of the Syrian people.

The Syrian nation desired, and still desires, to find a satisfactory solution in conformity with the recommendations received from the Council of the League. M. de
Jouvevel, however, is far from desiring to execute his pacific declarations, of which the
Permanent Mandates Commission took solemn note in its report.

"To realise how far M. de Jouvenel has departed from the principles of the Covenant,
we would draw your attention to the following points.

Then followed the seven points with which M. de Jouvenel would deal in succession.
The first point was as follows:

Translation

"Separation of the district of Alexandretta and Antioch from the rest of Syria and
its attachment to the High Commissariat by nominating a Frenchman to be head of
that district."

This first allegation was completely untrue. To refute it was necessary to explain to
the Commission the general situation which M. de Jouvenel had found in Syria and the
settlement which he had adopted to meet it.

He had noted from the Commission's session at Rome that one and even
several of its members—for the question had arisen on many occasions—had pointed out
that General Gouraud had established States, then a federation had been formed, and then
that federation had been dissolved. The Commission had asked for an explanation of this.
It should be realised that the mandatory Power was faced with a country whose nationality
was in constant movement, and where it was extremely difficult to determine exactly
the nationalities, which were very confused, as in that country anyone speaking of his religion
called it "my nation". Everything was unstable; it was a kind of perpetual political earth­
quake. Further, he felt sure that members of the Commission had studied the history of
Syria through the centuries, and knew therefore that this earthquake had never ceased.

This was a country of which it could be said that the traveller at every step encountered
an ancient capital. That capital might at the moment be a town or perhaps only a village,
or perhaps no trace of it might remain. Continuously throughout the history of the terri­
ritory, nationalities had arisen and then disappeared. For what reason? Because in no
other country in the world had religious or feudal wars waged more furiously. Throughout
the country religious and feudal lords were to be found. The country had not yet reached
what might be described as the "national" era of political organisation. It was still in the
religious or feudal era. It possessed strong memories of a former civilisation, but that civilisation
had never been able to impress itself indelibly on the territory. Herein lay the great
difficulty of the problem of Syria and the Lebanon. If the mandatory Power tried to settle it
from above, the solution would change as it had already changed. One day it would create
Syrian unity, then that unity would perhaps be broken and the Permanent Mandates Commis­
sion would say that it was the fault of the mandate. He would reply: "No, it was the weight
of the country's history.

In those circumstances, M. de Jouvenel had taken the situation as he had found it, for
he had been convinced that the mandatory Power should no longer take any responsibility
for making any changes in Syria, and that, if changes were to be made, these should be the result
of the express desire of the Syrians themselves, organising their own life. Among this
religious and feudal disorder there were, however, certain hopes of a new organisation. A
certain number of these feudal chiefs who were rich had sent their children to Western schools.
These young men had returned with notions of patriotism and freedom. As far as he was
concerned, M. de Jouvenel thought that such ideas were those upon which the future organi­
isation of a country should be built, because during the course of history it was invariably found
that in all countries of the world the fury of religious and feudal warfare grew less wherever
the idea of nationality was born.

Unhappily, although patriotism had been born in Syria, the mandatory Power found
itself faced with not one but several patriotism; there were, above all, the patriotism of the
Lebanon, and the Syrian patriotism, which were opposed to each other. Thus patriotism
in this form was a new danger.

What had been the situation on the arrival of M. de Jouvenel? First he had found four
States as the Commission knew—the State of Lebanon, the State of the Alauites, the State of
Syria and the State of the Jebel Druze. If the Commission wished, he would deal with them
one after the other.

What had been the situation in the Lebanon? The Lebanon was ravaged by fire and
sword, passing along the same road which revolution in Syria had always followed, the road
from the Jebel to Damascus on the one hand, and the road to Beirut on the other, through
the long corridor crossing the Hauran. The revolution had spread as a consequence of the
Druze invasion, which had been very violent. M. de Jouvenel then informed the
Commission of a certain number of facts which it was necessary that it should know in
order to appreciate the type of warfare conducted in those parts. He read a document giving
a list of the atrocities committed by the rebels in the region of Rachaya

M. de Jouvenel said he did not wish to continue that painful and unpleasant reading but it
was nevertheless necessary for him to indicate the type of massacre which was called war in
that country. This was all the more necessary as mention was made in one of the
petitions received by M. de Jouvenel of massacres at Merdjiaoum, Hasbaya and Rachaya.

Faced with this situation, what could he done? It was evident that, in the first place, it
was necessary to put an end by force to that state of affairs, French troops must be employed
to free Southern Lebanon—in other words to defend it, since it had been attacked; massacres
must not be allowed to continue; a clear view must be obtained, on the other hand, and it must be discovered exactly what the Lebanon was and what political edifice could be built upon it.

M. de Jouvenel would leave on one side the first point; that was the duty of the army which had freed Southern Lebanon. The second part was work of a political nature.

What did he do? On the day after his arrival he had profited from the fact that there was a Representative Council in Syria elected in the month of June or July — it was then December two years later — and he had appeared before that Council, which up to that moment had complained that it was hard to do was put forward recommendations. He had said to it: "You have been elected by your fellow-countrymen to put forward recommendations. Very well. Now put them into practice. Build your constitution."

Such action might be described as rash; nevertheless, it was the realisation of the view that the dispute should be transferred to the national plane. It had been the only way to obtain a clear view of the situation, the more so since that Parliament compulsorily represented all the rites in the Lebanon, that was to say, the Maronite, which formed the majority, the Greek Catholic and the Greek Orthodox. So much for the Christians, to whom a certain number of Syrian and Armenian Protestants must be added. Then there were the Druzes, the Moslem Shites, the Sunnites, that was to say, the orthodox Moslems. Consequently, the Christians were represented on the Council, which had been composed, if his memory had not played him false, of sixteen Christian representatives and fourteen Moslems. Consequently, he would refer to this later when dealing with the organisation of the Druzes of the Lebanon had come to him and offered to negotiate with the Druzes. Alaouites were jealous of their own independence, M. de Jouvenel had no intention of interfering with a ny races in which was particularly satisfied with its present situation. All the more so as in this connection there were certain precautions which had to be taken. There were two warlike races in Syria and the Lebanon, the Druzes and the Alaouites. As both the Druzes and the Alaouites were jealous of their own independence, M. de Jouvenel had no intention of provoking another war. "That is not my duty," he had said. He had therefore left the Alaouites to enjoy their good fortune. The Commission would understand very well that he had had to deal with the Druze question. This was the third State and the one which was in the most unfortunate position.

As soon as he arrived he had taken heart on seeing that a certain number of Moslems and Druzes of the Lebanon had come to him and offered to negotiate with the Druzes. M. de Jouvenel had thanked them for the manner in which they had outlined the position to him. The head of the delegation — whose name the Commission would hear again shortly — had been Prince Damad Ahmed Namy Bey, who was now head of the Syrian State, who had possessions at Beirut and who had informed the Commissioner that, if he did not trust the
It was said in the petition submitted to the Commission: "M. de Jouvenel has surpassed his predecessor in cruelty. He has allowed a war to continue uselessly for six months, although he could easily have avoided doing so." M. de Jouvenel assured the Commission that he had done all that he could to prevent the continuation of war. The effort at negotiation, which had not been the only one, had been sent proclamations in the Druses by aeroplane in order to make them understand that the mandatory Power had no desire to deprive them of their independence. It was very difficult to discover what the people wanted. It was a country which in 1920 had been on the point of a rebellion because it had seemed that there was a wish to include it in the same state as Damascus, and which now in its proclamations maintained that it was in revolt in order to be united with the State of Damascus. Each time any particular opportunity for negotiating had arisen or M. de Jouvenel had seen a possibility of negotiation, he had taken it at the risk of giving the impression of weakness. For what reason? Because France had no need of further victories. There was no glory to be obtained in gaining victory at this moment. It was a question of making peace. If, therefore, M. de Jouvenel had been able to find a way he would have made peace always provided that it had been an honourable one and as far as possible final. He had therefore continued his conversations at the same time as General Andrea had continued his.

The effort at negotiations to which he had referred had not been the only conversation. It had taken place in December. In January, the Emir Adel Arslan had shown him a letter signed "The Druse People". It was a fairly frequent practice for individuals to sign "The Druses" or "The Syrian People". Everybody made use of one or other signature. This letter had been countersigned by an important member of the family of Sultan Attrache, though not the most important member; it should be remembered that this family, like all other feudal families in those countries, was divided and included several important members. The particular member in question had been Abdulghafar el Attrache, who had sent the Emir a letter to be communicated to M. de Jouvenel. He would not read it, as he did not wish to take up too much of the Commission's time. It was couched in general terms and it was, moreover, perfectly courteous. When the Emir handed it to M. de Jouvenel, the latter had replied "You have given me a letter from the Druse community. It is couched in courteous language; I will reply to it and it will be published, for politics must be given the light of day. There is nothing more harmful than a system of confidential conversations of which each party gives his own account. It is much better, in my view, to say openly before everyone what one thinks."

He had therefore, to reply to this letter. It was said in the letter signed "The Druse People": "The Druses desire to avoid the commission of new mistakes in order to avoid new wars." M. de Jouvenel had replied: "I understand very well that the Druses are endeavouring to avoid the commission of new errors in order to avoid new wars, as is stated in the letter sent to me. If the Druses desire, as this letter states, to obtain their legal rights, I am quite ready to grant them these in the same manner as I have granted them, in conformity with the Covenant of the League of Nations and the terms of the mandate, to the other countries of Syria and the Lebanon who have not rebelled." He had taken the manner of the Lebanon to show that wherever peace reigned freedom was also to be found.

Moreover he had added:

"These legal rights could only be claimed by legal means.

"Let the Druse people therefore cease to make war and an organic constitution will be prepared in agreement with the qualified native authorities and will take into account the rights, interests and wishes of all the populations inhabiting the Jebel."

This formula was known to the Commission: it occurred in the mandate. "The Medjless will be constituted and will declare whether the Jebel Druse desires to form an independent nation or to be attached to Damascus. It will choose the head of the Government if the Jebel remains independent."
The Medjless was an elected assembly which had in certain cases been in opposition to the feudal chiefs. The Commission was aware that, under the administration of his predecessor, no complaint had been brought against Captain Carbillet so long as he had been in office. The complaints had begun to be submitted on the day following his departure on leave, and they came solely from the feudal chiefs. At the very moment when the feudal chiefs were complaining of Captain Carbillet, the Medjless was passing recommendations in his favour. Naturally, the High Commissioner did not propose to base a final organisation of the country upon Sultan el Attrache, seeing that the Attrache family was as much divided as the other feudal families.

"The Assembly will be constituted and will declare whether the Jebel Druse desires to form an independent nation or to be attached to Damascus. It will choose the head of the Government if the Jebel remains independent."

The Commission would note on reading these lines that the High Commissioner did not propose to appoint a French head of the Government.

"In the contrary case, the representatives of the Jebel Druse will unite with those of the other regions presenting a request to that effect, in order to appoint a single Government and to vote a single constitution.

"All France asks of the Syrians, the Druses, the Alouites and the Lebanese is to guarantee in common their common external frontiers, and to undertake not to use force in settling their internal disputes, but to resort for this purpose to arbitration by the mandatory Power.

"France has come here in order to exercise her power of arbitration, to guarantee that all the people of Syria and the Lebanon will keep their promises to each other and to place at the disposal of all parties the benefit of its technical experience in order to guide them in the way of progress and to develop the prosperity of the country."

He had written this letter on January 27th. A month passed and he received from Damascus on February 28th a letter from the same source, also signed "the Druse People."

[Translation.]

"Damascus, February 28th, 1926.

In answer to the reply of His Excellency, which was sent through the Emir Arsln on January 27th, 1926, a large meeting representing the Jebel was held on the 25th of the present month at the village of Dama.

"At this meeting it was unanimously decided to put forward the following claims:

1. Recognition of the complete independence of the Syrian countries, with the right of representation abroad, and the admission of Syria to the League of Nations.

2. Proclamation of the unity of the whole of Syria and the restoration of the Great Lebanon to its pre-war position. [Such a measure could not be effected by means of a proclamation.]

3. The conclusion with France of a treaty for a fixed period, guaranteeing French interests without prejudice to Syrian national supremacy. The treaty would be registered with the League of Nations which would guarantee its execution.

4. Withdrawal of the French troops towards the coast.

5. With a view to the constitution of a free national government, election of a free Constituent Assembly representing all the regions of Syria.

6. The final withdrawal of the French troops from Syria to be effected after the meeting of the Constituent Assembly.

7. General amnesty."

What was meant exactly by the withdrawal of the French troops? Such a withdrawal implied that the Druses desired to do exactly as they pleased. If it were legitimate to experiment in this way with human lives, it would have been tempting at that moment to withdraw the French troops from Syria, and to allow massacres to be resumed. In that case, however, what would have become of the duty of France? The Commission had seen what happened when the inhabitants were left to do as they pleased. At the beginning of the meeting he had shown what happened when the French troops withdrew for a moment. Finally, France, moreover, held a mandate from the League of Nations and had to carry it out. It was clear that she would not give such a sign of international weakness by withdrawing her troops, and it was certain that she could not allow events to occur which would result from such a withdrawal.

M. de Jouvenel was therefore obliged to break off this conversation, for it also could create the same spirit as that which had been shown during the previous conversations. Whenever an attempt was made to confer, to negotiate, or to make an arrangement, it was regarded as a sign of weakness, and to show signs of weakness was in this case to be lost. France had therefore been led to say that these negotiations could not continue and that it was necessary to send an expedition. Troops had therefore been sent to the Jebel with the intention that they should remain there, since it was realised that the revolution of last year had spread not only as a result of the massacre of the Michaud column, but because the garrison, having returned to Soueida, had been withdrawn. This had led the Druses to consider that they had vanquished the French troops and could do as they pleased. By following events from day to day, it would be clearly seen that revolutions had broken out as the soldiers had been withdrawn.
France had therefore been obliged to send an expedition to the Jebel Druse and to prove that she had force on her side. The troops had entered Soueida and taken up their quarters there. The expedition had been begun on April 23rd and on April 25th Soueida was captured. The month of May was spent in pacifying the north and west of Syria, and the month of June in pacifying the south. This was an expedition which might have been made at an earlier date, and which could now be made more quickly. Why was the expedition being carried out slowly? General Andrea had established a formula which he personally thought to be an excellent one. He had considered that it was not sufficient to advance troops, but that it was necessary to explain to the populations why this was being done, so that, step by step, the political work might accompany the military work.

When M. de Jouvenel had gone to Soueida about the middle of May, he had met a certain number of religious chiefs, chiefs of tribes, who had come to welcome the French authorities. He had believed that there was some sincerity in what they said, namely, that the war was not of their making but that it was the work of foreigners. They were not referring to England to Turkey; for them the foreigners were the people of Damascus.

What would be the future of the Jebel Druse? Would it be separated from or united to Damascus? M. de Jouvenel could not foresee, neither was it his affair nor the affair of the mandatory Power. The essential thing was that Damascus should not by force annex the Jebel Druse, and the mandatory Power should always be on the side of the party which was attacked. If, however, the Jebel Druse desired to be attached to Damascus, or if the Aalouites wished to be attached to Syria, he would certainly have no objection to such an arrangement, from the general point of view, it would simplify the machinery of government, and effect economy. In a country as strongly organised from the feudal and religious point of view, however, a policy of unification must be undertaken with extreme prudence; it was a question of skill, of intelligence and of tact.

M. de Jouvenel remarked that the situation in three States had been examined. He would now pass to Syria, that was to say, to the most important part of the problem. In his connection, he was obliged to return to one point. It was said that he had not wished to have any negotiations. This was not correct, as there had been conversations even at Paris. He had had conversations with the Emir Chekib Arslan, the signatory of the petition in the programme of which there were a certain number of points concerning which he was not from being in agreement. The Emir had left for Syria, he would certainly have no objection to such an arrangement, from the general point of view, it would simplify the machinery of government, and effect economy. In a country as strongly organised from the feudal and religious point of view, however, a policy of unification must be undertaken with extreme prudence; it was a question of skill of intelligence and of tact.

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3. There shall be constituted a national provisional government enjoying the confidence of the nation.

What did that mean? It meant that the power ought to be handed over to the Syro-Palestinian Committee. He was bound to say that these gentlemen were incapable of forming a government which would enjoy the confidence of their fellow-countrymen. They turned to the mandatory Power, and said to it: "Give to us the government." And they were urging also to the Mandates Commission asking it to do them the same service. This, however, was not the task or the duty either of the mandatory government or of the Mandates Commission.

The document went on to say that the mandate should be abolished. He would have some difficulty in coming before the Mandates Commission in order to defend such a thesis.

Further on, he read that the French army should evacuate Syrian territory.

He had already explained what happened when the troops were withdrawn. Such things did not encourage conversations.

When he arrived in Syria, he had already had a good many conversations, and, to speak frankly, he was somewhat disgusted with the art of conversation. In Syria he had found quite a different spirit.

In the first place, he had met the President of the Syrian State, Soubhby Bey Barakat, who was fairly unpopular, and who had yielded to the tendency, perhaps natural but regrettable, to place his friends in all the official posts and to entrust no duties to anyone but his friends, with the result that those who were not his friends thought they had some reason to complain. They had such good reasons to complain that the President had asked him on the day of his arrival to change the capital and to transport it to Aleppo. This, of course, was an idea. Capitals are frequently displaced in this country. But he had felt that the proposal implied that the President was not comfortable at Damascus, and he had refused to record him this satisfaction. It had been all the more difficult to accord it as Aleppo was not far from the Turkish frontier, and, as the President was accused of being Turkish in sympathy, he would certainly have no objection to such an arrangement, from the general point of view, it would simplify the machinery of government, and effect economy. In a country as strongly organised from the feudal and religious point of view, however, a policy of unification must be undertaken with extreme prudence; it was a question of skill of intelligence and of tact.
There was no Government at all. This perhaps was better than to have a Government who was thoroughly unpopular. But it was necessary to have someone with whom it was possible to talk. It was necessary to ascertain the position. In Syria and in the Lebanon there prevailed what he would describe as the system of petitions, and whenever the authorities received a petition they always received another containing exactly the opposite request. What was particularly noteworthy was that sometimes at the foot of the two petitions would be found the same hand. This had happened at the beginning of his mission at Aleppo.

He had then received a large number of delegations from Aleppo and Alexandretta. The delegations from Aleppo had asked him for separation from Damascus, and during a banquet the President of the Municipality of Aleppo had declared that everything had gone on very much better when there had been the State of Aleppo. The delegations of Alexandretta did not wish to have any relations with Syria, particularly for economic reasons, and because of the method employed for choosing officials, to which he had already referred.

The principal economic reason was that Alexandretta was expecting to derive wealth from the exploitation of the cultivation of cotton on a plain of 23,000 hectares, which could be drained. At the time when Alexandretta formed part of the Syrian State, and when there was a Syrian Council of Representatives in office, the concession of this estate had been refused to Alexandretta, and Alexandretta bore the Syrian State a grudge on this account. Moreover there were always questions of religion, sect and race. In the Sandjak of Alexandretta 39 per cent. of the people were Turks; this complicated the situation. The High Commissioners therefore found himself confronted with serious contradictions. All the delegations which he received at Alexandretta asked for separation. At Aleppo some asked for separation and others for attachment to Damascus. At Damascus, he had received certain delegations from Damascus who had asked for union.

How was any clear opinion to be formed from these petitions? There was only one means of ascertaining the truth, which was to hold elections in order to ascertain what majority of the population desired. For this reason, he had decided, on the very day when the President of the Syrian State resigned, to hold elections wherever there was not martial law, or, in other words, throughout the region of the Alauites of Alexandretta and of Syria, except that part of the country which was a prey to hostilities. It was said that these elections had been held with a view to separatism. In fact, however, they were held with the sole purpose of ascertaining the real position, as it was impossible to do so under the system of petitions.

Immediately he had discovered both the strength and the weakness of the revolutionary party. Its strength rested in terrorism. Its weakness lay in the fact that it was run by a minority, since, if the revolutionary party had represented the majority, its candidates would have come forward at the elections. They had not come forward, however, but had merely endeavoured to boycott them.

M. de Jouvenel would refer to some of the manifestos in which an endeavour was made to boycott the elections.

[Translation.]

Printed Notice.

"Please note that forty-six devoted nationalists have undertaken to kill the candidates at the elections if they do not withdraw their candidature, as well as the electors of the second degree if they take part in the vote."

Telegrams sent from Lausanne by Ihsan Bey Djabrli to the Souria-Ech-Chemalié.

[Translation.]

"We urge that the nation shall refuse to vote until its claims have been accepted."

"The people of Aleppo, devoted to their country, refuse to be accomplices in this mortal division and they have unanimously decided not to participate in these elections and to boycott them. Their support in this enterprise rests upon the devotion of their venerable fellow-citizens and the confidence which they place in them."

"Preserve your lives threatened by the violence of the people. Assume once more your Arab patriotism and follow the example of your brothers. This is the first and last warning."

"Anyone who presents himself for such a duty had better ask that all the French troops shall be concentrated in order to defend his life."

The boycott succeeded at Homs and Damascus. At Aleppo there was at the outset some difficulty, because bands had been placed round the voting boxes in order to prevent people from voting, and the people consequently withdrew. In the State of the Alauites, however, candidates had come forward everywhere and had been elected. The percentage of voters was 77 per cent. At Alexandretta it had been 74 per cent; at Aleppo from 20 to 25 per cent; and in the whole of the Vilayet of Aleppo 60 per cent; at Kariatim 50 per cent. At Hama, there was no voting, but at Seleâniê, near to Hama, 95 per cent of the people voted.

The Council of the Alauites was composed of eighteen members. Of the thirty-eight seats which it was necessary to fill, in Syria thirty-one had been filled, and the Administration was therefore confronted with people who had every right to speak for the country. It had been possible to ascertain the views of the population. As it had been alleged that the High Commissioner had acted with a view to separatism, he had proceeded to Aleppo, called together the members of the Representative Council, and had told them to vote exactly as they
The deputies of Aleppo said that they wished to be united with Damascus. At Alexandretta, opinion was in the contrary sense. He was not exactly pleased with this result, as he thought that in future it would be of advantage to work for the closer relationship of Alexandretta with Aleppo and Damascus. He had endeavoured to work for this closer relationship as he would prove by the texts.

This work of bringing the districts together and of organisation was a political work, requiring negotiations conducted at leisure, which could not be accomplished by a decree. He had always declared to the Syrians and to the Lebanese that the mandatory Power was not the judge of their aspirations, adding that neither the views of the mandatory Power nor the League of Nations were in conflict with those aspirations. He had, however, pointed out their own aspirations were contradictory, and that it was this which made the position difficult. He had, emphasised that, though the Administration was not the judge of their aspirations, it was, on the contrary, the judge of the method by which those aspirations were realised, and that if any attempt were made to realise them by force, the Administration would declare this to be a bad measure and would oppose it. The populations passed their time supporting the principle of Syrian unity but, at the same time, worked against it.

When he had discussed the position with these gentlemen, he had said: 'Before constructing the walls of your gardens, build your houses. Establish your households. In other words, create a Syrian organisation. Gradually you will be able to attract towards you those whose interest it will be to join you. But you will not be able to obtain any result by means of terrorism'. It was a fact that hitherto it was by terrorism that the Syrians had tried to accomplish their purposes.

M. de Jouvenel asked that he might mention in this connection an event which had been significant enough. In January last he had been obliged to constitute a direct Government. He had not done so for his pleasure, but the inhabitants of Damascus had persuaded him that the setting up of a direct Government would not meet with any difficulty. He would point out, in passing, that during the revolution no official had resigned, and business had proceeded normally without any interruption. This, however, was not a realisation of the mandate, and he was anxious to apply the mandate. He had chosen for this purpose a moment which seemed to him to be critical, the day immediately following the victory of Soueida. At that moment France was in a position to do as she pleased, and she might have abused her victory. She had, on the contrary, wished to hand over the conduct of affairs to the Syrians themselves. He would ask his hearers to conjecture what these people had alleged. They had alleged that the French were not at Soueida, and if they were there they would not have acted thus. He would read in this connection some extracts from the newspapers in which it was alleged that the French were not the masters of the situation.

He had, despite all, persevered. The direct Government which he had instituted had assumed the direction of affairs. It was said that its programme was vague. He would in this case refer to that programme. For the moment he would deal only with Alexandretta. In this case, the programme of the Government was the same as that of the petitioners; this was proved by the letter which the head of the Syrian State had addressed to him on May 16th, last:

**[Translation.]**

"Damascon, May 16th, 1926.

"I should be grateful if you would extend to my Government a further mark of your kindness by encouraging the efforts which it is about to undertake with a view to achieving the unity of Syria.

"I beg you to authorise us to negotiate at once with Alexandretta for the maintenance of this Sandjak in a united Syria.

"Syrian unity is certainly one of the national aspirations, the realisation of which would most contribute to the reorganisation of peace and its maintenance in the future.

"Moreover, the preservation with Alexandretta of the natural outlet on the sea of the northern regions of Syria would at present meet the desires of the inhabitants of Aleppo, who are anxious in regard to their commercial interests which, as you are aware, are greatly valued by us.

(Signed) Ahmed Namy."

M. de Jouvenel had replied to this letter as follows:

**[Translation.]**

"Damascon, May 19th, 1926.

"Your anxiety on behalf of Aleppo and your desire that the Sandjak of Alexandretta should be attached to Syria are highly to be commended.

"As I have taken into account the desires expressed by the elected representatives of the vilayet of Aleppo in favour of union with Syria, I must also take account of the wishes expressed by the elected representatives of Alexandretta.

"I have, however, always been convinced that it was only the revolution which detached Alexandretta from Syria and that it would be to the interests of the autonomous Sandjak to be again united with a pacified Syria."
This explains the postponement of my final decision. It will enable your Ministry to negotiate with the Sandjak in order not to allow separation to become an accomplished fact or the present uncertainty to be prolonged.

I am persuaded that, if you guarantee to the inhabitants of Alexandretta the individual rights assured to them by the constitution which they voted, and if you establish for the Sandjak, in agreement with its elected representatives, the special regime provided by the treaties, you will succeed in your work for union with the Syrians, to the great benefit of Aleppo, Alexandretta and the whole of Syria.

(Signed) JOUVENEL.

The Commission would thus be able to realise that he had done what was requested of him on two occasions. He had been asked to declare that Alexandretta was autonomous and to appoint a Frenchman to the presidency. A further request had been made for complementary elections, with a view to the nomination of four other deputies. He had adjourned his reply, relying on the skill of the Syrian Government in the work of recovering Alexandretta. This explained the following paragraphs in his letter:

"This explains the postponement of my final decision. It will enable your Ministry to negotiate with the Sanjak in order not to allow separation to become an accomplished fact or the present uncertainty to be prolonged.

I am persuaded that, if you guarantee to the inhabitants of Alexandretta the individual rights assured to them by the constitution which they voted, and if you establish for the Sandjak, in agreement with its elected representatives, the special regime provided by the treaties, you will succeed in your work for union with the Syrians, to the great benefit of Aleppo, Alexandretta and the whole of Syria."

How could it be said that he had worked for the detachment of the districts of Alexandretta and Antioch from Syria by appointing a Frenchman to the presidency? The Commission might estimate from this fact the value of the evidence brought by the petitioners. Moreover, there was proof in a telegram which he had just received that the procedure which he had followed was not a bad one. As the Commission knew, he had authorised the Syrian Government to negotiate; not only had he authorised it to negotiate, but he had assisted it to do so. With this object, he had sent General Billotte to Alexandretta. The conversations started by General Billotte seemed to him to have had a rather good result, since a telegram from the Acting High Commissioner announced that the Representative Council of Alexandretta had voted a resolution by nine votes out of ten renouncing the resolution of independence previously voted and declaring in favour of maintaining the Sandjak within the Syrian union, subject to a regime of decentralisation which would be elaborated by the competent authorities in agreement with the High Commissioner. The resolution indicated that the vote had been taken with a view to national reconciliation and as a favourable response to the proposal for solidarity and agreement submitted to the Council.

It would be seen from this example that the way to arrive at Syrian unity was not to use force or terrorism but to conduct negotiations and conversations.

He would pass to the second charge, which was presented in the following terms: "Abandonment of the richest and most fertile territories near to Killis under pretext of revising the Treaty of Angora.

He had read this second charge with astonishment and had found it necessary to examine the signature more than once. He could not forget that the two delegates whose names were at the foot of the document, Emir Chekb Arslan and Ihsan El Djabri, formerly belonged to the Bureau of the Sultan Abdul Hamid, or that the Emir Arslan had been the agent of Jemal Pasha in Syria and that he was at that moment the head of the Druse volunteers serving Jemal Pasha. If these memories seemed to be too remote, he was still less likely to forget that, following the session of the Commission at Rome, the Emir Arslan had got into touch with the Turkish Government asking it to intervene. These, however, were matters which concerned only the persons involved. He would deal now with the facts.

He would submit to the Commission a map of the frontier of the territory and the text of the Treaty of Angora. He had concluded the Convention of Angora owing to the fact that, since 1921, a certain number of questions had remained in suspense between Syria and Turkey.

The Convention removed the difficulties with which the two countries were confronted. Article 1 of this Convention was as follows:

[Translation.]

"The Turkish Republic and the countries detached from the Ottoman Empire and placed under the authority of the French Republic shall maintain at all times friendly and neighbourly relations. They shall not undertake, nor shall they permit, any violation of their common frontier as defined in the present Convention, and for this purpose they shall take the steps provided in the annexed Protocol No. 3 (Protocol against armed bands); they shall neither encourage nor support any aggression directed against either of them."

This, then, was a covenant to ensure friendship, good relations and non-aggression. When a nation had an opportunity of signing such a covenant, it should do so. He would add that it was one of the most important benefits which Syria had derived from the exercise of the French mandate. This covenant, in fact, guaranteed the northern frontiers, a matter which was of great importance, as it was known that there were armed bands which engaged i
continued raids. Syria was perpetually in conflict with Turkey and it was clear that if, in the future, Syria recovered complete independence, this convention would be a dead letter, since Turkey had signed the treaty with France and not with Syria.

At the very moment when France, acting as Mandatory, was occupied in securing peace for the country, from which it was the guardian, protests were raised in that country by persons who accused the Mandatory of having yielded territories. He would, however, observe that, although certain isolated protests had been raised, he had, on the whole, received only thanks and congratulations.

Reference was made in the protests to eight villages situated in the neighborhood of Kilis, which had been yielded to Turkey. Though a straight line might be traced on a map, such a line could not be final. It was necessary to correct it on the spot and to make a delimitation agreement. It might happen that in reality the frontier would pass sometimes on this side and sometimes on that side of the straight line traced upon the map. The present frontier passed to the north of the neighborhood of Kilis. Kilis was a rich district inhabited by a majority of Turks. It was therefore natural that certain Turkish villages should be yielded to Turkey. On the other hand, some villages had been attributed to Syria, though a part of the population in the villages was Turkish. He believed, in any case, that the Convention of Angora was much to the advantage of Syria, which would, in the future, feel sure, be grateful to the mandatory Power.

He would place this Convention at the disposal of the Commission, observing that, if it had been ratified by the Turkish Parliament and had received the approval of the French Government, it had not yet been officially ratified by the French Government. It was only after it had been ratified that it would be deposited with the Secretariat for registration. At the present moment, he was placing the text of the Convention at the disposal of the Commission out of deference for the Commission and in order that it might be able to study the Convention.

He would now turn to another point or rather, if the Commission would allow, to a group of points: "Regime of terror; capital executions without trial; the son of the ex-Cadi of Damascus, Alhalabi, and several others executed without trial, on the evidence of an informer [This allegation was certainly false, as capital execution had always been preceded by a trial]; acts of violence on the part of Armenian mercenaries and Circassians, facts noted by the French authorities themselves."

It was not disputed that the French authorities had actually noted certain acts of violence on the part of those who were called mercenaries and who constituted the police. It was very difficult to create a police in this country. The former chief of police of Damascus had one day asked for permission to make an excursion. Instead of going by the ordinary boat, he had taken a smuggling vessel, on which he had been arrested after he had thrown his portfolio into the water. What had he wished to hide? If he had taken the boat like everybody else, he would not have been regarded as a smuggler.

From time to time, the Administration received complaints from Syrians, Armenians, Cherkesses, whose belongings had been pillaged, and it was sometimes found finally that they themselves were the guilty parties. There had certainly been deplorable incidents, followed by arrests, by dismissals and by the disbanding of a portion of the Armenian police, but the accusations should not be regarded as Gospel; the facts quoted should always be carefully checked.

Allegations were made in regard to a regime of terror and acts of violence on the part of Armenian mercenaries. These were facts which required to be determined point by point. He was quite ready to give all necessary explanations and to take all the disciplinary steps to deal with the cases which were brought to his knowledge.

If the Commission would allow, he would show that a system of false reports prevailed in Syria. It was an amazing situation. The following fact might be quoted. He was one day conducing the Governor of Jerusalem on a visit to Palmyra. On his return, he heard that he himself had assassinated the British Consul, who had been immediately revenged by the Consul of the United States, who had shot him dead with a revolver. Such was the interpretation put upon a friendly journey to Palmyra. The stories of massacres must not, therefore, be taken literally. The whole thing was a tissue of false rumours. He had put a certain number of these rumours on one side but he would read an extract from Al Syassat of May 23rd:

[Translation.]

"A Syrian friend brought to my knowledge a letter which he has received from Damascus. It tells a story of incredible atrocities attributed to the French which we can well believe. We reproduce one of these stories in the hope that it will be contradicted.

"A Frenchman entered the prison of Damascus taking with him a whip and two dogs. He caused the prisoner to be brought to him, stripped him completely and began to whip him. He then set his two dogs upon the prisoner, which tore the man to pieces with their teeth. The torture lasted for four hours. Finally, the prisoner was stretched on the ground and the Frenchman strangled him by placing his shod foot on this throat. This atrocity was repeated upon three other prisoners.

"The Frenchman is the director of the prison of the citadel. His name is Chafou (?) and he is a sergeant. The victims of his savagery are Armenians."

That was the kind of story which the above newspaper published and which the same paper later contradicted and declared itself happy to be in a position to correct.
On his arrival in Syria, as soon as he had observed the prevalence of false reports, according to which so many extraordinary adventures appeared to be happening, he had informed his journalist colleagues that he intended to organise an office with the assistance of which it would be possible to distinguish the false from the true. He had organised this office. Some journalists came for information but others had refrained from doing so and continued to publish news so extravagant that he had been obliged—himself a journalist—to institute a censorship, a task which was far from being agreeable to him.

He would quote another example concerning the history of Soueida as related by the Al Itihad ul Arabi of April 30th.

[Translation.]

"The French columns were from 20,000 to 25,000 men strong, fully equipped [which was false]. The column of Bosra had scarcely moved a few kilometers in the direction of Kreya when it was attacked by the Moujahids. There was a violent battle at close quarters which lasted for two days. The Druses and Arabs were victorious. They captured thousands of guns and shells, 20 machine-guns, several cannon and more than 1,200 prisoners, without counting the killed and wounded. The survivors of the column are in flight in Transjordania."

There was not a word of truth in this story. The newspaper continued:

[Translation.]

"On the Bourac front, the Moujahids won a brilliant victory, capturing 20 cannon, 100 machine-guns, 2,000 prisoners and thousands of rifles.

"The day following the entry of the French into Soueida, the forces of Moujahids, who had just won the battles of Bosra and Bourac, laid siege to Soueida, so that the troops established there were made prisoners, only saving themselves by surrender. They could not establish any further communication with their base at Damascus.

"I will shortly announce to you the fall of the French garrison of Soueida and our entry into Damascus."

He would emphasise the treacherous accuracy of this information. It stated the number of French guns which had been captured! Naturally, not one had been taken. The affair of Soueida had certainly been a costly operation, for it had cost 380 killed and wounded, but no prisoners had been taken. The total effective force of the column had been very far from the 25,000 men mentioned. M. de Jouvenel said he could have continued such reading but it would be tiresome.

There were two facts to which he would very briefly draw attention. A very horrible photograph had been attached to the petition, which M. de Jouvenel considered faked or false. He asked the Mandates Commission what was meant by the "J'zaz quarter", where the event had taken place. This photograph showed Syrian patriots with their heads cut off who had been exposed in the public roadway for a week. As M. de Jouvenel had only received that photograph on Monday, he had been unable to verify it, but it was certainly false.

Further, a rumour had spread to the effect that a soldier of the Foreign Legion was to be condemned without trial. The trial in this matter, however, had not yet even begun or at least was not begun when M. de Jouvenel had asked for information. This matter had aroused a lot of attention in America. The man in question, however, had been put under preventive arrest and he would probably be severely punished. This had been changed by rumour into a statement that he had been condemned to death.

He would now speak of a more important matter which required explanation. This was what had been called the bombardment of Damascus, during which, the petition maintained, 700 women, children and old men had perished in tragic circumstances.

What had happened?

First, no bombardment of Damascus had taken place. The Commission should realise the position of that city. When M. de Jouvenel had arrived in Syria he had found Damascus threatened. There had been a daily inflow of armed bands; there was even to be found in certain newspapers of Palestine or Egypt an accusation to the effect that the mandatory Power was encouraging the entry of such bands into Damascus in order to render the revolution distasteful to the Damascenes.

Protective measures had been taken and he had tried to ensure that such measures of military protection should have a salutary and useful effect, both from a civil and economic point of view. The streets of Damascus were so confused that the town was practically defenceless. They could be crossed by jumping from one terrace to another. It was in this manner in October that the rebels had suddenly appeared in the centre of Damascus and the Administration had been compelled to use guns against them. The High Commissioner had desired at all costs to prevent such an occurrence from happening again and to protect the town from rebel bands. It had been necessary to encircle the town with fortifications. Happily, it was not necessary nowadays to build fortifications on the lines of those erected by Vauban. It was sufficient to construct barbed-wire fences. M. de Jouvenel has tried at the same time to develop an urban scheme. Thus a barrier had been constructed enclosing the whole town in a circle of barbed wire. This circle followed a large boulevard thirty meters broad, which now completely surrounded the town. The roadway had been built at the same time as the
The peaceful population of Damascus had flocked to the interior of the town. The Meidan quarter, which had always been the refuge of homeless people and persons living on the outskirts of great cities, had become the refuge of all the rebels and bandits. There were in that quarter all sorts of people, some of whom had come from Persia or India. Each evening, an attack was made on the frontier posts in this district.

After the victory of Soueida, what could the heads of the rebellion do? They realised that there was nothing more for them to do in the Jebel Druze, but they had tried — and this was a sound method of warfare — to create a diversion. What was the most natural diversion, the operation which would have the widest effect? It was to create a diversion in Damascus. He himself had been there at the time. He knew how excited the nights were thanks to this Meidan quarter.

A few days before the Meidan affair took place — on Monday, May 3rd — he had received a visit from General Vallier and Colonel Clement-Grandcourt. These two officers had said to him: "You wish to maintain a perfectly passive attitude, but troops cannot remain passive for an indefinite time. If you allow the danger to grow in the Meidan quarter, the Meidan post may well be overcome and on that day the rebels will enter the town."

What action would have to be taken if the rebels had entered the town? It would have been necessary to shell them and to begin the bombardment again, but on that occasion the shells would have fallen on innocent persons and on persons who had been promised the protection of the French army. M. de Jouvenel had informed General Vallier and Colonel Clement-Grandcourt that the Meidan quarter must be reduced. Obviously, at that moment the bandits had not specially informed that they were about to be attacked. The Administration had issued a general warning. Then the operation begun on May 7th, at 4 a.m. had taken place. The military report stated that the attack had been carried out as follows:

The opening of the attack had been fixed for 4.30 a.m. on May 7th. The operation had taken place according to plan. The transport by rail of infantry from the southern group had contributed to the success of the surprise, which had been complete. The resistance of the rebels had, nevertheless, been immediate and violent and had necessitated the use of all different types of arms for which provision had been made. The progress of the northern group had been fairly speedy. At 8.30 a.m. it had overcome all resistance and reached its objective.

The same was not the case with the southern group, which, moving in three parallel columns, encountered still greater difficulties, which it had only been able to overcome by using all the means at its disposal. The bandits had shown great tenacity of resistance and had held very well-developed defensive posts. By 10 a.m., however, the three columns of the southern group in their turn had all reached the same line on the whole front.

It was not possible to give full details of the operation. As an example, however, and with a view to explaining the difficulties encountered by the French troops, he would like to give details concerning two characteristic episodes:

The attack delivered against an obstacle thrown up by the enemy:

The attack on a house put in a state of organised defence.

The control column of the southern group had been held up on entering the Meidan quarter by a trench several meters wide, dug in the main street and which tanks could not cross. This trench had already been observed. For some time fires had broken out in the Meidan quarter. In the east they were fairly frequent, for the houses, especially in that quarter, were built of mud. At the beginning, the fire brigade of the town had been sent, but near the trench it had been received with rifle fire, so great was the extent to which that quarter was organised for defensive purposes. After two or three fires had taken place, the Administration had had to discontinue sending the firemen.

The obstacle was swept by the fire of the bandits directed from neighbouring houses, and it had been necessary to fill up the trench under fire. The tank having been able to get across, the enemy had fled, pursued by the infantry with bombs. The defensive position had been provided with loopholed walls, making it possible to enflame all roads leading to it. Two neighbouring houses in a good position for the delivery of flanking fire had also been occupied and numerous empty cartridge cases were found in them.

The eastern column of the southern group came up against a centre of resistance in the form of a large house situated in a complete maze and a regular siege had had to be laid to it. Two sections, covered by a hail of bombs, surrounded it by climbing the walls of the neighbouring houses. The place having been surrounded, a section led by its officer rushed it at
the point of the bayonets. The section was received by heavy fire, the non-commissioned officer in charge was killed, a machine-gunner and an adjutant were also killed a moment later on a neighbouring terrace. Loyal troops having arrived as reinforcements, they tried to penetrate into the house. They did not succeed, and fell back, after having lost two men killed. The attacking force had had to wait the arrival of tanks, which had been held up by a trench. When, after heavy work, this trench had been filled up, a tank had been able to penetrate into the courtyard of the house by a very difficult passage cut through a solid wall. After the tank had prepared for the attack he fired a point blank with its .37 gun, the attack was delivered by loyal troops and tirailleurs. The house was found to be empty, only a single corpse being discovered in it. The rebels had fled by a hole which had just been cut in the rear wall. During the pursuit, about twenty rebels were discovered, and killed with their arms in their hands, on the outskirts of the house.

The Commission could thus clearly see that, far from having been a bombardment of Damascus, this operation had preserved the town from a fresh bombardment. The population, moreover, had so completely realised this that eight days afterwards, when he had returned to Damascus, he had received a triumphant welcome.

He would now deal with the last of the accusations contained in the petitions, to the following effect:

[Translation.]

"To complete his work, M. de Jouvenel has appointed a Circassian, a complete stranger to the national aspirations, to be at the head of a number of renegade nationalists to whom M. de Jouvenel has given the shadow of power. It is in this way that he thinks he has made peace and fulfilled the desires of the people."

Prince Damad Ahmed Namy Bey was indeed of Circassian origin, but was a Syrian patriot, whose family had been established in Syria for a hundred years. His grandfather had been Governor of Beirut between the years 1830 and 1840. He had been the man entrusted in 1922 or 1923 with bringing the Syrian claims to Geneva. He shared the hopes of the Syrian nationalists. He considered, however, that those hopes could only be realised with the aid of the mandatory Power, peacefully and by negotiation. M. de Jouvenel had chosen this man because he had thought him to be better qualified than any other. The Syrio-Palestinian Committee would obviously have preferred him to have chosen someone else.

In this connection, there was a point to which he would desire to draw the attention of the members of the Commission. By whom had this petition been submitted? By members of the Syro-Palestinian Committee, whose Chairman was Prince Michael Loutfallah, who was neither a Syrian nor a Palestinian, nor indeed a prince. When M. de Jouvenel had gone to Egypt, King Fuad had asked him whether Loutfallah was Egyptian or Syrian. He had investigated the matter and found that since 1855 there had no longer been any trace of a Lutfallah family in Syria. There was indeed a person of that name, but he was an inhabitant of the Hedjaz. Fortune had made him an inhabitant of the Hedjaz and had now made him a prince. He was what journalists described as a "mushroom royalty". A sovereign who had already lost much of his power had made him a prince; the sovereign had disappeared, the prince remained. He had considered that, as fortune had made him a prince, it might make him a king. For this reason he was a claimant for the throne of Syria.

He was far more a stranger to Syria than Prince Damad Ahmed Namy Bey. The High Commissioner, moreover, saw no objection to Prince Loutfallah becoming a Syrian; he would indeed be grateful if the Permanent Mandates Commission would ask him to do so. He must certainly, however, make his choice, for if he became a Syrian he would have the right to speak as such; he must, however, begin by becoming a Syrian. At the moment he was of no account in Syria and M. de Jouvenel thought it strange that he should dare to make an accusation against a man whose family had lived in Syria for a hundred years and who himself had been a prince for a very long time. M. de Jouvenel would add that the title of "Prince" added nothing to the qualities of Prince Damad Bey. It was none the less true that he was a man who had had his country's ideal before him and who had always defended the claims of the Syrian patriots. He favoured Syrian unity and he had already achieved something towards that unity, for he had just succeeded in uniting Alexandretta to Syria. The High Commissioner had authorised him to negotiate and he would negotiate with the Jibel Druse. What M. de Jouvenel did not in the least desire was unity imposed by force. The situation however, in Greater Lebanon was somewhat difficult. When he had granted the Representative Council the right to draft a constitution, he had thought that great difficulties would be encountered between the Moslem provinces attached to Great Lebanon and the other provinces. In actual fact, these difficulties had not arisen. At the moment, M. de Jouvenel was aware that preparations were being made to use force in northern Lebanon. He desired to state immediately that he would allow nothing to be achieved by force.

He asked to be allowed to read the programme submitted by the Syrian Government and after that the programme of Emir Chekib Arslan.

[Translation.]

"The Government will endeavour to carry out the following programme, which it has adopted as the basis of its action:

"1. It will convene a constituent Assembly whose duty it will be to draft a constitution for the country on the basis of national sovereignty."
In connection with this point, M. de Jouvenel wished to state, as he had already stated several times, both in writing and by word of month, that the moment hostilities have ceased and a month after the removal of martial law, the elections would take place in those parts of the territory where they had not yet been held.

Article 2 of the programme of the Government was as follows:

[Translation.]

"2. To give the mandate the form of a treaty which shall be concluded between France and Syria for a period of thirty years. This treaty shall fix the rights, obligations and mutual relations of the two nations. It shall be based on that concluded between Great Britain and Iraq and will not come into force until ratified by the Syrian Parliament. It will reserve to France political influence without infringing national sovereignty."

In wishing to give the mandate the form of a treaty in order that the countries which would be created by the new organisation should possess clearly defined obligations and that the exact degree of co-operation which could be obtained should be known.

The mandate included a formula which was somewhat vague and which some perhaps found to be humiliating. It was useless to humiliate a country with which France desired to live on terms of friendship. What was actually desired, either from the point of view of the League, or of France, which was considered in that country as the League's representative? It was desired to establish union with Asia. Syria was, above all, a means of communication. At the moment it was a means of communication which could not be used. Quite the contrary. In the future, however, it must be organised as such.

In actual fact, the essential problem was a religious one. The difficulty lay between Lebanon with a Christian majority and Syria with an immense Moslem majority. There must be neither an anti-Christian nor an anti-Moslem policy. What was the object of the Administration? It wished to give the country first of all, means of co-operation which would not run counter to its customs. It possessed an ancient civilisation, with which a means of co-operation should be found. At the moment, there also existed prejudices against France and against the League of Nations in general. M. de Jouvenel had been astonished to find, on investigating the problem that Asia had considered the Treaty of Locarno almost as a declaration of war, as the organisation of Europe against Asia. Nothing was further from the minds of those who had concluded the Locarno Treaty, and nothing was further from the intentions of the mandatory Power than the interpretation put upon its actions.

What form should the contemplated treaty take? In the first instance, it must be a treaty between States which at the present moment were under French mandate. Why? Because it was necessary that they should undertake never to use force against each other but to try to reach agreement by negotiation. Negotiation had succeeded in the case of Alexandretta; it could also succeed, if it were properly conducted, with the Alawite State, and if opened with the Lebanon, fortunate results might be obtained.

There, as everywhere else, however, it was necessary first to reduce tension, and this would not be possible if the first step taken were the drafting of the treaty. The Treaty of Locarno had obviously made it far easier for Germany and France to exchange views. The same thing would happen when Lebanon and Syria had concluded a treaty between themselves by which each undertook to have recourse to negotiation.

It could, however, be objected that there was, in this connection a new problem concerning frontiers. Syria claimed provinces which Great Lebanon desired to keep.

With regard to this matter, M. de Jouvenel would submit a formula upon which he had obtained the agreement of the present Syrian Government. It was to the effect that a treaty should be concluded by which the various States should undertake not to use force against each other, but to guarantee their common frontiers in such a manner as to draw closer their bonds of unity, and to negotiate in all cases of disputes concerning internal frontiers. When such negotiations broke down, a State should undertake to submit to the arbitration of the mandatory Power.

There was one case in which M. de Jouvenel would go further. This was the case of the Lebanon and Syria. Why? Because it was said — and this was an argument which he had found in one of the petitions — "Do not forget that it is France who has proclaimed the independence of Great Lebanon, and consequently she is a biased arbitrator because of this fact."

In this case, therefore, M. de Jouvenel thought that the parties to the dispute should be allowed to have recourse, a sort of appeal for arbitration, to the League of Nations.

Peace must be organised on these lines, though M. de Jouvenel would be only too thankful if another method could be proposed. Up to the moment, the only methods suggested had been warlike methods. He had not tried to conduct a colonial enterprise in that country, but to organise first the independence of Great Lebanon, because that country was in a state of peace. As soon as Syria was at peace, he would try to organise its independence on the same model, and then to unite the two countries. He had been happy to learn that of late the new President of the Republic of the Lebanon and President Ahmed Namy Bey had opened negotiations. It was by conversations and negotiations that, slowly and little by little, a country
whose belief had hitherto been only in force might be directed towards another goal. It must lose its religious and feudal conceptions, which up to the moment it had held, in order that it might as soon as possible be brought within the League of Nations. If M. de Jouvenel asked for the admission of Syria into the League, to-morrow the Permanent Mandates Commission would reply that it was impossible, and it would be right to do so. If, however, after a certain number of years which M. de Jouvenel could not calculate, but which would be few or many according to the clumsiness of men or the good fortune of circumstances, the French High Commissioner appeared before the Commission and said: "The countries are well organised and worthy to enter the League of Nations", he would consider that France would not have abandoned her mandate but that she would have fulfilled it by giving to those Asiatic countries which she came to organise.

The CHAIRMAN, in the name of the Permanent Mandates Commission, thanked M. de Jouvenel for his statement, and expressed the satisfaction of the Commission at the progress achieved.

There seemed to have been definite progress. M. de Jouvenel would realise, however, that the Commission desired to have additional information on some points and to be reassured as far as possible.

In order to have an exact view of the position and at the same time to avoid any embarrassment for the mandatory Power, he proposed that the continued hearing of M. de Jouvenel should take place at a private meeting that afternoon at 5 p.m.

He would once more express to M. de Jouvenel the thanks of the whole Commission of which he had the honour to be Chairman.

SEVENTEENTH MEETING

_Held on Thursday, June 17th, 1926, at 5 p.m._

_Chairman_: The Marquis Theodore.

Present: All the members of the Commission.

579. Administration of Syria: Statement by the High Commissioner of the French Republic for Syria (continuation).

M. de Jouvenel, High Commissioner of the French Republic, and M. de Caix came to the table of the Commission.

On behalf of the Commission, the CHAIRMAN again thanked M. de Jouvenel for having come before it with the object of giving it his co-operation.

M. Onts had been particularly interested in what M. de Jouvenel had said to the effect that the majority in Syria was in favour of the mandate, the opposition being in the minority. If this were the case, he wondered why nothing but protests from Syria reached the outside world. In the flood of petitions and memoranda from Syrian groups scattered through Europe and the two Americas, there were very few which had a word to say in favour of the mandatory Power.

M. DE JOUVENTEL replied that, if the Commission desired to receive petitions en masse, not only from the Lebanese but also from the Alouites and Syrians, he was in a position to send it such petitions, even including some from the Druses, for nothing was easier. Further, he would point out that most petitions came, not from Syrians in Syria, but from Syrians in foreign countries. In actual fact, the majority of the population was in favour of the French mandate. When the High Commissioner had gone on a journey, he had very often been received with spontaneous enthusiasm. This did not apply only to the Lebanon, of which the feelings were well known; for quite recently, at Damascus, M. de Jouvenel himself had received the warmest welcome from a crowd of 10,000 people. In view of his experience, he must express surprise at the question put to him.

Without any doubt the situation had become more difficult as a result of the hostilities with France which the attitude of the Government of the Emir Feisul had caused. The opposition, however, was much less than was generally thought. It was almost entirely concentrated in certain circles of the Damascus, Homs and Hama district.

This district had always been a source of difficulty for all Governments. Nevertheless, public opinion, even there, was extremely versatile, more so than in any country. It was a strange fact, which would be remarked by those who knew the France of the Revolution and the spirit in which she kept the balance equal between all faiths, that this opposition from some of the Syrians was based primarily on the conception that France was a Christian Power. There was a belief or an affected belief that the Crusades were continuing. The hostility, however, was intermittent and varied with the instability of the Oriental mind.
Even the Druses themselves had at one time shown a certain amount of enthusiasm for the French mandate. The change which had occurred was to be explained partly, as in the other districts of Syria, by the question of property, which was on a feudal basis. The feudal lords feared that their authority would be diminished by the introduction of a Western administration. While it was quite obvious that the High Commissioner had made no direct attack on feudal property, the possibility of the encroachment of the mandatory Power would inevitably mean a change in the property system. That system still meant in a large part of Syria a triennial division of the land. With such an organisation, it was not possible for the farmer, the "fellah", to obtain any credit. He was therefore in the hands of the moneylender, who, since he could obtain no security, lent money at an exorbitant rate of interest, and little by little obtained the goods of his debtor. The result of this was a system of feudal property.

Without desiring to interfere with this system, M. de Jouvenel had tried to make it possible to develop the system of the individual small-holder. To this end, a land register had been started. It was a great many of the crimes, some of them of the most horrible character, committed during the course of the present rebellion had been perpetrated on the persons of land surveyors.

The "fellah" certainly considered that the arrival of a Western Power was a piece of good fortune. He could make no petition, however, for he could neither read nor write. To educate Syria, it was necessary simultaneously to proceed to agrarian reform and to the development of public instruction.

M. Ors pointed out that the members of the Mandates Commission had not an opportunity of witnessing the manifestations of enthusiasm and gratitude to which M. de Jouvenel had referred. The only manifestations which reached them were in the nature of complaints. It was certainly regrettable that the corporate bodies, groups or persons which could speak favourably of the mandatory Administration remained silent and did not protest against the accusations which had been levelled against the mandatory Power. Their silence tended to mislead public opinion.

M. de Jouvenel, in reply, maintained that the petitions came from persons without authority and that he no longer took any notice of petitions which did not come from corporate bodies. Such bodies were beginning to exist. Unanimity of religion had been effected in the Lebanon, the constitution of which had been drawn up. The same was true of the Alaquites as well as of Alexandretta and Aleppo, where elections had taken place. There remained the district of Damascus, in which the opposition was concentrated.

Among the Druses themselves an elected Assembly, the Medjless, had supported Captain Carbillot when he had been attacked by the feudal chiefs supporting Sultan El Attrache. The Commission must not be the dupe of the petitioners and should remember that satisfaction was far more dumb than discontent. The Press of any country rarely expressed approval of the authorities, but far more often criticised them.

M. Ors said that M. de Jouvenel had referred at a public meeting to the leaders of the insurrection. He desired to know who the leaders were whose authority was equally accepted in districts with such conflicting traditions, interests and tendencies as had hitherto been the case in the Jebel and Damascus. Perhaps such leaders could one day furnish elements to form a Government. It was sometimes felt that the mandatory Administration relied on second-rate personalities and that the traditional authorities and social influences were in the opposition.

M. de Jouvenel, in reply, gave information regarding a certain number of chiefs. There was no doubt about the existence of Sultan El Attrache and his authority. He would meet with the most violent opposition, however, if he were placed in power. The Administration had always tried to put a Druse at the head of the Jebel, and it was only because of the difficulty of retaining him there that it had been necessary to give the country a French Governor, since no native chief would support the authority of a rival. Another of the leaders of the rebellion was Adel Arslan. He belonged, however, to a Lebanon Druse family which was very much divided against itself. Chabendar was a Moslem Syrian. M. de Jouvenel, who had been impressed by the tone of some of his letters, had wondered whether it would not be possible to make use of him. He seemed, however, to be most versatile in character and had given the authorities of the mandatory Power a definite reason for refusing to have relations with him. Chabendar, having caused two Druses who were accused of being French emissaries to be condemned to have a hand cut off, had carried out the sentence himself upon one of the accused (perhaps because he was a doctor), and had caused the hand to be nailed to the door of a house. Another Druse doctor had operated on the other man.

Further, it was very dangerous to make heads of Government chiefs who had recently revolted on feudal property. The position, in fact, had been made in the case of Soubhy, who had been appointed head of the Syrian State. Having found posts for all his friends, in accordance with the usual policy of an ex-brigand chief, he had raised opposition directed against himself, which had been practically universal. Further, his example had encouraged others to become discontented, for they considered that such a practice would bring them to the threshold of power. Side by side with chiefs possessing a certain value for the Administration, there was a whole crowd of individuals, for the most part simple brigands, with whom it was impossible to do anything. The position would indeed be simple, and the French authorities would stand to gain, if the country furnished it with chiefs, but this was not—and indeed had never—been the case. At no time had a Damascene been master of Damascus. Saladin himself had been a Kurd from Mosul.
M. Orts asked, if this were the case, how Syria could ever be made an independent and self-governing State.

M. de Jouvenel replied that the chiefs would be prepared for government by means of education. He had chosen for the Syrian State Prince Damad Ahmed Namy Bey because he had been the only person M. de Jouvenel had met who kept his word.

M. Merlin recalled that, at the previous meeting, M. de Jouvenel had said that, when faced with the difficulties caused by the feudal chiefs, he had tried to appeal to the nation with the object of inducing it to elect its own representatives. Were not these the persons best qualified to speak on behalf of the nation, and why should it be assumed that the old feudal chiefs were better qualified?

M. de Jouvenel replied that this was the only method which appeared normal and possible. It was from the population, when educated, that the men should be chosen who would govern the country in a stable manner in accordance with the power invested in them.

The Chairman pointed out that elections had taken place and that M. de Jouvenel had been able to quote a considerable percentage of voters. He would like to know, however, how the lists of electors had been drawn up, and especially whether it was true, as alleged, that the elections had been prepared by strong measures and, in particular, by sending a certain number of the opponents into forced residence before the elections took place.

M. de Jouvenel replied that this had not been the case and that he himself had gone into Syria on December 21st, to give orders for the elections to take place in all districts not under martial law; it was on the above date that Soubyh Bey Barakat had resigned. The elections had been fixed for January 8th, so that there had scarcely been time to prepare for them. Nobody had been sent into forced residence and the sentences of forced residences promulgated at Aleppo had not been issued until after the elections and had been the result of the system of boycotting which had been organised against these elections. The elections had therefore been carried out rapidly and freely.

M. Van Rees asked the High Commissioner whether the President of Syria had quite recently dissolved his cabinet and even sent three of his Ministers into forced residence.

M. de Jouvenel replied that this was so. President Ahmed Namy Bey had considered it necessary to put extremists into his cabinet. M. de Jouvenel had even intervened in order to induce him not to choose more than half his Ministers from such extremists. The latter, however, had organised a conspiracy in concert with the brigand bands, and Ahmed Namy Bey had had to ask for authority to send them into forced residence.

The Chairman asked what was the nature of the responsibility of Ministers to Parliament.

M. de Jouvenel replied that there was as yet no Parliament in Damascus, where it was not possible to do away with martial law.

M. Rappard said that, as far as he was concerned, he did not attach much importance to petitions. Sometimes they came in such showers that it appeared as though a button had been pressed, causing them to flow in from all quarters. He would, however, refer to certain facts which had given rise to and fostered, in the minds of certain members of the Commission, a feeling of anxiety. He mentioned the name of Crane, the Balfour incident, the reports of certain consuls, the fact that some tourists, among whom was one of his personal friends, had scarcely been able to land at Beirut and to leave the town, the fact that the country was packed with troops, that the mandatory Power had been obliged to change the system of boycotting which had been organised against these elections. The elections had therefore been carried out rapidly and freely.

M. de Jouvenel said that the loss of popularity was not due to the favour shown by the mandatory Power but to the fact that, when a man attained power, he was immediately subject to opposition; this was the case everywhere, but much more so in Syria than elsewhere.

M. de Jouvenel would deal in turn with the facts quoted by M. Rappard, facts which seemed to M. Rappard to be in contradiction to the statements made by M. de Jouvenel regarding the satisfaction of the population. At every period in the history of the East, the method of Alexis Commenè had been applied, the object of which was to stir up quarrels among the Europeans. That was what was occurring in Syria. A Syrian went to a Frenchman and told him that he could easily reach an understanding with him but that another Frenchman possessed so many defects that any understanding with him was impossible. Foreigners should realise what this method meant and should understand how important it was mutually to support each other in the East. This tendency would make it possible for the Commission to understand what had happened regarding the Crane mission. The rumour had spread that Syria was to be placed under an American mandate. The result was the movement of which Crane had been the victim.

As regards Lord Balfour, the question had been that of Zionism, which for a long time had been the "bile noire" of everyone in Syria. At the time of Lord Balfour's visit, Zionism had not been tolerated; hence the manifestations which had occurred at Damascus against Lord Balfour, and the French mandatory authorities, who were in no way responsible, had had to give police protection to Lord Balfour as representing Zionism.
Referring to the tourists who had been unable to leave Beirut, M. de Jouvenel observed that they appeared to have lacked courage. The High Commissioner had in fact met tourists over Syria, and quite recently an archaeological congress had been able to travel through the country and visit Aleppo, Baalbec and Palmyra. The congress had not gone to Damascus, being to lack of time; it was, however, as easy to go by train to Damascus as it was to go to Paris. It was possible also to go by road, and M. de Jouvenel had never had any unpleasant geometrical or physical difficulties in that way. The Commission should not be deceived by the reports of incidents. The exercise of power was not more popular in Syria than in any other country, but it was occasionally popular already something gained.

The revolt in the Jebel Druse was coming to an end. Syria was in no way packed with troops, but contained only about two divisions. It was important to dissipate any uncertainty that might be in the minds of the members of the Commission, for the Commission was co-responsible with the mandatory Power.

M. Rappard said that no one could be more convinced than he was of the absolute necessity of co-operating in a trustful spirit with the mandatory Power. This was indispensable for the proper working of the system. It was precisely because of this that he had wished to state his feelings very frankly.

Sir F. Lugard said that there had existed a state of martial law when France assumed the mandate for Syria. This state had continued without cessation till it had been withdrawn by General Sarrail, who had, however, reimposed it for all practical purposes by means of a decree under which the civil power delegated its functions to the military. It was, of course, necessary for the military to be in complete control in any actual operations, but was it not possible that the imposition of martial law over whole districts should cease, and the civil and military courts be reinstated?

M. de Jouvenel replied that he had been able to do away with martial law in Hauran, but that he had had to maintain it in Damascus and the Jebel Druse, and also in the Homs-Tripoli district, where rebel bands had re-formed, profiting from the fact that the troops had occupied in the south. He would abolish martial law as soon as possible, but he could not fix the date. Immediately it was removed, elections would be held and a constitution would be given to the country.

M. Van Rees put a question to the High Commissioner concerning the reasons for which the French troops had had to attack the Meidan quarter of Damascus, which occupied the northern basin of the town. Had the population left the quarter and had it taken refuge in the town before the attack?

M. de Jouvenel replied that most of the inhabitants had left; the few who remained had been either in contact with and perhaps accomplices of the rebel bands. In order to guard Meidan, and to include it in the circle of protection surrounding the town, more troops would have been necessary. All the regular population had taken refuge in the interior of the town.

The posts in the neighbourhood of the Meidan were constantly attacked at night, and the quarter, moreover, had been put into a state of defence by the rebels, who had dug trenches and built fortifications. A certain number of the inhabitants had remained there, for a woman had been killed, and on the day of the attack two or three others had come to the troops and had asked to be protected and sent into the interior of the town.

M. Orts asked what troops had been used to suppress the rebellion. Were they French milt, Algerian or colonial?

M. de Jouvenel replied that the majority were Algerian troops, but that there were also French troops occupying the towns. There were also native Syrian troops and the Lebanon gendarmerie. Armenians and Cherkesses serving in the local forces had sometimes plundered, as they had been accused of doing. Sometimes, the Lebanon gendarmes did so as well. Banditry was endemic in the country, and for this reason it was sometimes necessary to proclaim martial law. The Alawites and the Cherkesses also furnished soldiers, who were now entirely under French officers and showed a high standard of discipline. Finally, there were one or two squadrons of Kurds and there was a Druse squadron, which would shortly be followed by a second.

M. Orts asked if the native troops were entirely commanded by French officers.

M. de Jouvenel replied in the affirmative, but said that the non-commissioned officers were generally natives and that a certain number of officers were also natives. It was necessary gradually to organise a national army to replace the French troops, but it was a difficult task.

The Chairman asked M. de Jouvenel if it was true, as was reported, that he had been anxious, as the Commission, when at Rome, had been, about the currency question in Syria, which has given rise to discontent.

M. de Jouvenel replied that this question had been of concern to him, that he had done his utmost to introduce currency freedom, and that, at the moment, all kinds of currency were used in Syria; moreover, methods of reform were in contemplation and were now under discussion.
The Chairman said that, if there were no other questions to be asked, the moment had come to thank M. de Jouvenel. The High Commissioner, who knew the League of Nations, would realise that the Commission had no desire to cause any difficulties, but that, having taken its duties seriously, it wished, while collaborating with the mandatory Power, to be informed as exactly as possible regarding the real position in Syria.

Knowing as he did the countries of the Near East, the Chairman was not surprised at the difficulties M. de Jouvenel was encountering, and he was happy to pay a tribute, in the name of the Commission, to what M. de Jouvenel had accomplished in six months. The Commission wished to express most warmly its desire that the High Commissioner would succeed in obtaining complete calm and peace in the country and hoped that it would be able, as soon as possible, to make a report to the Council in which it would note with satisfaction that this work of pacification had been accomplished by M. de Jouvenel.

M. de Jouvenel thanked the Chairman and the members of the Commission for the attention with which they had listened to him. He had been able to explain the difficulties of his task, which, however, was not all difficulties. He had tried to give the Commission as much information as possible, since cooperation between the mandatory Power and the Permanent Mandates Commission was essential. M. de Jouvenel stated, moreover, that he was at the disposal of the Commission, for which he had the greatest respect and to which he had given as clear explanations as possible in reply to the questions put to him. He expressed his gratitude for the kindness with which he had been received.

EIGHTEENTH MEETING

*Held on Friday, June 18th, 1926, at 10.30 a.m.*

Chairman: The Marquis Theodoli.

Present: All the members of the Commission except M. Palacios.

580. Observations of the Commission on the Administration of Nauru (under Mandate of the British Empire).

After a discussion, the observations were adopted, with certain amendments (Annex 9).


After a discussion, the observations were adopted, with certain amendments (Annex 9).

582. Observations of the Commission on the Administration of South-West Africa (under Mandate of the Union of South Africa).

After a discussion, the general observations were adopted and points 1, 2, and 3 of the special observations (Annex 9).

583. List of Questions which the Commission desires to be dealt with in the Annual Reports. (Annex 10.) (Continuation).

M. Orts, Rapporteur, reminded the Commission that it had yet to find a name for the document which had hitherto been described as the questionnaire.

It was decided that the description of the questionnaire should be replaced in future by the following title: "List of questions which the Commission desires to be dealt with in the Annual Reports ".

M. Orts, Rapporteur, explained that various opinions had been expressed as to the use which should be made by the mandatory Governments of the list of questions drawn up by the Mandates Commission. Some members of the Commission thought that the States should reproduce in their reports the various questions, inserting with regard to each of them a passage dealing with the subject. Other members, on the contrary, considered that, in view of the fact that on the whole, the reports of the mandatory Powers were now established in a clear form, it was useless to ask them to reply question by question.

It seemed to these members that the document should only supply the mandatory Powers with a list of the various points which the Commission more particularly desired to see mentioned in the body of the report. Finally, certain members of the Commission, apart from the two views described above, were of opinion that the various subjects should be dealt with in the reports in the same order in which they figured in the list of questions. The mandatory Powers would not be asked to reproduce this list in their reports.
NINETEENTH MEETING.

 Held on Friday, June 18th, 1926, at 3.30 p.m.

Chairman: The Marquis Theodoli.

Present: All the members of the Commission.

584. Observations of the Commission on the Administration of South-West Africa.

(Continuation.)

Liberty of Conscience.

This text was adopted.

Education.

The text was adopted.

Railways and Harbours.

M. Van Rees urged the maintenance of the second sentence, in which the Commission recalled that it had raised the question whether the law of 1922 regarding the railways and harbours should not be amended in order to make it conform to the interpretation which the Government of the South African Union had given it.

M. Orts proposed an amendment, which was adopted.

M. Van Rees proposed that the final paragraph concerning the financial management of the railways and harbours should be deleted, for the position was perfectly clear. All the Union railways were administered autonomously, and the receipts were not paid into the Treasury of the territory or of the Union, but reinvested, to be used, according to circumstances, either in extending the line or in reducing the fares. They were therefore absolutely independent. The territory received nothing and paid nothing so far as the railways were concerned.

The Chairman pointed out that to accept such a theory was to go very far. The Administration would be free, for example, to use the profits for constructing a new railway line to the Transvaal or to another territory. It was essential that separate accounts should be kept for the railways of the South African Union and those of the mandated territory of South-West Africa.

M. Van Rees pointed out that, when the mandated territory was definitely detached from the Union, the amount of any future credit balance would be entirely repaid to it. The Commission should not take up once more a question with which it had already dealt on several occasions.

Sir F. Lugard recalled that, according to Mr. Smit, the establishment of separate accounts would be of no advantage to the mandated territory, for to do so would reveal a balance in favour of the railways of the South African Union.

The Chairman replied that, in those circumstances, the South African Union might at a given moment claim the benefit or even the whole of the balance with which the railways of the mandated territory would be debited. It was essential to have separate accounts, as was the case for the rest of the territories under mandate.

M. Merlin agreed.

The paragraph was adopted.

Moral and Material Welfare.

This text was adopted.

585. Procedure to be adopted with regard to Petitions: The Question of hearing Petitioners.

(Continuation.)

M. Rappard submitted a draft resolution drawn up with the assistance of M. Merlin and M. Orts.
Sir F. Lugard referred to the following passage:

"The Commission is of opinion that in these cases — which will certainly be exceptional — it might be advisable to allow the petitioners to be heard."

It was useless to state that these cases would certainly be exceptional. It was not for the Commission to implore the Council to grant it the right to hear certain petitioners. The Council had desired the Permanent Mandates Commission to investigate petitions and memorials addressed to it. In the execution of this duty, the Commission had found that justice could not be done in some cases without granting audience. It was the opinion of several members that to grant a right of audience was to go beyond the instructions of the Council. The question should therefore be referred to the Council without any recommendation. Did the Council wish the Commission to hear petitions in any case in which it might judge it necessary to do so — or did it not? Personally, in any case regarding which his conscience did not permit him to give his opinion without having heard the petitioners, he would refuse to give that opinion. Very probably such cases might be exceedingly rare, but that did not affect the principle.

M. Merlin thought, on the contrary, that emphasis should be laid on the fact that the hearing of petitioners would be exceptional. Every time an opinion was to be expressed on a petition, and one of his colleagues referred to the necessity of hearing the authors of that petition, M. Merlin, speaking personally, would ask for a vote to be taken and that the matter be decided by a majority. It was only in certain very exceptional cases that it might appear indispensable to ask petitioners to complete their petitions verbally. Any other procedure would be fraught with the gravest consequences. The Permanent Mandates Commission was not a law court but a technical organisation instructed by the Council to investigate questions concerning mandates. The League of Nations had appointed certain Powers to execute the mandates on its behalf and had trusted them. The Commission ought therefore to co-operate with the Administration of the mandated territory, and refrain from raising difficulties by granting the right to give free play to every kind of personal ambition or rancour. If it encouraged such a display, it would cause infinite trouble in the exercise of the mandate, and the mandatory Power would have the right to say that it would be impossible for it to govern in those conditions. Personally, M. Merlin would prefer the formula "which must remain exceptional ".

M. Freire d'Andrade and M. Rappard accepted this formula.

M. Rappard pointed out that Sir F. Lugard and M. Merlin desired to obtain the same object by different means, for it seemed that both of them wished to reduce the number of cases in which an audience should be granted.

M. Merlin, after a short exchange of views, agreed to the deletion proposed by Sir F. Lugard.

The draft resolution was adopted in the following form:

"The Commission has again carefully considered the procedure in force with regard to petitions. Experience having shown that sometimes the Commission has been unable to form a definite opinion as to whether certain petitions are well founded or not, the Commission is of opinion that in these cases it might appear indispensable to allow the petitioners to be heard by it. The Commission, however, would not desire to formulate definite recommendation on this subject before being informed of the views of the Council."

M. Rappard emphasised the necessity of obtaining the establishment by the Council of a definite legal practice in the matter. In submitting the above text, the Commission left the Council free to decide on the usefulness of a step which, in actual fact, was of a political kind.

M. Orts thought it would be for the Rapporteur appointed by the Council to take the decision and submit to the Council a recommendation either for or against the hearing of petitioners.


M. Van Rees stated, with regard to the four conclusions submitted by M. Freire d'Andrade in his report, that he willingly associated himself with the first three, but could not subscribe to the fourth. The latter contained the thesis that a Power administering a territory under a B mandate had the right to employ the native military forces organised for the purpose of defending the mandated territory at a distance in order to ensure the police and the local defence of the territory.

This thesis apparently had a general scope, as it drew no distinction in this matter between the various mandates of the B type.

Nevertheless, it did not seem to M. Van Rees to be open to dispute that there was a fundamental distinction in military matters between the rights of France as Mandatory for French Togoland and the Cameroons and the rights of Great Britain and Belgium as Mandatories for the other territories under a B mandate, since the texts of the mandates concerning the
two territories under French administration were the only ones which contained the special authorisation referred to by the Rapporteur in his note. This authorisation had been inserted in the two mandates conferred upon France as the result of an agreement between this Power and Great Britain on July 10th, 1919, the agreement being requested by the Supreme Council at its meeting of May 7th, 1919, in order that it might be in a position to determine the future of the whole of Togoland and the Cameroons. It did not accordingly seem admissible to state that France should not be granted what the two other Powers had either not wished to have or had been unable to obtain: in other words, that France should not have a more extended power in this matter than the other Mandatories.

France, on the contrary, owing to this authorisation, had a right which Great Britain and Belgium did not possess, namely, the right to use outside the territory in any region whatever, in the event of a general war, the native troops necessary for police measures and the local defence of the territory. It was certain that Great Britain and Belgium would not be obliged in the event of an attack on their mandated territories to stop the pursuit of the aggressor on the frontier of these territories, and that an effective defence of the territory might compel the Mandatory to take the local troops over the frontiers, as the Rapporteur very rightly observed in his note. It was also certain, however, that, even in the event of a general war, these two Powers would not be able to transport these troops in order to make use of them in Europe or elsewhere, a measure which France, and France alone, would be authorised to adopt.

M. Van Rees then read Article 3 of the French mandate for the Cameroons:

"The Mandatory shall not establish in the territory any military or naval bases, nor erect any fortifications, nor organise any native military force except for local police purposes and for the defence of the territory.

"It is understood, however, that the troops thus raised may, in the event of general war, be utilised to repel an attack or for defence of the territory outside that subject to the mandate."

He added that this text raised two questions of interpretation. The first was how should the expression "the troops thus raised" be interpreted. Secondly, what must he understood by "a general war". He had already referred to these two points in a note which he had presented to the Commission last year. Personally, he thought that the phrase: "it is understood that the troops thus raised" should be read in connection with the preceding paragraph: "The Mandatory shall not establish...nor organise any native military force except for local police purposes and for the defence of the territory." It was clear that the troops in question were those raised for local police purposes and for the defence of the territory. Once this was admitted, it remained to ascertain what sense should be attributed to the expression "general war". This was essentially a question of fact and appreciation which could only be settled in the particular instance.

It did not seem that the expression "general war" could be applied to a localised war, which only two parties were engaged. A criterion, however, which could be applied to all cases seemed to him extremely difficult to determine. When studying the question as to whether any war might be regarded as a general war within the terms of the French mandates, the various considerations relating to the character of the war should be taken into account. The question raised was a question of fact; and would not allow of a preliminary pronouncement which could be indifferently applied to all the cases which would arise.

Sir F. Lugard pointed out that there were two words the use of which made the meaning of the clause ambiguous, viz., "thus" and "the". First, there was the expression "the troops thus raised", which showed that the troops in question were primarily intended for local police purposes and for the defence of the territory, and, secondly, there was the expression "for the defence of the territory", which appeared to limit the use of the troops to the defence of Togoland and the Cameroons.

He then read the following note:

"The question raised seems somewhat academic since we have the assurance of France that, like Great Britain, she will not recruit natives of a mandated territory even if they volunteer outside its frontiers.

"The clause which appears only in the French mandates does not, in the opinion of General Freire d'Andrade, mean that, in a general war, troops may be raised in the territory for service anywhere, but that sufficient forces may be raised to assure its defence, and for that purpose may be used outside its frontiers. No one, however, would, I think, fail to agree that the term 'defence of territory' used in the other mandates has this meaning, viz., that the troops, so long as they are engaged in the defence of the territory, need not necessarily be employed strictly within its frontiers. If this be so, the additional words in the French mandate would, by General d'Andrade's interpretation, have no significance and are superfluous.
In my opinion, the term 'local defence' used in the C mandates has the meaning which General d'Andrade assigns to the French mandates, viz., that the troops raised for the defence of a territory may be employed for that purpose in or near the territory.

As to the conclusions. I agree with Nos. I and II. As regards No. III, I agree that if the troops are considered by the Permanent Mandates Commission to be excessive for the purposes prescribed, it is its duty to call attention to the fact, but their adoption for the purpose is a matter for the Mandatory alone to judge. I do not agree with Clause IV. In my opinion, it is covered by Clause II.

The Chairman thought that the question of the interpretation to be given to Article 3 of the French mandates of the B type was extremely delicate and that the Permanent Mandates Commission, whose duty it was to supervise the execution of the provisions of the mandates, would be exceeding its duties if it endeavoured to settle this question before it arose in actual practice. All the members of the Commission were acquainted with this difficulty, upon which the Rapporteur had prudently done no more than touch lightly in the report submitted to the Council on July 18th, 1922, at the time when the mandates were approved. The Rapporteur in this report had expressed himself in the following terms:

[Translation.]

The second paragraph, which is peculiar to the two draft French mandates for Togoland and the Cameroons, sanctions the employment, in the event of war, of native troops raised for local police purposes or for the defence of the territory, even outside the region under mandate.

Although it appears difficult to reconcile this paragraph with the spirit of the Covenant, we hope that the future will show that this is not the case.

The origin of this would be found in a declaration of M. Clemenceau during the negotiations in connection with the Treaty of Versailles. France had stated that she reserved the right to use troops raised in Togoland and the Cameroons for the defence of her frontiers on the Rhine, since, if she lost the Rhine, she would lose also the Cameroons and Togoland.

M. Rappard emphasised the practical uselessness of the discussion which had just taken place. The following cases of a general war could alone be considered. First, there was a general war on the occasion of which the machinery provided by the League of Nations would be applied and France would lend her troops to fight the common enemy. In this case it would be ungracious on the part of the League of Nations to deprive her of the assistance of supplementary troops from Togoland and the Cameroons which would be then fighting on the side of right. Secondly, there was the case of a general war in respect of which the machinery provided by the League of Nations would not be used. In this case, nothing which had been concluded on behalf of the League of Nations would remain, and an interpretation given by the Mandates Commission to a clause in a mandate would be no more respected than the provisions of the Covenant itself. For the sake of logical completeness, he would refer to a third case, which was essentially theoretical, namely, the case in which France herself might be guilty of a breach of the Covenant. It is clear that, in such a case, France would not allow herself to be embarrassed by any restrictions placed by the Mandates Commission on use of the troops of the Togoland and the Cameroons.

Accordingly, it did not seem to him that it was useful again to raise these questions of interpretation which were of so delicate a character and of so dubious a utility. It was enough that it should be understood that the forces referred to in the second paragraph of Article 3 of the mandate were only the troops raised for local police purposes and for the defence of the mandated territory.

M. Van Rees first explained that he had not for an instant thought of proposing that the Commission should submit this question to the Council. He had considered, however, that it was important that both the Mandates Commission and the mandatory Powers should know how this or that clause in the mandates should be interpreted. He had explained to his colleagues last year the advantage of examining several questions of interpretation raised by various provisions of the mandates. The question of the interpretation of the military clauses of the French mandates of the B type was only one of them. He recognised that for the moment this question had no particular importance from the practical point of view, but it was not his fault that it was being discussed before the others. It could not be denied that, in certain circles and on several occasions, it had been held that the clause in question, which was included in the two French mandates, implied the right to draw the whole native population of the territories under mandate into any war which became general. On the other hand, this thesis had been rejected to give place to an interpretation which was much less wide. It was obvious that, if the Commission considered that the first interpretation should be adopted, it would be obliged, in its examination of the annual reports on Togoland and the Cameroons, to consider matters differing from those which it would have to consider if the second interpretation were adopted. Consequently, the question which had been raised could not fail to interest the Commission, which had been instructed to advise the Council on the execution of the terms of the mandates. It was for this reason that M. Van Rees had drawn attention to it.
He would remind the Commission in this connection of what he had already said in his note on the provisions relating to the application of the mandates system:

[Translation.]

"We must not lose sight of the fact that some of the provisions whose application the Commission has to supervise are not, as I have already said, couched in a clear and concise form, and that there is no official commentary to inform us as to their origin. Under these circumstances, it is for the Commission to study them and to interpret them for its own use whenever it meets with an obscure clause, so as to obtain a set of guiding principles which may enable it to appraise the administration of the mandatory Powers.

"It is possible that these interpretations, when finally adopted, may not be accepted by the Powers in question or by the Council; that is certainly possible, but do not forget that, even in cases in which the Commission might find itself obliged to revise or reject certain of its pronouncements, the work will not have been useless, since, as the proverb says, ‘Truth springs from conflicting opinions’.

"It was, therefore, because he had been careful to explain all obscure points that he had raised the question of the interpretation of Article 3. If members agreed that the troops mentioned in the second paragraph of this article were forces maintained for the purpose of local police and in defence of the territory, M. Van Rees would consider the discussion closed.

"M. Freire d’Andrade said that he also considered the discussion closed. He did not wish, nevertheless, to have it said that as Rapporteur — and in assemblies it was usually the Rapporteur who spoke most — he had said nothing. He would therefore reply briefly to M. Van Rees and point out that it was by its interpretation of Article 22 of the Covenant that the Council had been able to allow of the introduction into the French mandates on Togoland and the Cameroons of the authorisation to use the local troops in the event of a general war.

"If his interpretation applied to the French mandates, it ought also to apply to all the other mandates, for they were all governed by the terms of Article 22 of the Covenant. It was for this reason that he had not thought, and did not think, that any difference could be made between the case of the French mandates and that of the other mandates. The former ought only to differ from the others in that it was more clear.

"M. Rappard did not think that this interpretation held good for all mandates in general.

"The Chairman thought that the duty of the Permanent Mandates Commission had been somewhat more clearly defined by the conversation which had just taken place. The Commission was not a legal body having the duty of giving opinions for the use of the Council questions of interpretation before those questions had even arisen in practice. The Permanent Mandates Commission was a committee of control, whose duty it was to supervise the application of the provisions of the mandates. If one of those provisions was obscure, it was not for the Commission to explain it unless a definite point with regard to a special case arose in connection with it. Thus, to take the example submitted by M. Freire d’Andrade, if the French troops in Morocco comprised no elements recruited in Togoland or the Cameroons, it was not for the Commission to discuss at the moment the interpretation to be given to Article 3 of the mandates for those territories.

"It was important for the prestige of the Commission that it should not engage in endless discussion concerning questions of theory.

"M. Van Rees replied that the prestige of the Commission was threatened far more when it happened, in the presence of the representatives of the mandatory Powers, that material divergencies of view became apparent within the Commission itself concerning the most fundamental points in the mandate system. How indeed could it be conceived that members of an organisation, whose duty it was to supervise the application of mandates, should differ regarding the meaning and scope of the terms of the mandates after more than five years of work, and should refuse to make a serious effort to reach an agreement?
In his note, to which he had referred more than once, M. Van Rees had laid stress on the necessity for making such an effort when he had said:

[Translation.]

"The study of such questions by the Mandates Commission, with the object of gradually and methodically establishing for its own use what, in my opinion, would constitute its jurisprudence, seems to me to be not only of great value but really indispensable for its work in general and particularly for its discussions with the accredited representatives of the mandatory Powers."

M. Orts understood the desire of M. Van Rees that the Committee should prove unanimous in matters affecting the interpretation of the provisions of the Covenant or of the mandates the application of which it was the duty of the Commission to control.
It would obviously be desirable for the Commission not to give the impression that there was any disagreement among its members on essential points. It was not, however, certain that this could be achieved. From the date on which the Permanent Mandates Commission had begun work, each of its members had arrived at his own opinion regarding the meaning and scope of all the provisions of the Covenant and of the mandates, and it was doubtful whether an exchange of views would cause them to change those opinions.

Failing unanimity, it was the opinion of the majority which should be communicated to the mandatory States as being the opinion of the Commission. Further, the Commission should not lose sight of the fact that, as its membership was renewed, the majority of to-day might become the minority of to-morrow. This showed how difficult it would be to lay down a hard-and-fast doctrine with the certainty that the Commission would always fulfil it.

Whatever might happen, M. Orts took the view that an endeavour should be made to interpret the meaning of the terms “liquor traffic”, “trade spirits”, “forced labour”, etc. and that that interpretation should henceforward be the one adopted by the Commission.

The uncertainty which prevailed concerning the exact meaning of these terms hindered the Commission’s work and it would be very desirable for that uncertainty to be removed.

On the other hand, M. Orts would be happy to see the Commission refuse to discuss the principle contained in the opening paragraph of Article 22 of the Covenant to the effect that: “the well-being and development of such peoples [peoples not yet able to stand by themselves] form a sacred trust of civilisation”.

M. Freire d’Andrade and Sir F. Lugard, in two Notes published as Annexes to the Minutes of the Seventh Session (C. P. M. 281 and 303), had tried to define the scope and practical consequences of this proposal. These Notes, owing to the personalities of their authors, were of very great interest, but it was important to realise that they were the expression of personal views and did not engage the responsibility of the Commission.

The improvement in the material conditions of existence of the peoples they administered and their moral and intellectual development were the objects which the conscience of the modern world assigned to all colonising Powers. The Covenant merely recalled this duty to those Powers invested with a mandate to administer a territory in the name of the League of Nations. He did not think that this was a matter for interpretation.

The above proposal comprised a very definite obligation, and it would be a mistake to try to determine rigidly the means which each mandatory Power should use in order to fulfil it. The development of primitive peoples could be carried on by different means, and these means would be such as were proper to the native genius, traditions, and the political and philosophical conceptions of each mandatory State. Such means might be all equally good. The mandatory States would fail in their task if a system and method foreign to their mentality were imposed upon them.

The duty of the Commission was confined to discovering whether the mandatory Powers conformed to the definite obligations imposed upon them by the Covenant and by the mandates, and in addition, whether, within the limits of these acts, they were honestly performing their task in order to justify the confidence reposed in them.

In conclusion, M. Orts urged that the Commission should discontinue the exchange of views on the interpretation of that part of Article 22 of the Covenant concerning the well-being and development of the peoples in mandated territories.

M. Merlin thought that it was possible to obtain from the remarkable statement made by M. Orts certain conclusions concerning the conduct of the Permanent Mandates Commission. This Commission was working on a live question, which was changing. It had therefore not to take decisions of a general kind but decisions to meet each particular case. It was not for the Commission to establish a general doctrine nor to choose a certain number of principles to be applied indifferently to all cases. In a word, it was not an academy but a commission of control, whose duty it was to supervise the execution of the provisions of the Covenant and of the mandates. The practice which it would follow would be based on the decision which it took in each particular case, and it should be careful not to establish a doctrine before dealing with the facts. He would emphasise the fact that the members of the Commission were not lawyers but persons who had lived in colonies and who placed the benefit of their experience at the disposal of the League of Nations. It was their duty to point out, bearing in mind, on the one hand, the state of affairs in the mandated territories themselves, and, on the other, the objects pursued by the League of Nations, in what manner the partian unity could be achieved. From the date on which the Permanent Mandate of general principles which could never be used to solve all problems arising out of questions so living and so changing as those with which the Commission was called upon to deal.

M. Van Rees agreed with M. Merlin in so far as his remarks referred to questions similar to those raised by M. Orts. He could never, however, adopt the view that the Commission should consider it useless to discover an exact interpretation of the various provisions governing the mandates system. He could not admit, for instance, that no endeavour should be made to settle the difficulties arising, from the point of view of the Mandates Commission, with regard to subjects such as forced labour, alcohol, etc.

M. Merlin said that he was in full agreement with the remarks just made by M. Van Rees.
TWENTIETH MEETING

Held on Monday, June 21st, 1926, at 10.30 a.m.

Chairman : The Marquis THEODOLI.

Present : All the members of the Commission.


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

Status of the Territory of Tanganyika.

The Chairman pointed out that the Tanganyika Official Gazette of October 18th, 1925, reproduced, under the heading "Security of Title in Territories mandated to Great Britain", the following declaration made by the Secretary of State for the Colonies at an East African banquet held on June 25th, 1925:

"He wished to correct the idea that there was something transient in their hold upon Tanganyika. It was as essentially a part of the British framework as any other Protectorate."

He would not ask the accredited representative to express any opinion for the moment in regard to this declaration, but the mandatory Power would perhaps wish to give some explanation to the Commission.

He also drew the attention of the Commission to the "Tanganyika Exhibition Handbook", which had been prepared for the British Empire Exhibition. This "Handbook" contained a history of the territory, but it might be noted that neither in this part of the book nor in any other did the word "mandate" appear, nor was there any evidence of the fact that the territory was administered under the supervision of the League of Nations. It would seem, therefore, that the "Handbook" showed an important omission in this respect.

Question of the Replies to be sent by the Mandatory Powers to the Observations contained in the Report of the Commission.

The Chairman further desired to refer to a letter from the Foreign Office, dated January 11th, 1926, concerning the replies of the mandatory Power to the observations of the Commission. It was stated in this letter that it might not be found possible, owing to the fact that the report on Tanganyika was expected to arrive at Geneva on May 20th, to include in the report for any given year answers to the questions raised by the Permanent Mandates Commission in conjunction with the previous report. The letter went on to state that this information could, however, be given verbally by the accredited representative when the current report was being examined.

This proposal was not entirely satisfactory to the Commission. The observations of the Commission dealt generally with a very few points, regarded as being the most important which had arisen during the examination of the report. These observations were very carefully drafted, and the Commission desired that the replies should be given in a written document. The Commission was disposed to recommend that they should be submitted separately as soon as they were prepared. In any event, it was desirable that they should reach the Commission in writing before the session which followed that during which its observations were framed.

Mr. Scott noted the observations of the Chairman.

Situation of the Masai Tribe.

Sir F. LUGARD said he would like to have some further information regarding the Masai. It was obviously impossible to give a common organisation to the two portions of the tribe in Tanganyika Territory and in Kenya. Would it not, however, be possible for the authorities of the two territories to take some kind of concerted action in regard to the policy and regulations, etc., which applied to this tribe, so that they might be identical in both countries?

Mr. Scott said he was not able to make any definite statement in regard to the possible amalgamation of the Masai. The Governors of Tanganyika Territory and of Kenya were corresponding on the subject when he came on leave and he did not know how far this correspondence had gone. He doubted whether it was physically and materially practicable to amalgamate the tribe. He had at the disposal of the Commission a map showing the distribution of the two portions of the tribe. The Commission would see that the map showed a big indentation into each of the countries made by the lands of the tribe. To the north their
lands came within a few miles of Nairobi and in the south within about fifty miles of the Central Railway in Tanganyika. In the midst of these lands was a large block of territory belonging to other tribes and to the European planters who had settled near Arusha and Kilimanjaro.

The possibility of assimilating the laws relating to the tribe was, he believed, under discussion between the two Governors. Such a line of action, together with a co-ordination of administrative policy, might perhaps be the best solution. The Administration of Tanganyika did not consider that there was any serious problem or difficulty involved in the existing situation. There had been certain small difficulties on the boundary, but these were analogous to such disputes as might arise on any frontier and too much importance should not be given to them. A recent dispute in regard to the watering of cattle near the frontier had been quite amicably settled by the administrative officers on either side.

M. Onts asked whether the idea of unity had survived within the tribe or whether the latter had been divided into two parts in accordance with the political frontier.

Mr. Scott said that the two sections were not under the same chief. They did not, however, recognise the boundary very clearly, and it had been found necessary to demarcate the original frontier afresh in certain places. He would have copies of the map showing the distribution of the tribe reproduced and supplied to the Commission.

Ex-Enemy Property.

Sir Lugard enquired whether all the ex-enemy property had been sold and to what extent it had been taken by or on behalf of Germans. Had there been any large influx of Germans into the territory?

Mr. Scott referred to the information contained on pages 62 and 63 of the report.

Sir F. Lugard pointed out that nothing was said in the report concerning German owners.

Mr. Scott replied that, so far as he knew, no German ex-enemy estates had been purchased by Germans direct from the Custodian of Enemy Property. It was only within the last six months that Germans had been allowed to buy land. Since the previous restrictions had been withdrawn, no public sale had been held during 1925. The Administration was not aware whether any ex-enemy properties had been bought by third parties on behalf of Germans, nor did it know whether any of these properties had subsequently come into German hands.

There was nothing now, however, to hinder the properties being transferred to German owners or the sale direct to Germans of the remaining estates.

Native Reserves.

Sir F. Lugard enquired whether there were any native reserves in the territory or whether the whole country was not regarded in a sense as a native reserve.

Mr. Scott said that there were no native reserves, unless the territory occupied by the Masai might be so regarded. Generally speaking, the Administration looked upon the whole country as a large native reserve.

M. Onts remarked that there were regions, however, colonised by Europeans who had definitely settled down there.

Mr. Scott said that there was a region to the north near Kenya which was partially populated by Europeans.

Composition and Competence of the Legislative Council.

Sir F. Lugard asked whether there were any native representatives on the Legislative Council and whether the jurisdiction of the Council extended over the whole of the territory.

Mr. Scott said he thought that no natives would sit on the Legislative Council at first, as there were no natives of the territory who were as yet sufficiently conversant with English to take a useful part in the discussions. He had no doubt that, as native education advanced, their representation on the Council would be admitted. It was intended that the Legislative Council should have jurisdiction over the whole of the country.

Sir F. Lugard said that the question of the position of the Indians in the territory had been raised last year. What was the present situation? Had the Indians raised the question of their representation on the Legislative Council?

Mr. Scott said that it was intended that the Indian community should be represented on the Council. There had been no trouble during the past year with the Indians.
General Policy of Native Administration.

M. Freire d'Andrade said that a good deal of information was contained in the report in regard to the general policy of native administration, but there were one or two points on which he would like further information. For instance, mention was made of an Executive Council, and apparently there was also a Legislative Council. Mr. Scott had just said that the natives would not be represented in any way on this Council because none of them knew English, or were qualified to take part in the discussions. Would it not be possible in this case for the natives to be represented, not necessarily by one of themselves, but by some person acquainted with their customs, institutions and, in general, with their desires and mentality?

Further, the Legislative Council would apparently consist of thirteen official members of the Government Service and ten unofficial members nominated by the Governor without any effort being made to ensure the representation of all the different races or the interests of public bodies. It would seem therefore that no attempt had been made to ensure that all the currents of opinion would be represented and that it had not been considered possible to include such organisations as Chambers of Commerce. He knew very well that, in practice, account was generally taken in British colonies of such interests, but it appeared that no provision had been made in this connection in Tanganyika.

With regard to the system of government, the functions of the Executive Council were not clear. Formerly, the decrees of the Governor had to be approved by the Secretary of State; M. Freire d'Andrade was not sure whether that system still existed. Further, he asked whether the Secretary for Native Affairs had a seat on the Legislative Council.

A very interesting statement from the Governor in regard to native policy was contained in the report, from which it appeared that he did not approve of what had been done before he was appointed, and was desirous of making certain changes in the system. M. Freire d'Andrade asked on what principles he proposed to change the system. For instance, the following passage on pages 6 and 7 of the report was interesting:

"Everyone, whatever his opinion may be in regard to direct or indirect rule, will agree, I think, that it is our duty to do everything in our power to develop the native on lines which will not Westernise him and turn him into a bad imitation of a European — our whole education policy is directed to that end. We want to make him a good African."

M. Freire d'Andrade entirely approved this statement, but desired to know what was meant by a good African, and what method it was proposed to follow in order to turn a native into a good African, all the more so as opinions might differ as to its definition; thus, a good African in the eyes of a missionary would be different from a good African in the eyes of a planter or an industrialist. Was it desired to submit him to a system of direct or indirect administration? It was very important for the Commission to obtain information on this point, because certain considerations on the subject were advanced in the report on Ruanda-Urundi which were certainly not without foundation, and which M. Freire d'Andrade considered worthy to be taken carefully into account.

He agreed with certain statements made by the Governor and, among others, with those contained in the first paragraph of page 8 of the report. He was not sure, however, that he would approve entirely the final paragraph on page 9 as follows: "The authority of the chiefs is greatly weakened if the tax is paid to the Government and not to them..." Organisations, in so far as they were good, should not be destroyed, but should be used to aid the Administration, though account should be taken of the fact that this was not always possible. The chapters in the report of the Belgian Government on Ruanda-Urundi which dealt with native policy and the protection of labour showed this.

Indirect administration should not prevent the effective occupation of the territories to be administered, and this occupation should have the effect of making it possible to direct the native chiefs, correct their faults, and find means to educate and civilise the native in order to turn him into a man, not a caricature of a European, but a good African, resembling as far as possible a good European, so that he could enjoy the same rights before the law and before society, into which he could be admitted on terms of perfect equality.

He had already expressed his views in the memorandum which he had been instructed by the Chairman to prepare on the welfare and development of the native. For this reason, he would no longer continue to put forward views which were already known.

The Chairman asked the accredited representative if he would prefer to make a general statement, as was the usual practice of any Administrator appearing before the Commission.
Mr. Scott said he had not come prepared with a general statement, and thought that the report gave as clear a statement of general policy as was possible under each head. He would accordingly prefer to answer specific questions and would reply to those put by M. Freire d’Andrade.

With regard to the establishment of the Legislative Council, he informed the Commission that hitherto no Council of this kind had been established, the laws of the territory being promulgated by the Governor himself, subject to the approval of the Secretary of State. Before a law had been enacted, the draft of it was considered by the Executive Council and if necessary, amended. All the members of the Executive Council being official, the Governor had had no proper opportunity to obtain the opinions of the unofficial sections of the community and the only way by which such information could be obtained was by publishing draft laws in the Official Gazette and asking for criticisms and suggestions. The formation of a Legislative Council containing unofficial members would enable the Governor to obtain the views of the unofficial community more directly and satisfactorily. This meant that the laws would not be passed autocratically, as it were, by the Governor, but would be promulgated after full expression and discussion of the views and opinions of the various interests in the country. The Executive Council would continue to exist and to perform the same functions as formerly. The Legislative Council would be supplementary to it and all draft legislation would be considered first in private by the Executive Council and then by the Legislative Council, who would discuss it in public before enactment. After the laws had been discussed by the Legislative Council, they would require the approval of the King through the Secretary of State.

All members of the Executive Council would have seats on the Legislative Council and thus the wish of M. Freire d’Andrade would be met, for the Secretary for Native Affairs, whose special duty it was to represent native interests, would sit on both bodies. It was not thought possible for native members at the moment to sit on the Legislative Council, because there were no natives sufficiently qualified to do so. Until they reached the required standard, the Secretary for Native Affairs would represent the natives. In addition, all official members represented the natives to a certain degree, so far as their particular Departments were concerned.

As regards the point raised by M. Freire d’Andrade concerning the passage in the report in which it was stated that ten unofficial members nominated by the Government, “without regard to representation of particular races, interests or public bodies”, would sit on the Legislative Council, Mr. Scott explained that the reason for this provision lay in the difficulty of selecting an unofficial member from each of the various sections of the community, some of which were very small. Further, if it were laid down that all interests had to be represented, a sufficient number of capable representatives might not be found. That being so, the Administration considered the best principle to be that the Governor should be left unfettered for the moment with regard to the nomination of the unofficial members, but the statement in the report should not be taken to mean that unofficial interests were to be disregarded. On the contrary, the Governor would, in practice, give very careful consideration to all interests and make the best possible choice.

With regard to a further question of Sir F. Lugard concerning the representation of Indians, Mr. Scott said that, while no express reference to Indians was made in the matter of representation, they would be treated in the same way as other unofficial bodies and the Governor would probably appoint at least one Indian on the Legislative Council. The Council would not be in existence before August or September 1926. The report stated that there would be “not more than ten unofficial members” of the Legislative Council, for the Administration thought that it might perhaps be impossible at first to find even as many as ten persons capable of assuming this duty.

M. Freire d’Andrade enquired whether the Governor was bound — as seemed to be indicated in Mr. Scott’s speech — to modify the terms of any draft decree or ordinance in accordance with the amendments proposed by the Executive Council. He believed that that body was purely advisory.

Mr. Scott replied that the Executive Council was purely advisory and that the Governor was not compelled to accept its advice.

In reply to a further question of M. Freire d’Andrade, Mr. Scott said that all the members of the Executive Council would be members of the Legislative Council and would be included among the thirteen official representatives.

M. Van Rees enquired (1) Whether the Legislative Council was already in existence; (2) It would be called upon to deal with all the laws and other obligatory provisions to be promulgated in the future.

Mr. Scott replied (1) That the Order in Council creating the Legislative Council had, he believed, been submitted to the Secretary of State but had not yet received the Royal assent. (2) That all laws would have to pass through the Legislative Council and also all regulations if the law under which they were to be made provided that they should be submitted to the Legislative Council.
M. VAN REES explained that he had put his question because the Commission had discussed the legislative powers of provincial Administrators in connection with the previous report. It appeared that those Administrators possessed the power to promulgate certain compulsory regulations in accordance with the general laws governing the country. When the Legislative Council was created, would the Administrators still possess such power?

Mr. Scott understood M. Van Rees to refer to the Native Authority Ordinance, by the terms of which provincial Administrators had the power to issue orders to chiefs and natives within the terms of the general legislation of the territory. The Ordinance in question was still in force, but would probably be amended, as stated in the report (page 17). It would not be entirely repealed, but would be altered in order to take account of the new policy adopted with regard to Native Administration. Orders or regulations issued under this Ordinance were not legislative but executive orders framed in the form of regulations and promulgated to promote the good conduct and welfare of the natives. Such administrative regulations were usually submitted to the Governor for approval before promulgation.

With regard to the general question, raised by M. Freire d'Andrade, whether the new Governor had thought it better to change the former system of Government, Mr. Scott explained that a change had taken place, but that it could better be described as an adaptation and extension of the old policy along lines which had not previously been contemplated in detail.

With regard to the abolition of tribute and service rendered to the chiefs, the desire to abolish these had in some cases been expressed by the natives and the chiefs themselves, for the first had felt the rendering of such tribute and service to be unduly irksome and the second had come to regard their exaction as entailing excessive trouble and difficulty. It had therefore been decided to abolish the payment of tribute and the rendering of service and to compensate the chiefs for their loss of revenue by paying them regular salaries.

In reply to Mr. Gilmshaw, Mr. Scott said that all compulsory labour for chiefs was abolished. The abolition of tribute and service and their commutation by payment of higher taxes was a policy favoured both by the chiefs and by the natives themselves wherever the system had been applied. According to the new principle, the tribute, instead of being paid direct to the chief, was paid as part of the regular taxes, a fixed proportion of which was paid into Native Treasuries. The funds of these Treasuries were under the custody of the chief, who drew a fixed salary from them and used them to pay his subordinate chiefs and his own staff. Any balance remaining was available for expenditure on local public works of all kinds, medical and educational services, etc. Hitherto the tax had been paid either to the Administrative Officers when on circuit or to tax collectors in the pay of the Government. Such a system still existed in many districts, but the tax was now sometimes collected by the chiefs themselves, and it was hoped that this latter system would be extended all over the country. For the chief to collect the tax enhanced his prestige, for it should not be forgotten that the natives considered the chiefs as their natural rulers.

M. Freire d'Andrade asked whether, in cases where the chiefs themselves collected the tax, abuses might not occur. The chiefs might take advantage of their position to make undue exactions and it very often happened that the blacks, when invested with certain powers by the European authorities, had a tendency to abuse these powers.

Mr. Scott said that the amount of the tax was fixed by the Government and could not be varied by the chief. There was, of course, a certain risk that irregular exactions might occur, but the fact that an individual receipt had to be given for each payment of tax was a safeguard. Further, any villager from whom more than the proper tax was demanded could complain to the Administrative Officer of the district or, if his complaint were against a subordinate chief, to the head chief. Natives were not slow to avail themselves of this privilege.

M. Freire d'Andrade noted that the chief received the tax and that it took the place of tribute and service. The issue of an individual receipt was undoubtedly a safeguard, but, the tax being allotted for definite purposes, such as the payment of the chief and his staff, M. Freire d'Andrade greatly feared that abuses would creep in, owing to the tenacity with which the population held to old customs, and that cases would arise in which the chief would continue to demand the payment of tribute and service in addition to the tax which had been substituted for them. In general, it was difficult to control the chiefs, and the natives who suffered abuses were not always able to lay them before the competent authorities.

Mr. Scott replied that the total prevention of irregular exactions was obviously difficult. Steps had been taken to explain to the natives as fully as possible that in future tribute and service were not to be paid to the chief, and that because of this decision the poll tax had been raised.
The natives quite understood this, and they would have ample opportunity of addressing complaints in cases of irregular exaction either to the higher chiefs or to the Administrative Officers, or even to the Governor himself.

M. Freire d’Andrade thanked the accredited representative for his explanations. He asked for a reply to be given to the question of principle which he had put: What constituted a good African? The Administration had stated that it was endeavouring to develop the native on lines which would not turn him into a bad imitation of a European. M. Freire d’Andrade had been twenty years in Africa, and the efforts of the Administration in this direction were therefore of great interest to him. The Commission would remember that a somewhat different point of view had been expressed by the Administration of Ruanda-Urundi as might be seen in the report. The British authorities in Tanganyika desired to develop the native in accordance with his own traditions and therefore proposed to make as much use as possible of the chiefs, while endeavouring to strengthen their authority.

Mr. Scott said that M. Freire d’Andrade’s question regarding what was meant by the term a “good African” was rather difficult to answer. Generally speaking, he thought the explanation was contained in the rest of the sentence on page 7 of the report. The endeavour of the Government was “to develop the native on lines which will not Westernise him and turn him into a bad imitation of a European”. M. Freire d’Andrade was no doubt familiar with such a product — the half-educated African who considered himself quite as good as, if not better than, the white man who governed him. The idea of the Government of Tanganyika was that a “good African” should be an African from the bottom, and that meant that he should not be cut away from his roots, which were in the country and in the traditions in which he was born and in which he lived.

The traditions of his race imposed natural allegiance to his chiefs and respect for the natural leaders of his tribe. Were such a man to be educated entirely on Western lines, without reference to the history of his race and the traditions and customs of his tribe, there was a danger of his becoming the product which it was most earnestly desired to avoid in Tanganyika. The Government did not wish to deny to the African native the benefits of Western civilisation, but wanted him to assimilate gradually the most suitable and best elements of that civilisation, grafting them on to his old and original African ideas and traditions. He should be improved and trained by the influence of Western civilisation, but in such a manner that the ingrained native feeling should permeate his life and that the training should not run counter to or smother it.

M. Rappard thought that this was a question which should not be treated superficially. Even to those who had not had the privilege of visiting Africa the African was essentially a nomad and an agriculturist, that was to say, a man who lived on the produce of the earth. Commercial or industrial pursuits only occupied a very secondary place. In the territory of Ruanda-Urundi under Belgian mandate, however, the Commission had noted that the Administration was encouraging the small native industries by all possible means. If the British Administration in Tanganyika was pursuing the policy of maintaining and developing the native’s African characteristics, did it not appear that the two policies were somewhat different in that respect? The influence on native development of even a little money, such as could be gained regularly from small industries, inevitably changed the native character, whatever policy for developing it the Government might adopt. The economic and political situation necessarily reacted the one upon the other.

Mr. Scott replied that it was not the policy of the Administration to leave the native in his purely primitive state. If he showed a disposition to engage in trade, the Administration did all it could to encourage him. It was true that the expansion of trade might eventually tend to loosen the tribal system, but it was precisely the object of the Administration to develop the tribal system by grafting on to it the benefits of Western civilisation.

M. Freire d’Andrade thanked Mr. Scott for his very interesting statement, with the general tenor of which he was in full agreement. To educate the native on Western lines meant the production of that caricature of a European which the Administration of Tanganyika was rightly seeking to avoid. In connection with the general difficulty experienced by Europeans in educating natives, he would quote the example of South Africa, which was now experiencing trouble with regard to its native population. In general, when natives had acquired the habit of working, they could by this means gradually obtain the benefits of civilisation.

The explanation given by Mr. Scott seemed to M. Freire d’Andrade to be clearer than the statement in the report. Moreover, he did not think that there was much difference, in principle between the direct and indirect systems of administration.

M. Orts pointed out that the reply of Mr. Scott to the question of M. Freire d’Andrade was the general statement of policy for which the Chairman had asked. He could not agree with M. Freire d’Andrade and M. Rappard, who considered that the British Administration of Tanganyika and the Belgian Administration of Ruanda-Urundi were pursuing different policies. On the contrary, it seemed that they were similar except for slight differences of application.
Sir F. Lugard agreed. The policy pursued in Ruanda-Urundi was practically the same as that in Tanganyika.

M. Freire d'Andrade replied that he had only referred to the different methods adopted. While the Belgian Administration was principally concerned with preventing corrupt practices on the part of the chiefs, and was in consequence occupying the whole territory, the Administration of Tanganyika was developing the mentality of the chief and placing the administration in his hands. He thought that the Belgian method of procedure perhaps took more account of facts.

M. Merlin said that this exchange of views concerned the problem which invariably arose with regard to the administration of native races. Western civilisation was something quite beyond the ken of native races in Africa, who, from the point of view of civilisation, were still very young, and who had totally different conceptions of life. The object of all civilising influence should be to make it possible for the native to understand that humanity was ruled not by force but by law.

Administrators generally agreed that the first step in civilising the native was to develop education both by missionaries and by any other means. A race, just as an individual, however, could be attacked by growing pains, and such symptoms were especially noticeable in the case of young natives who had assimilated European education without European morality. Such natives often sprang rather from the lower than from the aristocratic classes of the population. After acquiring a certain amount of education, their tendency was to consider that there was nothing more to be learnt and that they were consequently now capable of governing their fellows. All who had dealt with the social problem of Africa had encountered this difficulty.

M. Merlin could therefore quite understand the preoccupation of the Government of Tanganyika. What place could be given to these uprooted people? If given certain responsibilities by the white man, they failed, because very often, as he had pointed out, their standard of morality was not equal to their standard of education. Many Administrators, therefore, were now considering whether they should not discontinue education on European lines and favour a policy of indirect administration by developing the native on the lines described by Mr. Scott. Laws were the result of morals, and therefore to achieve the progress of the mass of the people by working through their chiefs and developing their own traditions would give a less showy but a more durable result. It was a wise policy to cause the African to develop in his own sphere and to work as far as possible through the chiefs, while naturally subjecting those chiefs to very close supervision.

With regard to what M. Rappard had said concerning the nomadic character of the African, M. Merlin would remind the Commission that there were, and always had been, very large native markets in Africa, such as Timbuctoo and Gao, to give but two examples. The internal trade in Africa was very great. The Senegalese, for instance, moved all over the continent bartering their goods.

To sum up, M. Merlin would express his general agreement with the policy pursued by the Administration of Tanganyika. The evolution of the native should be conducted within the framework of his own institutions and, while the chiefs should be submitted to supervision, they should not be destroyed. Any other system resulted in too hasty an evolution, with consequent untoward results. He had only to refer to the example of China to emphasise this point.

In conclusion, he agreed with M. Orts and Sir F. Lugard in thinking that the essential differences between the policies of the Administrations of Ruanda-Urundi and Tanganyika were not very great.

M. Palacios referred to the report on the Education Conference (1925), which contained a chapter devoted to the ideal African citizen. This chapter merited the attention of the members of the Commission which had considered these problems and M. Palacios wished to congratulate the authors of the report, which ought to be considered as a real monument of great value for the spread of civilisation in these African regions.

M. Freire d'Andrade agreed in principle with the policy of the mandatory Power. He must point out, however, that, if the Commission gave its sanction to a policy of indirect administration, it would not do so unanimously. At the moment the members did not seem fully agreed on the point. In general, however, he would express the greatest satisfaction with the statement of Mr. Scott.

The Chairman hoped that the accredited representative would note the preoccupations of the Commission with regard to the very important question of the development of the African.

On page 14 of the report, it was said that "Each Sultanate is represented on the Council, and confederation was not approved until it had been submitted to the people themselves and received their approval". How was the people's approval obtained? Had a general assembly been called?
Mr. Scott understood that in this case the people had been called together to one or to several centres and were asked to express their views. It was a not uncommon sight to see as many as 10,000 natives flocking to a particular spot in order to consult the Administrative Officer.

The Chairman asked that, in the next report, the exact number of officials, both European, Asiatic and native, should be given, together with information regarding their categories and duties. It was necessary for the Commission to have such information to enable it to make useful comparisons with other mandated territories.

Mr. Scott undertook to furnish such information as would show the number of officials concerned in all departments.

Frontier between Tanganyika and Kenya.

M. Rappard asked whether there had been any change in the frontier between Tanganyika and Kenya in the region of the Masai tribe. The map attached to the report was curiously cautious on this point. It was stated that the frontier had been traced on the spot. Was this the case?

Mr. Scott replied that there had been no alteration of the frontier, which had only been re-demarcated, as the trace of the old boundary had in some places become effaced. The map was accurate, though the frontier line at one point, was cut by the names "Kilimanjaro" and "Moshi", which accounted for the apparent gap noted by M. Rappard.

TWENTY-FIRST MEETING

Held on Monday, June 21st, 1926, at 3.30 p.m.

Chairman: The Marquis Theodoli.

Present: All the members of the Commission.


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

Sir F. Lugard asked whether anything had occurred since the last session of the Commission in regard to the control of the tsetse-fly or to game preservation.

Mr. Scott said he did not think he could add anything to pages 20-23 of the report. The tsetse problem was one of the most serious with which the Government had to deal, on account of its prejudicial effects on native cattle and general conditions of life: more and more money was spent every year in an organised campaign against the spread of the tsetse-fly. It was an enormous problem involving about two-thirds of the whole Territory and the Government could only hope to touch the fringe of it at first. Everything possible was being done: a scientific staff had been engaged to assist Mr. Swynerton, who was the expert adviser in this matter, and it was hoped, as time went on, with the assistance of a committee formed in England, to extend the work of scientific research on which the operations of the Government must necessarily be based.

Labour.

Mr. Grimshaw, referring to the question of the commutation of the system of tribute and service, asked if this meant that the work done gratuitously for native chiefs had come to an end. There was one point on which he was not quite clear: was the work of maintaining and cleaning village roads and streets done by forced labour or was it done voluntarily?

Mr. Scott said that compulsory labour on behalf of the chiefs had now ceased. The only form of compulsory unpaid labour which continued was that referred to in the answer to Question 3 on page 86 of the report, which read as follows:

"District roads, apart from metalled or trunk roads, which are maintained by the Public Works Department, are kept clean by the natives in accordance with long-established custom. Cleaning is, as a rule, only necessary for a few days after the rainy season. Each village is responsible for the strip of road within its borders and the work is distributed equally among the householders."

Mr. Grimshaw said that this paragraph did not state whether the work mentioned was paid or not.
Mr. Scott replied that the labour was not paid and never had been. The present system had been in force when the British Government took over the Territory from the Germans, and it was not proposed to change the existing custom, to which the people were thoroughly used and to which they had raised no objection.

Mr. Grimshaw said that the question had arisen many times, in the examination of the reports of the mandatory Powers, whether this system was in contradiction or not with the terms of the mandate, which forbade all forced labour except for essential public works, and when it was paid. He would like to hear Mr. Scott's views in regard to the matter. He presumed that, in continuing this form of unpaid labour, the Administration had considered the terms of the mandate.

Mr. Scott said that he thought the Governor had some doubts in his mind whether the use of compulsory labour for cleaning the roads was in conformity with the mandate or not. It was the intention of the Governor to go more fully into the whole question of the roads, their maintenance and classification, who should do the work, who should be responsible for them and who should pay for them; in this connection, he would undoubtedly consider the present practice by which the natives were called upon to clean the roads in the vicinity of their villages without payment.

The Commission must not imagine that there were gangs of coolies, with chains round their necks and irons round their legs, forced under the whip to clean the roads in the neighbourhood of their village. The chief at a certain season of the year called out the men and women of the village and told them the time had come to clean the roads. No objections or difficulties were raised, and it might almost be said that the work was done voluntarily. It was not paid in the strict sense of the word, although in certain cases, when there was a large amount of work and a large number of people, an ox or two would be killed on which the people feasted, and they were entirely contented.

Mr. Grimshaw asked whether Mr. Scott could give him some information about the new Labour Department which had been established. Two or three references to it were made in the report, but he could not find any description of it or any mention of its activities; neither did it appear in the list of Government Departments given on page 5.

Mr. Scott asked whether the Governor's despatch, enclosing the Labour Report of Major Orde Browne, had been communicated to the members of the Commission. The information for which Mr. Grimshaw asked was contained in that report.

Sir F. Lugard said that the report had not yet been communicated to the members of the Commission, but that he had a proof copy of it which he had shown to Mr. Grimshaw.

Mr. Grimshaw regretted that the report had not been distributed in time to be in the hands of the members of the Commission during the examination of the Tanganyika report.

Mr. Scott said the delay was probably due to the general strike in England, which had also delayed the printing of the report on the Territory. The information for which Mr. Grimshaw had asked was contained in paragraphs 53 and 54 of Major Orde Browne's report.

Mr. Grimshaw referred to Question 4, on page 87 of the report, in connection with penal sanctions. Last year Mr. Ormsby-Gore had said that the solution of the problem of penal sanctions would be, he thought, to adopt the "Nyasaland system", which represented a step towards the establishment of free labour. Could Mr. Scott give the Commission any information regarding this system?

Mr. Scott said he was not quite sure how the adoption of the Nyasaland system would lead to the abolition of penal sanctions. He presumed that Mr. Grimshaw had studied the law of Tanganyika, and would recall the fact that offences under the ordinance were divided into two classes, minor and major offences.

Mr. Grimshaw said he did not wish to trouble Mr. Scott to discuss the ordinance, which he himself had carefully studied.

Mr. Scott pointed out, with regard to the distinction between major and minor offences, that it was only in regard to major offences that a servant could be arrested without a warrant. In minor offences it was necessary for the ordinary legal machinery to be put into force, and for complaints to be made in a court of law.

Mr. Grimshaw referred to Question (b) 2, on page 86 of the report: "For what public works and services is forced native labour required?" In the reply to this question it was not stated whether the forced labour in the cases given was paid or not.

Mr. Scott replied that this was paid labour.

M. Freire d'Andrade said he understood that part of the forced labour was requisitioned by the chiefs and was not paid, and part was requisitioned by the Administration for works of public utility. He referred to the paragraph towards the end of page 26 of the report: "There is no doubt that, of those sent in to the Administrative Office by the chief,
many came of their own free will". He would ask why, if they came of their own free will, they required to be sent. He also asked whether the labour for public works was paid, and whether the Administration considered it as compatible with the terms of the mandate.

Mr. Scott replied that all labour for public works was paid, with the one exception of the small village roads to which he had just referred. The reference in the sentence quoted was to natives employed as porters.

It was the custom for an officer who went on a long "safari" (journey) to take a number of porters to carry his baggage from his home station for one, two or three days. They would then be discharged and new ones engaged, and so on, to the end of his journey. He would apply for porters to the chief, who would inform the villagers, and most of the people came forward without being forced. They knew the pay they would receive, and if they were taken any distance from home, they were paid for the return journey.

Sir F. Lugard asked whether the rule, applicable to Kenya, was applied to Tanganyika that any compulsory labour for essential public works and services required an application to the Secretary of State.

Mr. Scott replied that he was not aware of any instance of the sanction of the Secretary of State being sought or required.

M. Orts, returning to the question of penal sanctions in case of a breach of contract labour, asked whether the evolution of the natives was sufficiently advanced to make it possible to abolish these sanctions without inconvenience.

Mr. Scott replied that he found it a little difficult to answer the question in this form.

Mr. Grimshaw asked whether Mr. Scott thought it necessary to retain penal sanctions in the case of breaches of contract labour which were treated in civilised countries as civil offences.

Mr. Scott said that, for the present, the Tanganyika Government considered it necessary to retain the penal sanctions. It was fully aware of the objections to that course, but regarded Tanganyika as still in the same position as some other parts of the Empire were in their earlier days; it hoped that the time might come when it would be possible to remove the penal sanctions.

Mr. Grimshaw asked whether Major Orde Browne's report gave any statistics of cases which had come before the courts under the Master and Native Servants Ordinance (1923).

Mr. Scott said he did not recollect the details being given. If they were not in the present papers, it would be quite possible to provide the information next year.

Mention was made in Major Orde Browne's report of the natural reluctance of employers to be constantly bringing their servants into court, since they would run the risk of getting a bad reputation and losing popularity among the workers.

Mr. Grimshaw observed that the penal sanctions would then appear to operate in both directions.

Mr. Scott agreed, adding that civil sanctions might have the same effect.

M. Orts asked what were the other parts of the Empire to which Mr. Scott had referred where it had been possible to abolish penal sanctions inflicted for a breach of contract in respect of hired service.

M. Orts pointed out that it was not possible to draw from the example of Ceylon conclusions which could be applied to Central Africa. There was too great a difference in the stage of development of the native.

Sir F. Lugard referred to paragraph 36 on page 29 of the report: "Natives who go out to labour on contracts are medically examined, if possible...". He would ask whether medical examinations should not invariably take place.

Mr. Scott said that the ideal procedure would undoubtedly be the examination by medical officers of all labourers engaged under contract, but, unfortunately, at present the medical staff was not sufficient to make it possible to station European medical officers, or even Indian sub-assistant surgeons, at every post. In their absence, it was, whenever possible, generally arranged that the labourers should be examined on their way to the estate, at the first place where a medical officer was stationed.
Sir F. Lugard noted that, in the next paragraph on page 29, reference was made to the establishment of central camps by the Administration "in the hope that it will be able to attract itinerant natives to it so that they may receive medical attention...". He would ask whether it was not possible to enact that no native should be employed unless he had a medical certificate. This would compel all natives seeking employment to obtain a medical certificate.

Mr. Scott said that this would be possible, but that his Government hoped to be in a position to ensure without legislation the medical examination of recruits, which seemed the more satisfactory course.

Sir F. Lugard called attention to the last paragraph on page 51 of the report, which said of the scheme of ploughing and cotton cultivation that "the attempt to organise it on a communal basis was premature, and the harvest reaped from the communal gardens barely sufficed to pay the ploughmen's wages". He would ask why the scheme was a failure.

Mr. Scott replied that the communal basis seemed to be rather too advanced for the conditions which prevailed in the villages. The reference to the ploughmen's wages supplied a partial answer.

Sir F. Lugard said that Mr. Scott would recollect that the same system had been tried in Nigeria, but with communal rubber plantations, and was equally a failure.

Mr. Scott said he thought that, under the communal system, no individual keenness was shown. Perhaps the communal system might succeed when the people became more educated.

Sir F. Lugard asked whether the labour at the Nyanza Salt Mines, mentioned on page 41 and elsewhere, was voluntary labour.

Mr. Scott replied that it was purely voluntary labour, and that there was always plenty of such labour available.

The Chairman asked how many natives were employed on the railway. How were they fed, how were they paid, and was any indemnity given to landowners who were expropriated for the purpose of the railway?

Mr. Scott replied that the number of labourers working on the railway had not been ascertained, but the information could be included in the report for the following year, if desired. There had been no difficulty in getting voluntary labour. The pay of the workers was regulated according to the market price of labour in the district and they were paid at regular intervals. Generally, if the workers lived near their work, they provided their own food. If they came from a distance, food was provided and the necessary allowance was deducted in calculating their pay.

In townships, or where the land was held under regular titles, full compensation, the market value of the land, would be paid for expropriation. Where the railway took land elsewhere compensation would be paid for houses or crops destroyed.

Sir F. Lugard said that, when labourers were employed continuously on the railway, they did a much heavier day's work than they would do in their own villages, and Mr. Ormsby-Gore, in his report last year, had laid emphasis on the fact that they ought to have a much more substantial diet. He asked whether the Administration recognised that necessity.

Mr. Scott replied that the Government, and particularly the medical department, was fully alive to the point, and steps had already been taken to draw up various scales of diet for the labourers employed in public works. It was not possible to lay down one fixed scale for use all over the Territory, because conditions, climate, the type of the natives and the work were all different, but in each case, if necessary, a special diet scale would be drawn up and would be imposed on the railway authorities or the contractor.

The Chairman said that the Committee had been concerned the previous year with the problem of the rapid construction of the railway, which caused a severe drain on the labour resources of the territory. He would ask whether this drain of labour, which would contribute to the future welfare of the population, did not endanger its present welfare.

Mr. Scott said it was recognised by the Tanganyika Government that the unduly rapid construction of railways or other large public works might have a prejudicial effect upon the natives. Care was being taken that works in hand or proposed should not be pushed forward so rapidly as to have that result.

Liquor Traffic.

The Chairman asked whether a certain quantity of the alcoholic beverages might not find their way from the hands of the whites to the natives.

Mr. Scott said he had never heard of any traffic of that kind. He thought that most of the liquor was consumed by the whites; the white population, however, had increased.
Liberty of Conscience.

M. Palacios drew attention to paragraph 35 on page 28 of the report, where reference was made to certain measures for controlling or distributing properly the missions and schools. It was clear that liberty of conscience was not incompatible with order — quite the contrary — but these measures to which he had referred made it necessary to bear more closely in mind the principles embodied in the mandate as regards this matter. Would not vexatious disputes and discrimination arise, particularly if it were necessary to take into consideration the consent of the native chiefs? Naturally, it was necessary to think as much of the equality of the missions as of the religious liberty of the populations. It was for this reason that he would like to have further information on the present situation.

Mr. Scott said that instructions had been issued quite recently to Administrative Officers to the following effect: Where a mission applied directly for a site for a school or a church, they must not occupy the ground until a full report had been made to the Governor and a right of occupancy had been granted. The report had to state whether the land was available, whether the natives of the area desired a church or school to be established, whether the chief had given his consent and whether the Administrative Officer recommended the grant of the land. The Administrative Officer had to report whether the administrative area was already served by schools or churches, and, if so, to what extent. When the Administrative Officer's report was received, it was considered in the usual way by the Governor, who decided whether it was a suitable case in which a grant of a lease of the necessary land should be given for a church or a school in the village.

These instructions had been necessitated by the occurrence in some parts of difficulties, caused by rival missions attempting to get control of the same village by establishing churches and schools.

M. Rappard said he appreciated the difficulties that might arise with rival missions and the disorder that might result from their rivalry, but he did not quite see the reason for subordinating the establishment of a new mission to the warrant of the native chief of the district. If missions in Africa had never been established except with the consent of the native chiefs, he doubted whether there would be many in existence.

Mr. Scott said that the reason for obtaining the consent of the chief was that the latter was looked upon as responsible for the land. When a native wished to move or to build a new house, he had to obtain the chief's consent.

M. Rappard asked whether this arrangement had resulted in any lack of freedom in teaching and missionary work.

Mr. Scott replied that he knew of no instance of such a result.

M. Rappard said he presumed that the mission would always in practice enter into an agreement with the chief, otherwise its position in the village would not be tenable.

Mr. Scott agreed. If, however, the chief withheld his consent, that would not necessarily mean that the mission would not be able to establish itself. The final decision rested with the Governor.

M. Rappard called attention to paragraph 33 on page 28 of the report, and asked whether any other missions had been excluded.

Mr. Scott replied that he was not aware of any exclusions. The Government of Tanganyika was informed from time to time by the Secretary of State that such-and-such a German mission had been recognised for the purpose of allowing it to recommence its work in the Territory. There was a general list of missions which were officially recognised. Paragraph 33 referred only to German missions, but the list of recognised societies might include all foreign missions.

M. Rappard asked the meaning of the passage on page 63, paragraph 82: "A further sum, amounting to £56,853, was remitted to German nationals during the year in respect of eleemosynary payments."

Mr. Scott said these were merely charitable payments to Germans who were in necessitous circumstances.

M. Orts asked if the attention of the Administration of the Territory had been drawn to the interpretation recently given by the Mandates Commission to the clause in the mandate dealing with liberty of creed. The Governor had raised the question whether he had the right to allot to the missions spheres of influence when those of different creeds established in the same region came into conflict with each other. The answer of the Commission had been that the Government was entitled to do anything in that connection in order to maintain public order.
Mr. Scott replied that he recollected the matter. The idea of the establishment of spheres of influence had not been carried out. There was no definition of spheres of mission influence in the different parts of the Territory.

M. Orts pointed out that only after every other method of conciliation had been exhausted would it be necessary to resort finally to the establishment of spheres of influence for the religious missions.

Mr. Scott agreed. It was recognised that it was better to do without the establishment of spheres of influence, and he hoped that his Government would be able to dispense with it.

Military and Police Forces

The Chairman enquired whether it would be possible to reduce the police force or whether it would be maintained at the present level.

Mr. Scott replied that at present it was not proposed to reduce the police force, as, owing to the size of the Territory and the smallness of the military force, this course would be inadvisable.

The Chairman pointed out that one-quarter of the ordinary expenditure went to maintain the military and police forces.

M. Orts pointed out that it was stated in the report that one of the battalions of the King's African Rifles was recruited in Nyasaland. Was the other battalion recruited in Tanganyika?

Mr. Scott replied that there were two battalions of the King's African Rifles in the Tanganyika Territory, viz., the Second and the Sixth. The Second Battalion, stationed at Tabora, was recruited in Nyasaland, owing to the principle that natives recruited from the mandated territory could not be used outside it for military purposes except in defence of the Territory. The Sixth Battalion was recruited mainly from Tanganyika natives and, under the terms of the mandate, they were not allowed to proceed outside the country except in defence of the Territory. Recruitment was voluntary.

Economic Equality.

The Chairman noted that, on page 11 of the annex to the Tanganyika Territory Ordinances 1925, it was shown that the duties were different as regarded coasting vessels and ocean-going vessels. This arrangement did not seem to be quite in accordance with the principle of economic equality.

Mr. Scott thought the differentiation referred to by the Chairman was not uncommon in other parts of the British Empire.

The Chairman reminded Mr. Scott that Article 7 of the mandate stated that all States Members of the League of Nations must be on exactly the same footing whether in connection with transit or shipping.

M. Rappard wished to know whether this provision favoured only vessels flying the British flag.

Mr. Scott replied that he did not know of any vessels other than British at present engaged on coastal trade. Some of the vessels referred to were not larger than tugs.

M. Merlin presumed that, if this particular provision did not exist, other ships would call on the coast.

Mr. Scott thought that the question could only be answered by removing the differentiation and awaiting the result.

He, however, saw no reason why vessels other than British should not engage in coastal trade and thus enjoy the benefit of the differentiation in question.

M. Orts observed that the tax in question was merely that collected at the time when a health certificate was given. The matter seemed to him to be of no importance.

Mr. Scott added that he thought the differentiation was not an unreasonable one.

The Chairman pointed out that the Commission was occupied with the question of principle only and that Article 7 of the mandate provided for absolute equality of treatment.

Sir F. Lugard noted that, on page 62 of the report, reference was made to a survey of the fisheries on the coast. He wished to know whether the mandated territory would derive any profit from this source, or whether it would participate in the survey.

Mr. Scott replied that Tanganyika would take part in the survey by paying a part of the cost. If expectations were realised, the natives on the coast would benefit by an expansion of the fisheries.
Sir F. Lugard, noticing that the salt-works were State-owned, asked whether there were any other Government monopolies.

Mr. Scott replied in the negative.

The Chairman enquired if it was not by virtue of an international convention that the postal rates were different in Tanganyika according as letters were sent to British possessions or to foreign countries (see page 22 of the Appendix to the Tanganyika Territory Ordinances, 1926).

Mr. Scott took note of this point and promised to give an explanation in the next report.

M. Rappard pointed out that, according to the Tanganyika Times, dated January 23rd, 1926, the Governor of Tanganyika was reported as having stated at a Chamber of Commerce dinner that, "in entering into such an arrangement (a Customs union with Kenya), Tanganyika did not pledge itself to follow the Kenya tariff". He asked how it was possible to conceive of a Customs union without a uniform tariff.

Mr. Scott thought there was a slight misunderstanding. Even though there were a similar tariff in the two countries, it did not necessarily mean that goods at Mombasa, for example, were free to go to Tanganyika, or that goods landed at Dar-es-Salaam were free to go to Kenya. The final form of the Customs adjustment had not yet been decided. Tanganyika had an identical tariff with Kenya, and an arrangement would shortly be made by which goods passing over from Kenya to Tanganyika and vice versa would not be subject to double duty.

Sir F. Lugard remarked that the Governor of Tanganyika had also stated, in the speech referred to, that it had been most clearly affirmed by the Secretary of State that, "in entering into such an arrangement, Tanganyika did not pledge herself to follow the Kenya tariff. She kept her fiscal independence, although it was very desirable that there should be as few variations as possible between the two tariffs". He (Sir F. Lugard) understood Mr. Scott to say the tariffs were identical.

Mr. Scott confirmed this, remarking that the Governor did not intend that they should be different but that, if necessity arose, he wished to reserve the right to vary the tariff independently of Kenya.

M. Rappard presumed that the tariff was the same for goods coming from all ports.

Mr. Scott replied in the affirmative.

M. Rappard wished to know whether the tariff was established as the result of a conference between the two Governments.

Mr. Scott replied that, if either country saw reasons for increasing or decreasing the existing rates, the Governor of one country would not take action without consulting the Governor of the other country.

Mrs. Wickell said that the ideas on education which were being developed in Tanganyika were precisely the same as those of the Permanent Mandates Commission and those developed in the African Education Committee in London, and that she thought the authorities in Tanganyika were endeavouring to carry out these ideas in a more direct way than was the case in the other territories under mandate in Africa.

In regard to the participation of the missions in educational work in the Territory, she was glad to see from the report that this question had been settled, and that it had been decided to allow the missions to take part in the work. She hoped that the next report would contain particulars in regard to the mission schools.

Mr. Ormsby-Gore had said last year that school inspection in the Territory was very little developed, but in the 1925 report reference was made to inspection being carried out even in the village schools. She had not been able to discover that any school inspector had been specially appointed, and she would ask who was carrying out the work of inspection referred to in the report. Was it done by district officers, or in what way?

Mr. Scott replied that the Education Conference held in Dar-es-Salaam in October 1925 marked a very important step in the history of native education in Tanganyika. He believed that copies of the Minutes of the meetings of that Conference had been circulated to the members of the Commission. The official education policy followed in Tanganyika up to that time had been based on non-participation with the missions in the education of the natives. It was considered that what money the Government was able to spare for educational purposes should be spent in organising and staffing Government schools only. That policy had now been abandoned, and a policy of co-operation with and assistance of the missions in the work of native education had been substituted.

The matter in all its aspects had been discussed at the Conference and had resulted in the most gratifying unanimity and friendliness on the part of the members, which augured very well indeed for the future of the new policy. A number of addresses on various subjects connected with education had been given both by members of the Government and by members of the missions. Committees had been formed specially to deal with and to make recommendations regarding certain points, and their reports were contained in the published proceedings of the Conference.
The resolutions and recommendations adopted at the Conference would be referred to a Central Advisory Committee set up by the Governor, comprising members of the Government service and persons representing the missions. The Central Advisory Committee would be assisted by a number of district committees formed in the same way in all parts of the Territory. When the various subjects had been discussed fully by the Central Advisory Committee, they would be submitted to the Governor for his decision and the necessary action would be taken to put them into effect. Naturally, all these arrangements would take some time, but he confidently hoped and anticipated that, by the time the next report was submitted to the Council of the League, some very substantial and gratifying progress would have been achieved.

As regards the question raised by Mrs. Wicksell concerning the inspection of schools, there were no officers of the Government actually styled inspectors of schools, but all the members of the Education Department — head masters and assistant head masters — were also inspecting officers. It was part of their duties, especially in vacation time, to inspect the schools and villages, which existed in their districts. In addition, every administrative officer was expected to take a keen and lively interest in all the schools in his district. While touring his district, he had ample opportunity for visiting the schools under his jurisdiction. Important native chiefs were also expected to take an active interest in the schools within their areas.

Mrs. Wicksell asked if the head masters and assistant head masters mentioned by Mr. Scott would be sufficient to carry out the work of inspection when the supervision of the mission schools was undertaken.

Mr. Scott did not think the present staff would be capable of coping with a large increase of work in that direction, but pointed out that the estimates of expenditure for the current year included very much larger funds for the provision of staff (especially of European staff), and he thought that, when that staff had been engaged and was at work in the Territory, it would be able to undertake a large amount of additional work. Moreover, it was hoped in future years to provide still more funds for the provision of staff and for the general needs of education.

Mrs. Wicksell referred to the question of the Legislative Council. Mr. Scott had said that it had not been found possible to include native members in this Council as it was impossible to find natives who were sufficiently conversant with the English language: as a matter of fact, however, there were two Africans on the Central Advisory Committee on Education. There had also been two Africans at the Education Conference already mentioned. Did these natives not speak English?

Mr. Scott replied that a lack of knowledge of English was only one of the reasons why it was not considered likely that natives would find a seat on the Legislative Council in the near future. Obviously, a mere knowledge of English would not be sufficient to justify a man being given a seat on such a Council, and it would be necessary for him to have other qualifications. Without referring personally to the two natives mentioned by Mrs. Wicksell, he would say that it was not considered at present that there were any natives suitable to occupy a seat on the Legislative Council.

Mrs. Wicksell asked if the natives on the Central Advisory Committee on Education were of any use.

Mr. Scott replied in the affirmative. Their assistance would be valued on the Advisory Committee, and he did not see any reason why, in the future, one or other of these men, or men of the same calibre, should not be fitted to take a seat on the Legislative Council.

M. Palacios referred to a passage, on page 65 of the report, to the effect that there were six representatives of the missionary societies on the Central Advisory Committee. According to the list given on page 28, there were many more than six missionary societies in the Territory, and he would like to know which of them were represented on the Advisory Committee.

Mr. Scott replied that it was not intended to specify any particular missionary societies for representation on the Advisory Committee. It was hoped that the missionary societies themselves would come to some decision concerning the persons who should represent them on this Committee. He thought that this was the procedure agreed to by the Education Conference.

The Chairman asked if there was any rivalry between the missions.

Mr. Scott said it would be impossible to say that there was no rivalry, but such as there was, he thought, was generally of a friendly nature, and he did not believe that there would be any difficulty in reaching an agreement on the question of representation.

M. Palacios raised the question of the lingua franca, which was very carefully studied in different parts of the report of the Education Conference held in 1925. Did this question of language give rise to any difficulties of a religious or even political nature? M. Palacios said he had read somewhere that the standardisation and more extensive use of the Swahili language encouraged not only the spread of education but also of Mohammedanism.

Mr. Scott did not think so. It was true that a large number of the people whose natural language was Swahili were Mohammedans, but it did not necessarily follow that the spread of Swahili involved the spread of Mohammedanism.
M. Freire d'Andrade thought there was a discrepancy in the report in regard to the statements about mission schools. On page 91 it was stated that those schools were not subject to any conditions, whereas on page 65 it appeared that they were inspected. Presumably the inspector required certain conditions in regard to those mission schools?

Mr. Scott said that mission schools, as such, were not compelled to submit to special conditions. The inspection to which mission schools were subject was applicable also to all Government schools.

M. Freire d'Andrade asked if it was a fact that there had been complaints from the Indian population that they did not have the same educational facilities.

Mr. Scott replied that a short reference to Indian education was made in paragraph 90 of the report, and that this was all the information which was available at the moment. Hitherto Indian education had not received any financial assistance from the Government but proposals had been put forward to the Secretary of State for the establishment of a Central School for Indian children in Dar-es-Salaam, towards the cost of which the Government would contribute.

M. Freire d'Andrade said that there had been certain difficulties with Indians in Kenya and a little trouble also in Tanganyika. Did this trouble still exist?

Mr. Scott replied that, speaking generally, during the year 1925 there had been no difficulty with the Indians.

M. Rappard referred to the question of Central Schools, and pointed out that no mention was made in the report regarding the cost, which he thought must be very great. He asked whether it would be possible to have information regarding the running of these schools, and at the same time an answer to the question whether their cost was not prohibitive.

Mr. Scott replied that he had no information at the moment, but would make a note of M. Rappard's request.

M. Rappard asked if it would be possible to extend the system of Central Schools very far.

Mr. Scott replied that the revenue from these schools was negligible, but that a return was hoped for in the shape of improved social and living conditions and education of the natives.

M. Rappard asked whether the cost of these Central Schools had ever been discussed as a subject which worried the Administration.

Mr. Scott said that this had not so far worried the Administration, and he did not remember that the matter had ever been discussed in that light.

Public Health.

M. Freire d'Andrade referred to page 37 of the report, on which it was stated that the situation as regarded staff had materially improved. He thought it would be desirable to include in the next report information regarding the number of medical officers.

Mr. Gilchrist (Acting Secretary) reminded the Commission that last year the members had received from the British Government copies of the annual report of the Chief Medical Officer for Tanganyika. It was a voluminous document, containing a great many statistics, and among them were those mentioned by M. d'Andrade. It might possibly be the intention of the British Government to send a similar report for the year 1925.

M. Freire d'Andrade did not think that such a report would be necessary so long as a short summary of the exact conditions in regard to staff were contained in the annual report on the Territory.

Mr. Scott replied that he would make a note of this. As regarded the report mentioned by Mr. Gilchrist, the 1925 report had not yet been published, but he thought that as soon as it was ready it would be supplied to the members of the Commission.

M. Freire d'Andrade asked whether trouble had been experienced in obtaining doctors.

Mr. Scott replied that there had been some difficulty a year or two ago, but latterly there had been at any rate as many doctors available as the Territory was able to pay.

M. Rappard asked whether Tanganyika was taking any part in the International Sleeping-Sickness Conference which was meeting in Uganda.

Mr. Scott replied in the affirmative. The territory was not providing any staff, but would probably provide part of the funds.

Sir F. Lugard asked what was the reason for the decrease in the coast population. He noted that at Dar-es-Salaam the population had fallen from 149,000 in 1921 to 116,000 at present.

Mr. Scott said the answer to that was implied in the first paragraph on page 25 of the report, where it was stated: “It must not be assumed that there has been a general increase of population but rather that the enumeration in 1925 is more accurate than that of 1921.” The same would apply to cases of apparent decrease of population.
Land Tenure.

Sir F. Lugard said he noticed that the Land Ordinance of 1923 was still in operation and had not been amended. In paragraph 77 of the report it was stated that "the validity of any title to land or interest therein lawfully acquired before the date of the Ordinance is not affected thereby", but this provision appeared, from the context, to apply chiefly to Europeans. He asked what assurance of permanency of title the natives had. He noticed that the Governor, in the speech to which reference had just been made, had said: "Every native has a right to a holding". He would ask what steps had been taken to ensure that right. There was nothing in the Ordinance, so far as he could see, which did so. The native had no assured legal title to his holding whatever. He might get a right of occupancy which extended to five years, but the ninety-nine years' lease was apparently for Europeans. Apparently, under Section 11, a native could not hold any land by ancestral right, but could only hold it by right of occupancy from the Government, or, if he held it prior to the inauguration of the mandate, he had to prove title; and, of course, it was impossible to prove title. Under Section 3, no title to land was valid without the consent of the Governor.

Mr. Scott said that the proving of title acquired under the German regime could be effected by the production of a document or grant from the German Government, or by proof of prescriptive possession. The provision of the Land Ordinance, which put a limit of ninety-nine years on a lease of public land, was not intended to refer only to Europeans; it referred to all types and members of the community.

Sir F. Lugard asked whether it was the intention of the Government to grant ninety-nine-year leases to natives. It did not seem likely, because, under Section 10, the right of occupancy could be revoked at any moment for abandonment or non-use for a period of five years. The general native custom was to allow the land to lie fallow for at least five years, and the native could be ousted for that.

Mr. Scott said it was not the intention to issue grants of rights of occupancy to all natives, since that would be a task beyond the capability of the Government as it would require a detailed survey of almost the whole country and the issue of individual deeds in each case; but in the event of any native making application to establish himself permanently, he had as much claim to a right of occupancy as any other member of the community. Section 11 of the Ordinance allowed the Government to delegate to Administrative Officers the power to grant special short-term rights of occupancy. He did not think there were many applications by natives for long-term rights of occupancy.

M. Van Rees noted that the Ordinance of 1923 safeguarded all rights which natives derived from previous custom, and laid down provisions with regard to future applications.

Sir F. Lugard pointed out that the rights were only safeguarded if they were proved.

M. Van Rees drew attention to the information given on pages 92 and 93 of the report.

Mr. Scott said that the Land Ordinance had been amended in two small particulars, but in its general principles it was considered satisfactory for the needs of the country.

With regard to Sir F. Lugard's point about the safeguarding of native titles, it was considered that the instructions to the Administrative Officers regarding action to be taken on applications for the alienation of public land to non-natives, which were described at the foot of page 92 of the report, were sufficient for all practical purposes. Every such application was submitted personally to the Governor.

Sir F. Lugard hoped that the Tanganyika Government would take steps to give statutory authority to the expressed wish of the Governor. At present, the rights of the native depended on the will of the individual Governor. So long as the present Governor held office they were absolutely safe, but he would like to see them with legal protection similar to that enjoyed by Europeans.

Mr. Scott said he would make a note of what Sir F. Lugard desired.

Moral, Social and Material Welfare.

M. Freire d'Anhriade requested that in next year's report further information should be given of the number of cases judged, and the nature of the cases dealt with, in the native courts. He would also like some indication of the measures adopted to encourage the natives to develop their prosperity.

Mr. Scott stated that the information would be supplied.

M. Orts asked if it had been noticed that the natives were the victims of subversive propaganda, if the authorities had had to seize revolutionary pamphlets or prohibit the entry into the territory of agents likely to stir up trouble.

Mr. Scott replied that he was not aware of it having been necessary to take any steps in that direction.
Public Finance.

The Chairman remarked that last year the Commission had requested that the accounts should be submitted in a more precise form, and it was promised that this should be done. On page 47 of the report, however, reference was made to a loan, and after totalling up the details of the sums already spent, there seemed to be £600,000 unaccounted for. What had become of that amount?

Mr. Scott replied that the item represented money in hand.

The Chairman presumed that interest was being paid.

Mr. Scott pointed out that the loans were paid in instalments when they were needed by the Administration.

The Chairman asked what was the amount of interest charged by the Imperial Government for loans.

Mr. Scott drew attention to the fact that, in paragraph 58 (page 47 of the report), an amount of £2,185,219 was shown, on which interest was not yet being paid; interest but not sinking fund was being paid on £512,753, and interest and sinking fund were being paid on £37,919. The question of fixing terms for the interest and sinking fund in respect of all development loans was now receiving attention.

The Chairman observed that the method of compiling the accounts for Tanganyika varied slightly from the method employed by other mandated territories.

Mr. Scott said he thought that the method of compiling the budget for Tanganyika was more or less the same as that employed for Nigeria. He would take note that, in future reports, fuller explanations should be given as to the figures submitted.

The Chairman thanked Mr. Scott for his attendance, and said that the Commission very much appreciated the great efforts made by the mandatory Power for the welfare of the natives. Although it had been necessary to ask for fuller information as regards the accounts, all the members of the Commission were agreed that the report was better than the last one.

Mr. Scott, in thanking the Chairman for his remarks, said he hoped that the problems of administration would become easier, and added that the criticism and consideration of the Permanent Mandates Commission were fully appreciated by the Administration.

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TWENTY-SECOND MEETING

Held on Tuesday, June 22nd, 1926, at 10.30 a.m.

Chairman : The Marquis Theodoli.

Present : All the members of the Commission.


Lieut.-Colonel G. S. Symes, Chief Secretary of the Administration, came to the table of the Commission.

The Chairman expressed the thanks of the Commission to the British Government for having appointed Colonel Symes to represent it before the Commission. He suggested that the Commission should discuss the report immediately, dealing at the same time with the four petitions, for which M. Palacios, Mrs. Wicksell, M. Freire d’Andrade and M. Yamanaka were the Rapporteurs. In this way, the members of the Commission would be able to ask the accredited representative any questions they desired referring to those petitions.

The procedure proposed by the Chairman was adopted.

The Chairman said that the report, which had arrived late owing to a strike, was of great interest and contained much valuable information. It was an improvement on that furnished last year, for it contained a number of interesting details regarding the general policy of the mandatory Power.

He noted that the promised maps showing the frontier line between Palestine and Transjordan had not yet arrived. Good maps were essential if the Commission were to obtain a clear idea on this point.
He would also refer to the agreement concerning the frontier between Transjordan and Neji, recently concluded at Hadda, which had not yet reached the Commission.

Colonel Symes replied that the maps would be sent, if they were not already on the way, and that the Hadda agreement had been published and was about to be registered with the League of Nations. Copies of it would be available.

Relations between the Administration, the Jewish Agency and the Waad Leumi; and the Question of Religious Minorities.

M. Freire d'Andrade said that, by the terms of Article 4 of the mandate, "an appropriate Jewish agency shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish National Home and the interests of the Jewish population in Palestine." That agency had submitted a memorandum to the Permanent Mandates Commission, and a memorandum had also been received from the Jewish National Council, the Waad Leumi. The Jewish Agency was, by the terms of the mandate, to be regarded as the official organisation to be consulted by the mandatory Power. The Waad Leumi stated, on the other hand, that it had been officially recognised by the mandatory Power on October 24th, 1920. If this was so, M. Freire d'Andrade would like to know: (1) what were the duties of these two organisations; (2) whether they were both consulted by the mandatory Power; (3) if in the affirmative, whether the advice given was on occasion contradictory, and, if so, what policy was adopted by the mandatory Power. He noted that the Jewish Agency was not elected, but that the Waad Leumi was elected by the Jewish community.

Colonel Symes replied that the Agency, which was the Zionist Organisation, was officially recognised by the Mandatory as representative of all Jewry in relation to the Jewish National Home. The Waad Leumi had not in actual fact received formal recognition, for it did not yet possess any statutory authority. It represented, however, the Jewish community in Palestine and it was officially recognised to be its mouthpiece. The difference between the Zionist Organisation and the Waad Leumi was that the former represented the interests of Jewry throughout the world, while the latter represented the Jewish community in Palestine in the same way as, in religious affairs, the Supreme Moslem Council represented the Moslems.

The Waad Leumi represented the views of the great majority of Jews in Palestine, and when the Regulations concerning the Jewish community were promulgated, provision would be made for any Jews not desirous of being represented by the Waad Leumi to stand aloof if they wanted to do so.

The Waad Leumi represented the very large majority of Jews in the secular sense; in matters of conscience, however, there was a minority which did not desire to be represented by the Waad Leumi.

M. Van Rees quoted the official letter from the British Government, dated June 16th, 1926, forwarding a copy of a message sent from the Secretary of the Jerusalem Centre of the Agudath Israel, to the effect that the Jewish National Council's delegation had no right to speak for Palestine Orthodox Jewry, who for religious reasons had not participated in the elections of the Assembly and the National Council, and who did not recognise their authority, as was shown by a protest submitted to the Palestine Government and signed by 7,000 male heads of families. M. Van Rees asked if there was any foundation for this protest.

Colonel Symes replied that, in order to understand the position, it was necessary to define the orthodox Jewish communities in Palestine. The great majority of Jews in Palestine were Zionist and members of the community which elected the Waad Leumi; there was, however, a small section of what might be described as super orthodox Jews, who were very active in sending petitions and who did not recognise the Waad Leumi to be in any way the representative of their views. The Waad Leumi certainly could not claim to represent the views of this minority. The National Council probably desired to represent all Jews in secular matters, but provisions existed in the draft Regulation for the Jewish community which would prevent a minority being compelled to submit to the authority of the National Council in matters of conscience.

M. Rappard pointed out that the Commission was obviously not in a position to judge degrees of Jewish orthodoxy. He desired, however, to know the relative importance of the two parties. It appeared that 7,000 male heads of families had signed the protest referred to by M. Van Rees. This would seem to indicate that the minority in question would number about 35,000 persons. Elsewhere he had noticed other and much lower estimates. Did this minority possess any form of representation, for, if this estimate were correct, their numbers would appear to be considerable.

Colonel Symes replied that the Zionists were possibly inclined to minimise the number of this minority of ultra-orthodox Jews, and the minority itself to magnify it. He thought that the actual number in Palestine was much nearer 3,000 than 35,000 but no exact figures were in the possession of the Administration.
The Chairman noted that the accredited representative had compared the Waad Leumi in certain aspects to the Supreme Moslem Council. Had the mandatory Power taken any steps to provide for a similar representation for the other religious communities such as the Catholic, Orthodox, Maronite, etc.? 

Colonel Symes replied that in Palestine the question of local government was complicated by the extreme diversity of the population and by strong sectarian feelings. Municipal institutions could not conveniently undertake the local services which were habitually rendered by such bodies in a modern and homogeneous State. For example, local Government services connected with hospitalisation, poor relief, orphanages, burials in certain districts, the slaughter of animals, and to some extent education, could not be dealt with by municipal organisations, as the term was understood in Europe, for the performance of such services by a single organisation in a town where the population was of several creeds would mean constant conflict. It was therefore indispensable to retain and encourage communal organs for the rendering of what might be called "cultural" services of local government.

After five years' examination of the problem, the Government had reached this conclusion and believed that, by making a satisfactory provision for the rendering of cultural services, practical association between the various communities in respect of other services, which could be described as municipal services proper, would be facilitated.

The Chairman enquired whether the various religious faiths were treated on an equal footing. The organisations in the Jewish community to which Colonel Symes had referred dealt with all kinds of business. Were they supplementary to the Zionist Organisation as regards the Jews? Had the communities of other faiths been treated in the way described by Colonel Symes?

Colonel Symes said that sectarian or communal organisations were woven into the fibre of Palestine life, and existed long before the arrival of the mandatory Power.

The efforts of the Administration were directed towards promoting all useful existing organisations. The Christian sects were already to a great extent organised, largely under missionary and ecclesiastical influence. The Moslems, who formed the great majority of the population, were far less organised than the others, the reason being that, forming, as they had done, the great majority under Turkish rule, they had relied on official support and direction, and had not realised the benefit of communal organisation.

The first step taken by the Administration had been in 1921, when the Supreme Moslem Council had been established. It took charge of all Moslem religious affairs, managed the funds of pious endowments, and used any money available from communal sources for expenditure on Moslem education. The Supreme Moslem Council had now been at work for some four years, and had rendered services. It marked a definite step forward in the direction indicated by the Chairman.

The Regulation for the Jewish community, which would be presented at a later stage to the Commission, marked a still more ambitious effort on the part of the Administration to deal with the problem of communal organisation.

Finally, he would point out that, whilst the regulations for each community must necessarily vary according to the needs and circumstances of that community, there was no intention on the part of the Administration to introduce into the Regulation for the Jewish community any provision which could not be applied to another community if it were found desirable.

The Chairman enquired whether the Administration consulted the various organisations before promulgating regulations, for instance, in respect of the vexed question of cemeteries. Did persons who had independent views or grievances against their communal organisations approach the Government with the object of giving their views and if so, in what manner?

Colonel Symes said that the Administration, when preparing regulations, invariably consulted any organisation or association which might be available and which might be affected by those regulations.

The position was more delicate with regard to the manner in which private persons approached the Government on communal affairs. On the one hand, the Administration did not wish to undermine the authority of existing organisations, but on the other hand, it desired to prevent tyranny and abuses. It therefore preferred that private persons should appeal to the Government through their own organisations. They had, however, the right to appeal directly to the Government if they were dissatisfied with their own organisation, and the matter was usually settled amicably between the person concerned and the organisation, with the Government as arbiter.

M. Freire d'Andrade desired to know the exact position of the Jewish minority who did not desire to be represented by the Waad Leumi. Article 4 of the mandate laid down that the Zionist Organisation, so long as its organisation and constitution were, in the opinion of the Mandatory, appropriate, should take steps, in consultation with the Government of the Power in question, to secure the co-operation of all Jews willing to assist in the establishment of the Jewish National Home. On the one hand, therefore, there was the Zionist Organisation and the Waad Leumi, which laid down certain principles concerning the foundation of the Jewish National Home, and on the other, a minority who disagreed with
those principles. To what extent had the opinion of the minority been taken into account? From the point of view of the mandate, could that minority really be regarded as belonging to the Jewish National Home?

Colonel Symes said that the answer to this question would be clearer when the exact terms of the Regulation for the Jewish community was before the Commission. The text of the Regulation was still under consideration in Palestine and would probably arrive in time for next year’s session. The function of the Zionist Organisation was mainly political, whereas the Waad Leumi was the voluntary expression on the part of the majority of the Jews in Palestine of their desire to administer their local affairs. Anyone who disagreed with the Waad Leumi could remain outside the community it represented though, if he did so, he still remained a Jew and a Palestine citizen.

M. Freire d’Andrade pointed out that the only duty of the mandatory Power was to ensure complete freedom of conscience. The Zionist Organisation and the Waad Leumi dealt with political, administrative and religious matters. He desired, however, the question of principle to be made quite clear. The duties of the mandatory Power with regard to religion were those contained in Article 15 of the Mandate, by the terms of which “the Mandatory shall see to that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are assured to all”. Those Jews, therefore, who did not agree with the Zionist Organisation and the Waad Leumi, while still remaining Jews, did not remain, in a sense, part of the population, for they were no longer members of the Jewish National Home. They could, however, complain, like everybody else, of the political or administrative actions of the Zionist Organisation, but they appeared only to be able to exercise this right against the proposals of a religious nature made by the Zionist Organisation, if their freedom of conscience were not fully respected.

Colonel Symes said that the question was very complicated. Freedom of conscience was secured to everyone in the territory, no matter what his sect, and there was no interference of any kind in cultural matters.

The dissentient section in question took little or no interest in the Zionist conception of the National Home and possessed an apparently theocratic conception of the constitution of a State. But the Administration felt it would be unreasonable to deny to the great majority of Jews in Palestine the right and capacity to organise themselves on modern and democratic lines merely because there was a small minority which regarded those lines quite sincerely as detestable and immoral. A book recently published by one of them, Dr. Breuer, put the remaining Jews, did not remain, in a sense, part of the population, for they were no longer members of the Jewish National Home. They could, however, complain, like everybody else, of the political or administrative actions of the Zionist Organisation, but they appeared only to be able to exercise this right against the proposals of a religious nature made by the Zionist Organisation, if their freedom of conscience were not fully respected.

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M. Freire d’Andrade thanked Colonel Symes for his explanations, with which he agreed.

M. Van Rees would like to know what was meant by dissentient minorities. It seemed to him that there could be no question of minorities or dissentient sects, but that in Palestine there were two opposite and irreconcilable currents of opinion, the Zionists, on the one hand, and the Orthodox Jews, on the other. Such Jews were not a dissentient minority of the Zionists, but belonged to a world-wide organisation which, in religious matters, held views which were entirely divergent from those of the Zionists. They wished to be quite free, from a religious point of view, but they would not refuse to collaborate in building the National Home if, in religious freedom. With regard to this minority, he quoted the following passage from a letter from Dr. Breuer, a copy of which had been sent to him. Dr. Breuer who had just been mentioned by Colonel Symes, had gone to Palestine, where he had presented the views of the orthodox Jews to the local authorities, in particular, to M. Bentwich.

"M. Bentwich allowed me to understand that he realised that the only method of achieving a peaceful compromise would be to form two entirely independent organisations possessing the same rights, but little by little co-operating with each other with regard to certain matters concerning which no difference of opinion existed. He informed me, however, that public recognition could only be secured if we could prove that we had behind us a sufficient number of people, since the State could not grant to every small group who applied for it the rights of a public organisation. While laying strong emphasis on our point of view with regard to the principle at stake, that is to say, that freedom of conscience was independent of the number of persons professing a particular faith, I thought it my duty to assure M. Bentwich that we could easily prove that we had behind us at least 25,000 persons demanding an independent organisation under the Thora rule, and in actual fact the number was far higher. ... M. Bentwich told me, in conclusion, that the number of our adherents was a matter of great importance to him and would exercise a considerable influence on any future decision."

The accredited representative maintained that these orthodox Jews only formed a small fraction of the population. It appeared, however, from the letter which he had quoted that this was not the case, and they were far larger than a mere dissentient minority. Were their numbers really negligible?
Colonel Symes emphasised in his reply that no body of people in Palestine was regarded as negligible by the Government. It was true to a certain extent that there were two diametrically opposed currents of opinion, the first predominantly nationalist in character and held by the great majority of the Jews, the second exclusively religious and held by a small minority. The claim of the latter sect that it represented the whole religious feeling in Palestine would be absolutely false, if it had ever put it forward. There was he believed, no radical difference of dogma between the sect and orthodox Jews who were Zionists, but the points of difference on the Shechita question, that is, the spiritual values of meat killed in a particular way, etc., did reflect a fundamental difference of conception as to the lines on which a Jewish community should be organised for social and political purposes.

The Government always hoped that a modus vivendi would be reached whereby, while complete religious freedom would be retained by the Agudath Israel, they might come to co-operate with the rest of the Jews in other and secular matters. Dr. Breuer, in the letter quoted by M. Van Rees, had mentioned that a compromise might be reached in time. Unfortunately, the fundamental difference of conception referred to above, aggravated by personalities, had so far prevented the achievement of such a compromise. The new Regulation which had been drafted would give the Agudath Israel absolute religious freedom. When the Regulation came into force, it should be possible to compute fairly accurately the number of that sect.

Sir F. Lugard returned to the question put by the Chairman. The Jews and the Moslems were organised, the former possessing the Waad Leumi and the latter the Moslem Supreme Council. Were the other communities, such as the Christian, both Catholic and Orthodox, the Maronite, etc., organised in political communities with a recognised status?

Colonel Symes said that most of the Christian sects had ecclesiastical courts, which dealt with matters of personal status affecting members of the sects. Several had, in addition, communal bodies, which were consulted by the Government. Such bodies had existed before the arrival of the mandatory Power, but they had been ill-regulated and their financial position had been insecure. An Enabling Law, however, had been passed which would facilitate the further regulation of communities; the initiative lay with each community.

The most completely organised Christian community in a statutory sense had been the Orthodox. It had lately fallen into a state of disorder, and Sir Anton Bertram had gone to Palestine and had made suggestions for a revision of the charter of this community. If his suggestions were accepted, the existing charter could be amended under the terms of the Enabling Law. He would emphasise the fact that any regulation made under this law would require sanction by Government before it could be put into effect.

M. Rappard said that it appeared very far from true to maintain that the Agudath Israel had the monopoly of religion and that the Zionists were unanimously anti-religious. The Zionists could be divided into three categories: (1) the orthodox religious; (2) the religious reformed; and (3) the non-religious. Among the first two categories, the rules of the Jewish faith, such as the observance of the Sabbath, the eating of Kosher meat, etc., were scrupulously observed. Therefore it could not be maintained that all religion was on one side and all nationalism on the other. As no other statistics were available, could the Administration at least inform the Commission of the number of synagogues in the possession of the Agudath Israel and the number possessed by the Mizrachi (the orthodox Zionists)? This might give at least an approximate idea of their relative importance.

Colonel Symes agreed in general with the observations of M. Rappard concerning the respective positions of the orthodox Jews who were Zionists and the Agudath Israel. He would endeavour to obtain the number of synagogues; he thought there were very few of them and that it was unlikely that members of the Agudath Israel would refuse to worship in other synagogues than their own.

Mrs. Wicksell said that, as Rapporteur on the memorandum of the Agudath Israel, she had listened with the greatest interest to the discussion that had just taken place. She had not found anything in the discussion which had led her to forgo the conclusions at which she had arrived in her report, but she wanted to put one question to the accredited representative. The claim of the orthodox group was to be recognised as a special Jewish community on the same footing as the general community. The only objection which the mandatory Power had put forward against this claim was the exiguity of members of this group. She wanted to know what would be the difficulty of the Administration if it had two recognised Jewish communities to deal with. She could see that there was an economical difficulty for the little orthodox group to keep up the necessary services, but that, on the whole, was their affair and need not trouble the Administration.

Colonel Symes replied that on general grounds the Administration did not desire to multiply the number of communal organs providing cultural services in Palestine. If every minority set up its own community there would be more organisations than the country could support. The Regulation to be promulgated for the Jewish community would meet the desires of the great majority of Jews and after it had come into force the Administration might consider whether it was necessary for any particular Jewish body which did not wish to belong to the main community to form a separate one. One of the many factors making
the establishment of a separate community for the Agudath Israel objectionable was that the
majority of Jews feared that the dues to be paid by the members of that sect might be lower
than those which they paid, and consequently they would lose a certain number of adherents
who would join the Agudath Israel, not from a religious motive but to escape paying a higher
due.

M. Freire d'Andrade would recall that the Zionist Organisation, which was the sole
Jewish body authorised, by the terms of the mandate, to give advice to the Government, in
its memorandum that the Agudath Israel had a right to expect unrestricted liberty of conscience and should be allowed to exercise that right. The Zionist Organisation stated
that in the same memorandum that if the Agudath Israel had any doubts as to the values of slaughtered meat certified by the Chief Rabbinate of Palestine, there was no reason why
they should not nominate slaughterers of their own. That being so, it seemed that the problem
was one of securing complete freedom of conscience for the sect in question and that the
Zionist Organisation, on the other hand, had no intention, it seemed, of interfering with that
freedom. In those circumstances, the terms of the mandate appeared already to have been
fully observed.

He would refer to the complaints which had been made regarding measures concerning
education, health and the granting of concessions. Such complaints stated that greater facili-
ties had been given to Arabs than to Jews. The mandatory Power had replied that the
government schools, hospitals, public services, etc., were at the disposal of all members of
the population and that they were not reserved exclusively for the use of any one particular
section. Further, the Administration claimed the right to possess entire freedom in granting
subsidies to any section of the community if it proved necessary to do so. Was this correct?

Colonel Symes replied that M. Freire d'Andrade had correctly stated the position of the
government.

M. Van Rees asked that the Ordinance concerning religious minorities should be annexed
in the next report, together with the Regulation for the Jewish community.

M. Ca tastini pointed out that the Ordinance had already appeared in the Palestine
gleical Gazette, which had been distributed through the Secretariat to the members of the
Mandates Commission.

Colonel Symes explained that the Ordinance in question was an Enabling Law which
gave power to enact regulations for communities. That law had already been passed and was
published. The Regulation for the Jewish community was still under consideration. If pro-
mulgated in time, it would be annexed to the next annual report.

The Chairman had noticed that, in a protest which he had received, the Commission
was requested to draw the attention of the mandatory Power to the fact that the draft of the
regulation for the Jewish community should be communicated to all sections of Jewry and
not exclusively to the Zionists.

Colonel Symes said that the draft Regulation for the Jewish community in Palestine
had been communicated to representatives of all sections in the country. He did not suppose
that there was any important section of Jewry outside Palestine that did not possess a represen-
tative in Palestine.

The Chairman explained that certain Jews complained not that they had not been in-
formed of the Regulation in question but that the Mandatory had not taken into account
their desiderata.

Colonel Symes replied that all views had been taken into account by the Government
in framing the Regulation.

In reply to a question from M. Orts, Colonel Symes said that the Waad Leumi was elected by
secondary electors, who formed the general assembly known as the Assephat Hanivharim.
The elections were carried out by a double process, consisting of secondary electors who elected
the General Council, which in turn elected an Executive Committee. This Committee com-
municated directly with the Government on Jewish communal affairs. The Assephat Haniv-
harim was the elected assembly and the Waad Leumi the Council.

M. Orts enquired whether the orthodox Jews had taken part in the election.

Colonel Symes replied that a very large number of practising Jews had taken part in the
election but that the electors had not included the sect of Agudath Israel who had conducted
very strong propaganda against the object of inducing other orthodox Jews to abstain from
taking part in the elections. Such propaganda, however, had not been very successful.

In reply to a further question from M. Orts, Colonel Symes said that there had been
two elections of the Waad Leumi within five years. The manner in which that Council would
be renewed would be dealt with in the draft Regulation now under consideration.

The Chairman enquired whether the lists of the electors were compiled by the Rabbis
or by the Zionist Organisation.

Colonel Symes replied that they were not compiled by either. The Zionist Organisation
as such had nothing to do with the elections. The different committees of the Jewish com-
munities in the various districts organised elections; these committees were representative
of all Jews in their particular districts.
The CHAIRMAN asked if the Committees sometimes tried to exclude orthodox Jews from the election when drawing up the list of the electors. Formerly, orthodox Jews were in a majority in Palestine, but the orthodox communities had now been swamped by the influx of Zionists, many of whom were not orthodox in a religious sense.

Colonel SYMES said that before the war the subsidised and most orthodox Jews living in Jerusalem numbered several thousands. Apart from these, there had been a number of practising Jews throughout the country and these had largely increased in number through immigration. It would be quite wrong to think that religious and practising Jews were confined to the Agudath Israel. He believed that there had never been any desire on the part of the community to exclude orthodox or any other Jews from taking part in the elections.

The CHAIRMAN enquired whether the present organisation of the Jewish communities was truly representative of local Jewish conditions.

Colonel SYMES replied generally in the affirmative.

MRS. WICKSELL pointed out that the mandatory Power was considering the promulgation of a Regulation for the Jewish community, but the community had already organised itself without any legal recognition and, apparently, satisfactorily.

Colonel SYMES replied that this was perfectly true. The new Regulation would give statutory authority to an existing organisation.

M. MoRTS asked: (1) Whether the Waad Leumi would continue to be of importance when the Regulation had been adopted; (2) whether the various elements in the Jewish communities were adequately represented on the Waad Leumi; (3) whether it was elected on a system of proportional representation.

Colonel SYMES replied: (1) That the Regulation would confirm the authority now exercised by the Waad Leumi on behalf of the majority of Jews in Palestine; (2) that different Jewish elements found representation in the Waad Leumi according to their numbers; (3) that the Waad Leumi was elected largely on a proportional basis.

M. MoRTS wished to know what spirit prevailed in the Waad Leumi. Did the majority respect the legitimate interests represented by the minority or did it tend to tyrannise over the latter? Did the minority accept its position? The question was of importance in the case of this assembly because there was no reason why the relative position of the different elements composing it should ever change.

Colonel SYMES replied that the Waad Leumi had shown, he thought, a thoroughly conciliatory spirit in its efforts to meet the difficulties of the minority and had always been prepared to make liberal arrangements to secure to that minority complete freedom of conscience.

The minority did not appear likely to join the main community for reasons which he had explained elsewhere, namely, that their views of political and social organisation were diametrically opposed to those modern institutions which the Jews in Palestine wished to set up.

He thought that, when the Regulation for the Jewish community came before the Permanent Mandates Commission, it would be clear that the possibility of oppression of any minority was entirely excluded by its terms.

M. MoRTS asked that a detailed statement regarding the very complicated matter of the organisation of the various communities in the country, might be submitted with the next report.

Colonel SYMES undertook to provide this. The text of the Regulation for the Jewish community could be submitted, with an explanatory memorandum.

In reply to M. Freire d’Andrade, Colonel SYMES repeated that the National Assembly would be given an official status by the new Regulation.

M. Freire d’Andrade pointed out that it was said, on page 17 of the Waad Leumi memorandum, that it had received recognition in a letter from the High Commissioner.

Colonel SYMES said that by the term “legally recognised” the Waad Leumi probably meant that the Government had communicated with it and dealt with it on various communal matters. It had never had a statutory authority, but this would be granted by the new Regulation.
TWENTY-THIRD MEETING

Held on Tuesday, June 22nd, 1926, at 3.30 p.m.

Chairman: The Marquis Theodori.

Present: All the members of the Commission.


Colonel Symes, accredited representative of the mandatory Power, came to the table of the Commission.

System of Representation adopted by the Jewish Community.

The CHAIRMAN asked whether the accredited representative desired to give any supplementary information in regard to the system of representation adopted by the Jewish community.

Colonel Symes said that the Jewish community desired to have a very modern and exact system of representation. He was not aware whether this system had in practice been adopted throughout the country, but at Tel Aviv, the largest Jewish centre, he believed that representation was on a strictly proportional basis.

M. Freire D'Andrade said it was alleged that the mandatory Power had adopted a negative and passive attitude in regard to the carrying-out of its obligations towards the Jewish community. This policy had in particular been imputed to Sir Herbert Samuel.

Colonel Symes said that these allegations were prompted partly by financial and partly by political considerations. There were certain positive schemes which the Jews desired the Administration to carry out involving expenditure which the Government could not at present afford. In every Department of State the Administration was bound to reconcile its obligations under Article 2 of the mandate with its obligations under Article 6. This reconciliation had been largely effected by acts of good government which were beneficial to all sections of the population, and which naturally created conditions favourable to Jewish immigration and to the establishment, without detriment to the interests of the non-Jewish population, of the Jewish National Home in Palestine.

Immigration into Transjordan.

Sir F. Lugard noted on page 56 of the report a schedule relating to immigration. He presumed that these figures covered immigration into Palestine only. What were the conditions in regard to immigration into Transjordan? Was such immigration free to all races including Jews?

Colonel Symes said that the figures in the schedule related to immigration into Palestine. The principal immigration into Transjordan was at present from the north and was due to the troubles in Syria. The immigrants were mostly refugees consisting of old men, children and families.

Sir F. Lugard observed that it was reported that 10,000 such immigrants had entered the country. They appeared to be mostly persons who were opposed to European rule.

Colonel Symes said he could not give the exact figures, but the immigrants were probably less than 10,000. They no doubt included individuals who were bitter concerning the situation in Syria and who were inclined to ascribe this situation to the result of European intervention.

Land Survey.

Sir F. Lugard asked whether progress had been made in the survey of the country. Mr. Ormsby-Gore, at a previous session, had said that no land could be distributed to the Jews until this survey had been completed. It appeared from the report that the survey was at present confined to cadastral work and that no work was being done in the south, where it was understood that there would be land available for the Jews.

Colonel Symes said that the whole question of land tenurie in Palestine was complicated by the fact that there has been no accurate survey and that the Turkish registry system was a bad one. Until a comprehensive settlement of title, associated with cadastral survey, had been effected it would be difficult, if not impossible, to introduce the fiscal and agrarian reforms which were demanded of the population, especially the agriculturists. For this reason the Administration had invited the assistance of Sir Ernest Dowson. It was intended
to carry out a comprehensive examination of all titles to land with a view to an improved registration and confirmation of title. When the settlement had been accomplished, it would be possible to introduce fiscal and other reforms from which the agricultural population especially would benefit and to ascertain what land was really available for distribution.

**Legislation.**

Sir F. Lugard enquired to what extent Ottoman law was still applicable in Palestine, and whether the Ottoman law applied would be embodied in the proposed official publication of a compilation of laws.

Colonel Symes said that the Ottoman law was the law of the country when the mandatory system was established. The compilation of laws to which Sir F. Lugard referred would consist of ordinances published since the entry of the mandatory Administration. There had been no revocation of Ottoman law, which was still in force.

The Chairman asked, as regards the abolition of the capitulations, if the Administration proposed to issue a new code, and to what extent the Ottoman law was still in force.

Colonel Symes said that the Ottoman law was administered except in so far as it had been revised or supplemented by subsequent ordinances of the Administration.

The Chairman said that the Commission felt that it would be very useful and even necessary to have a complete collection of the laws which were actually in force.

Colonel Symes said that copies of the ordinances promulgated by the Administration had already been furnished to the Commission. It was hoped that the Ottoman Penal Code would eventually be replaced by a more modern code.

M. Rappard drew attention to the preamble of an Order in Council given on page 151 of the report for 1925. There was no reference in this preamble to the League of Nations, or to the mandate which should, he thought, be mentioned as sources of authority.

Colonel Symes said that he would not venture to express any opinion in regard to this matter.

**Land Tenure, Baisan Agreement.**

M. Van Rees asked that the Commission should be informed of the terms of the Baisan agreement referred to in the report. The text of this agreement had never been communicated to the Commission.

Colonel Symes said that a general description of the circumstances in which this agreement had been made would be found on pages 41 and 42 of Sir Herbert Samuel's report for 1920-25.

There would be no difficulty in providing the Commission with the text of the Baisan agreement. In accordance with this agreement, which was an agreement between the Government and the previous occupiers of the land dealt with under its provisions, the occupiers might acquire full title to the land upon easy terms. 100,000 dunums had already been allocated under the agreement. The general terms of the agreement were set out in the report for 1921. The beneficiaries were mostly Arabs, but they included a few Persians and Jews who were previously in occupation, and were thus entitled to benefit. It was hoped that the whole allotment would be completed in two years. The beneficiaries were allowed to pay for their lands in instalments, which were distributed over fifteen years. Meanwhile, they were given on allotment a provisional title to the lands, but a full title was not conferred until all instalments had been paid, and the provisional title was not, of course, marketable. Any occupier could, if he so desired, pay all his instalments at once, and in that event he could transfer his title, like any other title to land.

M. Van Rees, noting that the Baisan agreement did not cover all the lands available in Palestine, asked what was the intention and position in regard to other lands belonging to the State.

Colonel Symes said that the Administration was required, by Article 6 of the Mandate, to facilitate the settlement of Jews on the State domains. The Administration would carry out this obligation so far as it did not conflict with its obligations under Article 2. The situation of lands registered as State domain was not always ascertainable, and the boundaries were difficult to determine. Many of these lands were occupied by Arabs, who had to this extent acquired prescriptive rights and who could not be removed without arousing considerable political discontent.

M. Orts would like to know the extent of the State domain.

Colonel Symes said it was impossible to estimate the amount of State land available for Jewish settlement till the survey of the country had been completed and a full examination had been made into the question of title. There were, moreover, further complications.
Many of the lands were detached properties which had escheated to the State. For Jewish settlement purposes, large compact areas were desirable, both from the point of view of public security and social conditions. It was desirable to establish aggregations of Jewish settlements, as Jewish settlers should as far as possible be assured the amenities of civilised life. It was difficult in a small country to find large tracts of land which could be cultivated intensively and which were unoccupied.

M. Freire d’Andrade said that there had been certain complaints in regard to the Baisan agreement on the part of the Jews. It was alleged that the lands had been cut up into such small estates that irrigation would be difficult. It was also said that the Government was granting lands to persons with doubtful titles, and that these persons endeavoured to re-sell the estates. The Jews were unable to purchase the lands because they had not the same facilities as the Arabs.

Colonel Symes drew attention to the passages on pages 41 and 42 of the report for 1920 to 1925. The Baisan agreement had been made at a time when grave misgivings had been expressed by the Arabs in regard to the official interpretation of Article 2 of the Mandate and must be faithfully implemented. From an economic point of view the agreement might be criticised unfavourably. The area affected was to the south of the Sea of Galilee, and for its quick and profitable development it might have been entrusted to a large land company with the necessary capital. This course, however, had been precluded by consideration of the moral claims of the local population. It might be possible to promote the development of certain parts of the area in future by a system of co-operation between small-holders.

M. Freire d’Andrade said he was not himself criticising the agreement but was merely referring again to the complaints that had been made.

The Chairman said that the land question was very complex. A similar situation had been found in Tripoli. Titles to land were handed from owner to owner, and they might, of course, be forged. Moreover, the name of the owner was not mentioned clearly, but he was usually described as he was locally known. It was difficult for the Administration to know who really was the person concerned. On the other hand, the situation in regard to the State lands was extremely complex, because of the complications arising in connection with the different types of Wakfs. The question was further complicated by the habit of the Bedouins of settling on land and thus obtaining prescriptive rights. It was essential, therefore, that a survey of the land should be made and that a system of registration should be established. The mandatory Administration had promised to inform the Commission of the progress of this work.

There was, however, one question to which the Commission would particularly like to have a definite answer. Was it true that there were lands with fixed boundaries and undisputed title which were available for distribution by the Government?

Colonel Symes said that the Government was at present unable fully to answer this question. The experience of the last five years had shown that it was no use trying to settle the land question until the Government had carried out a full investigation of titles and rights. It was true that certain lands were registered in the name of the Government, but it was usually found that there were claims to these lands which required investigation and in many cases there were encroachments of such long standing as to create something like a prescriptive right to occupancy.

M. Freire d’Andrade said that apparently new titles to land, conferred by purchase or otherwise, could be equally uncertain. Lands were sold to Jewish settlers, and, after the sale, Arabs settled upon these lands and laid claim to them. This was a case for the courts, but their decision, it was maintained, might sometimes depend on the ability of the parties to buy false witness. A concrete case was quoted in which Jewish purchasers bought 60 square kilometers of land, but had been subsequently obliged to compound with Arab intruders, who settled on the estate. The Jews complained that they had not sufficient security, even though they had purchased the land, and that steps were not taken to protect their titles.

Colonel Symes said that courts in Palestine were certainly not more venal than those in other countries in a similar state of evolution. It had been said with some reason that owing to the uncertainty of titles to land, the only way to decide whether a given piece of land was your own was to build a house upon it. The Administration would have to clear away the remains of the Turkish land registries and practice before it could settle the problem of title satisfactorily and give to all sections of the population the necessary security of tenure.

The Chairman said that in Libya the Administration had fixed a time-limit within which anyone laying claim to an estate must come forward or lose his title.

Colonel Symes said that this practice would be followed when the Administration undertook comprehensive settlement work which would also probably necessitate travelling courts to investigate disputed claims on the spot and thus avoid the need for peasants to incur unnecessary expense in connection with judicial proceedings.
The Chairman suggested that the Commission might pass a resolution expressing the wish that the registration should be completed as soon as possible.

Arab Opposition.

M. Palacios wished to draw the attention of the Commission and of the accredited representative of the mandatory Power to certain questions raised by the complaints of the Executive Committee of the Arab Congress. Naturally, there was no question of defending the Arab cause before the British Government but of upholding, side by side with the mandatory Power, the terms of the mandate. His insistence should be interpreted, therefore, merely as the result of his position as Rapporteur for these questions. Certain of them, which were general in character, would be dealt with during the discussion of the report; the others would be submitted to Colonel Symes when special questions were being examined.

First of all he would ask, in order to preserve some method in dealing with such wide and complex complaints, what was the strength of and the present situation as regards the Arab opposition? How was it organised? Was it still spreading, was it stationary or was it rather decreasing? Had this element of the Palestinian population held any new assemblies? Was it supported by other elements of the population?

Up to the present, the Arabs had always been opposed to the whole mandate; in the present petition, they make, for the first time, no protest against its basic principles and its establishment as a whole but only against the failure to carry out some of the terms of the mandate. Did this indicate that real progress had been made?

Colonel Symes said that the position was virtually the same as that described on page 47 of the report for the years 1920-25. Outwardly, at any rate, the political attitude of the Arabs had not been appreciably modified. The more reasonable Arabs, however, realised that many of their previous fears were unfounded, and political agitation against the Government had temporarily decreased. It was difficult to say yet whether they would also abandon their attitude of non-co-operation with the Administration. The reasons for their abstention were obvious. Politically, most of the educated Arabs had a conception of an ideal Palestine State which was at variance with the mandate.

The Pan-Arab politicians hoped for an eventual amalgamation of all Arab-speaking countries, and they disliked any system under which Palestine, Syria and Iraq were treated as separate territories. Their conception was accordingly utterly opposed to the principle of the Palestine and other mandates. They had at the outset been led to suppose that, if they pursued a policy of non-co-operation with the Mandatory, the terms of the mandate might be changed. They had therefore pursued that policy.

There were also domestic reasons for the policy of non-co-operation. The Arabs were conscious of their own internal divisions and were naturally anxious to conceal them and to show a united front. The easiest way in which they could do so was to pursue a negative policy and to rally the Arab population to the idea of non-co-operation as a political demonstration. The Arabs also realised that they lacked experience in the administration of a modern State and feared that, if they consented to work with the Government, they might become its catspaws in implementing a policy they did not approve. Many Arabs realised that this policy of non-co-operation was unfruitful and to their own disadvantage, and the Government was gradually obtaining their confidence in its loyalty and good intentions towards the majority populations. Consequently, and as their fear of being exploited for political purposes lessened and their confidence increased, the tendency towards a policy of association would be strengthened.

Attitude of the Christian Minority.

M. Palacios enquired whether the Arabs were supported by any of the Christian elements — that was to say whether the Christian Arabs associated at all with the Moslems in these matters and whether, among the other sections of the population, certain tendencies that it had seemed possible to recognise in some ecclesiastical circles in Rome and Paris had been able to soften the feeling against the Jews.

Colonel Symes pointed out that the Christian Arabs were in a minority and did not therefore parade any disagreement with the majority. Many Christians were individually associated with Moslems in political matters, but generally the attitude of Christian Arabs was that of a minority which did not want disorder and therefore was opposed to any movement likely to bring it about.

Question of Arab co-operation with the Administration.

M. Palacios said that the Commission had learnt from Sir Herbert Samuel (page 56 of the Minutes of the Fifth Session) that, if at any time the Arabs indicated that they desired to accept the British proposals regarding the Advisory Council, the Legislative Council and the Arab Agency, the last organisation to possess the same powers as the Jewish Agency, the British Government would take steps to meet their wish. Did not the Administration consider that it might profit from some favourable moment to return once more to this policy of conciliation?
Colonel Symes said that there had been no change in the policy laid down by Sir Herbert Samuel and described in the report for 1920-25. The refusal to participate in the Central Government had come from the Arabs; if and when they desired to co-operate they would be welcome. The Arabs were obtaining useful experience of affairs on municipal and communal bodies.

The Chairman said the Commission was happy to note that the Arabs, thanks to the conciliatory policy of the mandatory Power, were gradually beginning to collaborate with it. This was the policy which the Commission itself wished to see adopted, and it desired to compliment Colonel Symes on the results which he had achieved.

Colonel Symes thanked the Chairman for the compliment addressed to him, but pointed out that he had only been in his present office for a year and that he had done no more than apply a policy which was already in existence.

Arab Grievances.

M. Palacios, returning to the concrete questions of a general character of which the Arabs complained, recalled those concerning the national title, the national hymn and the flag. These were really thorny questions, like all sentimental and patriotic questions, regarding which it was necessary to observe complete prudence and tact.

As regards the first point, the Arabs claimed that it was not in conformity with Article 22 of the Mandate to print the initials and even the words "Eretz Israel" after the name "Palestine", while refusing the Arabs the title "Surial Janonbial" ("Southern Syria"). The British Government had not accepted the use of this Arab title, but gave the place of honour to the Hebrew word used for 2,000 years and decided that the official name in Hebrew was "Palestina", followed by the initials signifying "Aleph Jod", the regular Hebrew name. Was the question still under discussion and could the accredited representative give the Commission any further information?

Colonel Symes explained that the country was described as "Palestine" by Europeans and as "Palestine" by the Arabs. The Hebrew name for the country was the designation "Land of Israel", and the Government, to meet Jewish wishes, had agreed that the word "Palestine" in Hebrew characters should be followed in all official documents by the initials which stood for that designation. As a set-off to this, certain of the Arab politicians suggested that the country should be called "Southern Syria" in order to emphasise its close relations with another Arab State.

M. Palacios said that the second point he had mentioned arose in connection with the confidential instructions which had been issued to all officials to the effect that they should see when they were present at ceremonies where the Jewish hymn was sung, whereas no instructions had been given in respect of the Arab hymn, which was even prohibited. The Arabs complained also that it was prohibited to fly the Arab flag, while all honour was given to the Jewish flag. The reason which the mandatory Power appeared to give was that the Arab flag, like the Arab hymn, were State emblems, while those used by the Jews had not the same character.

Colonel Symes said that these complaints were on the same level as the complaint in regard to the name of the country. The Jews had adopted an anthem which was used in their assemblies, and officials of the Administration rose as a matter of courtesy when the hymn was played. No other official recognition had been given to the hymn. The flag referred to was a Zionist emblem. It was never paraded as a State flag and the Administration saw no reason to prohibit its being flown like any other private emblem. There was no corresponding Arab flag, but an attempt had been made to popularise the Hedjaz State flag and to introduce an Arab hymn. The only concern of the Government in this matter was to prevent the two parties from needlessly provoking one another. It was a question of public order which had happily not been raised in an acute form for some time past.

M. Palacios thanked Colonel Symes for his replies and pointed out that the British Government had already given satisfaction to the Commission.

Transjordan.

Sir F. Lugard noted a reference on page 8 of the report to two agreements. There was the Hadda Agreement, defining the frontier line between Transjordan and Nejd, and there was an agreement concerning the status of the Transjordan Government, which His Majesty's Government proposed to conclude with the Amir Abdullah but which had not yet been settled.

Colonel Symes said that the operative part of the Hadda Agreement would be found on page 80 of the report, in which the frontier of Transjordan and Nejd was defined.

Sir F. Lugard said that the map did not go sufficiently far south to enable the frontier to be traced.

Colonel Symes said he did not know to what extent the country had been mapped. He would endeavour to obtain a map of the frontier for the Commission,
Sir F. Lugard enquired whether this delimitation of the frontier would make additional land available for the Jews.

Colonel Symes said this was improbable. Political opposition to Jewish penetration was very strong in that region and Transjordan was excluded by the mandate from the provisions of the Balfour Declaration.

Sir F. Lugard enquired whether the southern frontier had yet been delimited.

Colonel Symes replied in the negative.

The Ma'an Region.

M. van Rees noted on page 8 of the report a statement to the effect that in August the region about Ma'an, although included in the area under the British mandate, had passed temporarily under the control of the King of the Hedjaz.

Colonel Symes explained that the whole territory had been extremely disorganised, King Hussein had marched into the country and set up a primitive form of administration. The mandatory Administration had started negotiations for his withdrawal from mandated territory, but King Hussein had abdicated from the throne of the Hedjaz before these negotiations had been completed. The mandatory Administration had thereupon taken possession of the country. The fact that the Amir Abdullah was the son of King Hussein necessitated a certain tact in dealing with the latter's encroachment.

Grievances of the Jews; Development of Jewish Industry and Agriculture; System of Land Taxation.

M. Freire d'Andrade said that the Jews were complaining that the Government did not take the necessary steps to develop Jewish industry and agriculture. They even alleged that the Government was making less effort in this direction than the previous Turkish Government. They pointed out that the Turkish Government had made concessions of land; that it had exempted the land from taxation for several years; and that it had allowed machinery and raw material to be imported free of duty. They asked that at least raw material should be allowed to enter the country free of duty and that infant industries should be untaxed.

Complaints were also made in regard to the levying of tithes upon agricultural produce. It was said that the tithes levied were higher than the previous Turkish tithes, and that they were imposed irrespective of the varying quality of the land. They complained also of a tax levied every year at the rate of 4 per 1,000 on the value of the estates. It was alleged that this tax was levied upon a valuation which was fifteen times greater than under the Turkish regime. Attention was also drawn to a tax of 3 per cent upon the transfer of land. It was represented that this tax fell with particular hardship upon the Jews, as a Jewish company which bought land in order to sell it again to a Jewish individual was required to pay the tax twice over.

Colonel Symes said he did not think it was necessary to deal seriously with the suggestion that the British Administration was doing less for industry and agriculture than the late Turkish Administration. It was quite clear that there had been very considerable industrial developments in the territory, but the problem of founding industries in a country so completely disorganised was a difficult one. Success was retarded or prevented by the high cost of production, which was due in turn to the high cost of living. A protectionist tariff would further increase the cost of living and was therefore impossible. The general policy pursued by the Administration was described on page 7 of the report. This policy was to encourage promising industries, as much as possible, but not to promote the establishment of industries which were not likely to be successful.

The Administration frankly recognised that the present system of taxation was imperfect. It was one, however, to which the majority of the population was accustomed, and care would have to be exercised in the introduction of a revised system. It would be noted on page 4 of the report that in May 1925 the Government had reduced the tithe on agricultural produce from 12½ per cent to its pre-war level of 10 per cent. The Jewish petitioners had suggested that the tithe should be abolished and a land tax substituted. The Government was anxious to do this, but it must first know the extent, position and title of all lands subject to taxation.

The Chairman pointed out that the disadvantage of the tithe system under the Turks had lain in the fact that the tithes were farmed. Peasants had to deal with the farmers of the tithes, and serious abuses were possible. The system was, however, favourable in a certain way to the peasants as the amount of tithe levied varied in accordance with a good or bad harvest.

Colonel Symes agreed to some extent with the Chairman. The Administration had, of course, abolished the farming of tithes. The Government itself assessed and collected the tax. The process, however, was lengthy, laborious and inexact, and worked to the disadvantage of the enterprising cultivator. The popular desire was for something which would be simpler and more accurate. The tithe, moreover, was a very costly tax to collect.
The Jews had some reason to complain of the re-valuation of land for fiscal purposes. The original valuations had been made many years ago. It had been impossible hitherto to make a general re-valuation of all land but a new valuation was made whenever an estate changed hands. The grievance would disappear when the lands had been generally revalued.

The fees on transfers of land were those prescribed by Ottoman Law and were not excessive.

M. Hapgood said that M. Freire d'Andrade had alluded to the fact that the tax had to be paid twice over when the lands were immediately resold. Could it not be provided that for a minimum period an estate might be resold free of duty? The system in Geneva, for instance, was to levy a new tax only if the transfer took place after a period of several months.

Colonel Symes said that this suggestion certainly seemed worth considering.

The Chairman said that he felt serious misgivings in regard to a problem to which he had drawn attention during previous sessions. At the present moment, though most of the Jews who arrived in the country were penniless, the Zionist Organisation had large means and inexhaustible sources of revenue. What would happen when the registration of the land had been completed? The Jewish Fund would be able to purchase large quantities of land and would form a kind of State within a State holding extensive areas of the country, and having a considerable capital. This powerful body would exist side by side with small Arab proprietors who would gradually be absorbed or would lose all political and social value. Would it not be better to encourage individual Jewish families to buy the land and to take an interest in it? He feared that, otherwise, the intention of the Balfour Declaration would have been defeated.

Colonel Symes said that he believed the policy of the Zionist Organisation to be to settle Jewish families on the land. The Jewish Fund did not wish to become a great landed proprietor but desired to develop a healthy Jewish agricultural population. The Arabs, on their side, were attached to the soil and would not part with their lands if they could profitably cultivate them. It was for the Government to ensure that the general conditions were such as to make it possible for lands to be cultivated in a way which would make them pay.

The Chairman pointed out that the Zionists had already brought into the country between October 1917 and March 1926 nine and three-quarter million pounds. Lands were cultivated; commerce and industry were being developed. He wondered whether the capital invested in these enterprises would prove to be remunerative. Hitherto the Jewish colonies had been run at a loss, but funds from abroad had made good the deficiency. Could the policy at present pursued ever be self-sustaining?

Colonel Symes said it was fairly certain that a good deal of the capital sunk had been sunk definitely and would never return interest. This, indeed, was the basis of the Balfour Declaration. It was known that money would be found in order to establish Jews in Palestine and that this money would not be recovered. When, a good deal of initial capital expenditure however, had been written off, he thought that the Jewish establishment in Palestine should be on a sound economic footing.

The Chairman pointed out that not all the industries created in Palestine showed much prospect of becoming paying propositions. This was the case as regards the production of electrical power by means of coal imported from England and the manufacture of matches made with raw materials from abroad. Such industries could only be saved by protective duties which ought to be made to conform with the principle of commercial equality. The future could not fail to rise to considerable anxiety.

Colonel Symes said that agriculture could be made to pay and was, in fact, paying at that moment. The immediate future of industry on a large scale was more uncertain. As to electrical power, it must be remembered that, under the Rutenberg scheme, power would be provided during the next few years at a cheap rate. Moreover, the cost of living might be reduced when proper harbour facilities could be provided and communications further improved. It might well be possible, in these circumstances, for Jewish commercial genius to enable many industries in Palestine to flourish.

**Question of Immigration.**

The Chairman pointed out that it was essential to a successful solution of the problem that the immigration of Jews into the country should be proportionate to its resources. He had laid emphasis on this point two years ago when Sir Herbert Samuel had come before the Commission. This year also, the Commission was obliged to take these factors into account in view of the protests and petitions which were addressed to it. The shortage of houses and the increase in the cost of living were in direct relation to the rate of immigration, which was very high.
Colonel SYMES said it was extremely difficult to determine the exact capacity of the country at any given time to absorb immigrants. It would be seen that the class of immigrants bringing capital into the country was increasing and individuals had introduced large capital resources there.

Sale of Arab Lands.

M. ORTS asked in what way the Arabs used the capital obtained from the sale of their lands.

Colonel SYMES said that some of the Arabs who sold their land used the proceeds to buy land elsewhere. There were cases in Jaffa where Arabs sold land to the Jews and re-invested their money in orange groves. The transaction was extremely profitable, as they sold their lands when the market was high and purchased other lands when it was low. One of the grievances of the Palestine Arabs in this connection was that some of the larger properties sold to the Jews were owned by Syrian Arabs, who took the money out of the country.

M. ORTS asked whether, as a result of the sale of lands, the Arabs were not showing a tendency to go to Transjordan or to emigrate to other districts in order to obtain new land.

Colonel SYMES said that individual Arabs doubtless migrated and bought land further east, but the movement was quite unappreciable.

TWENTY-FOURTH MEETING

Held on Wednesday, June 23rd, 1926, at 10.30 a.m.

Chairman: The Marquis THEODOLI.

Present: All the members of the Commission.


Colonel Symes and Mr. Clauson came to the table of the Commission.

Development of Local Self-Government: Status of Religious Communities.

M. FREIRE D'ANDRADE referred to the complaints made by the inhabitants of Tel-Aviv to the effect that they had not been granted an autonomous municipality. It appeared from a paragraph on page 4 of the report that the mandatory Power considered that it was in the organisation of local rather than central Government that real progress towards autonomy could be made immediately, and that it hoped to prepare a Municipal Ordinance defining the power and functions of the local councils. He would like to know what steps the mandatory Power had taken in this matter.

Colonel SYMES replied that the Government regarded the establishment of local self-governing institutions as of great importance, for by such means not only could important services be rendered to the public but also a valuable training in self-government provided for the people. The establishment and supervision of municipalities was therefore regarded by the mandatory Power as one of its most important tasks.

The Administration desired that the political organisation of the country should comprise an efficient system of local governing bodies. What it desired was to secure institutions which could eventually be directed and controlled by the people themselves without external interference and to evolve from the lines traced in Turkish times into popular and democratic channels. Municipal organs existed under Turkish rule, but they had not been altogether what they appeared to be on paper. The extraordinary diversity in political views and language and the strong sectarian feeling throughout Palestine made it essential in areas where the population was mixed to separate the functions fulfilled by the communal organ from those fulfilled by the municipal organ. The latter represented all sections of the population in a particular territorial area.

Municipalities in pre-war times had been ill-regulated and continually subject to arbitrary interference from the Government. The mandatory Power had tried to make them of practical value. There were 17 municipalities, and in practically every case the efficiency of the services which they rendered had greatly increased during the past five years. Healthy public opinion was growing up and demanding a certain standard of efficiency on the part of these municipalities. That being so, the Administration now hoped to re-introduce the elective system. It should not be forgotten that most of the municipal areas contained a mixed population of Moslems, Jews and Christians.
Apart from the municipalities, twenty-five local councils had been established since 1921. They had elected members and performed services analogous to the municipalities in the towns. These local councils had not all proved equally successful. They were hampered by lack of funds, but many of them were doing good work, and he would refer in particular to the case of a village near the northern frontier which had formerly been untidy and quarrelsome and which had now been transformed by its local council into something like a European market town. Such a result had been due to the co-operation of the people.

Apart from the twenty-five local councils recognised by statute, a number of Jewish villages had established committees with which the Government dealt. These committees, however, had no statutory authority to collect taxes. There was a tendency to increase the number of local councils.

With regard to the particular complaint of the inhabitants of Tel-Aviv, he would point out that the town in question had originally been a kind of suburb of Jaffa and had therefore been included in the Jaffa municipal area, though it had been given a local council and had been the subject of practical purposes independent. The question was really one of amour-propre, for, as Tel-Aviv now numbered more than 40,000 people, it considered that it should have a full municipal status. The request was a reasonable one and would in due course be granted.

After the municipalities had been re-established on an elective basis it would be convenient to appoint a committee to discuss what changes in the municipal statute would be useful and acceptable. The success of the municipal bodies depended on certain duties being discharged by the communal and confessional organisations which had existed before the entry into force of the mandate, for there were certain duties which the municipalities could not perform.

Consequently, the regulation of such confessional organisations and the introduction of a popular element into them was absolutely essential if local government was to be properly organised. The most ambitious attempt at regulating a community at the moment was the regulation for the Jewish community. Further, Moslem Arabs possessed the Supreme Moslem Council, the constitution of which had been laid down by an Ordinance of 1921. That Ordinance now required a good deal of revision, and for that purpose the Government had appointed a small committee of Moslem notables who would present amendments for the Government's consideration, among the most important of which would be a simpler method of election.

With regard to the regulations governing the Orthodox community, Colonel Symes said that this community possessed a pre-war statute which did not give complete satisfaction to the laity. There had been grave differences between the Patriarch and the Orthodox community. The Government had been so impressed with the necessity for a full investigation of the matter that it had asked Sir Anton Bertram, who had been dealing with the financial affairs of the Patriarchate, to suggest amendments to this statute for the purpose of giving facilities to the laity regarding the regulation of their own affairs. The report of Sir Anton Bertram would be communicated to the Patriarch and to the orthodox community, and the Government hoped that his proposals would be helpful to both parties.

The Chairman congratulated the mandatory Power on the tenacity and prudence which it had shown in achieving the remarkable progress to be noted in connection with the development of local autonomy. The mandatory Power was doing its utmost to fulfill the terms of Article 3 of the Mandate. He hoped that a special chapter would be included in the next report concerning the progress in this very important matter. The statement of the accredited representative had been particularly clear and, since the Chairman did not ignore the difficulties encountered by any Government in a country like Palestine, owing to the passive resistance of the inhabitants, he considered that any improvement must be ascribed above all to the efforts of the mandatory Power.

In reply to M. Freire d'Andrade, Colonel Symes said that the heads of religious communities were recognised by the Government. The Administration desired to ensure that the representation of the communities should be put on a more popular basis than was in some cases at present the case.

M. Freire d'Andrade referred to the activities of the High Court, more particularly regarding two cases in which the powers of religious authorities had been contested. One case concerned the competence of the Supreme Moslem Council to order a judge of a Moslem religious court not to grant audience to a Moslem advocate holding a licence to practice before the Sharia Courts; the other concerned the powers of the Government to uphold the exclusive authority of the Rabbinical Council to prevent the entry to the public slaughter-house of Jewish slaughterers not licensed by the Council. Did the Jewish religious communities possess a head recognised by the Administration?

Colonel Symes replied that the responsible person in the religious communities was, under Turkish law, the highest ecclesiastical authority. While the Administration in no way desired to disestablish any properly constituted authority it was anxious that the communities should be really represented by persons in whom they had confidence. Whilst supporting all lawfully constituted authorities, the policy of the Administration was, therefore, to facilitate a measure of popular representation in the direction of communal affairs.
Exploitation of the Dead Sea.

In reply to a further question of M. Freire d’Andrade, Colonel Symes said that a number of tenders regarding the exploitation of the Dead Sea had been received and were still under consideration. Details would be found on page 7 of the report.

Working of Municipal System.

In reply to a question from M. Ours, Colonel Symes said that there were seventeen municipalities, all of which, with the exception of two or three, had been in existence before the war. Most of them comprised a mixed population of Moslems, Christians and Jews in proportion to the numerical strength of each nation. Tel-Aviv was practically exclusively Jewish.

M. Ours enquired how the municipal system worked. Did the minority accept the ruling of the majority? Did the majority respect the minority, and did it consider its legitimate interests? Were the discussions carried on in a practical and serious spirit?

Colonel Symes said that it could not be maintained that municipalities had reached the same pitch of efficiency as their European counterparts. The relations of members of different communities were much affected by the political differences in the country. As the country became pacified, however, and as the importance of the municipal services was realised, an increasing tendency showed itself to co-operate in such matters as drains, roads, etc., which were of common interest. It would take a generation before the municipalities worked completely successfully, but their progress was continuous.

M. Ours observed that the experience gained in the progress of municipalities would indicate whether the communities of Palestine showed the spirit and qualities which were necessary to ensure the normal working of a national assembly.

Colonel Symes said that that was one of the reasons why the Administration attached so much importance to the municipalities. The bridge between the various factions would be made on a foundation of common interest in practical things concerned with the welfare of the country. Once that common interest was established and suitable organisations for local governments evolved and regulated, the habit of co-operation and association would be inculcated and translated to the sphere of central government.


M. Rappard desired to put three questions:

1. He thought that the increased cost of living in Palestine could not be taken as a symptom of the fact that the capacity of absorption had been exceeded. Prices were bound to rise if money was poured into a country. Such a rise was not necessarily detrimental to the local population, because they were agriculturalists, and might stand to gain at least as much as to lose. A certain proportion of the population might suffer because of the rise in rents, but he doubted whether this would affect the rural Arab population. On this point he would be grateful for information. The country, however, could not continue indefinitely to exist on methods whereby one part of the population derived its livelihood by supplying another part with the essentials of life. An increase of exports was necessary. Though the balance of trade did not perhaps need to be favourable, there should at least be an even balance of payments. Owing to the tourist traffic, it would always be possible for imports to exceed exports provided they did not do so to too great an extent. Such were his own views on the economic position of Palestine, and he would be grateful if the accredited representative would state whether they were correct.

2. With regard to the transfer tax, he would like to draw the accredited representative’s attention to the Genevese law on transfers, of which he handed Colonel Symes an extract, whereby a tax of 2 per cent was charged which was not payable if a second transfer took place within three months of the first. Could some such system be adopted in Palestine?

3. Had the Local Government Commission made its report?

Colonel Symes replied:

1. Although not an economic expert, he could agree generally with the conclusions of M. Rappard concerning the economic development of Palestine. There were no grounds for immediate anxiety. Evolution along the present lines would ensure a sound economic foundation in the near future. With regard to what might be described as the invisible imports due to the tourist trade, this was a source of profit capable of almost limitless expansion.
The country probably possessed some mineral wealth, agriculture could be widely developed, and a certain amount of industrial activity would also be possible. Even at the present rate of immigration, the population of Palestine was far less than the country could eventually support.

The Arab population as a whole had not been greatly affected by the rise in prices. They were mostly peasants, and the increased cost of living in the town did not concern them. The rise had been felt mostly by the Jewish immigrants, whose standard of living was much higher than that of the Fellahin. The general standard of living, however, had enormously improved, and the signs of prosperity in Arab villages showed that they were not suffering from the increased cost of living.

2. He was very grateful for the text of the Geneva law regarding transfers, which would be carefully considered by the Administration with a view to adopting it mutatis mutandis if it found it possible to do so.

3. The Administration had given an undertaking to send a summary of the Local Government Commission's report to the Permanent Mandates Commission. The report, however, was now somewhat out of date. The Commission had been formed in 1921 with the object of devising means to associate the population to a greater degree with education, to permit the formation of local budgets and to meet the complaints of Jews who maintained that they did not receive their fair share of Government expenditure on education. The Commission had carried out a careful enquiry, but in trying to achieve its objects it had proposed the institution of new educational bodies which, in the view of the Administration, would not have fitted conveniently into the general local government organisation. It was for this reason that the Administration had decided not to follow all the recommendations of the Commission.

**Arab Complaints with Respect to their Political Freedom.**

M. Palacios thought that the development of local government was beginning to follow a satisfactory course. He would refer, however, to the complaint made in the last Arab petition to the following effect:

"The Palestinian under the Turk elected his village representative called "Mukhtar", his mayor and municipal council in town, the members of the administrative Council, who administered the district under the presidency of the governor, the members of the Common Council, who legislated for all questions relating to local affairs of the district, and, finally, his member of Parliament at Constantinople, where the general affairs of the Empire were freely discussed. Under the British mandate, the village representative is in practice appointed by the district governor, the mayor and the municipal council are appointed by the High Commissioner, the administrative and common councils do not exist, and the Parliament is out of the question."

Colonel Symes said the complaint was more accurate in theory than in fact. The conception of the Turkish administration had been totally different from that of the British, for the former knew perfectly well that their district officers had, in practice, complete control over all local governing bodies, which, if they ran counter to the Government, found themselves dissolved. It was quite true that in many instances the Mukhtar had been appointed by the mandatory Power and not elected, but the Commission should remember that the Mukhtar was the Government agent in the village with whom the Government had all its dealings. Whenever it proved possible for villages to elect them they were allowed to do so, but in cases where animosity was very strong it had been necessary in the interests of peace and good work to appoint a Mukhtar. In theory, municipalities had held wide powers under Turkish rule. In actual fact, however, those powers had been but a shadow, for they had been unable to run counter to the desires of the Turkish district officers.

The municipal bodies would gradually be re-established on a popular basis, but it should not be forgotten that the nominated municipalities had rendered good public service in the past five years. Had the members been elected instead of nominated it is doubtful if they would have been equally efficient.

With regard to the complaint about the position that the Arabs had been deprived of their deputies in the Ottoman Parliament, Colonel Symes did not think that such deputies had ever exercised much influence in the direction of the Ottoman Empire.

M. Van Rees thought that the explanations of Colonel Symes, which were of great interest, ought to have been furnished in writing by the British Government when replying to the petition. In general, the British Government should endeavour to answer petitions in greater detail.

The Chairman agreed. What the Commission required was a clear and definite reply in writing in answer to all petitions.

Colonel Symes pointed out that all his observations had already been made to the Commission and would be found in the record of its Seventh Session.

The Chairman expressed the hope that the mandatory Power would take account of the Commission's desires in this respect in future.
M. Palacios believed that the Palestine Electric Corporation mentioned on page 68 of the report was that belonging to Mr. Rutenberg. If that were so he would refer to the matter again when financial questions were being discussed.

Colonel Symes replied that this Corporation was a company formed by Mr. Rutenberg.

Labour.

In reply to Mr. Grimshaw, who asked the meaning of Article 14 (Temporary admission of foreign labour) in the regulations laid down by the High Commissioner of Palestine under the Emigration Ordinance of 1925, Colonel Symes said that such an article was self-explanatory. The Administration did not desire to import labour, but there were certain technical services which could only be carried out by skilled workmen not available in the country. The policy of the Administration was against the import of foreign labour except in cases of necessity.

Mr. Grimshaw realised the necessity of importing skilled labour on occasion. Had unskilled labour, however, been admitted temporarily to work on roads and railways? It was stated in the Press, for example, that a certain number of Egyptians and Sudanese had been employed on the railways. Was the admission of this kind of labour covered by Article 14 of the Ordinance?

Colonel Symes replied in the affirmative. The admission of unskilled labour was very rare. To give a concrete case, the railways had imported a large quantity of coal from Egypt, and the local labour in the country had been inadequate to deal with it. It had therefore been necessary to admit the necessary number of Egyptians to handle that coal. They had immediately been repatriated on the completion of the work. The necessity for importing foreign labour was decreasing very rapidly, and the Administration received many fewer applications for the import of such labour.

Mr. Grimshaw was grateful for this assurance from the representative of the mandatory Power. Were there any provisions by which the Government of Palestine ensured that the sanitary conditions in immigrant ships were satisfactory?

Colonel Symes replied that the question had been considered, but the control of such ships was difficult. The Zionist Organisation usually dealt with the matter. The Administration could introduce legislation, but it had not yet been necessary to do so. It should not be forgotten that the journey to Palestine was very short. He could recall no serious complaints in this connection.

Mr. Grimshaw undertook to give the accredited representative a note containing information on this point.

Representation of Jewish Community of the United States in the Zionist Congress.

Sir F. Lugard referred to the statement on page 69 of the report that 40 per cent of the seats in the Zionist Congress allotted to bodies other than the Zionist Organisation had been reserved for the Jewish community of the United States. Was not this proportion somewhat high?

Colonel Symes said that this was a matter which was left entirely to the Zionists to decide. Probably the allotment of so many seats was due to the amount of funds reaching that organisation from America.

Kabbara Concession.

M. Palacios raised the question of the Kabbara concession in which, according to the statements made, there was a good deal of confusion. The complaints made by the Arabs were particularly severe as regards the properties of Barrat Cassarea and which could not be considered, according to the views of the petitioners, as State lands. They claimed also that, during the new Jewish colonisation, no adequate arrangements had been made for, and no suitable compensation allowed to, the families who had occupied that land among other lands; those families were now living in misery.

Colonel Symes said that the position with regard to the Kabbara concession was quite satisfactory. The outstanding difficulty was in connection with the afforestation of a section of the concession area, composed mostly of sandy soil. It was very difficult to carry out any work of afforestation, however, when flocks crossed the area in question and negotiations with the graziers had not yet been concluded.
M. Palacios asked if the question had assumed a political character and if it was still a burning question or if it was already less acute.

Colonel Symes said that the complaint of the Arabs concerning the manner in which they had been compelled to give up their land in this area was mainly of a political nature.

M. Palacios thanked the accredited representative for the above information.

**Palestinian Nationality.**

The Chairman said that the question of Palestinian citizenship raised important legal issues. No definite reply had ever been made by the Government of the mandatory Power to this question, which had given rise to much comment in many countries, notably Italy. The Jews were spread all over the world and were citizens of many countries, while at the same time remaining Jews by birth. When a Jew who was, for instance, a Hungarian came to Palestine and received Palestinian nationality, he should not be allowed to claim the possession of Hungarian nationality as well. The question of his double nationality, however, had never been satisfactorily decided by the Government of the mandatory Power. The Jew in question, if called upon to perform military service in Hungary, could plead his Palestinian nationality as an excuse for not doing so; at the same time, if it were of any benefit to him to claim his Hungarian nationality he could do that also.

The Proclamation on page 162 of the report whereby the right of option for Palestinian nationality had to be exercised within two years roused serious doubts in the mind of the Chairman. Two years was too long a period in which to allow an immigrant Jew to opt for Palestinian nationality. In most countries a shorter period was allowed for making such an option. In his view the mandatory Power should make arrangements not to receive Jews until they had renounced their former nationality. The rules for renouncing nationality differed in the various countries. He asked that any texts of laws concerning Palestinian nationality should be annexed to the next report and that a definite reply to this question should be given.

Colonel Symes said that there was no difficulty in answering the question of the Chairman. The British Government had always been firmly opposed to dual nationality. Anyone opting for Palestinian nationality had to renounce his former nationality. It was, however, for his State of origin to require such renunciation rather than for the Palestine Government to do so.

M. Orts said that the mandatory Power might usefully introduce a stipulation to the effect that Palestinian nationality would be lost if a citizen acquired another nationality.

Colonel Symes said that such a stipulation was to be found in Article 15 of the Ordinance (page 159 of the report).

The Chairman could not agree with the representative of the mandatory Power. The Administration should require proof of the renunciation of nationality of the country of origin to be furnished before granting Palestinian nationality. The rules governing the renunciation of nationality differed, as he had already pointed out, in the various countries. In Turkey, for instance, a person could not acquire another nationality without a firman from the Turkish Government, and no country would grant him its nationality unless he produced such a firman. While the Permanent Mandates Commission could, of course, impose no rule on the matter, it could note that difficulties in connection with Palestinian nationality might arise.

Colonel Symes said that there was, he thought, no substantial disagreement between the views of the Chairman and those of the British Government. Among the qualifications for nationality a period of residence in Palestine was necessary. This, he thought, was the case in most countries. A large number of immigrants who arrived in Palestine had already renounced their nationality before setting foot in the country.

With regard to the period within which the right of option had to be exercised, this only applied to former Turkish subjects resident in Palestine before the arrival of the mandatory Power, and the provision had been inserted owing to a stipulation of the Treaty of Lausanne.

M. Rappard pointed out that most States usually demanded the renunciation by a foreigner of his former nationality before granting him their own. If, however, the Government of the applicant’s country of origin refused to release him from his nationality, that was a purely personal matter between the person concerned and his Government, and if he persisted in obtaining the nationality of another Power he did so at his own risk. That Power, in granting its nationality, could not demand proof that the person in question had been released from his former nationality but only proof that he had, so far as he was concerned, renounced it.

Were the Governments of the countries in question informed by the Palestine Government when their former nationals were granted Palestinian nationality?
Colonel Symes replied that it was the practice of the Palestine Government to inform the consuls of States to which the immigrants belonged whenever Palestinian nationality was granted.

The Chairman said that the fact that the Palestine Government consulted the consuls of the various countries before granting Palestinian nationality was of great importance. The matter was one of practical interest, especially in connection with the return of unsuitable immigrants. A number of expelled immigrants had, for instance, collected at Trieste, where they had had to be granted relief. The Italian Government had not known whether they were Palestinian citizens or citizens of the States of which they had formerly been nationals.

M. Orts considered that the question ought to be settled between the Governments concerned and the Palestine Government. It was not a matter for the Permanent Mandates Commission.

M. Freire d'Andrade referred to the complaints made by the Waad Leumi concerning citizenship. It complained, in particular, of the authority granted to the High Commissioner to withdraw the privilege of citizenship without giving reasons for so doing and without any right of appeal against his decision. The High Commissioner could revoke the citizenship of any person at any time. It also complained of the heavy fees to be paid by the applicants for citizenship. Perhaps a certain number of those complaints might appear to be well founded.

Colonel Symes replied that the Government had no intention of changing the provision whereby the High Commissioner could revoke nationality. The High Commissioner was not likely to abuse such a power, and there was always the possibility of an appeal to the Secretary of State.

With regard to the cost of acquiring nationality, he considered that a fee of £1 was not an exorbitant rate. Persons resident in the country at the time when the mandate came into force had become Palestinian citizens without the payment of any fee, under the terms of the Treaty of Lausanne. The stipulation therefore only affected immigrants.

M. Rappard noted that the Palestine Government did not propose to change the provision, whereby nationality could be withdrawn without any reasons being given. While the Government was doubtful right in maintaining such a provision, he would like to know its reasons in order to allow the Commission to make some reply to the petition on this point.

Colonel Symes replied that a similar provision was to be found in very many countries. In Great Britain, for instance, the Home Secretary could revoke a grant of nationality at any moment for no given reason.

M. Rappard referred to the difficulties created in the case of persons who had renounced their former nationality, and who then might have their Palestinian nationality revoked for some cause or other. Such persons would then possess no nationality whatever.

Sir F. Lugard pointed out that the law in question had no doubt been drafted by the best lawyers available for consultation by the British Government, and that if the Commission required any explanations it might ask the mandatory Power to furnish them.

M. Van Rees asked for the text of the English nationality law of 1914 mentioned on page 54 of the report.

Colonel Symes replied that the principal provisions of that law were reproduced in the Palestine law of nationality which was based on the English nationality law.

M. Freire d'Andrade referred to another complaint in which the Waad Leumi stated that the new Palestinian citizen and the former Turkish subject were not on an equal footing, for the former could lose his nationality whereas the latter could not.

Mr. Clausen replied that if a man were born a Palestinian citizen, his nationality could not be taken away from him by an act of the Administration. The Administration could, however, revoke the grant of nationalisation to an alien, as, in so doing, it was merely reversing its own act. This was the normal principle adopted in, for instance, British legislation. Turkish subjects resident in Palestine who became Palestinian citizens automatically on the detachment of Palestine from Turkey were in the same position as natural-born citizens; and it would be contrary to the principles laid down to deprive such persons of their nationality.

Judicial System; Prison Conditions.

M. Freire d'Andrade said that complaint had been made regarding the legal system. It was said that the law administered was a mixture of Turkish and British law supplemented by a number of ordinances. There was also a complaint to the effect that no law reports were
Colonel SYMES replied that it was true that the law administered was in the transition stage. The Ottoman law had been very inaccessible, and it was being brought up to date. A modern system of procedure had been established wherever the Turkish procedure had been found to be faulty. The complaint about the non-publication of law reports was justified. Such reports were about to be issued and would prove of great use. A complete compilation of the ordinances was also about to be published.

He doubted whether a written deposition would deter a really competent false witness from giving inaccurate testimony. While it was true that a large number of the magistrates were Arabs, and that it was sometimes difficult to obtain the services of a good interpreter in their courts, if any act of injustice were done, the victim had the right of appeal to the district courts to which competent interpreters were attached and of which the President was British. In these circumstances, he did not think that any grave miscarriage of justice could occur. Obviously, in a country where the police force was a new one, and where a public opinion, in favour of speaking the truth as a general practice, was not yet a compelling force, the administration of justice in three languages was a difficult matter. Steady progress was, however, being made.

In reply to Mr. GILCHRIST, Colonel SYMES undertook to furnish the Secretariat with a copy of the compilation of the Ordinances and of the law reports of the High Court.

M. PALACIOS enquired whether there had been complaints from the Arabs supplementary to those which had been received in the previous year. Had any new complaints been made with regard to the administration of justice, of the investigation procedure of the prisons, etc.?

Colonel SYMES said that the number of complaints had decreased. Occasionally a Press campaign was conducted, but usually by someone who had lost his case in the courts. In general, however, complaints were fewer.

The courts in Palestine were gradually acquiring the respect and confidence of all sections of the population.

In reply to a further question of M. Palacios, Colonel Symes said that a very great improvement had been made in prison conditions, especially in prisons for women.

**Economic Equality.**

Sir F. LUGARD pointed out that "tobak" mentioned in the schedule was not included in the definitions in the Tobacco Ordinance of 1925.

Colonel SYMES replied that tobak was a form of tobacco in very general use, but he had no technical knowledge of it. It used to come principally from Persia and was used largely for snuff.

**Holy Places.**

M. RAPPARD noted that the Commission for the Holy Places had not yet been nominated. Were there any fresh developments in this connection?

Colonel SYMES replied in the negative. The duty of the Administration, by the terms of the mandate, was solely to preserve the status quo with regard to the Holy Places, and no provision had been made for changing that status quo. Difficulties as they arose were settled by negotiation with the parties concerned.

**Freedom of Conscience.**

M. FREIRE D’ANDRADE said that, in general, the reply of the British Government to the complaints under this heading were very satisfactory. The Jews, however, in Government employ complained that they were required to work on the Sabbath and on feast days. As, however, this stipulation applied to all religions, M. Freire d’Andrade could understand the reason why the Administration could not make an exception in favour of the Jews. There was, however, a further complaint concerning the difference of treatment granted to Christian and Jewish merchants which was a little more serious. The Christian merchants did not withdraw their goods from the Customs on Sunday and could leave them there without payment of demurrage. The Jewish merchants, whose Sabbath was on Saturday, could not for similar reasons remove their goods, but in this case they were legally liable to pay demurrage.
Colonel Symes referred to the difficulty of allowing three holidays a week — Friday for the Moslems, Saturday for the Jews and Sunday for the Christians. Every facility was afforded to merchants, and in actual fact the payment of demurrage was not required from Jews leaving their goods in the Customs on Saturday. As, however, Sunday was the commercial holiday throughout Europe and in Egyptian ports, departments like the Railways and Customs in Palestine could not conveniently adopt another day as the legal rest-day, and Christian merchants were not therefore required to withdraw their goods from the Customs on Sunday.

M. Freire d'Andrade said that this legal provision appeared to be contrary to the terms of Article 15 of the Mandate in that it affected freedom of conscience. Though the Jewish or Arab merchants were rarely in fact required to pay demurrage they were legally liable to do so and thus the Christians were placed in a privileged position.

Colonel Symes said that if Article 15 of the Mandate were applied too literally the order of the country would become extremely difficult and costly.

M. Rappard thought that the procedure of the mandatory Power was covered by the proviso that freedom of conscience should be allowed only in so far as public order was not affected. Public order would undoubtedly be disturbed if three full holidays a week were instituted.

M. Palacios, while ready to recognise the difficulties to which Colonel Symes had referred, observed that a whole article of the Mandate (Article 23) was devoted to the question of holidays. The drafting of the article was quite categorical on this matter.

**Incident at the Wailing Wall.**

M. Yamana asked for details of the incident with regard to the lamentations at the western temple wall.

Colonel Symes said that the Jews were accustomed to go to the western temple wall to bewail the fallen grandeur of Israel. The site, however, which they occupied for the purpose belonged to a Moslem Wakif, and, while the Jews were allowed to go there, they were not legally allowed to do anything which would give the impression that the site in question was their own property. All religious communities did their utmost to prevent each other from acquiring any legal right in the matter of property which they considered to belong to themselves. This being so, the Moslem who owned the site in question had raised objections to the bringing of stools by the Jews to the site, for (they said) after stools would come benches, the benches would then be fixed, and before long the Jews would have established a legal claim to the site. However much sympathy the Administration might feel for the Jews in question, its mandatory duty was to respect the status quo and therefore when stools were brought by the Jews on to the site in question the police had to remove them for the Jews were not legally within their rights. If the police had not taken away the stools a regrettable incident would have occurred similar to past incidents.

The question could only be settled by an agreement between the Moslems and the Jews and the Government would do its utmost to promote such an agreement.

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**TWENTY-FIFTH MEETING**

_Held on Wednesday, June 23rd, 1926, at 3.30 p.m._

_Chairman:_ The Marquis Theodoli.

Present: All the members of the Commission.

592. Publication of the Minutes relating to the Statement made by M. de Jouvenel, High Commissioner in Syria and the Lebanon.

_The Commission decided_ that the Minutes of the meetings at which the Administration of Syria was discussed with M. de Jouvenel should be published as soon as revised by the members of the Commission.


Colonel Symes and M. Clauson came to the table of the Commission.
Police Forces.

M. Freire d'Andrade said that the Jews had complained of the preponderance of Arabs in the gendarmerie. He would suggest that it might perhaps be possible for the Administration to fix, in principle, the proportion of Arabs and Jews enlisted. If the Administration were unable to obtain recruits from any particular class of the population, no further criticism would be possible.

Colonel Symes said that these complaints were of long standing. The local public security forces had recently been entirely reorganised, and as a result of the improvement in public security the Administration had been able to effect economies. Henceforth the Palestine police would assume fuller responsibility for public security in Palestine, and both the British and Palestinian sections of the gendarmerie were being disbanded. In Transjordan the financial position was such that the country could not yet bear the cost of the necessary police, and there was always the difficulty of the eastern frontier. This frontier would be controlled by a special corps under British officers, and for this purpose a small native defence force of some 700 or 800 men was being raised in order to deal with any raids or infractions of the frontier.

There was a fair proportion of Jews in the Palestine police force, but there were no Jews in the civil police force of Transjordan. Any section of the population might enrol in the defence force, but service in Transjordan was not such as would be likely to attract many Jews. The first duty of the Administration was to recruit and train forces capable of preserving good order and tranquillity.

M. Yamanaka enquired whether the Palestine gendarmerie had been actually disbanded. It appeared from page 34 of the report that it was still in existence.

Colonel Symes said that the report covered the year 1925. Both sections of the gendarmerie had since been disbanded, and the whole of the police force in Palestine had been re-organised and the new defence force raised for service mainly in Transjordan.

M. Rappard noted that there was a considerable reduction in the various bodies charged with the maintenance of order. This was extremely gratifying, but he would ask whether the Administration was satisfied that it would be able to deal with any possible disturbances which might arise.

Colonel Symes said that at the time of the previous disturbances there had been no well organised police force, and the Administration had not so firm a grip on the country. He thought that the forces as re-organised would be equal to the occasion.

Transjordan: Public Finance.

The Chairman drew attention to item 2 of the budget for Transjordan. It showed that £E38,717 had been allotted under the heading of "Public Debts". This item did not appear under the heading of expenditure.

Colonel Symes said that this sum represented, in part, debts incurred by the Amir Abdul- lash which had been settled by the Government.

M. Rappard pointed out that the total expenditure exceeded the estimated expenditure by £E10,000. Certain items of the estimated expenditure showed a very considerable increase. He would refer in particular to item 21 (Miscellaneous). The estimated expenditure was £E10,157, whereas the actual expenditure was £E60,306.

Colonel Symes said he could give no explanation of the apparent discrepancies between the estimated and the total expenditure but thought that they were due to the necessity for clearing up certain outstanding items. The whole of the accounting system was at present being re-organised by Colonel Cox.

The Chairman said that he found it difficult to understand the accounts, more particularly as capital expenditure was not presented separately from budget expenditure.

Colonel Symes said that a clearer system of accounting had been adopted and that the results would be supplied to the Commission next year.

The Chairman asked how many British staff there were in Transjordan.

Colonel Symes said that the staff, including Colonel Cox and his assistants, consisted of five senior officers and one clerk; two of these officers were attached to the Arab legion which carried out civil police duties.

Labour; Organisation of Jewish and of Arab Labour.

Mr. Grimshaw said the Commission would like to have some information on which it could base an idea of the labour position in Palestine. Sir Herbert Samuel and Mr. Ormsby-Gore had promised to provide this information, but so far it had not been received by the Commission.
Colonel Symes said that he was prepared to make a general statement on the position of labour immediately, or he would undertake that a fuller statement should be presented in the report of next year. The question of the regulation of industrial establishments in Palestine had recently been under careful consideration, and regulations were being introduced to safeguard women and children in such employment.

The Administration did not contemplate a very elaborate system of labour legislation, immediately, as general conditions were primitive, apart from those applicable to the 20,000 Jewish workers. The Administration was anxious to assist the organisation of labour in every possible way and to improve existing conditions. It hoped to introduce during the present year regulations for the compulsory compensation of workmen in certain industries and for the better regulation of workshops. Regulations would also be introduced determining the age at which children might be employed and the class of work which they might undertake. A standing committee had been appointed which had collected all the necessary material and statistics, and decisions on the various points would be taken very shortly. Full particulars would be given next year.

Mr. Grimshaw said that the Administration, by publishing such information, would only be doing justice to itself. It was alleged that children were unduly employed in factories, that women were working on the roads, and that the conditions in the textile workshops were inferior to those prevailing in any civilised country. He would ask whether any machinery was being provided for the settlement of industrial disputes.

Colonel Symes said that a committee appointed in 1924 had made certain proposals, but it appeared that Government intervention was unnecessary, as the parties concerned preferred to settle their own disputes. No serious case of hardship for children had been discovered as the result of a careful enquiry which had lasted for four months.

M. Freire d'Andrade said that the Jews complained that there was no definite labour legislation and no protection of women and children. They also alleged that in public works the Jewish workmen were set aside in favour of the Arabs.

Colonel Symes said that similar complaints had been made by the Arabs. The Administration naturally had to be economical in undertaking public works and usually accepted the most advantageous contracts, irrespective of whether they were offered by Arabs or Jews. Jewish labour was well organised, and the workers had a high standard of living. The Arabs, on the other hand, were unorganised, and their standard was considerably lower.

Mr. Grimshaw said that the British Government, in contracting for labour, invariably inserted clauses to ensure that fair wages should be paid, which were, in this case, the prevailing trade union rates. Should there not be a similar clause in the contracts of the Palestine Administration? A Government, in accepting a low tender, should satisfy itself that a fair wage was being paid.

Colonel Symes agreed as to the last point but pointed out that often a fair wage for an Arab was not a fair wage for a Jew. Generally speaking, an Arab could live on much less than a Jew. He of course agreed in principle with Mr. Grimshaw that the Administration should endeavour to prevent undue exploitation of labourers or anything like "sweating".

Mr. Grimshaw said he merely desired to know whether the Government, in granting contracts, took account only of the factor that Arab labour was cheaper or whether it also considered the general welfare of the community.

M. Palacios noted that progress had been made as regards labour questions, although the code promised by Sir Herbert Samuel was far from being realised. This did not surprise him. Codification was an extremely difficult matter particularly as regards these questions and in countries which were so different. The Commission which was dealing with these matters — matters which could exercise such a strong influence in favour of pacification and towards a reconciliation of points of view — could do much to hasten on this reform. He would content himself with asking if the labour market were organised. The importance of the question was certainly clear to everyone, not only from the point of view of unemployment but when taking into account merely the requirements of a duly organised economic system. The question of Jewish immigration and the conflicts on this subject between the labouring classes belonging to the various sections of the population would call for the greatest care in organising a system of labour exchanges which were required to draw up clear statistics according to uniform methods.

Colonel Symes said that Jewish labour was highly organised by the Jewish Federation of Labour. Arab labour was not organised and had no urgent wish to be so. Many of the Jews, on arriving in the country, drifted into industry, whereas the Arabs remained attached to the soil. During the harvest, virtually no Arab labour was available. After the harvest, however, when there was no work in the fields, the Arabs came to the towns and were available for casual labour. Most of the skilled labour was now Jewish.

M. Palacios asked if the fate of the unemployed was left to chance or if there were unemployment relief funds in the country or some relief associations which served the same purpose.
Colonel Symes said that unemployment relief work was organised by the Zionist organisation, certain Jewish municipalities and the Jewish Federation of Labour. The Jewish Federation occasionally granted subsidies to the unemployed. The unemployment problem was not very serious, as there were never more than some five thousand people out of work.

M. Palacios enquired whether there was a well-defined law concerning trade unions and whether in any case coalition was not prohibited.

Colonel Symes said that trade unions were registered under the Ottoman Law and received practically the recognition given to such bodies in European countries.

M. Palacios enquired whether the Committee to which Colonel Symes had referred was dealing also with the question of trade unions or whether its work was confined to other questions such as the legal protection of workers.

Colonel Symes said that this Committee was dealing with all questions affecting labour. No need was felt, however, for any special law regarding trade unions, which already possessed full rights of association under the existing law.

Prison Labour.

M. Freire d’Andrade noted the reference on page 32 to prisoners employed on the roads. Were these prisoners paid?

Colonel Symes said that he thought the jail labour companies were paid. These companies had been formed partly in order to improve the health of the prisoners. The Bedouins, in particular, could not bear confinement and wished to be allowed to work in the open. Service in the companies was very popular amongst the prisoners. Special facilities were being given for the instruction of prisoners in certain trades.

M. Freire d’Andrade enquired whether there was any hard labour in the prisons.

Colonel Symes said that hard labour was not inflicted as a punishment. All prisoners were, however, given some kind of employment, and prison industries had been organised.

Slavery.

The Chairman said that last year the question had been raised as to whether slavery was formally and legally abolished in Transjordan.

Colonel Symes said that slavery had no legal recognition and could not therefore be formally abolished.

Sir F. Lugard enquired whether slave-dealing and similar offences were punishable under the penal code.

Colonel Symes said that traffic in slaves was practically non-existent. There were persons who were known as domestic slaves. These were men who were merely attached to the household of an Emir or tribal chief and who regarded themselves as of higher status than the mere tribesmen. Though the slave traffic was not contrary to the Shariah law it was punishable under the Ottoman law.

Education.

Mrs. Wicksell noted that there was a very great variety of schools in Palestine owing to the great variety of religions. It was difficult for the Commission to form a connected picture, and she was glad to note that the Administration considered that reform of the educational system was a matter of urgency. She would like to see in next year’s report a statement of the general position in regard to education.

Colonel Symes said that a detailed statement would be presented to the Commission next year. The Administration had been carefully considering the question during the recent winter and was now ready to deal with it.

Mrs. Wicksell noted that though statistical information was given regarding schools in Transjordan nothing was said in regard to syllabuses. Perhaps this information would be given next year?

Colonel Symes noted this request. He believed that the syllabuses used in Transjordan were similar to those used in Palestine.

The Administration was prepared to increase the expenditure on Jewish schools from £3,000 to £10,000. The management of elementary education schools would be gradually transferred to local bodies, and this would enable the State to spend more on secondary and technical education in future.

M. Palacios, having noted the Treaty concluded between the United States of America and Great Britain (Article 5), enquired as to the importance of the educational institutions established with the aid of funds from America.
Colonel Symes said that there was nothing in Palestine similar to the American College at Beirut. Considerable American subsidies, however, had been paid to Jewish funds for education.

Public Health.

M. Freire d’Andrade noted on page 32 of the report a statement to the effect that the position in regard to mortality in prisons had improved. Infant mortality was 18 per cent. Perhaps it would be possible next year to have some statistics.

Colonel Symes said that the principal step being taken by the Administration to deal with infant mortality was the opening of welfare centres. The Jews had taken up this matter very energetically, and an endeavour was being made to encourage the Arabs to do likewise.

The Jewish people were paying considerable sums in order to meet their own requirements, which were in excess of the requirements of the Arabs. The Administration treated both races on the same footing, but it had been necessary in certain districts to sanction more Government expenditure on medical and other services which were used principally by Arabs. An attempt was being made gradually to transfer expenditure in the districts to the local rates. Arab municipal organisation, however, was undeveloped, and the transfer of medical services from the general revenue to the local rates could only gradually be effected.

Mrs. Wicksell noted a decrease in the expenditure on public health.

Colonel Symes said this was only an apparent decrease and represented the cost of services transferred to the local bodies.

Public Finance.

The Chairman, referring to the schedule of revenue and expenditure from July 1st, 1920, to March 31st, 1923, on page 9 of the report, noted that at the end of the period there was a surplus of revenue over expenditure of £554,056. Was not this the explanation of the complaint made by the Jews that not enough money was being spent by the Administration? He realised, nevertheless, that it was difficult to determine the just equilibrium which should be maintained between revenue and expenditure or to say how far the retention of a surplus was justified.

Colonel Symes said that the existence of a surplus had undoubtedly encouraged the population to hope for the immediate realisation of certain schemes. Some surplus, however, was necessary. The Administration had still to discharge the Ottoman debt, which stood at from £1,750,000 to £2,750,000. Moreover, the source of much of the Government revenue was uncertain and, being obtained by indirect taxation, depended largely on the amount of immigration and the introduction of capital into the country.

The Chairman said he was unable to understand the position in regard to the various loans, advances, and subsidies made to the territory. The Commission would be better able to appreciate the financial position if it had a clear statement of the charges on the country, the payment of interest on these loans and advances and the provision of a sinking fund, etc.

Mr. Clauson said that full information would be found on page 14 of the report. Grants-in-aid were shown at the bottom of the page. These were free gifts made to the Palestine Administration in order to meet the cost of the British section of the Palestine gendarmerie, and the grants were not recoverable. The position in regard to the Palestine loan of £4,500,000 was as follows: The Palestine Administration, on entering the country, had taken over certain property of His Majesty’s Government in that territory. An impartial expert had been sent out to value this property, which consisted of railways, telegraphs, roads, etc., constructed by the British Government during the war. The present value of the properties was estimated at a little over £2,000,000. The Administration of Palestine and the British Government had arranged that a Palestine loan of £4,500,000 should be issued shortly and it had been agreed that a sum of £1,000,000 should be paid to the British Government in final settlement of the debt of £2,000,000 in respect of the properties referred to above, the sum being provided out of the proceeds of the loan.

The Palestine Government desired to incur certain expenditure on public works and, to enable it to do so, the Crown Agents for the Colonies in London had already advanced up to £1,600,000 — an amount which had since been reduced to something under £1,000,000, as a considerable portion of the advance had already been paid off. The advance made by the Crown Agents was a temporary arrangement. The actual capital expenditure was set out in the first two paragraphs on page 14 of the report.

There was one other item to which reference should be made. Prior to 1920 the Anglo-Egyptian Bank had agreed to advance a certain sum to the Chief Administrator of Palestine in order that the money might be used for loans to cultivators. In this case the Administrator merely acted as a post office, borrowing the money and passing it on to the farmers. The need for such advances had now decreased, and the balance of the money due to the Anglo-Egyptian Bank was now about £100,000.
The Chairman said that the explanation given by Mr. Clauson increased his conviction that it was necessary next year to have a full and clear statement of the position in regard to these various loans and advances. He noted that the proposed Palestine loan amounted to £1,500,000, whereas the expenditure so far authorised amounted to £1,955,717. What could be done with the balance of the loan?

M. Ormsby-Gore understood the position as follows: there would be a loan of £4,500,000. £1,000,000 of this was to go to the Imperial Government as payment, at ten shillings in the pound, for the railways, roads, telegraphs and other capital assets acquired by the Palestine Government. There would remain £3,500,000, and of this sum £2,000,000, had already been allotted. He presumed that the rest would be spent on other public works.

The Chairman noted that the Egyptian pound was legal tender in Palestine. He would ask whether there was any agreement with the Anglo-Egyptian Bank in regard to the profits derived from the printing and coining of the currency.

Colonel Symes said the profits at present were made by the Anglo-Egyptian Bank.

M. Freire d'Andrade said that the Jews complained that some 80 per cent of the revenue was derived from the Jews, whereas much less revenue was spent on the Jews than on the Arabs.

Colonel Symes said it was admitted that a great part of the revenue was derived from the Jews. With this revenue the Administration had been able to perform those acts of good government beneficial to all sections of the local population and which had enabled the Jewish dement to live in Palestine and the Jewish immigrants to be admitted.

The Rutenberg Concession.

M. Palacios did not propose to deal with the economic aspects of the three Rutenberg concessions — that of the Jordan, of Caifff and Auja (Jaffa), but merely to examine them from the point of view of the Arab petitions that he had been asked to study. In dealing with all the reports of the Palestine Administration, reference was always made to these concessions.

He would explain that the Jaffa Electric Company had been founded prior to the Rutenberg concession in order to supply Jaffa with electric power. It was proposed under the main Rutenberg scheme to generate electricity by water power. At Jaffa, however, electricity was produced by motor power, and when the Rutenberg scheme had been carried out the Jaffa power station would merely constitute one of its reserve stations.

M. Palacios said the Arabs complained that the concessions had been granted privately, that they had not been published nor had they been offered to public tender.

Colonel Symes said that the Administration had known that no one was likely to provide capital, even if a call had been made for tenders. The Government assumed that it had full right to grant such concessions if it believed them to be in the public interest.

M. Palacios said that the Arabs also complained that the compulsory payment of £200,000 for the Jordan concession and that of £50,000 for the Auja concession had not yet been made. The British Government contested the accuracy of this statement and claimed that these sums had been paid in cash. In view of the insistence of the petitioners, the Commission might like to have further information on the point.

Colonel Symes said that the Government had satisfactory evidence that certificates for the capital of £200,000 required for the Jaffa Electric Company had been received by the bankers and that all the conditions of the concession had been fulfilled.

M. Palacios said that the Arabs complained that they had never been consulted with regard to the concession; nor had any administrative body asked for their advice. The British Government had replied that there was no body in existence before which the matter could be brought. It seemed, therefore, to recognise that no Arab public authority had been consulted. On the other hand, the Commission perhaps agreed with the mandatory. Power that it was necessary that the central authority should retain the fullest powers over such enterprises, which were so beneficial to the community and so complex from the financial and technical points of view.

Colonel Symes said that the Administration was only too anxious to secure the association of the Arabs, and practical co-operation in the central Government could be secured whenever the Arabs consented to serve on the Legislative Council.
M. Orts understood that the Government had felt that it was acting within its powers by granting the concession without consulting the population or offering it to public auction. Did it base this conception of its position on any article of the Mandate?

Colonel Symes said that the Government based its position on the existing law, though the matter might be brought under Article I of the Mandate. Under the Ottoman law, the Vilayet had power to grant such concessions and this power has passed to the mandatory Administration.

M. Orts enquired whether the Government generally proposed to grant concessions for public works, such as railways, roads, etc., without putting them up for public auction.

Colonel Symes said that the Government felt it had the right to do so but that in most cases such contracts would be offered for public tender. For example, a scheme for the exploitation of the resources of the Dead Sea had actually been put out to tender.

M. Orts read Article 18 of the Mandate and enquired whether this was in accordance with the attitude adopted by the mandatory Administration as described by Colonel Symes.

Colonel Symes said that the action taken in regard to the exploitation of the Dead Sea was evidence that the Government wished to throw open all such concessions to public competition. The Rutenberg concession, however, was peculiar. There had been no reason to suppose that any other offer would be made to sink from one to two million pounds in a scheme of this kind. The Government had felt that it would be a waste of time to ask for tenders.

Sir F. Lugard said that the Arabs alleged that an offer had been made by a group of Arabs in Bethlehem who had stated that they were ready to invest £500,000.

Colonel Symes said that possibly such an offer had been made, but the Government doubtless believed that the money was not really available.

The Chairman said that, though it was probable that no one would actually have come forward if the concession had been open to public tender, the question of principle still remained.

Mr. Clauson said that the position in regard to the Rutenberg concession was different from an ordinary case of tender. In an ordinary case the Government desired some work to be undertaken and in that case it was customary to call for tenders. In the case of the Rutenberg concession, however, a person had come forward with a scheme elaborated by himself and had asked to be allowed to carry it out; he was in the same position as a person with a plan or invention which he desired to offer for consideration. It was impossible to put up to tender a scheme which was the work of an individual. To take another example, if a man discovered a gold mine and came to the Government to ask to be allowed to exploit it, it would be entirely unreasonable to say to him: "Yes, we admit you have discovered it and that it took you two years' hard work to do so, but equality of opportunity must be observed and you must compete with the rest of the world for the right to exploit it."

M. Orts noted what Mr. Clauson had just said, to the effect that in ordinary cases, as a general rule, the Administration considered that it should encourage competition by calling for tenders.

**Salt Concession.**

M. Palacios said that a similar question arose in connection with the salt monopoly. In the report (pages 13, 86-87 and 148) valuable information was given to make it possible to judge the case in principle. The allegations made in the Arab petition and the replies from the British Government did not make it possible to form a clear idea of the details of the question in practice. Nevertheless, one point was clear: that the concession would expire in 1926 and that it would be possible, therefore, to ensure complete economic equality in the future as regards this matter.

Colonel Symes said that the question of the salt plant was analogous to that of the Rutenberg concession. The Government had undertaken to purchase a certain quantity of salt over a number of years in order to encourage the development of the salt resources of the country. On the termination of this period, the company to whom the concession had been granted would have no privilege over any other company.

The Chairman said that the Commission has now concluded its examination of the report. He thanked Colonel Symes and Mr. Clauson for the information which they had given. He would, however, emphasise again the importance of replying in writing to the observations of the Commission.

The Commission was particularly grateful for the exact and clear replies given by Colonel Symes, which had thrown much light on the present position in Palestine. The Commission was now in a much better position to appreciate the situation; it would look forward with more hope to the future. Its confidence in the future was largely due to the wise choice of the officers who had been appointed to represent the mandatory Power in that country.
Colonel Symes thanked the Commission for the patient and courteous hearing which it had extended to him.

Colonel Symes and Mr. Clauson then withdrew.

594. Petitions concerning Palestine.

(a) Report of M. Palacios on the Petition from the Palestine Arab Congress.

M. Palacios summarised his report and drew the attention of the Commission to the history of the question and the resolutions adopted by the Council. The conclusions could be conveniently incorporated in the general observations of the Commission to the Council on the report on Palestine. In that case, the Commission should follow the procedure outlined by the Council during its last session for replying to petitioners, or should draw up separately the conclusions to be drawn from his report and from the explanations given by the mandatory Power.

The Commission noted the report by M. Palacios and requested him to draw up his conclusions separately. They would be considered at a later meeting.

(b) Report of Mrs. Wicksell on the Memorandum of the Agudath Israel.

Mrs. Wicksell said that she had seen no reason to change any of the conclusions in her report as the result of the discussions which had taken place in the Commission. She therefore proposed that the resolution at the end of the report should be adopted.

M. Freire d'Andrade, in reference to this report, said that it was the intention of the mandate that a Jewish home should be organised in Palestine — that was to say a centre which should be a means of bringing together the Jews who were scattered throughout the world with no other bond between them than their religion. The body which was to assist and to advise the Administration in this matter was the Zionist Organisation or the Jewish Agency. Greater force should, therefore, be given to the statements and views of this Organisation than to those of any Jewish minority. Only a single case should be admitted: the case in which the views of the Organisation were contrary to any provisions of the Covenant, and, in particular, those provisions dealing with liberty of conscience. If any schisms of a religious character occurred between the Jews in Palestine, the matter concerned the Jews alone — unless liberty of conscience were violated — and the Permanent Mandates Commission should only intervene, if the mandatory Power did not do so, in cases contemplated in the mandate itself. If this were understood, he had no difficulty in associating himself with the conclusions of Mrs. Wicksell.

The Commission adopted the report.

TWENTY-SIXTH MEETING

Held on Thursday, June 24th, 1926, at 10.30 a.m.

Chairman: The Marquis Theodoli.

595. Observations of the Commission on the Administration of the Cameroons under French Mandate.

The observations were adopted with certain amendments (Annex 9).

Liquor Traffic : Public Finance.

M. Merlin, referring to paragraph 3 (Liquor traffic) in which the Commission asked for a comparative table showing the imports under the various categories of spirituous liquors for the last five years, pointed out that Great Britain had refused to furnish such information, alleging that a procedure of this kind would be contrary to the Treaty of St. Germain. Nevertheless, since M. Marchand had undertaken to furnish this table, M. Merlin would not press the point.

Sir F. Lugard drew the attention of the Commission to the discussion which had taken place regarding the accumulation of surplus revenue for the construction of railways and other capital works. In his view the surplus due to direct taxation of the natives should be expended, as far as possible, in the development of those services which were of direct benefit to the natives (health services, education, administrative staff, etc.). The mandatory Power had embarked upon an extensive programme of public works the benefit from which would be largely enjoyed by future generations. It would seem, therefore, that such works ought to be financed by money obtained through a loan.
M. MERLIN pointed out that this observation applied to all budgets and that it was far less to the point as far as the Cameroons was concerned than with regard to any other mandated territory. Further, it was intended to discontinue the fulfilment of this programme as soon as the construction of the railway lines had been finished. One of the most sure and durable methods of improving public welfare was by multiplying the means of communication. If the Commission were to accept the views of Sir F. Lugard it should in any case reproduce them with regard to all the reports in order to show clearly that this principle did not apply exclusively to the Cameroons.

Sir F. LUGARD said that he would be content if his observation were inserted in the Minutes.

596. Observations of the Commission on the Administration of Togoland under French Mandate.

The observations were adopted with certain amendments (Annex 9).

Liquor Traffic.

M. MERLIN, in reply to a proposal of M. Freire d’Andrade regarding paragraph 3 (Liquor traffic), pointed out that an increase in the import of alcohol was to be noticed in all mandated territories and that in a certain number of them such an increase was proportionately far more considerable than in Togoland. This was a fact of great importance to which it was indispensable to refer in the various reports. He proposed that the second paragraph of this chapter should be drafted as follows:

"The Commission is happy to learn that the import duties will be still further increased with a view to restricting these imports. It welcomes any measure taken to combat alcoholism."

597. Preamble to the List of Questions which the Commission desires to see dealt with in the Annual Reports of Mandatory Powers.

This new text, amended by M. Van Rees and M. Rappard, was adopted:

"The attached document replaces the former questionnaires for B and C mandated territories (documents C. 396 and C. 397, 1921). It has been drawn up with a view to facilitating the preparation of the annual reports which, under the terms of Article 22 of the Covenant, mandatory Powers are required to furnish to the Council with regard to the territories for which they are responsible.

"The document indicates in the form of questions the principal points upon which the Permanent Mandates Commission desires that information should be given in the annual reports.

"Without asking that its questions should be necessarily reproduced in the reports, the Commission considers it desirable that the reports should be drawn up in accordance with the general plan of the questionnaire."


M. YAMANAKA said that after having heard the accredited representative he had nothing to add to his report.

Sir F. LUGARD thought that some further information might be furnished regarding the State lands in the southern part of Palestine.

The CHAIRMAN reminded the Commission that this question could not be settled as long as the general map and the land survey had not been completed. The mandatory Power, however, had undertaken to complete this task at a very near date.

TWENTY-SEVENTH MEETING

Held on Thursday, June 24th, 1926, at 3.30 p.m.

Chairman: The Marquis Theodoli.

Present: All the members of the Commission.


State Lands; Organisation of the Yishub.

M. FREIRE D’ANDRADE explained that among the questions raised by the petitioners he thought that there were two which the petitioners considered the most important: the question of the State lands and the question of the internal organisation of the Yishub.
In regard to the first question, it might be that the Beisan Agreement had been a somewhat imprudent arrangement as had been stated. The Commission had not yet received the text of this agreement, so that it could judge of its terms. But the Jews claimed that the Arabs would not be able to cultivate all the land which had been allotted to them. However this might be, the Commission was now in the presence of an accomplished fact, in regard to which there could be no further discussion. Moreover, as he stated in his report:

"If the Arab farmers have received larger plots than they can cultivate, it will be open to the Jewish organisations to acquire such surplus land, and the mandatory Power will certainly afford them every facility in accordance with the provisions of the mandate.

He would emphasise that it should be stated in the Minutes that the facilities to which he had wished to refer consisted in the fact that the mandatory Power should not distribute a large proportion of lands to the Arabs in such a way that when the survey was finished and it was proposed to settle the question of the establishment of the Jews in Palestine, there remained no more lands for them.

The Beisan Agreement should, moreover, according to the explanations given by the representative of the mandatory Power, be replaced on its expiry by another agreement, the provisions of which would certainly reflect the observations which he had just presented.

It was necessary, above all, in seeking a solution of the question of the internal organisation of the Yishub, to avoid, if possible, causing a schism between the various Jewish elements in Palestine, as this would render difficult the constitution of a Jewish national home.

The organisation to which allusion was made in Article 4 of the Mandate should represent the Jews of the whole world, at least politically and administratively, since, as regarded religious questions, there was hardly more than one point on which everyone might agree, which was that the freedom of conscience must be complete for all concerned.

Article 6 of the Mandate laid down that the Administration of Palestine should facilitate Jewish immigration under suitable conditions and should encourage, in co-operation with the Jewish Agency referred to in Article 4, close settlement by Jews on the land. It would therefore be inadmissible for communities like the Ashkenasic community or the Agudath Israel not to recognise, like the other Jews, the authority of the Zionist Organisation, which was the Jewish Organisation contemplated by Article 4 in agreement with which immigration should be facilitated. The chief thing he would emphasise again was to avoid any breach in the unity of the Yishub.

He would next draw the attention of the Commission to the fact that he had not submitted conclusions regarding the question of the internal organisation of the Yishub, which would be dealt with by Mrs. Wicksell. He had confined himself to expressing the opinion that if this question were settled, the question raised by the Waad Leumi could more easily be decided. In conclusion, he would draw attention to certain amendments of detail to be made in the document which he had submitted to the Commission.

The Chairman asked the members of the Commission whether they agreed with the conclusions presented by the Rapporteur.

Liberty of Conscience.

M. Van Rees said that he accepted all these conclusions except the following:

"In any case, provided that liberty of conscience is respected, the Permanent Mandates Commission would not appear to be competent to express an opinion with regard to the religious disagreements of any section of the Jewish community in Palestine. It is only called upon to intervene in the cases specified in the mandate."

M. Freire d'Andrade had no objection to removing this sentence from his report provided that mention was made in the Minutes of the declarations which he had submitted in regard to freedom of conscience.

The Commission decided to suppress the above sentences, in accordance with the suggestion of M. Van Rees.

Procedure.

A discussion ensued as to the manner in which the conclusions with regard to the petition of the Waad Leumi should be submitted to the Council.

M. Rappard proposed that the body of the report to the Council should contain only a list of the petitions. It would be indicated, by means of references, that each of the petitions had been dealt with in a special report, which would be annexed, and the conclusions of which had been approved by the Commission.

M. Catastini reminded the Commission, in this connection, that the Council had asked it to submit suggestions regarding the replies to be sent to petitioners. The Commission might propose to the Council that the memoranda prepared by the Rapporteur appointed to study each of the petitions, and which the Commission had approved, should be forwarded to the petitioners.

The Commission adopted the suggestions of M. Rappard and M. Catastini.

On the proposal of Sir F. Lugard, it decided to examine one by one the conclusions submitted by M. Freire d'Andrade, Rapporteur for the petition of the Waad Leumi.
Preamble.

The conclusions of the Rapporteur were adopted with slight amendments of form.

State Lands.

The conclusions of the Rapporteur were adopted with amendments of form.

Expenditure on Education.

M. Freire d'Andrade, replying to a question of the Chairman, said that in his opinion the petitioners were right. He read the following passage of his report, in which the same opinion was expressed:

"Although the mandatory Power has already explained, and with justice, that the grants made to the schools need not necessarily be proportionate to the numbers and taxes of any particular section of the population, it is none the less true that all the schools deserve the help of the Government to a greater or less degree in accordance with their needs and the resources of the Government."

The Commission adopted a text for this conclusion proposed by M. Orts.

Labour.

The Commission, after a short exchange of views, adopted the text of the conclusion relating to this section of the report.

Public Health.

M. Freire d'Andrade observed that by using the expression "is not required", the Commission would imply that from the legal point of view, and strictly speaking, the obligation to grant subsidies to the Jewish health services was not incumbent on the mandatory Power. The mandatory Power, however, was free to subsidise these services, and, if it did so, the Commission could only approve its action.

Industrial Development of the Country.

The Commission adopted with certain amendments of form the text of the conclusion submitted by the Rapporteur.

Public Safety.

In reply to a question from M. Rappard, M. Freire d'Andrade explained that it was of importance for the Arabs not to form too great a proportion of the gendarmerie corps of Palestine if this corps were to be used to secure the safety of the Jews. There was a risk indeed that in cases of riots the Arab gendarmes might join with their compatriots in attacking the Jews. He would point out that the presence of 100 Jews in a section of 475 gendarmes was not sufficient to guard against all possibility of surprise.

M. Orts concluded from this that it was principally on British troops that the authorities should rely for the maintenance of order. In this connection, he expressed the opinion that the attention of the mandatory Power should be drawn to the danger which might result from a too great reduction in the number of British troops in the territory.

M. Rappard thought that the mandatory Power would incur grave responsibility if it found itself one day faced with the impossibility of preventing a pogrom owing to insufficient troops. Its responsibility, indeed, would be shared by the Mandates Commission if that Commission had not pointed out this danger.

It was decided that the attention of the mandatory Power should be drawn in the report to the danger of not maintaining adequate local forces, both as regards their character and their number, in order to prevent trouble which might become a menace to any element whatever of the population. In agreement with the Rapporteur, the Commission thought that the complaints of the Waad Leumi concerning the recruiting of the police force were not justified.

Official Languages.

After a short exchange of views, the Commission drew up the text of its conclusion concerning this section of the report.

Local Government.

After a brief exchange of views, the Commission drew up the text of its conclusion concerning this section of the report.
Land Speculation.

M. Freire d'Andrade said that the Waad Leumi was making great efforts to cause speculation in land to disappear by means of a legislative provision by the terms of which any land-holder not cultivating his land for a certain number of years would have it withdrawn from his possession. A similar provision was to be found in the Ordinance of 1920 covering the transfer of land (Official Gazette, October 28th, 1920), which had been repealed a year after its promulgation. He was of opinion that the Waad Leumi was right in complaining of speculation, and to this extent its demands were justified. The Government, however, was not in a position to grant the Waad Leumi satisfaction, for M. Freire d'Andrade thought that in Palestine, as elsewhere, speculation could not be stopped by means of legislative provisions.

After a short exchange of views, the Commission adopted the text of its conclusion as submitted by M. Rappard.

Nationality.

M. Rappard said that he quite understood why Jewish immigrants complained of a provision according to which the High Commissioner could at any moment revoke the Palestinian nationality which they had acquired by paying a fee, and that they were right in considering that it had been definitely conferred upon them. It was true that only immigrants could be deprived of the act which conferred upon them the quality of citizenship. All the Zionists, however, were immigrants and, consequently, such a provision, even if it were never effectively applied, was scarcely of a nature to favour the "close settlement" of these immigrants in the country. He considered that when any request for naturalisation was received the authorities ought carefully to ascertain information on the moral qualities of the candidate. When the candidate was naturalised, when he had paid the fee required and when he had given up his former nationality it should not be possible, he thought, to deprive the person concerned of his new nationality. He thought it was contrary to public order to create "Heimatslos" in this manner.

M. Merlin pointed out that this procedure would scarcely interfere with the process of naturalisation, for it was only applied in the case of individuals guilty of seditious acts which candidates would certainly not commit at the moment when they applied for naturalisation.

M. Freire d'Andrade said that in Great Britain the provision in question was not considered as contrary to public order, for it was part of the legislation of the country. In Great Britain, the Home Secretary might revoke, in special cases, the grant of British citizenship given to a naturalised subject, without giving his reasons for such a course. The application of the law in such cases was the same in Great Britain as in Palestine, except that in the latter country Palestinian nationality could also be withdrawn from immigrants who did not observe an attitude of loyalty to the Government.

Sir F. Lugard thought that the provisions of the law went beyond the usual conditions under which a certificate of naturalisation could be revoked, since it was permissible for the High Commissioner to cancel a certificate if the person to whom it had been granted had "shown himself by act or speech disloyal to the Government of Palestine". Sir F. Lugard pointed out, however, that such revocation could only be made with the approval of the Secretary of State and that the enactment was not a local ordinance but an Order of the King in Council, drawn up, no doubt, by the highest legal authorities. If, therefore, the Commission had any doubts in the matter he would prefer that the British Government should be asked to give any additional information required.

M. Freire d'Andrade recalled that when the Council had confirmed the British mandate for Palestine the provision of British legislation in question had already been in force, and it must be assumed that the Council was familiar with it. On the other hand, it was laid down in Article 18 of the Palestine Mandate that: "subject as aforesaid, and to the other provisions of this mandate...the administration of Palestine may, on the advice of the Mandatory...take such steps as it may think best to promote the development of the natural resources of the country and to safeguard the interests of the population". The mandatory Power had therefore been right in promulgating a law concerning naturalisation if it had considered it necessary to do so.

M. Merlin added that it was necessary to adopt precautions regarding immigrants coming from countries such as Galicia, the civilisation of which was very much behind that of British civilisation.

Liberty of Conscience.

M. Rappard pointed out that of the three points of the petition under this heading, the first was particularly worthy of attention. In view of the imperative obligation laid on all Jews by their religion not to work on the Sabbath or on feast days, it could be asked whether the fact that the Administration did not recognise the Jewish Sabbath and feast days as holy days was not sufficient to prevent all Jewish candidates who were faithful to their religion, from obtaining posts under that Administration.
M. Merlin pointed out that, if the Palestine Administration decided to observe Jewish, Moslem and Christian feast days, the working week would be reduced to four days.

M. Freire d'Andrade thought that the obligation imposed by the Administration on its officials to work on the Sabbath and on feast days was against Article 23 of the Mandate which ordained that: "The Administration of Palestine shall recognise the holy days of the respective communities in Palestine as legal days of rest for the members of such communities".

Moreover, Sir Herbert Samuel had told the Commission two years ago that this provision would give rise to some difficulties, but that it was not impossible to carry it out.

M. Merlin thought that there was a difference between recognizing the holy days of the various communities and asking officials to work on these days. He explained that, the holy day of the Moslem being Friday, that of the Jew Saturday, and that of the Christian Sunday, it was impossible to observe all of these together.

After a short exchange of views, the Commission drew up the text of its conclusions concerning this section of the report. It requested M. Rappard to prepare, with the assistance of the Secretariat, the official draft of the text to be submitted to the Council.

600. Date of the Next Session of the Commission.

The Commission decided, in principle, to hold its next session from November 4th to 20th, 1926.

TWENTY-EIGHTH MEETING

Held on Friday, June 25th, 1926, at 10.30 a.m.

Chairman: The Marquis Theodoli.

Present: All the members of the Commission.


M. Palacios said that the hearing of Colonel Symes had not caused him to modify his report, in which he had confined himself to noting certain points.

He read the text of his conclusions, which were adopted with certain amendments (see Annex 9).

602. Observations of the Commission on the Administration of Tanganyika.

The observations of the Commission were adopted with certain amendments (see Annex 9).

TWENTY-NINTH MEETING

Held on Friday, June 25th, 1926, at 3 p.m.

Chairman: The Marquis Theodoli.

Present: All the members of the Commission.

603. Observations of the Commission on the Administration of Ruanda-Urundi.

The observations of the Commission were adopted with certain amendments (see Annex 9).


The draft report to the Council on the work of the Ninth Session was adopted with various amendments (Annex 9).

M. Rappard, referring to the following passage in the report: "for their full understanding (observations of the Commission on each mandated country) reference should be made to the Minutes of the meetings at which the questions concerning the different territories were discussed", reminded the Commission that the Minutes of its session at Rome contained a similar phrase. Those Minutes, however, seemed only to have been communicated to the
Governments concerned three months after the end of the session, since the members of the Commission had only received them just recently. It would be desirable, in order to clarify the report and in order that the members of the Council might obtain as accurate an idea as possible of the situation in mandated territories, that the publication of the Minutes of the proceedings of the Permanent Mandates Commission should not in future be so long delayed.

The Chairman said that all members of the Commission would agree with M. Rappard on this point.

405. Observations of the Commission on the Administration of Palestine.

The observations of the Commission were adopted with certain amendments (see Annex 9).

406. List of Documents to be annexed to the Minutes of the Ninth Session of the Commission.

The Commission decided to include the following documents as annexes to the Minutes of the Ninth Session, having obtained the agreement of their authors in all cases when the document consisted of an individual note or memorandum:

1. Agenda (in the form finally adopted by the Commission).
2. Note by Sir F. Lugard with regard to petitions.
4. Report by M. Freire d'Andrade on military recruiting.
5. Petitions concerning Palestine.

407. Postponement of certain Questions to the next Session of the Commission.

The Commission postponed to its next session consideration of the following questions:
(I) Questionnaire for Iraq; (2) Economic development of territories under mandate in relation to the well-being of the natives; (3) Interpretation of the stipulations of the "B" and "C" mandates concerning forced labour; (4) Substitutes for members of the Commission: Question of principle; (5) Procedure to be followed in the examination of annual reports. Allocation of chapters of the questionnaire to the different members of the Commission; (6) Definition of the terms concerning the liquor traffic which are found in the mandates (question referred to the Commission by the Council at its Session in June 1926.)

408. Close of the Session.

The Chairman thanked his colleagues and the Secretariat for the valuable aid which they had given him during the session.

M. Freire d'Andrade, speaking for the whole Commission, thanked the Chairman for the skill and impartiality with which he had presided over the discussions.
ANNEX 1.

AGENDA OF THE NINTH SESSION OF THE PERMANENT MANDATES COMMISSION

I. Opening of the Session.

II. Election of the Chairman and Vice-Chairman in accordance with Article 4 of the Rules of Procedure.

III. Examination of the Annual Reports of the Mandatory Powers:

- Iraq: (a) Report 1923-1924.
  (b) Report 1925.
  (c) Letter and Memorandum, dated March 2nd, 1926, from the British Government on the Administration of the Kurdish Districts of Iraq.

- Palestine and Transjordan, Report 1925.
- Syria, Final Report 1925.
- Tanganyika, Report 1925.
- Ruanda-Urundi, Report 1925.
- French Cameroons, Report 1925.
- French Togoland, Report 1925.

IV. Petitions:

- Palestine: (a) Communication from the Executive Committee of the Palestine Arab Congress, dated April 8th, 1925. Rapporteur: M. PALACIOS.
  (b) Memorandum of the Organisation Agudath Israel, transmitted to the Commission on October 20th, 1925. Rapporteur: Mrs. WICKSELL.

- Syria: Various petitions, especially from the Syro-Palestine Congress, Cairo.

V. Questionnaires:

- (a) Revised Questionnaires for B and C Mandates. Rapporteur: M. ORTS.
- (b) Questionnaire for Iraq. Rapporteur: M. ORTS.

VI. General Questions:

1. Economic Development of Territories under Mandate in relation to the Well-being of the Natives.
   Memoranda by Sir F. Lugard and M. Freire d'Andrade. Rapporteur: M. ORTS.
2. Interpretation of the Provisions concerning Forced Labour in the B and C Mandates.
   Note by M. Van Rees. Rapporteur: Mr. GRIMSHAW.
   Note by M. Van Rees. Rapporteur: M. FREIRE D'ANDRADE.
   Rapporteur: Professor RAPPARD.

* Note by the Secretariat. — The agenda as given above was drawn up by the Chairman of the Commission in accordance with Rule 6 of the Rules of Procedure. It was approved by the Commission, with certain modifications, at the first meeting of the session.

6. Procedure to be followed in the Examination of Annual Reports. Note by the Marquis Theodoli relating to the Allocation of Chapters of the Questionnaire to the Different Members of the Commission. Rapporteur: Professor Rappard.

ANNEX 2.

PROCEDURE WITH REGARD TO MEMORIALS OR PETITIONS.

Note by Sir F. Lugard.

I.

1. A mandated territory, as all the world knows, differs from a colony or protectorate in that the mandatory Power is bound to administer the country in strict accordance with the terms of the mandate and to render an annual report of its administration. But there is also a second difference on which writers on the mandate system have laid much emphasis, viz., the right of the inhabitants to petition the League of Nations if they consider that the Mandatory has in any way violated or neglected its pledge.

2. This right is a matter of such fundamental importance that it is surprising that, in the report of the Council to the Assembly on the "responsibilities of the League arising out of Article 22 (Mandates)" (No. 161), the Constitution of the Mandates Commission, which was approved on December 12th, 1920, contains no allusion whatever to petitions, though it deals in detail with questions of competence and of procedure.

3. It is a significant fact that in every single session of the Commission, from the first, held in October 1921, to the eighth, held in February 1926, a discussion has arisen on this subject, in several instances occupying the whole or the greater part of a meeting.

At the second session (August 1922), Mr. Ormsby-Gore, at that time the British member, presented a memorandum, dated July 24th, from the British Government on this subject. This document was circulated to the Council as C.485.1922.VI by the Secretary-General, and in September the Council forwarded it to the Permanent Mandates Commission with a request for the views of the Commission. These views were ascertained by correspondence and embodied in a letter from the President of the Commission, together with a draft of proposed rules. The draft was fully discussed by the Rapporteur to the Council, and the rules, with some small alterations, were adopted by the Council on January 31st, 1923 (C.41.1923.VI./C.P.M.38). The general Rules of Procedure for the Commission, which were originally adopted by the Council on January 10th, 1922, were amended by the Council on December 12th, 1923, at the suggestion of the Commission, and printed in amended form in document C.P.M.8.(1), but the Rules of Procedure with regard to petitions, which were adopted by the Council on January 31st, 1923, have never been printed with these general rules.

4. In the discussions which have since taken place, various "interpretations" of these rules have been recorded.

In the fourth session, I submitted a memorandum (see Minutes of the Fourth Session, page 179), in which I maintained that the Permanent Mandates Commission was not a court of appeal, and should not accept any petition which had already been or could be dealt with by the local courts. It can neither, on the one hand, examine witnesses or verify statements made, nor has it, on the other hand, the legal competence or authority to decide whether a case has been properly tried by a local court, possibly the highest court of the territory. Its function, I urged, was to deal only with petitions "which could not be dealt with by the local courts, and refer to matters of policy, or of administration, or executive action on the part of local officials or of the Mandatory in regard to which the petitioner has no means of redress". The petitions then under discussion were dealt with on the lines suggested, but

1 For instance, a petitioner or memorialist might allege that, contrary to the mandate and to the Convention of St. Germain, the mandatory Power had authorised the importation of "trade spirits", or had authorised the entry of goods into a prohibited zone contrary to the Brussels Act. Or, again, he might allege that the Mandatory was allowing private firms to employ forced labour. Or he might allege that, without the sanction of any local law, he had been expropriated from his land without compensation. In all such cases, he could not obtain a hearing in a local court, and under existing regulations he would be entitled to appeal through the Mandatory to the Council of the League.
it was not till a year later (sixth session, July 1925) that these principles were formally accepted and embodied in a memorandum by Professor Rappard, with some amendments and additions (Annex 9, page 169). I am of opinion that more publicity should be given to this “interpretation” in order that petitioners may know clearly on what class of subjects petitions are possible.

5. Meanwhile, in the fourth session, the question was raised, and left undecided, whether petitions should or should not be examined in the presence of the accredited representative. It was, however, decided that petitions or memorials should not be attached to the Minutes of the proceedings (Annex 9, page 169). If, on the other hand, their number should be allowed to appear in person or by proxy in support of their case. The question was deferred.

6. In the course of the fifth session, it was decided that the term “petition” should be regarded as including all memorials and other communications.

It was also agreed that, while the Permanent Mandates Commission could only record its views and recommendations to the Council, it was permissible to request the Council to convey to the mandatory Power any suggestion which the Commission might desire to make either to the Mandatory or to the petitioners.

7. In the course of the sixth session (July 1925), a question arose as to whether the Rapporteur’s report should be published; it was apparently agreed that it should be optional to himself whether it was published or not.

8. In the seventh and again in the eighth session, the question of audience to a petitioner was revived. In both cases, audience was refused, not as a general principle but in the special circumstances of the case, and it was agreed that the President or any member was at liberty to interview petitioners in a quasi-unofficial capacity. At this session, the possibility of the Permanent Mandates Commission, or a Sub-Committee, personally visiting a mandated territory to enquire into the grievances of petitioners was debated at great length. I expressed the emphatic view that such a course was impracticable and that the utmost the Commission could do would be to recommend the Council to send a commission of enquiry.

9. As regards the procedure, under Rule 3 of the Rules of Procedure adopted by the Council on January 31st, 1923, it was decided at the seventh session that the President should use his discretion in regard to petitions received between sessions, and should forward to the Mandatory those which had been received otherwise than through it, if they appeared to him to be concerned with the execution or interpretation of the mandate. If, however, they were clearly incompatible with the mandate, or were anonymous, or merely duplications of others already received, they would be set aside, the petitioners would be informed of the reason, and the President would report his action to the Commission at its next session. Finally, the Council was requested to ask mandatory Powers, when forwarding any memorial or petition, to indicate their assent or dissent, and the reasons for it.

I suggest that these various decisions should be clearly set forth, together with Annex 9 to the Minutes of the sixth session, and printed together with the rules approved by the Council, for easy reference.

II.

10. There remains for discussion the important question whether petitioners or memorialists should in any circumstances be granted audience. At the eighth session, I expressed the view, in which I think several of my colleagues concurred, that not only could I see no objection in principle to this course but I found it difficult to reconcile an attitude of complete impartiality with a denial of audience to a petitioner while hearing the representative of the Mandatory, unless there were special reasons for the denial, as, for instance, in the Syrian case, when the allegations had already been exhaustively examined.

11. Before coming to a conclusion in this matter, there are two aspects which appear to me to demand consideration:

   (a) The petitions so far received have in many cases been left to the end of the session and have hardly received adequate attention, owing to the heavy work devolving upon the Commission. If, in future, they receive the full and detailed examination which they merit, it is probable that their number will increase. They will include difficult technical questions from the A Mandates, and it may be expected that, with the progress of education, the wider knowledge of the right to petition, and the greater publicity given to the proceedings of the Commission, the populations of the territories under B and C Mandates will increasingly avail themselves of this right. If, moreover, the right of audience is at least in some cases conceded, and memorialists cross-examine the representative, much time will be taken and a heavy additional task will be imposed upon the Commission.
The second consideration is of a different nature. Fears have been expressed lest his right of petition should create in the minds of the people the idea that the mandatory power is subordinate to the League, which can overrule its decisions and set aside the reply which it may have already given to the petitioners. Such an idea would be fatal to the authority of the Mandatory. Agitators seeking notoriety would endeavour to use this right of petition in order to embarrass the Mandatory. It is argued that, when the right of petition is more fully known to the inhabitants in B and C mandated territories, it will be more extensively used of, and mandated territories may become centres of agitation against constituted authority, and possibly of racial antagonism, and so prove a danger to and a cause of unrest in adjoining territories. This danger has, of course, been foreseen, and it was for this reason that submission through the Mandatory has always been insisted on in the case of inhabitants. In the other hand, I submit that, so long as the right of petition or memorial exists, it should not be concealed but made widely known, and at the same time the conditions should be equally made known. This will save disappointment to the petitioners, and much time and trouble to the Commission.

12. If audience is granted to any petitioner or memorialist, it is in order that he may oppose his own version of the circumstances to that of the accredited representative, and perhaps inform the latter of matters within his knowledge which invite further investigation. He should therefore be heard in the presence of the representative and allowed to question him. How far a verbatim record of such a discussion should appear in the Minutes it will be for the Commission to decide in each case; probably a brief summary will suffice.

13. On the other hand, if the Permanent Mandates Commission decides that a memorial contains only general allegations, which can be adequately dealt with without the presence and oral evidence of the petitioners before the Commission, there would be no objection to the Chairman or any member giving a private interview to them, provided that it is clearly understood that the member is acting in his private capacity and that no communication is made to the Press.

14. My conclusions are therefore as follows:

(a) Petitions from inhabitants received through the Mandatory and such petitions and memorials from other persons as have been judged worthy of acceptance and sent to the Mandatory for observations should be referred to a Sub-Committee of three members for report. A hasty examination at the close of the session on the views of a single Rapporteur is not an adequate method of disposing of them. They should be circulated in both languages.

(b) The right of petition should be made fully known, as also the method of procedure and the other conditions.

(c) The Sub-Committee (which might, if necessary, meet at Geneva a day before the session opens) will report whether the petition or memorial contains only allegations of a general nature or any specific accusations; whether the petitioners ask for audience, and whether, in that case, it should be granted; and whether the matter can be dealt with adequately by questions put to the accredited representative or otherwise.

(d) Unless in any particular case it should be decided otherwise, petitions and memorials will not be printed in extenso in the Minutes. Under Rule 5 of the Rules of Procedure adopted by the Council on January 31st, 1923, it is the function of the Council and not of the Permanent Mandates Commission to decide what reply shall be sent to the petition or memorial which is addressed to the Council.

15. The object in view in these suggestions is as follows:

Voluminous memorials calling in question the whole policy of the Mandatory, such as those received from Syria and Palestine and South-West Africa, will receive adequate attention during the discussion of the report, and it will rest primarily with the members of the Sub-Committee which has studied it to ask, under the appropriate head of the questionnaire, such questions as may be suggested to them by the memorial and the observations upon it of the Mandatory. Memorials of this class from societies interested in native welfare, though often based on inaccurate data and with insufficient knowledge of local conditions, constitute almost the only information, other than the Mandatory's report, at the disposal of the Commission and enable it to bring complaints to the notice of the representative and afford to him an opportunity of dealing with baseless allegations. In the case of Syria, it was admitted that the people, long accustomed to Turkish rule, were afraid to make complaints themselves.

16. On the other hand, while those who have genuine cause for submitting a petition will receive satisfaction, agitators who seek notoriety and self-advertisement will find that they do not succeed in their object. This procedure will, I think, disarm the fears to which
I have alluded. The right of petition through the Mandatory does not in fact exceed the right which exists in every British colony to petition the Secretary of State through the Governor.

17. I have touched in paragraph 11 on the additional work which will be thrown upon the Mandates Commission if petitions and memorials receive the full examination to which they are entitled, and especially if the right of audience is conceded. This raises a larger issue, which is inseparable from the consideration of this question, viz., the amount of work devolving upon the Commission. The Permanent Mandates Commission has no desire to aggrandise its rôle or to assume functions larger than were originally intended, as might perhaps be inferred from certain observations in the last session of the Council. It is simply a matter of conscience. Its members have accepted the task, as the instrument of the League, of seeing that the administration of fourteen different countries is carried out in accordance with their mandates and in the spirit of the Covenant. This involves a study of fourteen annual reports, with pertinent papers (parliamentary debates, Press articles, gazettes and laws, etc.), examination of memorials and petitions, and, in addition, various questions of the first importance in regard to the working of the mandate system itself. It is probable, as the President has remarked, that three sessions (each of three weeks) will be necessary in this and succeeding years. It has become increasingly difficult to discharge this task conscientiously in addition to other work and duties.

This memorandum is concerned with the question of memorials and petitions and not with the constitution and work of the Permanent Mandates Commission, to which allusion is only made in so far as it is necessary for the Council to be fully cognisant of all the facts when forming a decision on the subject of petitions.

ANNEX 3.

THE HEARING OF PETITIONERS.

Note by Professor Rappard.

The embarrassing question of procedure in regard to petitions has once again engaged the attention of the Permanent Mandates Commission. While the provisions laying down this procedure, as approved by the Council, do not rule out the possibility of petitioners being heard by the Commission, they do not expressly provide for such a step. Hitherto, the Commission, acting in the spirit of these provisions, has refused to hear petitioners desirous of submitting their grievances orally. It considered that the Council, when it provided that no petition should be examined until the mandatory Power concerned had had an opportunity of appending its observations, seemed to have ruled out by implication the possibility of any direct discussion between the Commission and petitioners.

The Commission is in full agreement with the views which dictated the Council's decisions in this matter. The experience of the last few years has, however, shown that, in certain exceptional cases, the procedure laid down might not give full effect to the intentions of the Council, which desires that any complaints made to the Commission should be thoroughly and impartially considered.

When a case of this kind is brought before the Commission, the latter, in accordance with the procedure in force, examines it in the light of the observations made by the mandatory Power and sometimes of the declarations of the accredited representative. Though the members of the Commission have the most absolute confidence in the goodwill of all the mandatory Powers, they are bound at times to feel a certain uneasiness in simply rejecting petitions on the observations of the State against whose action these petitions are directed.

I feel that, in order to guard the League of Nations against the charge of apparent partiality, which might in certain cases be brought on account of this somewhat one-sided procedure, and to dispel genuine misunderstandings which might not be removed by this procedure, it would perhaps be desirable to consider its improvement.

At the same time, my colleagues are as fully aware as I am of all the drawbacks, and even dangers, involved in the adoption of new rules, which ill-disposed or merely ill-informed persons might regard as an encouragement to recrimination. The chief desire of the Commission is to do nothing which might add unnecessarily to the heavy burden of the mandatory Powers. It is indeed specially well placed to understand the conscientious manner in which these Powers administer, on behalf of the League of Nations, the territories entrusted to their care. At the same time, the Commission will be readily excused if it does not desire to add still further to its own exacting work.
To allay certain conscientious scruples felt by some of its members, and to reconcile their duty to observe impartiality and their earnest desire to obviate an increase in the number of petitions, the Commission might submit the following suggestion for the consideration of the Council:

The rules now in force would remain untouched. If, however, by the time the procedure had followed its normal course the Commission were still unable to form a clear, definite and final opinion on the merits of a petition, and if, on being informed of its conclusions, the petitioner should return to the attack and request the privilege of a hearing by the Commission, the latter might take such request into consideration. It would be a condition that the second petition should be transmitted to the Commission through the same channel as the first and not be considered by the Commission until the mandatory Power had had every opportunity of expressing its views on the request.

In that case, after further careful examination of that reasoned request, the Commission might consider what action to take upon it. If the Commission considered that an interview with the petitioners would be genuinely likely to clear up a situation which would otherwise remain obscure, it could then decide to give the petitioners a hearing. The mandatory Power would be notified of its decision in time for its accredited representative to attend the hearing of the petitioners if his Government should think his attendance desirable. It would be understood that the Commission would under no circumstances have any official interview with the petitioners in the absence of the accredited representative of the mandatory Power, unless it had first received an assurance that the mandatory Power preferred not to be represented at such an interview.

It would also, of course, be understood that the new procedure could only apply to such petitions as were held to be receivable under the present rules. Any grievances and recriminations in regard to questions not connected with the execution of the mandate, the terms of which have been laid down by the Council itself, would be excluded at the outset.

Delicate as the subject of this suggestion is, and although the proposed new procedure would necessarily — and very fortunately — be seldom resorted to, in certain exceptional circumstances its adoption might perhaps dispel regrettable misunderstandings. So far from increasing the difficulty of the work of the mandatory Powers, the suggested procedure might even render it easier.

ANNEX 4.

MILITARY ORGANISATION OF TERRITORIES UNDER B AND C MANDATE

Report by M. Freire d'Andrade.

In his memorandum (Annex 4e to the Minutes of the Seventh Session), M. Van Rees carefully explained the provisions of the Covenant and the mandates relating to military questions, and deduced very clearly their possible consequences.

As regards fortifications and military or naval bases, the position is quite clear; the mandatory Power may not establish any military or naval bases nor erect any fortifications in the mandated territory.

As regards the military organisation of a mandated territory, however, Article 22 of the Covenant is not clear and the mandates themselves do not make interpretation easy; nevertheless, the mandates for Togoland and the Cameroons (B Mandates), which have been given to France, and those given to Australia, New Zealand and Japan (C Mandates), contain certain indications as to how the Council of the League of Nations interprets Article 22. This article prohibits the military training of natives for other than police purposes and the defence of territory.

The defence of a territory can be carried on outside the territory itself. In the Great War, for instance, the French troops fought in Belgium in defence of French territory. If Tanganyika, for example, were attacked by one of its neighbours, the defending troops might carry the war into that neighbour's territory in order to force the latter to make peace; by so doing, it would still be defending its own territory. It would be absurd to interpret the mandate to mean that troops levied for purposes of defence must stop at the frontier without attempting to bring the campaign to a decisive issue.

It was certainly considerations such as these which led the Council — at the request, no doubt, of the Power to which the mandates for Togoland and the Cameroons were entrusted — to add the following interpretative passage in these mandates:

"It is understood, however, that the troops thus raised may, in the event of a general war, be utilised to repel an attack or for defence of the territory outside that subject to the mandate."

It is true that the term "general war" still requires to be interpreted. What do these words mean? From the Mandatory's point of view, a general war would appear to mean one in which it is called upon to engage all its forces. If France wages war in Morocco, for
example, that cannot be regarded as a general war; but the late war, in which France had to
mobilise all her soldiers and defend herself by every means at her disposal, was beyond doubt
a general war.

The term "defence of territory" used in Article 22 of the Covenant does not therefore
preclude the employment of native troops outside the territory in question. That, at any
rate, is how the Council interpreted this article when it drafted the French mandates for Togo-
land and the Cameroons.

The Council could not authorise what Article 22 does not permit. It could give an inter-
pretation of the article, however, just as it could restrict the powers granted by the Covenant
to the Mandatory if it thought this necessary to safeguard the mandate. It cannot go fur-
ther; but it can act within the powers granted by Article 22, since the mandate may be
regarded as a contract between the League of Nations and the Mandatory to administer the
territory on its behalf.

Acting on these principles, the Council of the League has laid down that, in the case of
C Mandates, the troops organised by the Mandatory can only be employed for the local defence
of the mandated territory. They cannot, for instance, be used by the Mandatory for defen-
sive action at a distance, that is to say, outside the territory. This contention is borne out
by the fact that the Council has not imposed the restriction as to "local defence" in the case
of B Mandates.

What I have stated above may be summarised as follows:

1. In interpreting the Covenant, primary consideration must be given to the actual
text; other methods of interpretation should only be employed when its meaning is not
clear.

2. The Council has no power to allow what is forbidden by the Covenant, but it
competent to interpret it.

3. When granting a mandate, it is entitled to impose upon the mandatory Power
stricter conditions than those provided in the Covenant itself.

Accordingly, my first step was to see what are the provisions of Article 22 of the Covenant
relating to military organisation, and then, whenever doubtful points arose, I proceeded to
ascertain how they had been interpreted by the competent organ.

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The next question is: What troops can the Mandatory organise?

As M. Van Rees states in his memorandum, the Covenant imposes a definite restriction
upon the mandatory Power in regard to the military training of natives. The Mandatory
must only train the native military forces necessary for police purposes and the defence
of the territory, and thus, according to the Council's interpretation, as shown in the mandates,
it can only organise native military forces for that purpose. It should be noted that, whereas
Article 22 of the Covenant uses the term "military training", that employed in the mandate
is "military organisation".

I can see only one way of complying with the restriction, namely, to provide that the man-
datory Power cannot organise native military forces in excess of those required for police purposes
and for the local defence of the mandated territory. In this way, the terms of the mandates can
be brought into line with the stipulations of the Covenant.

As M. Van Rees states in his memorandum, the Covenant authorises the Mandatory
to organise native forces for purely defensive purposes against any enemies who may attack
the territory—a stipulation which sets considerable limits to such authorisation. The Man-
dates Commission must therefore ascertain what are the possibilities of attack and whether the
forces organised by the Mandatory exceed the requirements of defence, bearing in mind, of
course—as M. Van Rees says—that any general organisation, such as, for instance, conscrip-
tion or unlimited voluntary enlistment, would be contrary both to the letter and the
spirit of the Covenant.

The next question is: What troops may the Mandatory use for the purpose of defending
the territory at a distance? The answer is given in the terms of the French mandates for
Togoland and the Cameroons; it is "the troops thus raised", i.e., troops raised under the
restrictive conditions imposed by the Covenant and the mandates. In the event of war
with another Power, the Mandatory has no right to take the inhabitants of the mandated
territory and incorporate them in its own armed forces; it can only use the forces already
organised in the territory in order to help to defend that territory at a distance.

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The conclusions which may be drawn from the above considerations are as follows:

I. The Mandatory cannot establish any naval or military base or erect any fortifi-
cations in the mandated territory.

II. The Mandatory may not train or organise any native forces except such as are neces-
sary for police purposes and for the local defence of the territory.
III. It is the duty of the Permanent Mandates Commission to consider the conditions of military training and organisation introduced by the Mandatory and, if it considers such training or organisation inadequate or excessive, to inform the Council.

IV. The Mandatory has the right to employ the native military forces thus organised for the purpose of defending the mandated territory at a distance in the case of B Mandates, but it cannot do so in the case of C Mandates.

ANNEX 5.

MEMORIAL

IN SUPPORT OF THE VAAD HA'IR ASHKENAZI OF JERUSALEM, SUBMITTED BY THE AGUDATH ISRAEL TO THE PRESIDENT AND MEMBERS OF THE PERMANENT MANDATES COMMISSION.

[Translation.]

Vienna, October 11th, 1925.

The Permanent Mandates Commission of the League of Nations having received a petition from the Vaad Ha'ir Ashkenazi of Jerusalem, in which reference is made to the counter draft of a Statute for the Palestine Jews submitted by the Agudath Israel (the Israel group), the latter ventures to submit to the Mandates Commission some additional information on the object of this petition.

The Agudath Israel represents, as you know, the great majority of strictly traditionalist Jews throughout the world.

The need for thus grouping all Jews firmly attached to their religious traditions in a universal organisation arose when — by the creation of the Zionist Organisation — it became clear that there was a tendency to include all Jews in a great association of an exclusively political character. This tendency has constantly developed.

The great spiritual leaders of Judaism realised that such a tendency constituted a great danger for the Jewish religion; it was on their initiative that the Agudath Israel was founded in 1912. Its definite constitution was, however, impeded by the war, and only in 1923, when the first Guenocla Guedolah (Grand Assembly) met, was it possible to draw up the final Statute.

The Agudath Israel regards the integral observance of the Jewish Law as the first duty of universal Judaism, and is therefore opposed to the Zionist programme, which is based solely on a nationalist conception of the Jewish community, religion being regarded as a private and individual concern.

Naturally, the contrast between these two points of view has become particularly marked in the Holy Land. It is this division of opinion which explains the deep-rooted causes of the dispute now calling for your attention.

The Vaad Ha'ir Ashkenazi (Council of the Israelites of the Western Rite) represents a community of 1,600 families which punctiliously recognises the authority of the Jewish Law; its administration is therefore only entrusted to persons who both in private and public life have remained faithful to this principle.

The community is therefore adversely affected, as regards its freedom of conscience and worship, by the fact that it has been constrained to join the Vaad Leumi (National Council), a Council which, as its political and religious powers and duties are inextricably interwoven, might quite well subordinate religious principles to the influence and weight of purely political factors.

The complaint of the Vaad Ha'ir Ashkenazi is based on two facts:

(a) The fact that it has been deprived of its rights and independence as a result of a measure adopted by the Palestine Administration, and still in force.

As this measure is purely administrative, the fate of the present petition, which is directed against it, cannot be made to depend on the question of the draft law referred to below under (b).

It should also be observed that, before the constitution of the Vaad Leumi, or its local representation, the Vaad Ha'ir Ashkenazi was in uncontested possession of the rights of which it was deprived later.

(b) The draft law published by the Palestine Government, which renders impossible the creation of a religious community independent of that represented by the Vaad Leumi.

Although, according to trustworthy information, this draft law has been abandoned, justifiable fears are entertained lest the new draft law which is now being prepared may adhere to the principle of the unity of the Jewish religious community and may thus, contrary to the most elementary rights of the freedom of conscience and worship, abolish the right
to found independent religious communities. It is clear that a clause under which any individual may leave the general organisation of the Palestine Jews cannot in any way be compensation for the freedom, which every religious community should be able to claim, to exist as an independent community. To meet the needs of his religious life, the individual cannot dispense with the existence of a community of co-religionists to which he can belong.

During the negotiations which recently took place between the Zionist Organisation and the Agudath Israel concerning the draft law which has since been abandoned by the British Government, it became clear that that Organisation was not at all disposed to recognise the right, which we claim with all the energy at our command, of forming religious communities independent of itself.

If such a standpoint were admitted, a considerable portion of the Jews in Palestine would be deprived of the freedom which they enjoy elsewhere without controversy.

The Agudath Israel can have no reason to oppose a single Ordinance governing the relations of all the Palestine Jews with the State or the communes if the ordinance in question merely refers to political and economic interests; but it must energetically protest against any suggestion of entrusting to an organisation such as the Vaad Leumi — the competence of which should be limited to political and economic questions — the power of organising and administering purely religious communities such as the Vaad Ha'ir Ashkenazi. We are convinced that, so long as the obligation to obey the Jewish Law has not been universally recognised by the Jews, infringement of freedom of conscience can only be avoided by the formal recognition of the absolute rights of religious communities — we mean, of course, purely religious communities without any political aims or tendencies — freely to constitute themselves as separate bodies.

Freedom of conscience being thus guaranteed by the authority of the mandatory Power and the Permanent Mandates Commission, the way will be open for the formation, by free and mutual consent, of "mixed commissions", which would consist of delegates of the various religious communities and would watch over their political and economic interests.

Confident in your high sense of justice, we have the honour, Gentlemen, to be:

For the Political Commission:
(Signed) E. Weill,
Grand Rabbi of Colmar and the Upper Rhine,
Member of the Political Commission.

For the Grand Rabbinical Council:
(Signed) J. Fürst,
Grand Rabbi in Vienna, Member of the
Grand Rabbinical Council.

For the Central Committee:
(Signed) Dr. T. Lewenstein,
Grand Rabbi at Zurich, Member of the
Central Committee.

For the Governing Committee:
(Signed) Dr. P. Kohn,
Chairman,
Vienna, 12, Leopoldgasse.

C.P.M. 400.

ANNEX 5a.

OBSERVATIONS OF THE BRITISH GOVERNMENT ON THE MEMORANDUM FROM THE AGUDATH ISRAEL.

Letter from the British Government to the Secretary-General of the League.

London, February 10th, 1926.

With reference to my letter of October 31st last, I am directed by Secretary Sir Austen Chamberlain to inform you that the memorial submitted to the Permanent Mandates Commission by the Agudath Israel has engaged the attention of His Majesty's Government. A commentary containing the views of His Majesty's Government on that memorial has now been prepared, and three copies are enclosed herein for transmission to the Permanent Mandates Commission.

2. The memorial was addressed to the Commission in support of a petition from Vaad Ha'ir Ashkenazi of Jerusalem, which the Commission considered during its seventh session. The Commission showed some disposition to criticise the manner in which they thought that the
Ashkenazi community had been treated, and in particular recommended to the Council of the League that His Majesty's Government should be asked to supply further information as to several complaints made by the Vaad Ha'ir Ashkenazi. The Council endorsed this request by a resolution passed on December 9th last (League document No.C.743 (1), 1925.VI). His Majesty's Government have no taken steps to comply with the requests made by the Commission; and as soon as the necessary material is received, a further commentary on the Ashkenazi petition will be prepared and forwarded to you.

(Signed) Lancelot Oliphant.

COMMENTS BY HIS MAJESTY'S GOVERNMENT ON THE MEMORIAL SUBMITTED TO THE PERMANENT MANDATES COMMISSION BY THE AGUDATH ISRAEL.

The memorialists claim that the Vaad Ha'ir Ashkenazi (Ashkenazi Town Council) represents a community of 1,600 families. If this claim is accepted, the section may be regarded as numbering not more than about 6,000 persons, whereas the total Jewish population of Palestine is about 140,000. The Jewish population of Jerusalem alone numbers about 12,000 persons, of whom 22,000 are Ashkenazic, and the remainder Sephardic Jews.

In order to deal with the allegations made in the memorial, it is necessary to examine the organisation of the Jewish population in Palestine: (i) under the Ottoman regime; (ii) under the British Military Administration; and (iii) since the establishment of civil government.

Under the Ottoman regime, that population fell into two main divisions—the Sephardic or Eastern, and the Ashkenazic or Western Jews. The Ottoman Government recognised as a regular community only those Jews who were Ottoman subjects. These were mostly Sephardic Jews. The Ottoman Government did not officially recognise either the Vaad Ha'ir Ashkenazi or any other group of Ashkenazic Jews, and the single religious Head of the officially recognised community was a Haham Bashi, or Chief Rabbi, who was always a Sephardic Jew.

Under the British Military Administration, the Jewish community in Jerusalem was not regularly organised. It comprised a number of congregations, each with its own religious head—a self-styled Chief Rabbi. The Vaad Ha'ir Ashkenazi was accepted as the representative committee of a particular congregation, and, having been registered as a society under the Ottoman Law of Associations, it received and continues to receive undefined recognition as such.

After the establishment of the Civil Government, the Jewish population proceeded to organise itself throughout Palestine both in religious and lay matters. A Rabbinical Council was elected in February 1921 by an assembly composed of Rabbis and laymen in the proportion two to one. The Council consists of one Sephardic and one Ashkenazic Chief Rabbi and three Rabbis of each section. A public notice published in the Official Gazette of the Government of Palestine dated April 1st, 1921, declared:

"The Government of Palestine will recognise the Council and any Beth Din sanctioned by it as the sole authorities in matters of Jewish Law. It will execute through the Civil Courts judgments given by the Beth Din of the Council in first instance or on appeal as well as the judgments given by any Beth Din in Palestine sanctioned by the Council.

"The appointment of Haham Bashi no longer exists in Palestine; and no person is recognised by the Government as a Chief Rabbi of Palestine except the Rabbis elected by the Assembly."

The Vaad Ha'ir Ashkenazi had no religious tribunal of its own under the Ottoman regime, and therefore there could be no question of recognising any separate religious tribunal of this section of the community under the Palestine Order in Council 1922, by Article 51 of which only those courts of the religious communities established, and exercising jurisdiction at the date of the Order, could be recognised.

As regards the lay organisation of the community, an elected Assembly was constituted in 1921 representing the Jewish population and chosen in secret ballot by the votes of adult Jews. The elected Assembly appoints an Executive Committee, known as the Vaad Leumi (National Council), which is referred to in the memorial. That Committee is officially recognised as the spokesman of the Jewish population of Palestine and is received by the Government for the discussion of matters concerning internal Jewish affairs. It may be of interest to the Mandates Commission to learn that, at the elections of the elected Assembly held in December 1925, there was a total poll of about 35,000 votes, of which more than half was cast by Orthodox (i.e., observant) Jews.

In addition to the central Council (Vaad Leumi), there is, as part of the present organisation of the Jewish population, a local committee in each town, known as the Vaad Ha'ir (City Council), which is officially recognised by the local administration. The Vaad Ha'ir in Jerusalem represents the great majority of Ashkenazic Jews in that city as well as all the Sephardic section.

After the election of the Rabbinical Council and the Vaad Leumi, the Vaad Ha'ir Ashkenazi, which had refused to take part in those elections, applied to the Government of Palestine...
for official recognition as a separate community. It was informed that, while there would be no interference with its existence as a separate congregation, it could not be recognized as a separate community or be given any official communal status. A similar reply was given to another group, still smaller in numbers, which likewise applied for recognition as an independent Jewish community. The position, therefore, is that there was no deprivation of rights or privileges previously enjoyed by the Ashkenazi Vaad but only a refusal to grant a new right, namely, the right to be constituted as a separate community with all its attendant powers and attributes. In the opinion of His Majesty’s Government, it can scarcely be contended that the denial of this right involved any interference with freedom of conscience and of worship.

The allegation of the Agudath Israel that the members of the Ashkenazi Vaad have been constrained to submit themselves to the National Council (Vaad Leumi) of the recognized community appears to His Majesty’s Government to be without substance. The High Commissioner for Palestine has recently reported that, so far as he can judge, there has been no compulsion hitherto, and it is not intended that any regulations which may hereafter be framed for the organisation of the Jewish community in Palestine should make it compulsory for any individual or congregation to come under the control of the National Council.

The memorialists are incorrect in stating that the project of any law or regulation has been published by the Government of Palestine which deals with the organisation of the Jewish community or which renders impossible the creation of a religious community independent of the community represented by the Vaad Leumi. The actual position is that an Ordinance will shortly be published dealing with the organisation of religious communities in general, and that regulations to be issued under that Ordinance for the organisation of the Jewish Community have for some time past been, and still are, receiving the consideration of the Government of Palestine and of His Majesty’s Government.

The matter is one in which His Majesty’s Government intend to proceed with the utmost caution.

London, January 29th, 1926.

ANNEX 6.

DEVELOPMENT OF THE JEWISH NATIONAL HOME IN PALESTINE.

Letter from the Executive of the Zionist Organisation to the High Commissioner for Palestine.


My Lord,—On behalf of the Executive of the Zionist Organisation, which is recognised as the Jewish Agency for Palestine in Article 4 of the Palestine Mandate, I have the honour to request that the accompanying memorandum on the development of the Jewish National Home in Palestine, 1925-26, may be transmitted through the proper channels to the Secretary-General of the League of Nations for the information of the Permanent Mandates Commission.

2. The Secretary-General of the League of Nations has been good enough to forward to the Executive a copy of the Minutes of the Seventh Session of the Permanent Mandates Commission, to which is annexed the Report of the Commission in the form in which it was approved by the Council of the League on December 9th, 1925. It is noticed that reference is made in the report to certain questions which have been raised with regard to the allotment of State and waste lands for Jewish colonisation, as contemplated in Article 6 of the Palestine Mandate. In their letter of September 1st, 1925, which was submitted to the Commission through the medium of the mandatory Power, the Executive felt obliged to draw attention to the fact that these provisions of the mandate had remained substantially inoperative. It is a matter for regret that there has since been no material change.

3. In this connection, the Executive beg leave to refer to the letter addressed by His Majesty’s Government to the Secretary-General of the League of Nations under date October 19th, 1925, and printed in the Minutes of the Seventh Session of the Permanent Mandates Commission as Annex 9a. It is observed that His Majesty’s Government, while not suggesting that Article 6 of the Mandate conceives of the Palestine Government as playing an entirely passive rôle, are nevertheless of opinion that “this is a matter in which the Government might reasonably expect the Zionist Organisation to take the initiative”. The Zionist Organisation is at some disadvantage in doing so, since its information as to the actual limits of

1 The French and English texts of this letter were provided by the Executive of the Zionist Organisation.

2 Note by the Secretariat.—This memorandum, which has been printed in English, French and Hebrew by the Zionist Organisation, is not reproduced here.
the State lands, and the degree to which they are available, is necessarily less complete than that which is in the possession of the Government. The Executive cannot but think that the Government’s co-operation might, in these circumstances, take a somewhat more positive form than would appear to be contemplated. The Zionist Organisation has, however, submitted at least two concrete proposals. Of these, the first relates to the State lands in Southern Palestine and is referred to by His Majesty’s Government in paragraph 7 of their letter as being at that time under consideration. This application has not, up to the present, had any definite result.

4. More recently, the Zionist Organisation has submitted a second proposal in a similar sense. It has been encouraged to do so both by the suggestion that it should take the initiative and also by certain statements which appear from the Minutes of the seventh session to have been made to the Permanent Mandates Commission by the accredited British representative. The accredited representative, referring to the allocation of the djifflik land in the Beisan area, is stated, on page 113 of the Minutes, to have informed the Commission that “some of it” (the Beisan djifflik) “might remain unoccupied, in which case it might be given to the Jews”. In a further statement on the same point, the accredited representative agreed that there was probably some truth in the reports that the djifflik lands granted to Arab cultivators in the Beisan area were being offered by them for sale to the Jews. It is common knowledge in Palestine that these reports are, in fact, well founded, from which it follows that the allotments under the Beisan Land Agreement of 1921 are to this extent demonstrably surplus to the actual requirements of the cultivators concerned.

5. In these circumstances, the Zionist Organisation has now addressed a twofold application to the mandatory Power. On the one hand, its application relates to such djifflik lands in the Beisan area as the Government may have left at its disposal after the full execution of the 1921 Agreement. In so far as such lands are or may be available, the Zionist Organisation has asked for an opportunity of acquiring them for colonisation on equitable terms. On the other hand, the Zionist Organisation has also requested that it may have reasonable facilities for taking over the rights and obligations of those beneficiaries of the 1921 Agreement who, having been allotted land in excess of their requirements, are voluntarily offering it for sale. The Agreement of 1921 was intended to enable bono-fide cultivators of State lands in the Beisan area to become freeholders in consideration of a moderate purchase-price payable to the Government by fifteen annual instalments. It is not and has never been suggested by the Zionist Organisation that there should be any interference with cultivators who desire to take advantage of this Agreement for the purposes for which it was originally designed. What the Zionist Organisation has represented to the mandatory Power is that it would be neither consonant with the spirit of the mandate nor desirable in itself that the cultivators should be authorised to give a good title to the first comer, provided only that he pays the Government the balance of the purchase price in cash. The result must inevitably be to encourage speculation in land, to the disadvantage both of the Zionist Organisation and, in the long run, of the country as a whole. The Zionist Organisation has therefore suggested that, in sanctioning the voluntary transfer of State lands on which instalments of the purchase price remain payable, the Government should give preferential treatment to public utility bodies which can be relied upon to use these lands for development and colonisation, and that among such bodies the Zionist Organisation should enjoy the priority which in this regard it is reasonably entitled to expect in the light of Article 6 of the Mandate. The preferential treatment which is asked for does not relate to the price which is to be paid to the cultivator but to the manner in which the balance of the purchase price is to be paid to the Government. All that is proposed is that, wherever the land is being acquired by such a body as the Zionist Organisation, not for resale but for productive use in the spirit of the mandate, the Government should agree to accept payment, at least in part, by a limited number of annual instalments. As regards the present occupiers, the Zionist Organisation would arrange equitable terms with them for the transfer of their rights and obligations, subject to any safeguards for their interests which the Government might think proper to specify.

6. The Zionist Organisation desires to make it clear that the lands to which these proposals relate are, as already stated, exclusively lands which are or may be voluntarily offered for sale. It goes without saying that there is no question of any pressure being brought to bear on any cultivator to part with his land; indeed, the Zionist Organisation would go further, and would agree that no transfer ought to be sanctioned which would leave the seller with less land than he needs for his own requirements. It appears from the recent report of the Permanent Mandates Commission that the mandatory Power is desirous of furthering the settlement of Jews on the land, and has expressed its willingness “to give its very special consideration to any requests which may be made by or on behalf of such settlers for the acquisition of any State or waste lands which may be made available without prejudice to the rights of those belonging to other sections of the population”. The Executive feel sure that, in these circumstances, their proposals will receive early and favourable consideration as a first step towards carrying Article 6 of the Mandate into practical effect.

7. The Executive are reluctantly obliged to advert to paragraph 5 of their letter of September 1st, 1925, in which they drew attention to the inadequacy of the Government contribution to the cost of the Jewish schools. They represented that the grant-in-aid was only
a fraction of what the Jews were reasonably entitled to expect on the basis of their numbers and of their contribution as taxpayers to the public revenues. The Executive regret to have to point out that this anomaly has not yet been rectified.

8. In dealing with this subject in their letter of October 19th, 1925, His Majesty's Government began by laying down a principle which the Executive respectfully beg leave to question. That principle, if it has been rightly understood, is that where two races speaking different languages live side by side in the same country, there is no necessary connection between their relative numbers and the support to be given to their schools from public funds to which both contribute on an identical footing. In the light of what the Executive believe to be the almost universal practice elsewhere, they venture to represent that the principle stated by His Majesty's Government in paragraph 3 of their letter, while it may be applicable in other fields, can hardly be applicable to the maintenance of schools in a bilingual country. The Executive welcome the educational facilities which have been provided for the Arab population and trust that they may be continued and extended. At the same time, they feel sure that His Majesty's Government cannot themselves be content with a situation in which a community now constituting nearly 17 per cent of the inhabitants of Palestine receive for their schools only about 3 per cent of the sum appropriated to education from public funds.

9. There is one other question which the Executive feel it their duty to raise, though they are fully conscious of its delicacy. It relates to an incident which recently occurred in Jerusalem on the Jewish Day of Atonement, when the police were sent by the district authorities to remove seats and benches placed at the Kotel Maaravi (the so-called Wailing Wall) for the use of aged and infirm worshippers during the continuous services held there, in accordance with immemorial custom, throughout the Past. No complaint is made of the conduct of the police, who carried out their instructions as considerately as possible, nor is it denied that those instructions may have been justified by the strict letter of the existing law. At the same time, the Executive feel bound to place on record the painful impression caused by this deplorable incident throughout the Jewish world. They earnestly hope that, through the good offices of the mandatory Power and the League of Nations, means may be found of putting an end, by common consent, to a state of affairs which it is impossible to regard without serious concern.

10. Anxiety has been expressed by the Jewish population as to the possible effects of the far-reaching changes now in progress in the arrangements for the defence and security of Palestine. These changes involve (inter alia) the disbandment of the Palestine Gendarmerie and its replacement by a Frontier Defence Force. It is understood that a number of Jewish gendarmes are to be given facilities for transfer to the police, but the Executive feel sure that the mandatory Power will at the same time appreciate the legitimate desire of the Jewish population, which was substantially represented in the gendarmerie, to take a corresponding share in the defence of Palestine under the new conditions, and to play its part in the only locally recruited armed force which is to be maintained in the mandated territory.

11. It appears from the Minutes of the Seventh Session of the Permanent Mandates Commission (page 120) that attention was drawn to the statement in the Report of the Mandatory Power for 1924 (page 32) that "typhoid, typhus and dysentery affected only the Jewish population, but with low incidence". On this point the Executive have consulted their Medical Advisory Committee in Palestine, the Va'ad Habiruth, who offer the following observations:

1. In the case of the Arab population, more especially in the villages, the notification of infectious diseases is not complete. This is a well-known fact, which is mentioned by the Government Department of Health in its report for 1923.

2. On the other hand, cases of infectious disease among the Jews are almost invariably dealt with and duly notified either by the Hadassah Medical Organisation or by the Kupat-Cholim. Nearly the whole of the Jewish population comes within the purview of one or other of these bodies, whose activities are more fully described in the accompanying memorandum.

3. The Chairman of the Permanent Mandates Commission suggested that the Arabs have been accustomed for centuries to drink bad water and have therefore become immune. Though it is probable that the Arabs do for this reason enjoy some degree of immunity, this is not in itself sufficient to account for the official figures, and the explanation is to be sought, at least in part, in the facts referred to above.

4. It is highly questionable whether there is any ground for the suggestion that these diseases have been introduced by carriers among the immigrants. As regards typhus and typhoid, these diseases were known to be endemic in Palestine before and
During the war. As regards dysentery, it is amoebic dysentery which is mainly prevalent in Palestine, whereas it is well known that in the countries from which the immigrants are drawn dysentery occurs mainly in the bacillary form.

12. On behalf of the Executive, I have the honour to request that this letter may be transmitted to the Secretary-General of the League of Nations for the information of the Permanent Mandates Commission at its next session, together with the accompanying memorandum, of which I beg to enclose fifty copies, in English, French and Hebrew.

13. The Zionist Organisation approaches the Permanent Mandates Commission not as a local body speaking for a section of the inhabitants of Palestine but as the Jewish Agency constituted under Article 4 of the Mandate. It is, however, observed that His Majesty’s Government state, in their letter of October 19th, 1925, that they prefer as a matter of convenience that such memoranda as that which forms the enclosure to this letter should be submitted through the Government of Palestine, and this procedure has accordingly been followed.

(Signed) Ch. WEIZMANN,
President of the Zionist Organisation.

C.P.M. 437.

ANNEX 6a.

OBSERVATIONS OF THE BRITISH GOVERNMENT ON THE LETTER FROM THE ZIONIST ORGANISATION AND ON THE PETITION FROM THE EXECUTIVE COMMITTEE OF THE PALESTINE ARAB CONGRESS (MAY 1926)

Letter from the British Government to the Secretary-General of the League.

London, June 10th, 1926.

With reference to Foreign Office letter No. E.3285/461/65 of June 5th, transmitting copies of a letter and memorandum from the Zionist Organisation and of a petition from the Executive Committee of the Palestine Arab Congress, I am directed by Secretary Sir Austen Chamberlain to transmit to you the following observations from His Majesty’s Government on the documents concerned.

2. With regard to the memorandum from the Zionist Organisation, His Majesty’s Government have no special comments to offer. In the covering letter, however, a number of points are raised upon which they desire to make observations.

3. Paragraphs 2 to 6 of the letter deal with the question of making State and waste lands available for Jewish colonisation. The general difficulty which has been experienced in dealing with this question was explained on page 32 of the report of the High Commissioner for 1920-1925, and reference to the disposal of the Beisan lands was made on pages 41 and 42 of the same report.

4. An area of ten thousand donams in the Beisan region was offered to the Palestine Zionist Executive for settlement by Jewish ex-soldiers but was declined by them as being unsuitable for the purpose. Until the allotment of areas to cultivators and graziers, in accordance with the terms of the Beisan Agreement, has been completed, it will not be possible to ascertain whether other surplus lands, suited for Jewish settlement, will be available. Very careful consideration has been given to the application by the Zionist Organisation to be granted preferential treatment in respect of the acquisition of land by voluntary transfer from the beneficiaries under the Agreement. Its acceptance would involve a modification of an article of the Agreement and might therefore give rise to apprehension that the whole Agreement was subject to revision and that the Government were prepared to reconsider the intention and principles which led them in the first instance to make these arrangements in the interests of the local — almost entirely Arab — population. Official statistics show that since the Agreement became operative in 1922, approximately eighty thousand donams have been allotted; of these, eight thousand eight hundred and three have been sold by villagers of two out of eleven villages in which allotments were made. The statement that allotments of land made under the Agreement are surplus to the actual requirements of individual cultivators requires explanation. It is true that in many cases, owing to several years of poor rainfall, lack of capital and other causes, cultivators have been unable to work their lands successfully; but the Government in the Agreement of 1921 definitely accepted a standard of “actual requirements” under which the beneficiaries have acquired a legal claim to areas of land specifically defined in quantity in the Agreement itself.
5. Paragraphs 7 and 8 of letter. — The amount of the Government contribution to the cost of Jewish schools is substantially increased in the financial estimates for the current year.

6. Paragraph 9 of letter. — The intervention by the police at the Wailing Wall was necessary to prevent a disturbance of the peace between Moslems, who are the legal proprietors of the site, and Jewish attendants who, contrary to long-established custom and precedent, had introduced seats and benches for the use of worshippers. The incident relates to a dispute of long standing between the Moslem and Jewish communities which, as the petitioners rightly observe, cannot be settled except by common consent.

7. Paragraph 10 of letter. — The Frontier Force to which reference is made in paragraph 10 is open to all sections of the population in Palestine and Transjordan. As the force is required mainly for service in Transjordan, a large proportion of its members have been recruited from that territory. As regards those recruited in Palestine, there is no ban on any section of the population, but the conditions of service are likely to prove more attractive to Arabs than to Jews. The majority of the Jewish personnel in the late gendarmerie have already transferred to the Palestine Police Force, the strength of which has been substantially increased.

8. Paragraph 11 of letter. — The statement concerning infectious diseases in the 1921 report, to which objection is made, might more properly have been to the effect that the incidence of typhus, typhoid and dysentery fell mainly upon the Jewish section of the population.

9. As regards the petition from the Executive Committee of the Palestine Arab Congress, the comments of His Majesty’s Government are as follows:

10. The main point dealt with in the petition is the alleged failure of the mandatory Government to encourage local autonomy in Palestine. On this point His Majesty’s Government would invite reference to pages 44–47 of Sir Herbert Samuel’s Report on the Administration of Palestine, 1920–1925, in which a detailed account is given of the successive attempts made by His Majesty’s Government to associate the Arab population of Palestine more closely in the government of the country. As Sir Herbert Samuel pointed out, opportunity has been given to the Arabs on three occasions and in three different ways to take part in the direction of public affairs, and three times the opportunity has been declined. His Majesty’s Government can add nothing to this statement of the case.

11. I am to request that the foregoing observations may be communicated to the Permanent Mandates Commission of the League of Nations as soon as possible.

12. I am further to transmit to you for communication to the Mandates Commission the accompanying fourteen copies of the Hebrew text of the memorandum by the Zionist Organisation of which the English text was enclosed in Foreign Office letter referred to above.

(Signed) Lancelot Oliphant.

C.P.M. 424.

ANNEX 7.

PETITION FROM THE EXECUTIVE COMMITTEE OF THE PALESTINE ARAB CONGRESS

Letter to the Chairman of the Permanent Mandates Commission

Jerusalem, May 9th, 1926.

The Executive Committee of the Palestine Arab Congress, representing the overwhelming majority of the inhabitants of Palestine, have repeatedly appealed to the Permanent Mandates Commission against injustices inflicted upon the Arabs of Palestine by the Mandatory, who, to our strong belief, perverted the true spirit underlying Article 22 of the Covenant of the League of Nations. The members of this Commission have patiently considered most of the complaints raised by our Committee, together with comments and refutations submitted therewith by the Mandatory. But when these complaints and comments thereupon were laid down for discussion by your venerable Commission, it was found that the Commission has allowed an accredited representative of the Mandatory to appear before it, defend the policy of his Government, condemn complaints and refute accusations brought against it by statements that were either equivocal or inconsistent with facts. This procedure, which gave one

Note by the Secretariat of the League of Nations. — The observations of the British Government on this petition are given in Annex 6a.
party to the controversy the invaluable privilege to appear before the tribunal to defend his case during the obligatory absence of the other party, is rather a degraded novelty in the practice of legal procedure.

This one-sided procedure, insisted upon by the Permanent Mandates Commission, gave this Committee an opportunity to invite the Commission to visit Palestine for the purpose of studying this case of world-wide interest on the spot and thus sift and consolidate its information and evidence on the case in general; for it was perceived that it would be at last impossible for the Commission to give a final decision on a case by a one-sided enquiry. Although rejecting this sine die and just request, on the ground that it affects the dignity of the Mandatory, the Commission arrived at its conclusion by declaring, as a consequence of its discussions in our complaints with the accredited representative of the Mandatory in October 1925, that it was unable to give a decision based on documentary information that was refuted by one party or the other. This reasonable decision gave this Committee another opportunity to renew its request that the Permanent Mandates Commission would visit Palestine for the following purposes:

1. To ascertain the general complaints of this Committee submitted to it in 1924 and 1925.

2. To examine the complaint that the present economic conditions of Palestine are exceedingly unfavourable to Jewish immigration.

This Committee believes that such a visit and an exhaustive enquiry on the spot will not only be of immense help to the Commission in giving a final effective decision but would also be of great assistance to the Palestine Administration itself, which is now drifting amidst stagnation and corruption.

Meanwhile, this Committee would reduce its complaints to one general question pertaining to the application of the Covenant of the League of Nations and the mandate, with the hope that in this question the Commission would be able to give a just decision.

**Application of Article 22 of the Covenant of the League of Nations and Article 3 of the Palestine Mandate.**

**Article 3 of the Mandate for Palestine runs as follows:**

"The Mandatory shall, as far as circumstances permit, encourage local autonomy."

In accordance with Article 22 of the Covenant of the League of Nations, the mandate system was applied to Palestine, as to other countries "formerly belonging to the Turkish Empire which have reached a stage of development where their existence as independent nations can provisionally be recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone", in order to conduct its inhabitants to such political freedom as they have been deprived of under the Turkish regime. Thus it is clear, from both Article 22 of the Covenant of the League of Nations and Article 3 of the Mandate, that it is the foremost duty of the Mandatory to enlarge the sphere of political freedom in Palestine with the view of finally establishing an independent Government.

These fundamental provisions have been totally violated by the Mandatory of Palestine; for, instead of augmenting the political freedom enjoyed by Palestinians under the Turks, it had reduced them to the point of nullity. The Palestinian under the Turk elected his village representative, called Mukhtar, his Mayor and Municipal Council in town, the members of the Administrative Council, who administered the district under the presidency of the Governor, the members of the Common Council, who legislated for all questions relating to local affairs of the district, and finally his member of Parliament at Constantinople, where the general affairs of the Empire were freely discussed. Under the British mandate, the village representative is in practice appointed by the District Governor, the Mayor and the Municipal Council are appointed by the High Commissioner, the Administrative and Common Councils do not exist, and the Parliament is out of the question.

In order to cover these unanticipated actions, the Mandatory offered to Palestine the establishment of a Legislative Council, constituted of ten official British nominated members, two elected Jewish members and ten elected Arabs, under the presidency of the High Commissioner, who possessed a casting vote. Thus the Government officials in the Council together with the two elected Jewish members who form one party to the controversy form a majority of thirteen members against an Arab minority of ten members. Moreover, the High Commissioner was given the power to veto any decision of the Council, the sphere of jurisdiction of which was very limited.

The inhabitants who have already enjoyed the privileges of a democratic system of government found this offer a very meagre substitution for all that they enjoyed under the Turks and so they rejected to co-operate with the Government on the basis of that proffered sham Constitution.

The Mandatory clings to the plea that an elected Legislative Council would lay the overwhelming majority of the members in the hands of anti-Zionist Arabs, who would oppose the Administration in applying such terms of the mandate that effect the establishment of a Jewish National Home. Although this Committee declares that, now and forever, any Arab
of reason and love to his country in any territory of the Arabic-speaking countries is bound to oppose Zionism as being most detrimental to the Arab national cause, yet it does not find any weight in that plea of the Mandatory as long as it realises that fundamental questions underlying the general policy of the mandated territory fall within the jurisdiction of the League of Nations alone.

The unfounded fears of the Mandatory for the Zionist experiment are alienating the cooperation of the majority of the inhabitants and owners of the country and enhancing opposition, thus creating an inflammable political and poisoned economic atmosphere.

The Executive of the Palestine Arab Congress desire to urge that a national independent democratic government, in which Arabs and Jews would be represented in proportion to their numbers, should be established in Palestine.

The General Secretary, Executive Committee, Palestine Arab Congress:
(Signed) Jamal HUSSEINI.

ANNEX 8.
MEMORANDUM

SUBMITTED THROUGH HIS EXCELLENCY THE HIGH COMMISSIONER OF PALESTINE TO THE PERMANENT MANDATES COMMISSION OF THE LEAGUE OF NATIONS BY THE NATIONAL COUNCIL OF THE JEWS OF PALESTINE, JUNE 1926

In accordance with the provisions of the Covenant of the League of Nations, which confer the right upon each group or section of a territory administered under mandate of the League of Nations to submit to the League petitions or memoranda, we, the members of the National Council of the Jews of Palestine, the executive organ of the Elected Assembly — a body chosen by general democratic election (see Appendix A) — have the honour hereby to submit to the Permanent Mandates Commission of the League of Nations the following memorandum bearing on the situation and development of the Jewish Yishub in Palestine, its requirements from the mandatory Government, based on its vital needs and the provisions of the mandate for Palestine, and the outlines of such constructive schemes as may promote our work of colonisation in the future.

The Jewish community in Palestine, which during recent years has developed and progressed to a remarkable degree, is not a new-comer in the country. Throughout the whole period subsequent to the destruction of the Temple and dissolution of the Jewish State to recent times, despite all the trials and vicissitudes besetting the country, in every age, there has not ceased to exist in Palestine a Jewish community; nor has the strong link binding the Jews in the Diaspora to their historic homeland ever been severed. Each generation saw individuals and groups going to Palestine and settling there.

A decisive increase and development of the Jewish population, however, was marked only in the last half-century, and was a direct outcome of the modern Jewish national movement. It was in the early eighties of the nineteenth century that, as a result of economic pressure, harsh laws and renewed persecution of the Jews of Russia, on the one hand, and the influence of the cultural and intellectual development of the Jewish masses, on the other hand, a movement of national reconstruction was inaugurated to imitate the economic situation of the masses, who had been forcibly estranged from agriculture and other productive occupations, and to revive national culture under conditions of national and political freedom in the historic homeland.

This movement served as a basis for the initiation of those economic and cultural achievements of the Jews in Palestine which have been described in various memoranda submitted to the League of Nations in recent years by the Jewish Agency. From the inception of the Jewish national movement, intensive immigration to Palestine began and since then a steady stream of immigrants has been entering the country, there to work and to create new economic enterprises. During a period of about thirty years, up to the outbreak of the World War, tens of agricultural settlements were established, arable land and plantations cultivated, and thousands of Jews transferred to agricultural work; suburbs were built adjoining the principal towns, including Tel-Aviv, the first modern Jewish city in Palestine, which was founded in 1909 and to-day numbers over 40,000 inhabitants; a network of modern schools was created: kindergartens, elementary schools, secondary schools, professional and technical institutions; the Hebrew language sprang to life again, once more serving as the means of intercourse between Jewish institutions and organisations, and of municipalities and village councils, and again becoming the vernacular of the business people and the common speech of the youth and of the majority of the new working Yishub. In the towns the Jews created

1 The French and English texts of this memorandum were provided by the National Council of the Jews in Palestine.

2 Note by the Secretary. — The appendices to the original petition are not reproduced.

The term "Yishub" used here and hereafter is a Hebrew word which to the modern Jew connotes the general qualities appertaining to an organised national group settled in a land. It is more comprehensive than each of the terms "population", "colony", "settlement" or "community". 
many new trades and businesses; an important beginning was likewise made towards the creation of modern industries. Yet, on the whole, Jewish activity in that period was limited and restricted. The desolate state of the land, its abandon and neglect, the frequent interference with Jewish affairs by the Administration, the question of the immigrants, who were called upon to change their customary way of living and engage in new occupations under novel and adverse conditions, prevented rapid and extensive development. Nevertheless, the energy and idealistic enthusiasm of the pioneers prevailed, and gradually Jewish activities increased and expanded; gradually the foundations were strengthened, and on the outbreak of the world hostilities the members of the Jewish Yishuv, which was in a state of economic expansion and stabilisation, numbered 85,000 souls.

This development was interrupted by the World War, which brought in its train upheaval and disturbance for the Jewish population to such degree that at the Armistice only 35,000 Jews were left alive in the country, the number having been depleted by the effects of artificial hatred, and eventually referred to in citate hatred against the Jews, instituted by a section of the Arab population, which the Government had always served as centres of Zionist activity. The absence of a fixed political status in the country and the postponement of the ratification of the British mandate over Palestine brought in their train a feeling of insecurity. These were the conditions in which we were compelled to pursue our economic and cultural activities in the early stages of the new period. Yet, even the economic and administrative conditions of which the country stood in need and which were eventually introduced by the British Civil Government, such as the reforms of the judicial and financial systems, were carried out only haltingly and to a degree which did not correspond to the vital needs of the country.

A particular obstacle to Jewish activities during this period took the form of a campaign to incite hatred against the Jews, instituted by a section of the Arab population, which led to disturbances and sacrifice of life and property of the Jewish community. The Jewish Yishuv has at all times striven wholeheartedly for the maintenance of peaceful relations with its neighbours, the Arabs. The work of the Jews has benefited the country and all its inhabitants. The millions of pounds brought into the country by the Jews and invested in enterprises have enriched a large proportion of the inhabitants and also the Government Treasury. The towns in which Jews have settled have progressed and developed both economically and culturally; Arab villages in the neighbourhood of Jewish colonies have roused themselves from their former primitive state, have progressed and improved beyond recognition. They have learnt from their Jewish neighbours modern methods of agriculture and modern methods of labour. The Jewish community is confident that the development of its achievements and the progress of all nationalities in the country, drawn together by common interests, will with time, the way hereafter kept, any earlier sign of artificial hatred, and eventually bring about stable and permanent friendly relations between the various sections of the population. The Jewish people of Palestine have taken advantage of every opportunity to assert that it is their fervent desire to create and maintain such peaceful relations as will make Palestine, through the united efforts of both nationalities, a prosperous State, ensuring for all sections free and unhampered economic, cultural and national development.

Yet the spirit that was engendered in a section of the masses in the period of the war and the subsequent disturbances, a spirit of abandon and contempt for law and order, and the effects of many generations of personal and clan blood-feuds, of chauvinistic tendencies and extreme nationalistic aspirations artificially aspired and fostered with the assistance of foreign agents — all this gave rise to a campaign of hate, endangering public peace. With time, this spirit of conflict gradually subsided, eventually to disappear. The Government found the way to ensure peace, and Palestine has become indeed one of the most tranquil countries in the Middle East. The Jewish community sees in its own colonising and cultural activities an important factor and guarantee of the security and maintenance of peace and the establishment of friendly relations between all sections of the inhabitants.

Despite all these obstacles and hindrances, it may be observed that much has been achieved during these years in economic and cultural spheres by the enterprise of the Palestine Jews. During the past six years, about 100,000 acres of land have been purchased and exploited in the interests of civilization, about sixty new agricultural settlements have been established, new towns and suburbs erected, important industries started, hundreds of large and small commercial enterprises created, a network of co-operative institutions catering for the public needs and services established, tens of schools and diversified educational and cultural institutions — from a kindergarten to a university and technical high school — founded, a large active and flourishing Hebrew Press,
including three daily newspapers, created, and many publishing concerns for the supply of scientific, helletristic and juvenile literature securely started. The report of Sir Herbert Samuel on the administration of Palestine during the five years of his office states that, from the period of the occupation till the issue of the report, the Jews have brought to the country and sunk in enterprises no less a sum than six million pounds, of which about three and a-half million pounds were expended on land settlement, education and other purposes, more than a million on commercial undertakings and a million for the purchase of land. Of these six million pounds, according to the estimates of the Zionist Organisation, about three million pounds were subscribed by that Organisation and its two chief associate funds — the Keren Hayesod and the Keren Kayemeth — about a million and a-half were invested by other Jewish public institutions and a further million and a-half by private Jewish capital. There are adequate grounds for estimating that, in the year subsequent to the issue of the report of Sir Herbert Samuel, the amount further invested by the Jews in Palestine was not less than two million pounds.

The outstanding achievement in the sphere of agriculture in Palestine in recent years is undoubtedly the reclamation of the Plain of Esdraelon from a state of barren desolation and its subsequent cultivation to a high agricultural standard. Not many years ago, the whole of the huge valley lay waste and deserted. The waters flowing into it from the surrounding hills and also the Kishon river overflowing the western part of the valley converted a large area of the plain into swamps, the life of wild animals and the breeding-ground of the malarial parasite.

Through Jewish enterprise, the whole valley was reclaimed from desolation and converted into one of the most prosperous portions of the country. The Keren Kayemeth and kindred colonising institutions purchased tracts in the plain to a total area of about a quarter of a million dunams (more than 53,000 acres), and in the past twenty years agricultural settlements have been established with a total population of about 3,000 souls. In the whole of the valley a high rural civilisation was developed which has already altered the whole face of the district. This pioneering achievement was obviously not effected without immense effort, great sacrifice and an incessant battling with the forces of nature, with adverse climatic conditions, and with many technical and financial obstacles and hindrances. Nor is it possible to conceive how the young men and women pioneers were enabled to overcome their difficulties unless they were actuated by a fervent national and social ideal and by a firm conviction of the paramount necessity to settle their nation on the earth of the mother-land and to make of their people worthy soil cultivators.

Nevertheless, all that has been hitherto accomplished is little indeed contrasted with all that is possible and desirable for the upbuilding of the country and the creation of a Jewish National Home. It is our bounden duty to assert openly that no measure of national enthusiasm on the part of the pioneers, in agriculture, commerce or education in the country, and on the part of the masses of Jewish supporters abroad, can suffice to raise the Jewish National Home to its appropriate level, to establish it on a strong stable foundation and to fit it to its main function — the securing, at least, of a partial solution to the great international problem of Jewish distress, by the creation of sources of subsistence for thousands of wandering Jews, harried from pillar to post in helpless poverty and having as a single and final asylum the country of Palestine — without the corresponding active assistance on the part of the local Administration.

A modern colonising enterprise, on a scale suited to the aim of the Jewish National Home, anywhere, even under more favourable conditions, in countries larger and richer than Palestine, requires means and schemes on a governmental scale. The Jewish Yishub in Palestine and the Jewish Agency have striven to the full extent of their powers to furnish the adequate plans and means for reconstruction. On the other side, the Yishub is clearly convinced that it has the right to expect practical and real assistance from the mandatory Government on a scale to accord with the civilising and cultural achievements of the Jews in the country, the effect of which will be an important step towards the redemption of the whole Jewish nation. On sundry occasions, the Yishub gave expression to its convictions before the local Administration and Colonial Office, basing its contentions on the spirit and provisions of the British mandate over Palestine, which charge the mandatory Government to adopt the necessary measures for the securing of the right conditions to ensure the realisation of a National Home for the Jews in Palestine.

On more than one occasion we were reluctantly impelled to observe to the mandatory Government that the Palestine Administration had adopted a negative policy; instead of the anticipated active participation in our constructive activities, we were met by a passive attitude. Without in any way attempting to minimise the importance of the positive achievements of our Government in the interests of the economic and cultural development of the whole country and to the benefit of all the inhabitants, we are unable to be blind to the fact that, with regard to the specific functions associated with the establishment of a Jewish National Home in Palestine, the Government has maintained a passive stand; and there can be no doubt that such attitude has considerably confined and restricted the possibilities and development of Jewish achievement in the country.

In the report of the High Commissioner for Palestine for the period 1920-25, as submitted last year by Sir Herbert Samuel to the Secretary of State for the Colonies of His Britannic Majesty's Government, the attitude of the governing Administration towards the creation of a National Home for the Jews in Palestine was expressed by the following:
Some of the Arab political leaders are accustomed to assert that the Government of Palestine devotes its chief efforts to promoting the establishment of the Jewish National Home, favouring the Jews unduly in the allocation of land, in matters of education, in the appointment of officials and in other ways. From the Jewish side, on the other hand, the complaint is often made that the Government is inactive in all these matters; that soldiers who have been required by the articles of the mandate; that the upbuilding of the National Home has been left to the efforts, almost unaided, of the Jewish people themselves. So far as there is any truth in these criticisms, it is the latter that has most substance. For the reasons that I have given, the Government has found it possible to do little in the provision of land for Jewish settlement. The school system as it stands, although a reform is already under preparation, leaves almost the whole burden of the education of the Jewish child population upon the shoulders of the Jews themselves, in addition to the contribution which they make through their taxes to the Government system of Arab schools; of the many competent Jews who have offered themselves for Government position, it has not been possible, without injustice to others, to employ more than a small number. If it has had the moral encouragement of the Balfour Declaration and of the official recognition of the Hebrew language, if it has been able to rely on the Government of Palestine to maintain order and to impose no unnecessary obstacles, for all the rest it has had to rely on its own internal resources, on its own enthusiasm, its own sacrifices, its own men.

Here, too, we must, albeit lothfully, observe that the local governing Administration has not as yet seemingly extracted the corresponding inferences from the facts observed by the High Commissioner. In various spheres of livelihood even some of the most elementary requirements of the Yishub, which are virtually of primary importance for the advancement of constructive work in the country and which could not possibly infringe on the rights and liberties of others, have not been fulfilled. Certain conditions without which modern colonisation by the Yishub is practically impossible have as yet not been created, and in consequence some vital needs of the Yishub in connection with its constructive operations have not been met. The Jewish Yishub, perempted as it is with a deep belief in its just demands, feels confident that the Mandates Commission of the League of Nations will likewise recognise the justice of its plea and give the necessary support towards the complete realisation of its demands through the mandatory Government.

The more important problems engaging the immediate attention of the Yishub and the local Government, in our opinion, are the following:


In accordance with Article 6 of the Mandate for Palestine, the duty devolves on the Government of the country to facilitate Jewish immigration under suitable conditions... encourage close settlement by Jews on the land, including State lands and waste lands not required for public purposes. During the whole period since the mandate was given until the present time, this article has remained inoperative. The Jewish Yishub — comprising thousands of men and women who have adapted themselves to agricultural pursuits and who aspire to an agricultural mode of life — have not been able to avail themselves of the provision of the said article, except in one exceptional case (see Appendix B). Nothing has been done in order to satisfy the imperative need of the Jewish community for lands for the purpose of settlement, a need which the Zionist institutions are unable themselves to gratify, in spite of the millions that have been invested in Palestine during the recent period in the purchase of land for agriculture.

During a discussion on this point at a meeting of the Permanent Mandates Commission, Mr. W. G. A. Ormsby-Gore, Under-Secretary of State for the Colonies, representing the mandatory Government at the Commission, replying to a question by Sir F. Lugard, said that the delay in the grant of Government lands to Jews is connected with the question of the survey, which has not yet been effected (vide page 113 of the report).

The Jewish Yishub cannot refrain from pointing out that, although the Government survey has not yet been completed, hundreds of thousands of dunams of Government lands, particularly in the Beisan district, one of the richest natural tracts in the country, have been distributed among Arab fellahin (peasants) in lots of such size that they are unable to work them properly, being of an extent far above that usual in Jewish settlements, what time the Jewish demands for land have been rejected, the claims even of the discharged and demobilised Jewish soldiers who had participated in the British military conquest of the country being disregarded. A special Land Commission appointed by the Government some time ago is carrying out a liquidation of the Government estates without taking into consideration the desirability of promoting an intensive settlement of Jews on these tracts, which could be an aid to the development of the whole country.

We are of the opinion that the local Administration should adopt the necessary measures immediately to terminate the work of the Commission, which is apparently directed towards a liquidation of the estates for the purpose of handing them over to Bedouins, who use for pasturing herds of goats land suitable for the most intensive cultivation.

The Government cannot possibly be interested in having the best and most important tracts of the country — west of the Jordan — inhabited by a sparse settlement of Bedouins
pursuing their nomad life in contrast to the speedy development in all other parts of the country. This tendency ought to be replaced by a regulated system granting Government lands to Jews for settlement in accordance with the provisions of the mandate and the best interests of the country.

2. Educational Expenditure (vide Appendix C).

At the seventh session of the Mandates Commission, the question of the participation of the Palestine Government in the expenditure on Jewish juvenile education in Palestine was discussed with the representatives of the mandatory Government. Whilst refraining from comment on the letter of the Foreign Office of the mandatory Government signed by Mr. Lanceot Oliphant, we must state that to this day almost the entire burden of education rests upon the Jewish population itself. From Sir Herbert Samuel's report it is evident that the Palestine Administration is itself aware of the defects in the present educational system in the country, whereby the entire burden of the education of the Jewish children is laid upon the shoulders of the Jews themselves, in addition to the Government taxes which they pay for the maintenance of the Government educational institutions — the Arab schools.

The maintenance of the Hebrew schools and other educational institutions in the country during the last six years amounted to approximately £800,000; during this period we have received from the Government Treasury a small subsidy, which amounted in 1924-25 to £3,065 (approximately 3 per cent of the general educational expenditure).

In 1925-26, the Government subsidy to the schools of the Zionist Organisation amounted to £2,864. Even in urban and rural districts which are entirely Jewish, such as the Tel-Aviv area with its tens of thousands of inhabitants, not one Jewish school is maintained by the Government.

3. Labour (vide Appendix D).

The Jewish labour population in the country, which in 1921 numbered about 4,000, had in 1926 reached a total of 25,000, of whom about 7,000 are engaged in agriculture. A large part of the urban workers are equally desirous of engaging in agricultural work, but, owing to lack of land and funds for settlement, continue in urban occupations.

The development of the Jewish labour population in the country and the amelioration of its living and working conditions is retarded mainly by the following three factors: First, the shortage of land for settlement affects the Jewish worker without capital more than any other class of the Jewish population. Secondly, the right of the Jewish worker to a fair share in the public services of the Government and the municipal bodies, which are as yet controlled by non-elected bodies appointed by the Government, is persistently infringed upon. A request to remedy this state of affairs was submitted to the Government in accordance with a resolution passed at the first session of the second convocation of the Elected Assembly but was rejected by the Government in its official reply of February 4th, 1926. Thirdly, the country particularly suffers from the absence of a code of regulations controlling the conditions of labour and ensuring to the worker a minimum working day, compensation against accidents, protection of juvenile employment, etc. Despite the pressing need of a comprehensive Labour Statute, as recognised and promised by Sir Herbert Samuel on his first appearance before the League of Nations as the representative of the mandatory Government, and as particularly demanded by the representative of the International Labour Bureau, no decisive steps have as yet been taken in this direction.

4. Industrial Development of the Country (vide Appendix E).

The past few years have been marked by the establishment of many new industries in the country.

The technical difficulties encountered by the new industrial enterprises in the country are serious enough in themselves. The lack of coal and metal, the absence of modern harbours, the great distances from European ports, the limited purchasing power of the inhabitants, are important factors which, in the ordinary course, retard the development of a young industry and prevent its stabilisation. Without systematic State assistance, development is impossible. Even the Turkish Government, administering the country before the war, which concerned itself least of all in the industrial development of the country, took this need into consideration. An industrial Act was proclaimed in December 1912, granting to newly established factories, upon application, certain areas of State land, not exceeding five dunams, and also granting exemption from import duties on machinery, building and raw materials not obtainable in the country, and relieving the new enterprises from taxation for a period of fifteen years. As against this, the industrial policy of the mandatory Government marks important steps backwards. Not only is land for the erection of factories not given free, and thereby assisting the owners in question to escape exploitation by land speculators, but from the very first day of their commencement the industries are subjected to taxation by the Government, particularly on land and buildings. There is no doubt whatever that a law that would contain
provisions for the promotion of industry in the country is a vital immediate need. The Government system of Custom duties is also not calculated to protect and promote young industries; and particularly well founded and justified is the demand for the removal of import duties on raw material for industrial purposes. It is quite clear that there is little likelihood of the industries of Palestine becoming paying concerns if they are not only compelled to use imported raw materials but also to pay heavy duties on them. It is true that of late the Government has commenced to take into consideration this demand, which is an elementary requirement in every country, but both the range and the speed with which it carries out measures of improvement do not in any way meet the need.

5. Public Health (vide Appendix F).

The Jewish Yishub has, with the aid of the Zionist Organisation, as explained in greater detail in the report of the Jewish Agency, established modern medical and sanitary institutions which have been of great benefit to all the inhabitants of the country and considerably improved the health conditions of the country. Among the front rank of the institutions which maintain hospitals, ambulances, laboratories, etc., should be mentioned the Hadassah Medical Unit and the Kuphat Holim of the General Jewish Labour Association. The annual expenditure of these two organisations in 1924 reached £114,000 and in 1925 £150,000.

In addition to the above, there are other Jewish hospitals in various cities, especially in Jerusalem, which are not controlled by the central institutions mentioned above but which also serve thousands of patients; the total budget of these hospitals amounts to tens of thousands of pounds.

The maintenance of all these medical institutions rests upon the Jewish Yishub in Palestine, upon the Zionist Organisation and upon other public funds. The Yishub is of the opinion that the public health of the Jewish inhabitants should be the concern of the Government of the country in the same way as is its obligation to watch over the health interests of the Arab population; the Government ought therefore to give adequate support to the medical institutions of the Jews. In a memorandum submitted to the Chief Secretary of the Palestine Government and referred to above, a demand was embodied for a suitable participation on the part of the Government in the health budget of the Jewish population. The reply of the Government stated that "the Jewish medical institutions received the same benefits as other non-Governmental institutions and philanthropic societies", the true inference from which should be that no help is given to either.

This formal reply cannot possibly be accepted by the Jewish citizens as conclusive. First, many Arab institutions and municipal hospitals are supported by the Government; and secondly, the institutions of the Yishub and the Jewish Agency ought not to be classed in the same category as institutions of philanthropic societies, which do not bear the responsibility of definite obligations to an important section of the inhabitants of the country.

6. The Internal Organisation of the Yishub.

The Assephat Hanivharim (Elected Assembly) of the Jews of Palestine — whose qualification to control the internal affairs of the Yishub was legally recognised in the letter of Sir Herbert Samuel dated October 24th, 1920 — drew up a code to regulate the communal affairs of the Yishub, and acknowledged the following governing bodies: the Elected Assembly, the Jewish National Council, the communities and the Rabbinate. This code was based on the material needs of the Jewish Yishub in the country, on the rights and privileges held by the Yishub even from Turkish times, and its historic development on lines similar to those obtaining in all Jewish secular organisations in different countries and periods.

This code stressed the following four main principles:

(a) The internal controlling organisation of the Yishub should be granted considerable latitude in the various phases of public social life: ecclesiastic, economic, cultural and political, in so far as they affect Jews.

(b) The recognised bodies of this organisation should be granted juridical personality, subject to the common law, and bearing the right of representation both without and within.

(c) The internal organisation of the Yishub is one of obligation — not choice. The Kehilla1, as the nucleus of the national organisation of the Jewish Yishub, embraces all the Jews residing within its confines, and no Jew has a right to forego his obligations towards the Kehilla unless he has avowedly left the ranks of Israel.

(d) The organs of the national organisation should be granted the right to levy compulsory taxes to meet the internal requirements of the Yishub.

The Yishub, under stress of its vital needs, has maintained its stand on these principles of an internal Jewish organisation, such as prevails in effect in many countries in the Diaspora, and which existed in its fundamental features also in the time of the Turkish regime. The fact that many of the basic needs of a community which devolve naturally on the Administration — education, public health, and even the maintenance of a police force (as in the

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1 Kehilla = Hebrew term for "local community".
Jewish city of Tel-Aviv — are here thrown on the shoulders of the Yishub itself lends force to the above demands. For a period of five years the Yishub of Palestine has been negotiating with the local Government for the confirmation of its code of internal regulations.

Unfortunately, the long-protracted negotiations have not brought about the desired results. The proposed new Ordinance of the Government for the organisation of the communities does not adequately take into consideration the needs and development of the Yishub and its special conditions. This ordinance is based on the principle of unification for the satisfaction of the religious requirements and not on a general national organisation. The right of levying taxes is restricted to educational needs and relief of the poor. The right of the Kehillot to control the public institutions is also considerably restricted.

The vital needs of the Yishub make obligatory:

(1) The expansion of the restricted Communities Ordinance in the direction of a general public organisation, having extensive powers in all the various phases of communal life:

(2) The early ratification of the Ordinance in general, which is an essential condition for the organisation of the Yishub and the development of its internal forces.


The question of public security is particularly serious in a country bordering on a desert whose inhabitants have passed only recently into an organised "European administrative system". From the time of the English occupation and the demobilisation of the First Jewish Legion, the Jewish Yishub has continuously concerned itself with this question. The Yishub has always endeavoured to participate in the defence and security of the country, and, if the number of Jews in the police has gradually decreased, the fact must be ascribed to the unfavourable conditions in the force. During the last few months much concern has been felt following the plans for the reorganisation of the defence forces in the country which the Government was about to execute in accordance with the administration ordinance of the Commandant of the Police. These plans diverged from the previous system in vogue in the country—based upon the organisation of the defence forces without discrimination between the two Palestinian nationalities — and were directed towards the establishment of a Frontier Defence Corps for the protection of the eastern boundary of the country without the participation of the Jews.

The Jewish Yishub saw in this scheme, as first published, not only an encroachment upon its State and civic rights but also the danger of disturbances of peace and of its constructive work. Through its legal channels, it expressed its opinion to the Government that it could in no way forgo its fundamental right to participate in the formation of every single defence unit which might be established by the enrolment of local inhabitants of the country.

The new Ordinance on Frontier Defence which has been recently published, for the purpose of adjusting the previous infringement on the civic rights of the Jews, is by no means satisfactory to the Jewish Yishub and the needs of public security, for the reasons designated in the Appendix. The Jewish Yishub maintains its fundamental demand that it should be given complete and real opportunity to participate in every defence or police unit, and that the enrolment should be based upon an equality of civil and national rights of all nationalities in the country.

8. The Hebrew Language.

On the basis of paragraph 22 of the Palestine Mandate, the right of the Hebrew language to be considered as one of the official languages of the country was officially recognised. This provision of the mandate was introduced not only to give moral satisfaction to the demands of a people restored to its land and to its national existence but also to meet the vital needs of its daily existence. The position occupied by Hebrew in the public life of the country, through its everwidening influence in the national schools, which are raising a new generation whose mother tongue is Hebrew, made such a provision obligatory. According to the Government census of 1922, 96 per cent of the Jewish inhabitants speak Hebrew. The first High Commissioner for Palestine, Sir Herbert Samuel, confirmed this fact in his report on the Government of Palestine for the year 1920-25, his observation being: "Hebrew is now definitely established as the language of the Jewish population of Palestine. All the younger generation speak it and most of the older generation who have lived long in the country. It is the only language of instruction in almost all the Jewish schools."

The columns of the Hebrew daily Press constantly contain facts and proofs that in practice the Hebrew language is quite ignored in many of the Government departments. Hebrew is not accepted in the police as the language of reports and circulars; even in the towns having a large Jewish population, the municipalities do not use the Hebrew language; and in practice the examination of Government officials in the Hebrew language does not obtain. A lack of knowledge of Hebrew is not a disqualification for nomination to a Government position; and

Kehilloth — plural of Kehilla.
even in districts, mainly agricultural, where the majority of the inhabitants are Jews, conversation with the officials or with the police is often impossible owing to the lack of knowledge of Hebrew on the part of those officials.

9. Local Government.

On the whole, the towns of Palestine have municipal councils appointed by the Government. The few exceptions comprise places like Tel-Aviv and some larger villages, whose local administration is controlled by the Local Councils Ordinance, 1922.

The principal towns of Palestine, including Jerusalem, Jaffa, Haifa, Tiberias, etc., have been for almost six years administered by municipalities nominated by the Government and not elected by the population. This fact is more striking in the towns with a large Jewish population, towns which have grown and prospered through the influx of new Jewish immigrants during the last years. The present form of administration is a great hindrance in the way of the natural development of these towns. A demand for elections and protests against the present form of municipal administration have been made on many occasions by various institutions at public meetings, by petitions to the Government, through a press campaign, etc. Both the Jews and a large section of the Arab population are unanimous in objecting to such a system of municipal administration.

It has been pointed out that the activities of the municipalities do not conform to the general needs of the towns in their charge, that they are inefficient and do not attempt to promote a rational economic development. Objection has been raised to the fact that the municipalities do not submit any accounts of their affairs, and that, contrary to the Ottoman law, they fail to publish their budgets.

The Jewish population more than any other section suffers from the existing system of local government. In Jerusalem, where the Jewish population numbered, according to the census of 1922, 53 per cent of the entire population — a proportion which has since been increased to 60 per cent — there are only two Jewish members out of six. A similar disparity exists in all the other towns, and this results in the deprivation of the rights and interests of the Jews in public works, taxes, road-making, distribution of contracts, the use of the Hebrew language, the employment of Jews in the municipal police, etc.

The Government has acknowledged the justification of a demand for elections. As far back as February 16th, 1924, the Chief Secretary of the Government of Palestine made the following statement to the Waad Leumi concerning the municipal problem: "The present Administration did not introduce any change in the matter hoping that municipal elections based on a general law of elections will be held without delay. It occurred, however, that the delay was greater than was anticipated, for reasons best known to you. Elections will, however, be held in due course".

Two and a-half years have passed since then and no change in the situation has been brought about. The High Commissioner, in a public speech delivered on February 15th, 1925, touched upon the municipal question as one of the subjects concerning which dissatisfaction was justified, and he expressed his hope that an adequate solution would be found in due course.

We regret that no change has since come about. The Jewish community in Palestine considers it imperative that democratic elections be held for the election of municipal councils on an equitable and extended franchise, such as will enable the large masses to participate.

10. Land Speculation.

Every country of extensive immigration and systematic colonisation faces the danger of land speculation as one of its most serious obstacles.

Shortly after the establishment of civil government in the country, the Government, in its Ordinance for Land Transfer, 1920 (Official Gazette of October 28th, 1920), enacted a law which was intended to prevent land transactions for purposes of speculations; but this law was repealed one year after its issue. By this means, room was made for the great wave of land speculations which has come in the train of the ever-increasing immigration during the last two years, and thus limited to a still greater extent the possibilities for colonisation of the Jews.

Such a state of affairs bears heavily upon the agricultural settler, not permitting him, on such expensive land, to establish his farm and obtain a proper return. In the towns, too, land speculation is rife, and there can be no possible doubt that the public needs demand legislative protection against speculation to guard the rights of the agricultural worker and of the institutions serving the public interests under governmental surveillance.


Article VII of the Mandate has laid down that "the Administration of Palestine shall be responsible for enacting a nationality law. There shall be included in this law provision framed so as to facilitate the acquisition of Palestine citizenship by Jews who take up their permanent residence in Palestine."
We wish to point out that the Citizenship Ordinance of 1925 contains clauses which are not in the spirit of this article. Clause 7 (5) of the Ordinance, which authorizes the High Commissioner to withhold the privilege of citizenship without giving reasons for doing so and without any right of appeal against his decision, does not sufficiently take into account the right of Jewish inhabitants to Palestine citizenship. The withholding of citizenship, as an administrative measure, from persons who have fulfilled the obligations of the law, is not, in our opinion, a justifiable procedure.

Even those who have already received citizenship are in danger of losing their nationality if "they have shown by act or speech their enmity or unfaithfulness to the Palestine Government (Clause 10)." In this way the Administration will always be able legally to deprive anyone who criticizes its actions of the right of citizenship.

We emphasise that the danger of the loss of citizenship rights mainly concerns the Jews, since the citizenship rights of the Ottoman subject who become Palestine subjects automatically are not liable to be cancelled by any person or from any cause whatsoever.

In the United States of America the abolition of certain rights is in the hands of the Courts of Law. In our opinion, the power should also be vested in Palestine only in the Court of Law and not in the Administration. We wish also to point out that the special fees ordained by the Ordinance on applicants for citizenship are a heavy burden on the latter. In our opinion, it is not justifiable to exact fees larger than are required to cover the expenses of the Administration of the Ordinance. At the time when it was possible to opt for citizenship in 1922, the Government found that the sum of 10 piastres was sufficient to cover the expenditure. High fees in practice deprive thousands of Jews living in the country of the possibility of taking up citizenship, since they are not in a position to pay such fees. It must not be forgotten that every applicant has already paid to the Government the immigrant's tax of 100 piastres at the time of his arrival in the country, and tens of thousands of pounds which have been levied in this way have entered the Government Treasury.

The demands of the Yishub arising from these comments are:

(1) Emendation of the Citizenship Ordinance of 1925 by the abolition of the right of the High Commissioner to refuse a certificate of citizenship at his discretion without giving a reason for his decision;

(2) That every question of citizenship should be handed to the jurisdiction of the Court of Law, and should be treated not as an act of grace but of right;

(3) Reduction of citizenship fees from £E.1 to 10 piastres;

(4) Preservation of the right of the holders of the temporary certificate of citizenship issued in 1922, so that no additional fee shall be paid by anyone who paid for his certificate at that time, except those indicated in Clause 5 of the Ordinance of 1922.

Religious Freedom.

The Jewish Yishub fully appreciates the fact that the fate of the inhabitants and the realisation of the provisions of the mandate depend as much on the goodwill and loyalty of the practical Administration as on the written terms. In the same way that the Yishub has learnt to note and appraise the positive benefits which the British Administration has conferred on the whole country and on the Jews too, it cannot blind itself to the various cases in which the administrative routine ignores the vital needs of the Jewish Yishub and the fundamentals of the mandate.

Without going too deeply or comprehensively into this question, we should like to note a few details of the practical administration which are the more glaring, through being connected with the freedom of religion and conscience. The mandate ensures to the Jews of Palestine the right of rest on the Jewish Sabbath and holidays. In practice, this right does not obtain among the Jewish officials in many professions. Of these, the Jewish railway employees are particular sufferers, being forced to forgo their religious observances and to desecrate their Sabbath and festivals. This year the Jewish railway guards on the Haifa-Semakh line were even compelled to work on the Day of Atonement — the most hallowed day for the Jews; and one official who could not persuade himself to violate this sacred day was accordingly penalised. The same attitude to the Sabbath and holidays is also to be found in the Police Department, where there have been cases of Jewish policemen being compelled to work on Jewish festival days. Jewish traders whose merchandise arrives in the harbours on the Sabbath are forced either to violate the Sabbath or to pay demurrage, whereas Christian merchants are exempt from such payment on Sundays.

Particularly painful and humiliating it is to note the attitude to the natural right of the Jews to their own holy places made sacred to them by a traditional devotion for thousands of years. The Western Temple Wall, the single remaining relic of the period of Jewry's glory, which for hundreds of years has been moistened with the tears of Jews at prayer, is now in the hands of strangers, and there is no protection for the Jews who come to mourn and pray at the ruins of their Temple. The Jewish old men who come to pray at the Western Temple Wall are not allowed to place stools in the adjoining alley, being thus compelled to
The positive solution of the questions dealt with here, and which on various occasions has been brought to the notice of the Palestine Government, is a primary condition for the existence and development of the Yishub. A solution in accordance with the requirements of modern colonisation and the provisions of the mandate would bring about a stabilisation of the constructive work already commenced and its future unrestricted development.

At the same time, the Yishub finds it impossible to constrain itself within these limits. The Jews of Palestine have never looked upon themselves as a local body with narrow group interests, but as the National Home in process of evolution. Professor Rappard, a member of the Permanent Mandates Commission, was given an opportunity, while on a visit in Palestine, of ascertaining the deep character of this feeling permeating all sections of the Yishub. A discussion on the immigration problem with the representatives of the organised Jewish workers greatly contributed to his illumination on this point.

The present situation of the Jewish masses abroad has laid upon the Palestine Yishub in exceptional obligation, which it feels unable morally to evade. The destruction of the economic and social conditions of millions of Jews in Eastern Europe, that has developed from the time of the World War into a state of national tragedy, certainly makes the question of relief on an international scale an urgent problem not only for the whole of dispersed Jewry, but for the civilised world at large. The closing of the gates of those countries that have heretofore served as immigration centres for the Jews has made Palestine not only the real and sole hope of tens of thousands of Jews but also the country of greatest capacity for absorbing large masses of Jewish migrants. There is no need to stress the fact that the Jewish community of this country, with the burden on its shoulders of building the National Home, cannot face this situation with indifference, more particularly as the growth and stabilisation of the community is to a large extent dependent upon an incessant stream of immigration. During years of energetic colonising work, the Palestinian Jewish community had passed through the first era of preparation necessary to pave the way for colonisation work on an extensive and systematic basis. A half-century of effort was needed until colonisation could pass the stage of experiment, and the completion of the preparation necessary in the technical branches of agriculture, to enable the Jewish immigrant possessing a standard of European culture to establish himself in the various economic walks of this eastern life and to gain a livelihood from the fruits of his toil. The technical experiments that have lasted so many years and that have necessitated the foundation of special research institutes (experimental stations, laboratories, etc.) have taught us how to adjust our activities to the special colonisation conditions of this country. It was also found necessary to establish schemes of systematic colonisation work in accordance with the conditions in various areas. This first period has been passed. The way has been paved for wide, rational and progressive colonisation work on the part of the Jews in Palestine.

The realisation of an extensive scheme of colonisation on a national and modern basis requires primarily the fulfilment of certain constructive plans, in whose preparation the communal institutions of the Palestine Jewish community and the Jewish Agency are at present engaged, and to which we desire to draw the attention of the Permanent Mandates Commission of the League of Nations, the mandatory Government and public opinion throughout the world.

The first condition is the creation of a sufficient reserve of land for colonisation needs, without which no systematic work is possible. There is a definite need for lands of one unbroken area and of sufficient size to provide the suitable colonising basis for intensive settlement. The statistical data of lands acquired until now, as given in Appendix B, shows to what extent this condition is lacking to further Jewish colonisation in Palestine. It must be made clear to what extent its solution is possible by the grant of Government lands on the basis of the third article of the mandate. The Permanent Mandates Commission itself, at its seventh session, held a discussion on this matter. There is no doubt that the principal opinion expressed at that assembly, to the effect that the shortage of sufficient land reserve is one of the factors in the intensive concentration of Jewish immigrants in the cities, and that the famine for land constitutes one of the most serious problems of the Jewish community, fully accords with the actual situation. Areas of this nature abound not only in the vicinity of Beisan and the south lands, but also in other districts of the mandated territory. They afford a livelihood to-day for a small number of nomad Arabs. With colonisation development of a suitable character, it would be possible to maintain a community far larger and possessing a European economic capacity. The question is as important from the point of view of the economic development of the country as it is from that of the building of the Jewish National Home.

The second condition of importance in the realisation of an organised colonising project is that of finance. Works of settlement, development, amelioration and supply, together with the acquisition of reserve lands, necessitate considerable means. This applies to all colonising countries, including those whose natural resources are much more considerable than those of Palestine, and is doubly applicable to this country.

stand on their weak and tired legs throughout the whole of the prayers. Last Yom Kipur, the Day of Atonement, a day of fasting for over twenty-four hours, the old men and women brought stools with them upon which to rest themselves during their enfeebled state, but the police burst in upon the congregation and forcibly removed the chairs, thereby violating the holy prayers.
The considerable sums of money that have been required for colonisation hitherto have been drawn from the Jewish funds, details of which are given more fully in the report of the Jewish Agency. There are two national funds of this nature: the Jewish National Fund—whose object is the purchase of land and works of amelioration—and the Keren Hayessod (Foundation Fund), which employs its income in general colonisation work. The income from these funds for the period 1920-25 was: Jewish National Fund, £821,996; Foundation Fund, £2,144,371; the total investment by these funds in this country has reached the sum of £3,130,876. It must be remembered that these sums could not be devoted entirely to colonisation work, as it was necessary to undertake with a considerable portion of this income functions that in other countries devolve upon the Government.

The transition to an extensive and systematic scheme of development, rendered imperative by the position of the Jewish people and made possible by the progress of the Jewish community of Palestine, cannot possibly be attained by the use of these instruments alone, important though they are. Such a scheme of development demands the mobilisation of financial resources of such an extent as cannot be attained by funds which are based on donations, even though the motive force behind them be strong national enthusiasm.

On the other hand, the present state of development of the Jewish community in Palestine renders possible the framing of an elaborate settlement plan on the basis of a secure credit scheme. At the present moment, the colonising and financial authorities are engaged in considering the various problems connected with the realisation of a large loan. Several schemes outlining the methods by which such a loan could be raised and dealing with the various problems arising therefrom, such as the juridical aspect of the loan, the purposes for which it is intended, the framing of a suitable administration, the security of capital and interest, are now receiving serious consideration.

The Jewish Yishub feels that, after the perfection of the scheme outlined above, it has the right to count upon both the moral and political support of the League of Nations and the mandatory Government to give the suitable financial basis to this undertaking, which is not only a work of culture and the redemption of masses whose very existence is menaced but also the reclamation of a desolate and neglected country.

The Jewish Yishub desires to point out that in this matter, as in other matters bearing upon the establishment of a Jewish National Home in Palestine, it strives to act in entire accord and close co-operation with the Jewish Agency, which it regards as the legitimate representative of the Jewish people throughout the world, in whose destiny that of the Jewish Yishub in Palestine is inextricably bound.

On behalf of the Executive of the Waad Leumi (National Council) of the Jews of Palestine:

Joseph Aharonovitz,
Rabbi Moshe Astrovski,
Eliahu Berlin,
Meir Disengoff;
Dr. Jacob Thon,
Jerusalem, May 14th, 1926.

David Yellin,
Dov Kazenelson,
Dr. Benzion Mossensohn,
Joseph Meyochas,
Chaim Margolit-Kalvariski.

(Signed) Jacob Thon,
Vice-President.

C.P.M. 435.

ANNEX 8a.

OBSERVATIONS OF THE BRITISH GOVERNMENT ON THE MEMORANDUM FROM THE WAAD LEUMI.

Letter from the British Government to the Secretary-General of the League of Nations.

London, June 10th, 1926.

I am directed by Secretary Sir Austen Chamberlain to transmit to you the accompanying nineteen copies of a memorandum from the Waad Leumi (National Council) of the Jews in Palestine, drawn up for submission to the Permanent Mandates Commission of the League.

2. In forwarding this memorandum, His Majesty's Government desire to offer the following observations:

3. In the first place, many matters dealt with in this memorandum are dealt with also in the memorandum and covering letter submitted by the Zionist Organisation which has formed the subject of a separate communication to the League. On these questions it would seem sufficient to observe that His Majesty's Government have nothing to add to their comments upon the Zionist Organisation's representations.¹

¹ Note by the Secretariat. — See Annex 6a.
4. With regard to the general tone of the Waad Leumi's observations, it is perhaps not unnatural that the petitioners, having in mind the wide field of possible action, should underestimate positive achievements by the Palestine Government in almost every section of the field and should be inclined to ignore the limitation on achievement necessarily imposed by the dual obligations prescribed in Articles 2 and 6 of the Mandate.

5. To turn to particular points. As regards the complaints made in Section 5 of the memorandum, it is only necessary to say that public health is a concern of the Government acting on behalf of the people of Palestine as a whole and that the extent of services rendered by the Government depends on considerations of finance and the relative urgency of the various medical requirements. Jewish institutions supported by Jewish patriotic and philanthropic societies have hitherto provided medical services, which it was beyond the capacity of the Government to render, for the Jewish section of the population whose requirements in this connection are greater than those of the Arab section. The policy of the Government is to encourage local authorities gradually to assume greater responsibility in respect of Public Health Services and hospitals and to assist them by grants-in-aid, involving official control of finance and inspection, and by relief from taxation in appropriate circumstances.

6. With regard to Section 8 of the memorandum, it is not the case that the Hebrew language is ignored in Government departments. It is the practice to make general communications to the public in the three official languages. It is inevitable that, in certain departments where the greater part of the business and correspondence is concerned with Arabs, the use of Hebrew should be less than in others.

7. As regards the complaints made in Section 12, all officers of the Government are assured so far as possible the right of rest from work on their own holy day of the week; but it will be realised that European practice which makes Sunday the weekly rest-day from commercial business cannot altogether be ignored in Palestine, especially in a business organisation like the Railway department.

(Signed) Lancelot Oliphant.

ANNEX 9.

REPORT ON THE WORK OF THE NINTH SESSION OF THE PERMANENT MANDATES COMMISSION (Geneva, June 8th-25th, 1926)

Submitted to the Council of the League of Nations

The Permanent Mandates Commission met at Geneva from June 8th to June 25th, 1926, for its ninth session, during which it held twenty-nine meetings, of which two were public. All its members took part in this session and Mr. H. A. Grimshaw, representative of the International Labour Organisation, was also present.

The Commission studied the annual reports on the administration of eight mandated territories, together with five petitions and a certain number of general questions.

The annual reports were examined in the following order in the presence of the accredited representatives of the mandatory Powers, whose names are given below:

1. Nauru (1925):
   Sir Joseph Cook, High Commissioner for the Commonwealth of Australia in London.

   Sir Joseph Cook, assisted by Mr. J. A. Carrodus, Secretary of the Home and Territories Department of the Australian Government.

3. South-West Africa (1925):
   M. Jacobus Smitt, High Commissioner of the Union of South Africa in London.

4. Cameroons, under French mandate (1925):
   M. A. Duchêne, Councillor of State, Director of Political Affairs at the Ministry of the Colonies, assisted by M. Marchand, Commissioner of the French Republic in the Cameroons.

5. Togoland, under French mandate (1925):
   M. A. Duchêne.

6. Ruanda-Urundi (1925):
   M. M. Halewyck, Director-General in the Belgian Ministry of the Colonies, assisted by M. Marzorati, Royal Commissioner in Ruanda-Urundi.
7. **Tanganyika** (1925):

Mr. John Scott, Chief Secretary of the Government of Tanganyika, assisted by Mr. Clauson, of the British Colonial Office.

8. **Palestine** (1925):

Lieutenant-Colonel G. S. Symes, Chief Secretary of the Government of Palestine, assisted by Mr. Clauson.

The Commission also heard a statement from M. Henry de Jouvenel, High Commissioner of the French Republic in Syria and the Lebanon, with regard to the present situation in these territories.

The report on the administration of Iraq from April 1st, 1923, to December 31st, 1924, was on the provisional agenda, and during its session the Commission received proof copies of the report for 1925. The Commission, however, decided to postpone the examination of these two reports to its autumn session, in order to be able to consider them in the presence of Sir Henry Dobbs, High Commissioner for Iraq, who had been unable to come to Geneva for the present session.

The Commission wishes to draw the Council's attention to the efforts made by the mandatory Powers to give effect to the Commission's recommendation, approved by the Council and by the Assembly, that as often as possible they should appoint as accredited representatives to the Commission officials who take a direct part in the administration of the mandated territories. Thus, at this session five out of eight reports were examined in the presence of high officials, whose personal experience enabled them to give the Commission detailed and precise information regarding conditions in the territories.

**GENERAL QUESTIONS.**

The Commission has the honour to draw the Council's attention to certain questions of general interest mentioned below.

**Petitions.**

The Commission has again carefully considered the procedure in force with regard to petitions. Experience having shown that sometimes the Commission has been unable to form a definite opinion as to whether certain petitions are well founded or not, the Commission is of opinion that in these cases it might appear indispensable to allow the petitioners to be heard by it. The Commission, however, would not desire to formulate a definite recommendation on this subject before being informed of the views of the Council.

**List of Questions which the Commission desires should be dealt with in the Annual Reports of the Mandatory Powers on Territories under B and C Mandates.**

The Commission has the honour to submit to the Council for approval an annexed document (A. 14. 1926. VI) containing a list of questions which the Commission would like to have dealt with in the annual reports of the mandatory Powers on territories under B and C Mandates. This document, the drafting of which has been considered for several sessions, is intended to replace the questionnaires for these territories adopted at the Commission's first session and approved by the Council on October 10th, 1921 (documents C.396 and C.397.1921).

**Statistical Information concerning the Mandated Territories.**

During its seventh session, the Permanent Mandates Commission requested the Secretariat to prepare tables giving a certain amount of statistical information with regard to each mandated territory.

Owing to the fact that the annual reports of the mandatory Powers do not contain all the particulars necessary for the preparation of these tables, the Commission ventured to propose to the Council that it should instruct the Secretary-General to obtain directly from the mandatory Powers any supplementary information and explanations they may be able to give.

**Observations of the Permanent Mandates Commission regarding certain territories under A, B and C Mandates.**

The following observations have been drafted by the Permanent Mandates Commission after an examination of the situation of each territory in the presence of the accredited Representative of the mandatory Power concerned. For their full understanding, reference should be made to the Minutes of the meetings at which the questions concerning the different territories were discussed.
Territories under A Mandate

Palestine and Transjordan.

General Observations.

While greatly appreciating the very clear and full statements made by the accredited Representative, the Commission would prefer in future to receive information in written form in reply to observations made by the Commission at its last session, in order that such information may be carefully studied before the meeting. This would make it possible to limit the number of questions put to the accredited Representative.

The Commission notes with satisfaction that political unrest in the country is decreasing and that order has been preserved in all parts of Palestine. The Commission does not doubt that the mandatory Power will always have at its disposal local forces capable, by their composition and number, of preventing any troubles which might constitute a menace for any part of the population.

The Commission heard with satisfaction the statements of the accredited Representative regarding the policy of the Palestine Administration as to the encouragement of local autonomy in accordance with Article 3 of the Mandate. It will follow with interest the measures taken to develop the elective system in the municipal organisations already existing. It also hopes that the next report will contain full information as regards the present organisation and rôle of the different communities.

Special Observations.

1. Land Tenure. — The Commission trusts that every effort will be made to hasten the survey, the completion of which will be of the utmost importance for the general development of Palestine and in particular for the establishment of the Jewish National Home. The Commission hopes that means may soon be found to utilise to the full the possibilities of the land in the Beisan area.

2. Labour. — The Commission regrets that it has not received the information concerning the conditions of labour in Palestine and the legislative and administrative action in this field which it asked for in the Report on its Seventh Session. Whilst recognising the difficulties with which the Administration is faced in this connection, the Commission believes that well-conceived legislation is now necessary and will prove to be highly beneficial. It therefore welcomes the announcement of forthcoming enactments for the regulation of certain labour conditions, and will receive with interest full information concerning the composition and the results of the work of the Standing Committee on Labour.

3. Education. — The Commission notes with satisfaction that the Administration considers a reform in the organisation of educational work in the country to be a matter of urgency, and would be glad to find in the next report a full statement of the outlines of the contemplated reorganisation.

4. Public Finance. — The Commission notes the information given as regards public finance and the funds placed at the disposal of the Palestine Government by the mandatory Power, but hopes that next year's report will contain fuller explanations on this subject.

5. Transjordan. — The Commission notes the statement of the accredited Representative that the text of the Agreement concerning the frontier between Nejd and Transjordan and other relevant documents will shortly be communicated to it. The Commission hopes that the mandatory Power will be able to furnish in the next report full and clear accounts regarding the finances of Transjordan.

Territories under B Mandate

Cameroons (under French Mandate).

Special Observations

1. Slavery. — The Commission notes with satisfaction the accredited Representative's statement that effective co-operation exists between the British and French officials with a view to preventing any cases of slave-trading on the northern frontier of the territory.

2. Labour. — The Commission noted the development of the road system due to the efforts of the mandatory Administration. It would be glad to receive additional information
with regard to the methods and amount of remuneration of the workers employed on road construction. It would also like to know the results of the efforts made by the Administration to introduce into the territory the use of mechanical devices for the saving of human labour.

The Commission would be glad of additional information with regard to the application of the articles of the Decree of July 9th, 1925, concerning the control of the movement of native labourers and also regarding the supervision exercised by the Administration over labour conditions in native plantations.

The Commission will follow with interest the application of the measures which it is proposed to take to improve the sanitary conditions amongst the labourers working on the construction of the Central Railway.

3. Liquor Traffic. — The Commission would be grateful if the next reports could include a comparative table showing the quantities of the various categories of alcoholic liquor imported during the five preceding years.

4. Education. — The Commission notes with satisfaction the creation of a Public Education Commission for the purpose of developing co-operation between the various institutions doing educational work in the territory. It hopes to find in future reports information with regard to this Commission's activities.

5. Public Health. — While paying a tribute to the efforts made to develop the health services, the Commission hopes that it will be possible to increase rapidly the staff of doctors and nurses as well as the number of native medical assistants in the territory.

6. Public Finance. — The Commission again considered the financial policy adopted in the Cameroons, which has already been thoroughly discussed at previous sessions. It noted that each financial period has ended with a considerable surplus. Thanks to these surpluses, the mandatory Power is able to carry on the execution of a very extended programme of public works without having recourse to loans.

The Commission will continue to follow with interest the development of the policy pursued in this connection.

**Togoland (under French Mandate).**

**General Observations.**

The Commission notes with satisfaction that conversations are taking place between the local British and French authorities concerning the final determination of the frontier between Togoland under French mandate and Togoland under British mandate, and that efforts will be made to avoid separating natives of the same tribe.

**Special Observations.**

1. Labour. — The Commission notes with satisfaction the declaration of the accredited Representative that the Administration has no intention of requisitioning labour for the construction during the next three years of the ninety kilometers of railroad from Aghonou to Agbandi.

2. Land Tenure. — The Commission would like to know the extent to which plantations are held by native chiefs.

3. Liquor Traffic. — Considerable increase in the importation of spirits in 1925 is noted by the Commission, which is glad to learn that the duties will continue to be raised to check these importations. The Commission will be glad to hear of such measures as may be taken to combat alcoholism.

4. Public Finance. — The Commission is glad to note the financial prosperity of the territory. The reserve fund of the territory increased considerably during 1925, but this fund suffered from the depreciation of the franc, and the Commission will follow with interest such measures as the mandatory Power may take to prevent losses in these assets of the territory.

It will be appreciated if, in the comparative financial tables in future reports, actual receipts and expenditure could be given together with budget estimates.

**Ruanda-Urundi.**

**General Observations.**

The Belgian Government has stated that it has found it difficult to prepare the report on Ruanda-Urundi in time for it to reach Geneva by the date fixed, i.e., before May 20th. The Commission suggests that the date of September 1st, already adopted by the Council for the arrival of the reports on the Cameroons and Togo under British mandate, be likewise agreed upon for the receipt of future reports on Ruanda-Urundi.

The Commission has read with interest the very full and valuable chapter in the report dealing with native life, the native policy of the mandatory Power, and the relations between its representatives and the chiefs of the tribes and sultanes.
In so far as they have not already been forwarded to it, the Commission would like to receive copies of all laws applicable to the mandated territory, including the laws of the Belgian Congo which have been extended to Ruanda-Urundi.

Special Observations.

1. Labour. — The Commission appreciates the information given with regard to labour in the report. It notes with satisfaction that the Administration is endeavouring to make the chiefs' paid agents, thus making possible the reduction or even the abolition of the customary labour levies.

2. Liquor Traffic. — The Commission notes that the mandatory Power has made the arrangements necessary to secure statistics of the liquor imported into the territory.

3. Education. — The Commission will follow with particular attention such measures as the mandatory Power may take to train a larger number of native teachers.

4. Public Finance. — The Commission takes note of the offer of the accredited Representative to arrange for a clearer explanation in future reports of the exact nature of the various items in the budget. The Commission would be glad to know whether the mandatory Power has considered the desirability of assigning to the mandated territory such part of the profits obtained from the coinage of the currency (currency of the Belgian Congo) as is proportional to the amounts placed at the disposal of Ruanda-Urundi.

The Commission heard with interest the explanations furnished it by the accredited Representative with regard to the working of the Customs Union established between the mandated territory and the colony of the Belgian Congo. It desires to find in future reports an indication of the proportion of the total Customs revenue which has been assigned to the mandated territory.

Tanganyika.

General Observations.

The Commission asks that any information which the mandatory Power desires to transmit as a result of the observations formulated by the Commission on the annual report of the preceding year may be furnished to the Commission before the annual report is examined instead of being left to the accredited Representative to give orally.

Special Observations.

1. Administrative Organisation. — The Commission appreciates the offer of the accredited Representative to arrange to furnish in future reports a statement showing the number of officials and employees of the mandatory Power in the territory, distinguishing their race and the nature of the appointment.

The Commission would be glad to have full information as to the further changes in the system of native administration which are foreshadowed in the report.

The Commission will learn with interest of such arrangements as may be made by the Government of Tanganyika to assimilate the laws applicable to the Massai tribe in their reserves in Kenya and Tanganyika, in order to bring about greater co-ordination in the administrative policy applicable to the tribe as a whole.

2. Labour. — The Commission notes with satisfaction that the mandatory Power, with the agreement of the chiefs as well as of their tribesmen, has abolished the tribute and the compulsory labour which were formerly exacted by the chiefs, replacing them by a poll-tax, part of the proceeds of which is paid into the Native Treasuries, from which the chiefs receive a salary, and that the Administration proposes to make it a legal offence for a chief to exact or attempt to exact other taxes than those legally authorised.

The Commission would be glad to have statistics of cases brought before the Courts under the Master and Native Servants Ordinance.

The Commission notes that the Government of Tanganyika hopes soon to be in a position to ensure the medical examination of all contract labourers before employment.

3. Liquor Traffic. — Considerable increase in the importation of spirits in 1925 is noted by the Commission, which will be glad to hear of such measures as may be taken to combat alcoholism.

4. Economic Equality. — The Commission would appreciate an explanation concerning the difference in the rates applicable to letters and certain other postal matter destined for "British possessions" and "foreign countries".

5. Education. — The Commission is very glad to have received copies of the Minutes of the Dar-es-Salaam Educational Conference, which constitute a most valuable document. The Commission will follow with interest the progress made along the lines now agreed upon.
6. Public Health. — It is suggested that information concerning the number of medical officers in the territory and the number of cases treated during the year be given in the next report.

7. Public Finance. — The Commission has not received the report of the Treasurer of the Territory for 1923-4 which was mentioned by the Commission in the Report on its Seventh Session, nor a similar report for 1924-5, and it was unable from the information given in the annual report to obtain a clear idea of all the financial transactions. It would be glad, for instance, if future reports would show the years in which loan grants were received.

Territories under C Mandate

South-West Africa.

General Observations.

The Commission notes with satisfaction the full information given in the report not only as regards most of the points raised in the Report of the Commission on its Sixth Session, but also on various other questions which arose during its discussions at that session.

Special Observations.

1. General Administration. — The Commission will appreciate information as to what German laws are still in force in the territory.

The Commission would be glad to have more detailed information about the number of officials outside the police zone and of their relations with the native chiefs.

The Commission noted the statement by the accredited Representative that the report on the enquiry into the situation of the Rehoboths would be forwarded to it.

2. Labour. — The Commission notes with satisfaction the results of action taken by the Administration of South-West Africa in order to improve the conditions of workers in the mining camps, and especially the medical service. It will follow with interest the further steps which it is proposed to take in this matter.

The Commission would welcome further information regarding the causes of the unrest and desertion among the Xosas employed in the territory, to which reference is made on page 28 of the report.

3. Liquor Traffic. — The Commission desires to be informed of the reason for the considerable increase in the importation of spirits in 1925 as compared with 1924.

4. Liberty of Conscience. — According to the report, the Missions operating in Ovamboland have been required to furnish a written undertaking (a) to assist and support the policy of the Administration; (b) to encourage all natives under their influence to seek employment in South-West Africa proper, that is to say, within the police zone.

The Commission would be glad to have information in the next annual report in order to dispel doubts which have been expressed in the Commission with regard to the question as to whether these requirements are in conformity with the spirit and letter of Article 5 of the Mandate.

5. Education. — The Commission was informed that all matters relating to native affairs were reserved to the Union Parliament and outside the competence of the Legislative Assembly, but, since it was also told that the Assembly will fix the budget for education, it would be glad to have full information as to the amounts assigned to native education and the reasons therefor.

6. Railways and Harbours. — The Commission again considered the question of the interpretation and application of the South-West Africa Railways and Harbours Act 1922, according to which the railways and harbours of the territory have been vested in the Union "in full dominium". This question has already been considered during the third and sixth sessions of the Commission, which can only refer to what was said on those occasions as to the desirability of bringing the text of the said law into conformity with the interpretation given by the mandatory Power.

The Commission has not been able to get a clear idea of the financial position and management of the railways and harbours in South-West Africa. It asks for a complete statement regarding these matters, particularly as to whether any profits from the operation of the railways and harbours have been credited to the mandated territory and whether the latter has been called upon to subscribe to the capital cost.

7. Moral and Material Welfare. — The Commission, although appreciating the data already furnished by the mandatory Power, would be glad to be more fully informed in future reports of the economic condition of the natives in the territory.
Nauru.

Education. — The Commission would be glad to have further information with regard to the working of the Royalty Trust Fund in so far as public instruction is concerned and also as to the sums set aside by the Administration for the education of the natives.

New Guinea.

1. General Administration. — The Commission hopes that the mandatory Power will make every effort to bring under its effective administration and control a greater portion of the mandated territory. It will follow with special interest the work of training a staff of officials fully qualified to cope with the problems peculiar to this tropical territory and its inhabitants.

2. Labour. — The Commission notes with satisfaction the appointment of an inspector of native labour, and the offer of the accredited Representative to furnish it with a summary of his reports.

It appears that over one-eleventh of the total enumerated population is working as indentured labourers under long-term contracts. The Commission would like to know what proportion of these labourers accept a second contract without returning to their homes.

3. Public Finance. — The Commission would like to have a complete statement of the loans, advances, gifts, etc., made by the mandatory Power to the territory; and of the obligations of the territory to the mandatory Power which have resulted from these transactions. Further information as to the deficit existing at the close of the military administration would also be appreciated.

The Commission would be glad if a statement could be printed in future reports showing the total expenditure in the territory under the various heads, such as administration, education, public health, etc.

It will welcome the full explanation which the accredited Representative offered to furnish as to the meaning of the expression "Other trust funds" on page 35 of the report.

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OBSERVATIONS OF THE PERMANENT MANDATES COMMISSION ON THE PETITIONS CONSIDERED IN THE COURSE OF ITS NINTH SESSION.

In the course of its ninth session, the Commission examined five petitions and the observations made by the mandatory Powers concerning them. A report on each petition was prepared by a member of the Commission. After discussion and amendment, the conclusions of these reports were adopted by the Commission. The reports are printed in an annex to the present document.

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Appendix

REPORTS ON PETITIONS.

A. Palestine.

1. Petitions from the Executive Committee of the Palestine Arab Congress, dated April 12th, 1925, and May 9th, 1926.

(a) REPORT BY M. L. PALACIOS.

Geneva, June 19th, 1926.

The Chairman of the Mandates Commission on March 31st last requested me to continue to act as Rapporteur to the Commission in the matter of the petition from the Executive Committee of the Arab Congress1. The Commission, after protracted discussions, resolved in October 1925 on M. Rappard's proposal, to postpone any final decision on this matter2.

The reasons in favour of this course were:

(1) The Commission doubted whether it could make any adequate recommendation on so complex and delicate a subject on the sole basis of written documents; and

(2) It had been informed that further petitions would shortly be submitted to it by the same persons (Minutes of the Seventh Session, page 136).

1 See Annex 7 to the Minutes of Seventh Session of the Commission.

2 See page 219.
Since then the Commission has received no new information, nor has it in fact received further petitions.

It has not even received the documents which the Representative of the mandatory Power promised to send it on the Rutenberg concessions, one of the questions which had given rise to controversies (Minutes, page 121). In the report on Palestine and Transjordan, however, which was received a few days ago, certified balance-sheets are submitted in respect of the Jaffa Electric Company, Limited, and the Palestine Salt Company, Limited (pages 84 to 89).

The Commission has, in fact, received no new petitions, as the petition sent to the Chairman of the Commission on May 9th last, signed by the Secretary of the Executive Committee, Jamaal Hussein, and accompanied by the British Government’s observations thereon, dated June 10th, which reached me only to-day merely lays stress:

(a) On the suggestion previously made to the Commission that it proceed to Palestine to study the points mentioned in the petitions of 1921 and 1925 and the questions concerning Jewish immigration.

(b) On the failure to apply the provisions of Article 22 of the Covenant and Article 3 of the Mandate, which provide for representative government and local autonomy.

The brief enumeration of these points will enable the Commission, which knows the former documents, to realise that the present petition is not a fresh one, but merely a mere urgent reiteration of the previous one.

In the most recent petition, for the first time, the Executive Committee of the Arab Congress does not take up an attitude of radical and total opposition to the Mandate, but merely complains of the alleged non-application of part of that Mandate. This is a point of importance and should be appreciated, for, from the point of view of one who wishes to see the Mandate strictly observed, I consider it a definite step forward.

On the other hand, the British Government’s observations only concern what it considers the weakest point in the petition, that is to say, the fact that local autonomy has not been developed in the mandated territory.

Therefore, in so far as the Commission is concerned, the situation has not changed since last year. In respect to this question, our discussions, our agreements, our differences of opinion and our decisions would perhaps not differ greatly from those already recorded in the previous minutes and resolutions.

Meanwhile, however, a further development of fundamental importance in this question has occurred. I refer to a resolution adopted by the Council of the League of Nations which appears to embody a guiding principle applicable to this matter and which may compel us to adopt a new method. This resolution is to be found in M. Uden’s report adopted by the Council on December 9th, 1925. It contains the following passage concerning the Commission’s resolve to postpone its final decision on the Arab petition: “In a matter of this kind, as in many others, the Commission is always acting under certain limitations. This is recognised by the Council which . . . would under the circumstances described only ask the Commission to give a statement of the best judgment it could form from the information placed at its disposal.”

According to this resolution, any recourse to means of information on this and similar questions other than those already placed at our disposal would appear to be excluded; in these circumstances we may have to examine afresh — in the light of the various explanations which may be submitted to us during the present session — the second part of the petition, that is to say, the allegations of the Executive Committee of the Arab Congress and the British Government’s observations thereon. Both are to be found on pages 164-180 of the Minutes of the Seventh Session of the Mandates Commission and in the more recent documents, dated May 9th and June 10th of this year, already referred to.

As Rapporteur I shall merely recapitulate the allegations in question and submit to the Commission such observations as seem appropriate.

1. Rutenberg Concessions. — The Arabs object to three distinct concessions: the Jordan concession, the Haifa project and the Auja concession at Jaffa. They hold that, in view of the vital interests involved, these concessions should have been advertised according to rule, in order that the population of the country might be aware of the facts. Furthermore, they consider that all of these concessions should have been granted by the authorities in accordance with the regular administrative procedure, and that the financial conditions which govern such concessions should have been fulfilled in any case.

The mandatory Power has taken the arguments advanced against the three concessions together, in order to reply to them at the same time. It has summarised them, it is hardly necessary to say, in a strictly objective manner. It further gives the formal assurance that the financial conditions governing the concessions have been fulfilled. The preliminary advertising of these different concessions does not, however, appear to have been very extensive. The mandatory Power states that there was no representative body which could have been consulted in a matter of this kind, nor any local authority which would have been competent to grant the concessions. In this respect its statements do not differ materially from those of the Arabs. In fact, the technical and financial importance of enterprises of this kind
2. The Salt Concession. — The Executive Committee points out that the Government has granted concessions for the export of salt. The Jewish concession was granted in 1922, and the Arab concession was granted in 1925. In both cases, the concession was granted without being put up for public tender and without the consent of the Arab community. The price for the concession was not to exceed the wholesale price in Egypt by more than 65 piastres per ton, representing the cost of transport. The statements submitted by both parties concerning assignments of salt of poor quality are not very clear.

3. Kabbara Concession. — The statements of both parties are very contradictory and somewhat confused. The Arabs allege that the land leased, or at least a part of it, did not belong to the State, that the Kabbara property could not be disposed of, that no agreement had been arrived at with the 75 families concerned, although these families are in a difficult circumstances, and that there could be no question of undertaking to reclaim and develop a malarial area in a district consisting of sand-dunes and mountainous and rocky country. The mandatory Power, on the other hand, states that measures had been taken to exclude from the area leased to the Jewish Association all lands to which a right of ownership by the Arab settlers was recognised, that suitable agreements had been reached with the other persons concerned, that the Government insists that this work of reclaiming and settlement, which is a heavy burden on the Association, should be carried out in the general public interest.

4. Elections and Representative Bodies. — The allegations contained in the 1925 petition are corroborated by those made in the petition of May 9th, 1926, concerning the absence of self-government in the central and local administrative bodies. In its observations, the British Government stated last year that the great majority of elected councillors (23 out of 25) represented Arab villages and that, since the promulgation of the Order in Council of July 1925 on Palestine nationality, the transformation of the municipalities of the larger towns has been under consideration. The British Government, in its communication of June 10th, recalls the fruitless efforts made by the mandatory Power to form central representative bodies which were to have a share in the government and refers to pages 44 to 47 in Sir Herbert Samuel's Report on the Administration of Palestine from 1920 to 1925.

5. Drainage System and Cemeteries. — The Executive Committee draws attention to the loss caused to the Arab population, and the violence done to their beliefs, by the drainage system and by the closing of the Mamilla cemetery, both of which measures are for the benefit of the Jewish quarters. The Administration states that the sewerage construction work has been suspended because of lack of funds, and that reasons of public health have led to the prohibition of further burials in a spot which, owing to the increase of the population, is already surrounded by buildings.

6. Inquisitorial Proceedings of the Police. — In reply to the Arab Committee's allegations, the mandatory Power states that these charges are for the most part merely the results of political agitation that persons prosecuted were ordinary criminals, and that in one or two cases only has impartial investigation confirmed the alleged facts. It is pointed out that the prisons of Palestine are not unsanitary, and that conditions in them are not bad. The mandatory Power has, moreover, stated that most of the proposals of a special Committee appointed to consider the treatment of prisoners for debt have now been put into effect.

7. Legislation. — The different points referred to by the petitioners as contrary to the Sharia have been refuted or explained by the mandatory Power. In any event, there should be no difficulty in arriving at peaceful solutions by means of the work of consolidation and reform which the Government has begun. It is to be hoped that those interested will come to an understanding with a view to formulating in a practical shape just and equitable proposals on these complicated questions.

8. Jewish Immigration. — After referring to certain instances, the Arab Executive Committee asserts that the Permanent Mandates Commission's observations on the immigration policy in Palestine have not had the slightest effect. The mandatory Power gives satisfactory explanations concerning the instances mentioned.

9. Flags, National Hymn, and Name of the Country. — The mandatory Power replies fully to the Arab allegations. It states that there is no objection to members of Arab political organisations displaying any colours they please. The Jewish hymn is not officially recognised; the British Government does not deny the truth of the Arab Executive Committee's allegations, but explains the difference in ceremonial procedure by the fact that there is no hymn as much respected among the Arab population as the Jewish hymn is in the Jewish communities. The use of the initials of Hebrew words in the national title is a compromise based on existing custom and approved by the Government.
It is only necessary to read this résumé to understand the reservations made last year by the Commission and to appreciate how difficult it is from a distance to form an opinion with any great confidence on such complicated questions.

Most of these questions have already been considered in previous years when the reports were examined in the presence of the accredited Representative of the mandatory Power, and some or all of them may and should again be taken up at this session when the 1925 report is discussed.

I propose therefore that the Commission should again hear the accredited Representative of the mandatory Power before coming to any definite conclusions.

(b) CONCLUSIONS SUBMITTED BY M. PALACIOS AND ADOPTED BY THE PERMANENT MANDATES COMMISSION ON JUNE 25th, 1926.

In accordance with the report of M. Unden, which was adopted by the Council of the League of Nations on December 9th, 1925, the Permanent Mandates Commission has continued the examination of petitions submitted in 1925, and on May 9th, 1926, by the Executive Committee of the Palestine Arab Congress, and it has endeavoured " to give a statement of the best judgment it could form from the information placed at its disposal ".

After having, at its present session, heard the explanations of the accredited Representative of the mandatory Power, the Commission considers that it is able to submit to the Council the following conclusions regarding the various allegations contained in these petitions.

(a) The Commission hopes to receive from the mandatory Power the promised documents with regard to the Rutenberg concessions. Nevertheless, it agrees with the mandatory Power in considering that the technical and financial importance of enterprises of this type, and particularly the undoubted advantages of all kinds which they involve for all classes of the population, justify the Central Authority in reserving to itself full liberty of action. It is, however, desirable that concessions of this kind should be given the fullest publicity, and that sufficient time should be allowed and such definite rules be applied as to avoid adverse criticism.

(b) As regards the salt concessions, the Commission takes note of the new general regulations which have been issued and of the mandatory Power's intention of observing the strictest equality between those interested as soon as the present concession has expired.

(c) The Commission notes with satisfaction the accredited Representative's explanation regarding the arrangements made and the progress achieved in the matter of the Kabbara concession.

(d) As regards the complaints of the petitioners in the matter of elections, the representative bodies and local autonomy, the Commission was glad to note the accredited Representative's statement to the effect that the Arab section of the population is gradually abandoning its attitude of non-co-operation with the Mandatory Power. It should, in consequence, become increasingly easy to find suitable persons to take part in the work of the representative bodies.

(e) The Commission has noted that the complaints concerning the alleged inquisitorial methods of the police and the prison system have now ceased to have any foundation.

(f) The Commission considers that the reform of the civil and penal legislation is fully justified in the interests of the population and that it is being carried out with all possible regard for the principles of the Sharia.

(g) While renewing the recommendations already made on the subject of Jewish immigration, the Commission takes note of the accredited Representative's explanations. It hopes that immigration will continue to be in proportion to the country's power of absorption on the land.

II. MEMORANDUM FROM THE AGUDATH ISRAEL DATED OCTOBER 11th, 1925.

REPORT BY MRS. A. WICKSELL.

The paper of the Agudath Israel presented to the Chairman and members of the Permanent Mandates Commission date October 11th, 1925, is not a petition in the proper sense of the word. It is a memorandum in support of a petition sent by the Jewish Ashkenasic community of Palestine, the Waad Ha'ir Ashkenazi, upon which the Commission pronounced in the report on its seventh session.

The Agudath Israel was formed to counterbalance Zionism and to group in a universal organisation all Jews attached to their religious tradition against an organisation with a tendency to include all Jews in a purely political organisation. It holds that the community of orthodox Jews in Palestine, the Waad Ha'ir Ashkenazi, has lost its freedom of conscience and its right of worship through being obliged to remain incorporated in the National Council, Waad Leumi, in which political and religious attributions are indissolubly bound together and where consequently the religious principle might be subordinated to factors exclusively

1 See Annexes to Minutes of the Ninth Session of the Commission.
political. It endorses the complaints of the Waad Ha'ir Ashkenazi, both as regards the actual
position of the orthodox group in its relations to the existing Waad Leumi and as regards
the draft law on the formation of a Jewish community. With reference to the actual position,
it asserts that, before the constitution of the Waad Leumi, the Waad Ha'ir Ashkenazi, was
in uncontested possession of the liberties of which it was later deprived, and, with regard
to the creation of a universal Palestinian Jewish community, it claims the right for the
Waad Ha'ir Ashkenazi to form an absolutely independent religious community.

The mandatory Government has commented on the memorial of the Agudath Israel1.
According to the information there given and to the statement of the interested congregation
itself, the section of the Waad Ha'ir Ashkenazi may be regarded as numbering not more
than about 6,000 persons, while the total Jewish population of Palestine is about 140,000.

Under the Ottoman regime, neither the Waad Ha'ir Ashkenazi nor any other group of
Ashkenasic Jews were officially recognised. It was, however, registered as a society under
the Ottoman Law of Associations, and under the British military administration it received,
and in fact continues to receive, undefined recognition as such. It had under the Ottoman
regime no religious tribunal of its own, and as, under the Palestine Order in Council, Article 51,
only those courts of the religious communities which were established and exercised jurisdiction
could be recognised, no separate religious tribunal of this section was recognised by
the civil government.

After the establishment of the civil government, the Jewish population of Palestine,
in 1921, proceeded to organise itself both in religious and lay matters. It created a Rabbinical
Council consisting of one Sephardic and one Ashkenazic Chief Rabbi and three Rabbis of
each section. It also constituted an elected Assembly, chosen by secret ballot by the votes
of adult Jews. This Assembly appoints an Executive Committee known as the Waad Leumi,
and this Committee has been officially recognised as the spokesman of the Jewish population.
In addition to this central Council there is a local Committee in each town, the Waad Ha'ir,
which is officially recognised by the local administration.

The Waad Ha'ir Ashkenazi took no part in the election of these different bodies, but
applied to the Palestine Government for official recognition as a separate community. Another
still smaller group acted in the same way and to both the answer was given that there would
be no interference with their existence as separate congregations, but that they could not be
recognised as separate communities or given any official communal status. The mandatory
Power maintains that there has been no deprivation of rights or privileges previously enjoyed
by the Ashkenazic Waad, but only a refusal to grant a new right, namely, the right to be
constituted as a separate community with all its attendant powers and attributes, and the
mandatory Power is of opinion that the denial of this right involved no interference with
freedom of conscience and of worship. According to the mandatory Power, there has been
no compulsion hitherto to make the Waad Ha'ir Ashkenazi subservient to the Waad Leumi,
and it is not intended that any regulations which may hereafter be framed for the organisation
of the Jewish community in Palestine should make it compulsory for any individual or
congregation to come under the control of the Waad Leumi.

The position at the time when the mandatory Power made its observations was that an
ordinance was shortly to be published dealing with the organisation of religious communities
in general, and that regulations to be issued under that ordinance for the organisation of the
Jewish community were still under consideration by the Government of Palestine and the
Government of the mandatory Power. It is the intention of the mandatory Power to
proceed in this matter with the utmost caution.

On February 15th, the Religious Communities Ordinance 1926 was published in the
Official Gazette, and on April 16th it was duly promulgated and came into force.

According to this Ordinance, the initiative is left to the community itself to organise
a religious community with autonomy for internal affairs. Separate regulations will be made
in each case, suited to the special circumstances and organisation of the community concerned.
These separate regulations may provide for the constitution of religious and cultural councils
or boards possessing legal personality. They may also bestow upon these councils or boards
powers to impose upon members of the community contributions or fees for communal pur-
poses, recoverable in the same way as municipal taxes or fees.

It is not stated what other rights or powers are incorporated in the expression "autonomy
for internal affairs ". Presumably these rights will differ for the different communities and
can only be ascertained when the separate regulations are issued. Nor is any definition given
of what will be considered a religious community. Beside the Mohammedan and the Jewish
religion, the third important religious element in Palestine is the Christian. If that element
should want to be constituted as a separate religious community, must it then form one
common organisation, or will the Greek orthodox, the Roman Catholic and the Protestant
sections be permitted to organise separately? This question is absolutely analogous to that
raised by the Waad Ha'ir Ashkenazi and the Agudath Israel and presumably must be solved
in the same way.

1 See Annexes to Minutes of the Ninth Session of the Commission.
It is the duty of the mandatory Power and of the Permanent Mandates Commission to ensure to all inhabitants of Palestine complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals. It is evident that this is a difficult task where the religious life of a section of the population seems to permeate everything, including what we are accustomed to consider as purely political or municipal functions. The little Ashkenazi congregation in question protests against the mere fact of being incorporated into an organisation where women vote and where such public certificates as they may need are issued by authorities not belonging to their own special sect.

According to the memorandum of the Agudath Israel, there are orthodox Jews in all civilised countries. There they certainly live under the national legislation of those countries, and if they can live, say, in England, subject to English courts and regulations, without being wounded in their religious feelings, it is difficult to see why they should not be able to live within a common Jewish community in Palestine. They will certainly enjoy in Palestine the same liberty which is granted to them in England and makes it possible for them to live there.

It is, however, impossible for the Permanent Mandates Commission to judge whether the Waad Ha'ir Ashkenazi and the Agudath Israel are justified in their complaints until the separate regulations for the Jewish community have been promulgated and put before it. As yet we do not know what powers, under these regulations, will be given to the central and municipal authorities of the different religious communities, to what extent, if any, they will be allowed to legislate for themselves and so on. In matters of family law, for example, there is a great difference between the very orthodox Jews and the more progressive element, and if legislative powers in such matters are given to the community, the very orthodox section certainly may claim at least as much liberty to regulate their own family life in Palestine as is accorded to them in England.

Under the very peculiar circumstances which prevail in Palestine, it may be necessary to take such an unusual and perhaps even dangerous measure as that of creating special religious states within the State. But the problem will be extraordinarily difficult both with the Jewish community and with the Christian community, which is split up into a still larger number of sects than the Jews. It will require much wisdom, much patience and much willingness to acknowledge mistakes, qualities that are rarer still in a state than in individuals.

As the text of the separate regulations for the Jewish community has not been promulgated, no exact conclusion can be reached regarding the case of the Waad Ha'ir Ashkenazi as presented in the memorandum of the Agudath Israel. The Permanent Mandates Commission takes note of this memorandum, and of the observations thereon of the mandatory Power and will bear them in mind when the proposed regulations have been put into force and placed before it.

III. LETTER DATED MAY 3RD, 1926, AND MEMORANDUM FROM THE ZIONIST ORGANISATION IN PALESTINE.

REPORT BY M. C. YAMANAKA.

1. The Secretary-General of the League of Nations has received through the mandatory Power a memorandum from the Zionist Organisation, with a covering letter to the High Commissioner for Palestine, dated May 3rd, 1926.

The mandatory Power has also sent to the Secretary-General its observations dated June 10th, 1926, on these documents.

2. The memorandum from the Zionist Organisation gives interesting information regarding the work of this organisation in its capacity as the Jewish agency for the development of the Jewish national home in Palestine during the year 1925-26. It refers to the situation of the Jews in Palestine as regards immigration, agricultural colonisation, the development of the towns, industry, hygiene and public health services, education and finance. It also contains information regarding the Jewish community in Palestine, and the relations between the Zionist Organisation and the Jewish Agency for Palestine. The memorandum is therefore of a purely documentary nature, and I do not think it calls or any comments.

In the covering letter, however, four complaints are made regarding:

(a) The allotment of land; (b) education; (c) the incident at the “Wailing Wall”; (d) the formation of a Frontier Defence Corps.

3. As regards the question of making State and waste lands available for colonisation, the letter refers to two sets of facts:

(A) The Zionist Organisation repeats the request it made last year that the Government should allocate State and waste lands to the Jewish colonists for intensive settlement.

1 See Annexes to the Minutes of the Ninth Session of the Commission.
In this connection, the mandatory Power observes that the Government recently offered a certain tract of State land in the Beisan region to the Zionist Executive Committee. The land, however, was refused as being unsuitable for the purpose in view. The mandatory Power also explains that it will not be possible to ascertain what State lands will be available for Jewish colonisation until the allotment of these areas to the native inhabitants who have title to them has been completed.

I consider that these explanations on the part of the mandatory Power are adequate.

(B) The Zionist Organisation claims preferential treatment and priority in respect of the acquisition, by voluntary transfer on the part of cultivators, of State land on which purchase-annuities remain due.

In this connection, the mandatory Power gives very detailed explanations, clearly showing the reasons which prevent the Government from complying with this request. I think the Commission will feel that these explanations throw sufficient light on the question.

4. The second complaint is with regard to the inadequacy of the Government’s contribution to the cost of maintaining Jewish schools when considered in relation to the Jewish population and to that community’s contribution to the Public Treasury.

This question has already been dealt with by the Commission at its seventh session. Moreover, the mandatory Power points out that the amount of the Government’s contribution to the cost of Jewish schools is substantially increased in the financial estimates for the current year.

The Commission may possibly think it desirable to request the mandatory Power to mention in its next report the results obtained by this arrangement.

5. The Zionist Organisation next raises the question of the incident which occurred when the police intervened at the “Wailing Wall” on the Jewish Day of Atonement, which seems to have caused considerable anxiety to the Jews.

As regards this question, the mandatory Power shares the Zionist Organisation’s opinion that a solution can only be found by agreement.

I am sure the Commission will be unanimous in hoping that such an agreement will shortly be reached.

6. Again the Zionist Organisation expresses the hope that the Jewish population, which was substantially represented in the disbanded gendarmerie, will be represented in the same proportions in the Frontier Defence Corps.

In this respect also the reply of the mandatory Power throws light on the situation, and the principle of equality of treatment for all sections of the population of Palestine and Trans-Jordan seems to be satisfactorily recognised.

7. Moreover, the Zionist Organisation contests the statement contained in the report of the mandatory Power for 1924 concerning certain infectious diseases which, it was alleged, affected only the Jewish population.

The mandatory Power observes that the statement in question might more properly have been to the effect that the incidence of these diseases falls mainly upon the Jewish section of the population.

The Commission may wish to note this.

8. I therefore think that the Commission, having taken cognisance of the letter dated May 3rd, 1926, and the annexed memorandum from the Zionist Organisation as well as the observations submitted on the subject by the mandatory Power, will consider that the explanations furnished by the latter are satisfactory.

IV. Memorandum dated May 14th, 1926, from the Waad Leumi (National Council) of the Jews of Palestine.

Report by M. Freire d’Andrade.

The Waad Leumi (National Council) of the Jews of Palestine has submitted to the Permanent Mandates Commission through the intermediary of the High Commissioner of Palestine a memorandum with regard to the situation of the Jewish population (Yishub) in Palestine and its present needs.

After a short historical retrospect, the National Council states that the mandatory Government has adopted a negative policy and a passive attitude with regard to the Jews in Palestine. If this were the case, the mandatory Power would not be fulfilling the obligations imposed upon it by the mandate. In justification of its view, the National Council quotes a paragraph from the report for 1920-25, by the High Commissioner, Sir Herbert Samuel, in which he explains why as regards the granting of land for Jewish colonisation, the education of Jews and their employment in administrative posts, it has not been possible to give complete satisfaction to the Jews.

It must be recognised that the mandatory Power has had very serious difficulties to contend with in establishing the Jewish Home in Palestine, owing to the opposition of the great majority of the Arab population, and that it has had to exercise much tact and judgment to achieve the results which have been obtained, without having recourse to violent measures which would have covered the country with blood and ruins.

1 See Annexes to the Minutes of the Ninth Session of the Commission.
Very great progress has been made in the administration of Palestine and the wealth of the country has visibly increased. The opposition of the great majority of the population to the establishment of the Jewish Home has diminished, and it may be hoped that the prospects of an understanding which would be profitable to all concerned are now much more favourable.

The Permanent Mandates Commission, while recognising that the Jews are justified in demanding the support for which provision is made in the Palestine Mandate, is of opinion that the mandatory Power has acted wisely in not precipitating events and in endeavouring to avoid serious conflicts between the two sections of the population.

* * *

The National Council then refers to the problems which in its opinion require the immediate attention of the mandatory Power. They are as follows:

1. **State Lands.** — Articles 5 and 6 of the Mandate stipulate that the mandatory Power should encourage the settlement of Jewish colonists on State lands. According to the Waad Leumi, no concession of State land has been made except in one case: that of the marshes of Kabbara. It would therefore appear that the mandatory Government is not fulfilling the duty imposed upon it by Article 6 of the Mandate.

It should, however, be pointed out that this question was raised last year and that the High Commissioner explained in his report (page 32) the reasons for the delay — based in the main on questions of ownership.

The mandatory Government offered 10,000 dunams in the region of Beisan to the executive Committee of the Zionist organisation for the establishment of former Jewish soldiers, but this offer was rejected.

The Waad Leumi complains, however, that in the same Beisan region — one of the richest areas in Palestine — very large concessions of land have been made to the Arabs. This is true, but it was done in accordance with the Convention of Beisan in order to regulate the position of the former farmers of the region.

It is possible that the provisions of the Convention were not very judicious and that they have given rise to difficulties and delays. The Convention exists, however, and it is only when the situation of the former farmers has been regulated that the mandatory Power will know what land it has at its disposal for the purposes indicated in Article 6 of the Mandate and will be able to establish just and equitable conditions for the Jewish colonists.

If the Arab farmers have received larger plots than they can cultivate, it will be open to the Jewish organisations to acquire such surplus land, and the mandatory Power will certainly afford them every facility in accordance with the provisions of the Mandate.

The questions connected with land are those most calculated to arouse the passions of the Arab inhabitants of Palestine, and must be treated with the utmost prudence.

The Permanent Mandates Commission is of opinion that the policy of the mandatory Power with regard to the land has been wise, and hopes that it will continue more and more to encourage the close settlement of Jews on the land.

2. **Expenditure on Education.** — According to the Waad Leumi, the grants made to Jewish schools are not proportionate to the grants made to Arab schools or to the number of Jews in Palestine and the taxes they pay.

Although the mandatory Power has already explained, and with justice, that the grants made to the schools need not necessarily be proportionate to the numbers and taxes of any particular section of the population, it is none the less true that all the schools deserve the help of the Government to a greater or less degree in accordance with their needs and the resources of the Government.

It must be pointed out that, as the Arab population as a whole is the least advanced, from an educational point of view, it has most need of the assistance of the mandatory Power, especially as the raising of its educational level will tend to establish better relations between the two sections of the population.

In regard to the complaint of the Waad Leumi that the grants to the Jewish schools are insufficient, the Mandates Commission has been informed that they will be largely increased in the current year and hopes that this will prove satisfactory to the petitioners.

3. **Labour.** — Under this heading the National Council complains of the unfavourable conditions to which Jewish workers are subject. It is clear that the mandatory Power cannot give specially favourable treatment to the Jews, inasmuch as both Jews and Arabs should have the same rights and obligations.

The Commission considers that it would be helpful if the mandatory Power were to promulgate as soon as possible laws regulating the conditions of labour of men, women and children.

4. **Public Health.** — The Jewish hospitals and other health institutions have done good service in Palestine and are quite well developed. The mandatory Government recognises this.

But, according to the Waad Leumi, the mandatory Power has refused to share in the expenditure of the Jewish health organisation.
The Jews, like the rest of the population, are entitled to all the advantages of the Governmental Health Services.

The Permanent Mandates Commission considers that, under the terms of the Mandate, the mandatory Power is not required to grant special subsidies to the Jewish Health Services.

5. Industrial Development of the Country. — As regards the giving of official aid and protection for the development of industry, it is alleged that the régime of the mandatory Government is less liberal than the Turkish régime.

The results of the administration of the mandatory Power as shown by statistics of the economic position and public revenue do not support this allegation. The mandatory Power should, however, take into consideration certain of the desires expressed in the memorandum of the Waad Leumi and give such satisfaction as would appear both just and possible.

6. Internal Organisation of the Yishub. — Article 4 of the Mandate provides that "an appropriate Jewish agency shall be recognised as a public body for the purpose of advising and cooperating with the Administration of Palestine..."; consequently, it is only this agency, that is to say, the Zionist Organisation, which is entitled to give advice to the Administration in matters affecting the Jews: any other Jewish agency can approach the Government, but only the Zionist Organisation is competent to do so under the terms of Article 4.

The Waad Leumi complains that the Assephat Hanivharim (Elected Assembly), which was legally recognised by the High Commissioner in October 1920, has established a code for the regulation of the communal affairs of the Jewish population but that this code has not yet been approved by the Government, and that the Government on its side has approved an ordinance which does not take into account the needs of the Jewish population, its development and its specific functions. The proposed ordinance is based upon the principle of unification for the satisfaction of religious requirements and not on a general national organisation. This question is complicated by the religious considerations to which it gives rise — considerations which were discussed last year by the Permanent Mandates Commission, and which are the more deserving of attention in view of the fact that the Covenant in Article 22 stipulates that the mandatory Power must guarantee freedom of conscience in the territory which it administers on behalf of the League of Nations. Claims have been submitted to the Permanent Mandates Commission by the Ashkenasic Community of Jerusalem and by the Agudath Israel Association.

This is a case in which the advice of the Zionist Organisation, provided for in the Mandate, should be taken into account. This Organisation declares, in a memorandum presented to the Secretary-General of the League of Nations, that efforts should, above all, be devoted to maintaining Jewish unity in Palestine, while the various groups which may exist should be allowed full and complete freedom of conscience, and the right to retain their own conception of the Jewish faith and of the practice of the Jewish religion. As the question of the internal organisation of the Yishub is dealt with in a separate report, we would merely observe that, when the regulations under the Communities Ordinance are published it will be easier to deal with the question raised by the Waad Leumi.

7. Public Safety. — The Jewish community exhibits uneasiness with regard to the manner in which the military or police forces are recruited, in particular with reference to the Decre€ concerning the defence of the frontier. It states that the defence corps is composed mainly of Arabs.

It should be noted, however, that, in fact, out of 475 soldiers of the Palestine section of the gendarmerie, one hundred are Jews. Moreover, the Administration makes no difference on the ground of race or religion in admitting candidates who desire to become members of the defence corps. It would therefore appear that the complaint is without foundation.

8. Hebrew Language. — According to Article 22 of the Mandate, Hebrew must be regarded as an official language. The Waad Leumi mentions certain cases in which that language has not been regarded as official.

The Commission considers that it is inevitable that in a country in which there are three official languages cases of this kind should occur.

9. Local Government. — The Waad Leumi asks that an elected municipal organisation should be established at Tel-Aviv and in certain large villages which it does not specify. According to the memorandum itself, it would appear that the mandatory Government recognises the necessity for holding elections.

The Permanent Mandates Commission is convinced that it will take the necessary steps in this direction as soon as it is possible to do so.

10. Speculation in Land. — The Waad Leumi also asks that a law should be enacted to prevent speculation in land. Although such speculation may be detrimental to the object which those who are working for the establishment of a Jewish Home in Palestine have in view, the Permanent Mandates Commission recognises the difficulty of achieving the desired results by means of legislation. It would be grateful to the mandatory Power if the latter would explain the reasons which have led to the annulment of the Ordinance for Land Transfer. (Palestine Official Gazette, October 28th, 1920).
11. Rights of Citizenship. — In this connection, the Waad Leumi complains that the High Commissioner is empowered to withdraw the privilege of citizenship without trial and without appeal.

The Commission is of opinion that the mandatory Power has demonstrated the necessity of conferring this power upon the High Commissioner and it could only have taken this complaint into consideration if cases had been laid before it in which this power had been abused or exercised in an arbitrary manner.

12. Liberty of Conscience. — Under this heading, the Waad Leumi complains in particular that Jews employed by the Administration are forced to work on the Jewish Sabbath and on Jewish Feast Days.

The Permanent Mandates Commission, in view of the terms of Article 23 of the Mandate, draws the attention of the mandatory Power to this complaint.

* * *

A point which deserves notice in the memorandum of the Waad Leumi is that it admits that the administration of the mandatory Power has brought great advantages to the country and to the Jews. Notwithstanding this, it states that the Administration does not take into account the vital needs of the Jewish population and the fundamental principles of the mandate.

The Permanent Mandates Commission does not consider that the latter statement has any sound foundation. It must be recognised that the mandatory Power has given to the inhabitants of Palestine a remarkable degree of peace and tranquillity, and that the country has developed under its administration.

The Permanent Mandates Commission hopes that the understanding which appears to be forming among the various sections of the population will develop as rapidly as possible under the auspices and with the support of the mandatory Power, since this will promote the rapid development and progress of the country.

B. Togoland (under French mandate).

V. Petition, dated April 3rd, 1926, from Mr. C. Hayford, acting on behalf of certain natives of the Adjigo Tribe in Togoland.

Report by M. Orts.

The Secretary-General of the League of Nations has received, through the French Government — which in turn received it from the French Commissioner in Togoland — a petition from a barrister in Accra, Mr. Casely Hayford, acting on behalf of a group of Togoland natives belonging to the Adjigo Tribe.

This petition concerns circumstances with which the Mandates Commission had to deal in 1924, at its fourth session 1.

At that time the Commission decided that the petitions from members of the Adjigo Tribe should not be forwarded to the Council, since it was clear from the information given by the mandatory Power that the administrative decision — namely, that they should be obliged to reside at a place far distant from their homes — to which the petitioners objected "was not based on any consideration such as might give rise to criticism from the point of view of good administration".

At the same time, in deference to the wish expressed by certain members of the Commission that a measure of clemency should shortly be extended to the petitioners, the Commission expressed its confidence that the local authorities would abstain from taking any severe measures which were not absolutely necessary for the maintenance of public order.

The Commission’s hopes were not realised: the members of the Adjigo Tribe are still detained at the place of residence which was allotted to them in 1922.

In the opinion of the mandatory Government, the continuance of this state of affairs is justified by the persistent refusal of the petitioners to give a formal undertaking not to engage in any political agitation if they are allowed to return to their native district.

The Government is responsible for public order, and except for serious reasons, which do not arise in this case, we are not called upon to discuss the propriety of such measures as it thinks fit to take to ensure the maintenance of that order.

At the same time, the Commission can always demand further information from the Mandatory if it thinks it desirable; and the accredited Representative of the French Government has been kind enough to offer spontaneously his good offices for that purpose.

I propose that the mandatory Power should be asked to furnish the Commission with supplementary information on the following points:

(1) Is it correct that, as the petitioners state, when in 1922 they were transferred from Anecho to the place of residence allotted to them in the northern part of the territory, they were refused transport facilities although they offered to bear the expense themselves, and were compelled to travel some hundreds of kilometers on foot?

1 See Minutes of the Fourth Session, page 250.
If so, were they not subjected to unmerited hardships and humiliations, and did not the Government treat them with unjustifiable severity?

(2) Having regard to the fact that no reasons for the Order of April 25th, 1922, were published, what were the Government’s motives for treating with equal severity the twelve persons in question (some of whom were old men), whose activities, personal influence, or mere presence at Anecho could not apparently endanger public order in the same degree?

(3) What are the existing circumstances which justify the maintenance, after more than four years, of these severe measures against the members of the Adjigo Tribe, seeing that, according to the annual report, “the Adjigo party did not make itself prominent in 1925 by any demonstration worthy of note”?

ANNEX 10.

B AND C MANDATES: LIST OF QUESTIONS

WHICH THE PERMANENT MANDATES COMMISSION DESIRES SHOULD BE DEALT WITH IN THE ANNUAL REPORTS OF THE MANDATORY POWERS

The attached document replaces the former questionnaires for B and C mandated territories (documents C.396 and 397. 1921). It has been drawn up with a view to facilitating the preparation of the annual reports which, under the terms of Article 22 of the Covenant, mandatory Powers are required to furnish to the Council with regard to the territories for which they are responsible.

The document indicates, in the form of questions, the principal points upon which the Permanent Mandates Commission desires that information should be given in the annual reports.

Without asking that its questions should be necessarily reproduced in the reports, the Commission considers it desirable that the reports should be drawn up in accordance with the general plan of the questionnaire.

A. Status of the Territory.

1. Is there any organic law in which the mandatory Power has laid down and defined the status of the mandated territory? Please forward such changes as have been made in this organic law.

2. To what extent is the territory financially and administratively autonomous?

B. Status of the Native Inhabitants of the Territory.

3. Has a special national status been granted to the native inhabitants? If so, what is the legal or current term used to describe this special status?

4. Do natives of the territory enjoy the same guarantees as regards the protection of their persons and property in the territory of the mandatory Power and in its colonies, protectorates and dependencies as the native inhabitants of each or any of the latter? If not, what treatment do they receive in this respect?

C. International Relations.

5. What international treaties or conventions (general or special) apply to the territory?

6. How fully has effect been given, as a consequence of the stipulations of the Mandate, to the principle of economic equality for all Members of the League of Nations.

D. General Administration.

7. To what extent have legislative and executive powers been delegated to the chief Administrative Officer of the territory?

8. Does the chief Administrative Officer exercise these powers with the assistance of legislative, executive or advisory councils? If so, what are the powers of these councils? How are they constituted and do they include unofficial members and native members?
9. What are the different Government departments? How are they organised?
10. Into what administrative districts is the country divided? How are they organised?
11. How many officials are there? How are they divided between the central administration, technical services (agriculture, public health, public works, etc.) and district administrations?
   - What is their origin and their nationality?
   - What are the conditions required for appointment?
   - What is the status of the officials? Are they entitled to a pension? Are advantages reserved to officials with a knowledge of the native languages?
12. Do natives take part in the general administration and, if so, to what extent? Are any posts in the public service open to natives? Have any councils of native notables been created?
13. Are there any native communities organised under native rulers and recognised by the Government? What degree of autonomy do they possess and what are their relations with the Administration? Do village councils exist?

E. Public Finance.

14. Please forward the detailed budget of revenue and expenditure for the current fiscal year, and a similar statement for the last completed year of account.
   - Please attach a comparative table of the total revenue and expenditure, section by section, for each of the past five years.
15. Has the territory a public debt? If so, attach figures for the last five years.
16. Has the ordinary and extraordinary expenditure been covered by budgetary revenue or in some other way — either by public loans, or by advances or free grants by the mandatory Government?
   - In the latter cases, state the conditions of the financial transactions involved.
17. Please give the annual and total amounts of advances and grants-in-aid by the mandatory Power to the mandated territory.

F. Direct Taxes.

18. What direct taxes — such as capitation, or income, or land taxes — are imposed:
   - (a) On natives?
   - (b) On non-natives?
19. Are the native direct taxes paid individually or collectively? Are they applicable to all natives without distinction or only to able-bodied male adults? Is the rate of taxation the same throughout the territory or does it vary in different districts? Can a native pay in kind or only in money?
20. Is compulsory labour exacted in default of the payment of taxes in cash or kind? If so, on what basis is the equivalent calculated?
21. What methods are employed to assess and collect the native taxes?
22. Is any portion of this tax handed over to the native chiefs or communities? Are chiefs salaried by the administration?
23. Are the native chiefs allowed to exact tribute or other levies in cash or in kind or in labour? If so, is this tribute in addition to the Government taxes?

G. Indirect Taxes.

24. What is the tariff of import and export duties? Are transit and statistical duties charged?
25. Are there any indirect taxes in force other than import, export and transit duties?
26. Does the territory form part of a Customs union with neighbouring colonies and dependencies of the mandatory Power? If so, how are the Customs receipts and expenses divided?
27. Are the products of the mandated territory given preferential treatment when imported into the territory of the mandatory Power, its colonies or dependencies, or do they pay the same duties as similar products from foreign countries?

H. Trade Statistics.

28. Please forward comparative statistics concerning the general and special trade of the territory, showing both imports and exports for the past five years. (Please indicate the amount of imports and exports of Government material and stores.)
I. Judicial Organisation.

29. Please give a description of the judicial organisation, both civil and criminal.
30. How are the courts and tribunals of the various instances constituted?
31. Do they recognise native customary law, and if so, in what cases and under what conditions?
32. Are natives entitled to officiate in the courts and tribunals: for example, as assessors or members of the jury?
33. Does the judicial organisation include tribunals exclusively composed of natives? Are these tribunals under direct or indirect control of the mandatory Power? What powers do they exercise? Can they inflict punishments for which the law makes no provision? How are their sentences carried out?
34. Does the law inflict the penalties of corporal punishment, forced residence and deportation? If so, under what conditions and limitations?
35. Does the penitentiary system obviate the necessity of sending prisoners long distances for confinement?

J. Police.

36. Is there any police force apart from the armed forces proper? If so, what is its strength?
37. Are the police concentrated in centres under direct European, or Japanese authority or distributed in detachments in the villages under native subalterns only?

K. Defence of the Territory.

38. Are any military forces maintained for the defence of the territory? If so, how are they recruited, organised and armed? What is the period of service? What proportion of Europeans or Japanese do they include? What is their strength? Is it provided that discharged soldiers are called up as reservists in case of an emergency?
39. If the Territory has no armed forces of its own, what are the arrangements for its defence?
40. If military expenditure and expenditure on the police are included under the same item of the budget, please indicate separately the expenditure on each.

L. Arms and Ammunition.

41. What measures have been adopted to control the importation of arms and ammunition?
42. What number of arms, and quantity of ammunition of the different categories have been imported during the year, and what approximately is the number of such arms and the quantity of ammunition in the country?
43. Is the importation (with or without restrictions) allowed of "trade guns" (flint locks) and "trade powder" for self-defence, or for the protection of crops against wild animals, or for any other harmless purpose?

M. Social, Moral and Material Condition of the Natives.

44. What, generally speaking, are the measures adopted to promote the moral, social and material welfare of the natives?
As an indication, please state approximately the total revenue derived from the natives by taxation and the total amount of the expenditure on their welfare (education, public health, etc.).
45. Is the native population divided into distinct social castes? If so, does the law recognise these distinctions and the privileges which may be attached thereto by native tradition and custom?
46. Does the slave trade or slave-dealing exist in any form? If so, what measures are taken for their suppression and what has been the success of these measures?
47. Does slavery still exist and, if so, in what form:
(a) In Moslem districts?
(b) In other districts?
Can a slave be emancipated under native customary law?
48. What measures are being taken to suppress slavery? What have been the results of these measures?
49. Do any of the following practices exist in the territory:
   Acquisition of women by purchase disguised as payment of dowry or of presents to parents?
   Purchase of children under the guise of adoption?
   Pledging of individuals as security for debt?
   Slavery for debts?
   Are these practices penalised by law?

50. What is the status of freed slaves, especially women and children, in the native social organisation?

51. What is the social status of women? In particular, are polygamy and concubinage universal or prevalent? Are they recognised by law?

52. Can a native move about freely throughout the entire territory? Are there any regulations in regard to such movement? Is vagrancy a penal offence? If so, how is it defined?

N. Conditions and Regulation of Labour.

53. Have measures been taken in accordance with Part XIII of the Treaty of Versailles to ensure the application of conventions or recommendations of the International Labour Conference?
   Please indicate such local circumstances, if any, as render these provisions inapplicable or ineffective.

54. Does the local supply of labour, in quantity, physical powers of resistance and aptitude for industrial and agricultural work conducted on modern lines appear to indicate that it is adequate, as far as can be foreseen, for the economic development of the territory?
   Or does the Government consider it possible that sooner or later a proper care for the preservation and development of the native races may make it necessary to restrict for a time the establishment of new enterprises or the extension of existing enterprises and to spread over a longer term of years the execution of such large public works as are not of immediate and urgent necessity?

55. Are there any laws and regulations regarding labour, particularly concerning:
   Labour contracts and penalties to which employers and employed are liable in the case of their breach?
   Rates of wages and methods of payments?
   Hours of work?
   Disciplinary powers possessed by employers?
   Housing and sanitary conditions in the camps or villages of workers?
   Inspection of factories, workshops and yards?
   Medical inspection before and on completion of employment; medical assistance to workers?
   Compensation in the event of accident, disease or incapacity arising out of, and in the course of, employment?
   Insurance against sickness, old age or unemployment?

56. Do labourers present themselves freely in sufficient numbers to satisfy the local demand for labour? Or has recruiting to be carried out in native centres more or less distant to make good shortage of labour?

57. Does the Administration recruit labour for the service of the Administrations of other territories or for private employers? If so, under what conditions and safeguards?

58. Are private recruiting organisations or agents of employers permitted to recruit labour within the territory for service in the territory itself at a distance from the place of recruiting or in another country? If so, under what conditions and safeguards?

59. Please give a table showing the number of workers of each sex recruited (a) for Government work, (b) for private enterprise.

60. Indicate the nature of the work for which recruiting has taken place during the year (e.g. mines, porterage, agriculture, construction of railways, roads etc.). Give, where possible, mortality and morbidity statistics among the workers.

61. Does the existing law provide for compulsory labour for essential public works and services?
   What authority is competent to decide what are public works and services the essential nature of which justifies recourse to compulsory labour?
   What payment is made to the workers?
   May such compulsory labour be commuted for a money payment?
   Are all classes of the population liable to such labour?
   For what period can this labour be exacted?

62. How is the recruiting and supervision of compulsory labour organised?
63. Are any workers recruited from outside the territory? If so, by whom and under what conditions?

64. Are the contracts of such workers signed before departure from their native country? Give a specimen contract.

65. Is there any special officer charged with the duty of looking after those workers on arrival, allocating them to employers, seeing that the employer fulfils his obligations through the period of contract, and arranging for their repatriation or re-engagement?

66. Are they segregated, in camps, compounds or otherwise? What are the regulations in this matter? Has their presence in the territory given rise to any trouble with the native inhabitants?

67. Are these workers encouraged to bring their wives with them, and do they do so? Are they allowed to settle in the territory if they so wish?

68. Give the nationality of imported workers, the numbers of new arrivals, repatriations, deaths and the total present at the end of the year (men and women).

69. Are there any trade unions in the territory? If so, have these unions put forward any protests or demands?

O. Liberty of Conscience and Worship.

70. Is freedom of exercise of all forms of worship and religious instruction ensured?

71. Has it been considered necessary, in the interest of public order and morality, to impose restrictions on the free exercise of worship or to enact regulations on the subject?

72. Are there any restrictions on missionaries, who are nationals of States not Members of the League of Nations?

P. Education.

73. State the general policy and principles adopted in regard to the education of the natives. How do the methods in use illustrate the application of the different characteristics of these principles?

74. Please give a brief analysis of the education budget indicating the amounts allocated respectively to

- Government schools,
- Non-Government schools,
- Inspection of educational institutions.

75. Is official authorisation necessary for opening Non-Government educational institutions? If so, under what conditions is such authorisation granted?

76. Are non-Government educational institutions subject to a compulsory official inspection, and if so, how is it carried out?

77. What conditions are attached to any grants-in-aid made to non-Government schools? On what basis are the grants made?

78. Please give a table showing the number of boys' schools of the different grades in the following categories:

- Government schools:
- Non-Government schools subsidised by the Government:
- Non-Government schools not subsidised.

State the numbers enrolled and the average attendance in each category of schools.

79. Please give the same information regarding girls' schools.

80. Is any vocational training, or instruction in agriculture, or domestic science given in the territory?

81. Are there any normal classes or training institutions for the education of native teachers?

82. Give some general indication of the curricula in each class of school mentioned above. Do they include the teaching of a European or Japanese language, and if so, how far does this teaching go? Does the curriculum in Government schools include religious instruction (compulsory or optional)?

83. What language is used as a medium of instruction?

84. What are the numbers of the teaching staff (Government and non-government, certificated and uncertificated)? How are they distributed among the different categories of schools?

85. Are there any schools for non-natives?

1 Questions 73 to 84 refer only to the education of natives.
Q. Alcohol, Spirits and Drugs.

86. Are the natives much addicted to the use of alcohol and spirits?
87. What is the accepted definition of the terms "liquor traffic" and "trade spirits"?
88. Have legal measures concerning the liquor traffic been enacted to give effect to the Mandates and the Convention of St. Germain of September 10th, 1919?
89. Is there any licensing system for the sale of imported alcoholic liquors?
90. What are the import duties on (a) spirituous liquors, (b) wines, (c) beer and other fermented beverages? Has any limit of strength of (b) and (c) been adopted? Are the duties higher or lower than those in the neighbouring countries?
91. What are the quantities of each class imported each year for the last five years and what are the principal countries of origin?
92. What steps are taken to prevent smuggling and the illicit traffic in imported alcohol and spirits?
93. Is the process of distillation known to the natives? Have any measures been taken to restrict (a) the manufacture, (b) the sale, (c) the consumption of intoxicants manufactured by the natives?
94. Is any encouragement given to communities or associations which, for religious or other reasons, are trying to suppress the use of these intoxicants?
95. Is the population of the territory addicted to the use of drugs (including hashish and hemp)? If so, what measures are in force to prohibit or regulate their use?

R. Public Health.

96. What health organisation is in charge of research work and the prevention, control and treatment of disease? State the work done by this organisation and the results observed.
97. Does this organisation train natives as medical and sanitary assistants, or women as midwives and as nurses? What is the method adopted?
98. How many doctors, both official and private, are there in the territory? Has official and private action as regards sanitation and preventive and curative medicine been co-ordinated?
99. What progress has been made in inducing the natives, especially the chiefs, to adopt sanitary reforms in the towns and villages?
100. What endemic or epidemic diseases have been responsible for the greatest mortality? Are there statistics regarding the morbidity and death rate attributable to these diseases? If no general statistics exist, please supply any which have been compiled for certain centres or certain specified areas.
101. Give any other information of importance from the epidemiological point of view, particularly as regards the spread of dangerous diseases, such as sleeping-sickness, etc., which are not covered by the preceding question.
102. Does the health organisation deal with the supervision of prostitution? What is the position with regard to prostitution?

S. Land Tenure.

103. Is the Government's policy directed towards the exploitation of the arable land by the establishment of large agricultural undertakings under foreign management or by the development of the system of native small-holdings?
104. What are the various classes of property which, in view of their nature, origin or use, constitute the domain of the territory?
   Under what item of the local budget do the revenues of this domain appear, or, in the case of the sale of such property, the sum realised?
   Under what items of the local budget do the costs of exploiting such domain appear?
   Are the recruiting and employment of the labour required for the exploitation of this domain regulated by the common law?
105. Does the law provide a definition of the term "vacant lands"? What authority is competent to decide whether land is vacant?
   Does the law recognise the rights of use and enjoyment that may be exercised by the natives in the "vacant lands" (the right of gathering produce, cutting of wood, grazing, hunting, fishing, etc.)?
106. Has the mandatory Power acquired on its own account (and not in its capacity as Mandatory) any property or rights whatsoever in the territory? If so, what property or rights?
   On what basis does the State's proprietary title rest?
Is this property subject to the same dues and charges as the property of private individuals?

Is the State subject to the ordinary regulations regarding the recruiting and employment of the labour needed for the exploitation of these lands?

How is the revenue of these lands employed?

107. What is the system of land registration in force?

Is it applicable to land owned or occupied by natives?

Is there a land registry department?

108. What is the native system of land tenure? Is it uniform through the territory?

Does the law recognise the right of the natives any notion of the right of individual property?

109. Do the authorities exercise control over land transactions with a view to safeguarding the customary rights of the natives on such land?

What is the maximum term of land-leases to non-natives?

Does the law reserve land for the natives or native communities, from which they cannot be dispossessed for the benefit of non-natives?

110. Have the native chiefs the power of disposing existing occupiers and of granting the land to third parties? If so, have the persons dispossessed the right of appeal to the authorities?

111. What is the (approximate) proportion in the whole territory of:

- Native land,
- State land,
- Land leased or sold to non-natives (including any property of the mandatory Power referred to in Section 106)?

112. What are the regulations with regard to expropriation for reasons of public utility?

How is the compensation determined?

T. Forests.

113. State the main provisions of the forest law (if any). Does it provide for the protection of forests and for afforestation of cleared or waste lands?

U. Mines.

114. Is any legislation in force with regard to mines? What are the main provisions?

If there is no special legislation on this subject, does the State claim the ownership of the sub-soil?

115. What mineral resources (a) are known to exist, (b) have been leased, (c) are actually exploited by the State or privately?

V. Population.

116. What is the population of the territory in natives, coloured persons other than natives, Asians, Europeans and Americans? Are the figures supplied the result of a census or are they merely an estimate?

117. Please supply, if possible, quinquennial or decennial comparative statistics of the population.

118. Is there any considerable emigration from, or immigration into, the territory?

If so, what are the causes?

What are the countries of destination or origin of emigrants and immigrants respectively?
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