

LEAGUE OF NATIONS.

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the Council.

C.310.1938.VI.

Geneva, September 15th, 1938.

MANDATES.

PERMANENT MANDATES COMMISSION: REPORT ON THE
WORK OF ITS THIRTY FOURTH SESSION.

Report by the Representative of Roumania.

The Permanent Mandates Commission held its thirty-fourth session from June 8th to 23rd, 1938. It examined the annual reports on the administration of the following territories: Palestine and Transjordan, 1937; Tanganyika, 1937; Togoland under French mandate, 1937; South West Africa, 1937; New Guinea, 1936-1937; Nauru, 1937. The Commission also gave a hearing to the accredited representative of the mandatory Power for Syria and Lebanon concerning its request that the examination of the annual report on Syria and Lebanon during 1937 should be postponed until the autumn session.

The Commission further examined a number of petitions regarding Palestine, Syria and Lebanon, Tanganyika, and Togoland under British mandate.

The Commission's report and the minutes of the twenty-four meetings of the session¹⁾ were circulated to the Council and Members of the League on August 20th, 1938. The accredited representatives for Palestine and Tanganyika alone availed themselves of the right, conferred by the Commission's constitution, to submit comments on the Commission's report. These comments were circulated together with the report.

The Commission's report contains, as usual, the observations which, after considering the annual reports and the complementary official documentation, with the co-operation of the accredited representatives of the mandatory Powers, it felt might usefully be made.

Since Members of the Council have already had an opportunity of perusing the Commission's report, I shall merely draw attention to those passages which to me appear to be of particular importance.

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1) Document C.216.M.119.1938.VI.

As regards Palestine, the Commission notes that the political situation has not emerged from the deadlock which, in the words of the representative of the mandatory Power, characterised it a year ago. It points out that throughout the year 1937 public order was continually disturbed, and that its restoration was the main concern of the mandatory authorities, who applied themselves to that task with a determination to which the Commission feels every credit is due, even though the measure of success attained does not appear commensurate with the efforts expended or the sacrifices made.

The Commission also observes that measures for the restoration of order have been a heavy financial burden on the country, and that the effort they necessitated inevitably interfered with ordinary administrative activities. In actual fact, adds the Commission, the application of the mandate is now partially suspended, as events have prevented some of its essential objects from being pursued. The Commission notes that "the mandatory Power has felt obliged to prolong the period during which Jewish immigration has been limited to a greater extent than would have been justified by the application of the principle of the economic absorptive capacity of the territory, which was approved by the Council", and that, "similarly, the situation has been regarded as less favourable than ever for securing the development of the self-governing institutions referred to in Article 2 of the mandate". It observes, in addition, that the mandatory Power has already introduced certain reforms urged by the Royal Commission as immediately necessary, and notes that it intends to pursue the same policy so far as circumstances permit.

As regards the question of the status of Palestine, examination of which was adjourned by decision of the Council on September 16th, 1937, the Commission was informed that partition is still the solution which the mandatory Power considers to be the best and the most helpful, and that the mandatory Power has instructed the Technical Commission, of the forthcoming appointment of which it had notified the Council, to pursue the study of this matter.¹⁾

In his comments, the accredited representative, after giving further details in connection with the explanations he had furnished to the Commission regarding the existing transitional situation, declares that His Majesty's Government in the United Kingdom could not agree with the view that the present system of control of immigration represents a partial suspension of the mandate, and will take the opportunity of defining its attitude on this question when the observations of the Mandates Commission are considered by the Council.

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1) Document C.66.1938.VI. (White Paper, published January 5th, 1938, under the title "Policy in Palestine", Document Cmd. 5634).

The Mandates Commission remarks that it should in the ordinary course have examined the annual report on Syria and Lebanon at this session. It heard the explanation by the accredited representative of the mandatory Power of the reasons which led the latter to propose that the report should not be discussed until next session; the Commission, however, is of the opinion that the examination at the present time of the administration of Syria and Lebanon during 1937 could have taken place without disadvantage, and that it would have been better not to depart from the established rule. It is therefore in deference to the express wish of the mandatory Power that the Commission has agreed to an adjournment, which was also necessitated by the fact that the report did not reach it until after the session had opened.

The Commission takes this opportunity to repeat once more the consideration which it has constantly kept in mind, that, in the mandated States of which it is proposed to recognise the complete independence, effective protection should be afforded to racial, linguistic, and religious minorities. In this connection, it refers to its report of 1931 on the general conditions which must be fulfilled before the mandate régime can be brought to an end, and to its observations to the Council and to the minutes of those of its sessions during which the problem of the future of such minorities was raised.

Furthermore, the Commission observes that agreements between the mandatory Power and the Levant States under mandate cannot prejudge the question of the guarantees which the League of Nations might contemplate when it has to pronounce on the emancipation of Syria and Lebanon and their admission to the League. It notes with satisfaction a further statement to this effect by the accredited representative.

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With reference to Tanganyika, the Commission regarded it as being to the credit of the operation of the system of indirect rule in the territory that the native authorities took action of their own motion for the restoration of order in the district of Moshi, without its being necessary for the administration to resort to force. In the comments which he submitted on this observation by the Commission, the accredited representative of the mandatory Power pointed out that in one area the use of force (by the police) in a limited degree had been found necessary for the dispersal of rioters.

The Commission also noted that the mandatory Power was of the opinion that States which are not Members of the League cannot, either under the terms of the mandate or under Article 22 of the Covenant, claim economic equality for their goods imported into Tanganyika, though a claim might be justified under other instruments applicable to the territory, such as the Treaty of Saint-Germain of 1919 and the Agreement of 1925 granting nationals of the United States of America the same economic rights as are possessed by nationals of League Members, as well as the various bilateral agreements granting most-favoured-nation treatment in the territory under mandate.

The Commission also noted that the financial situation of Tanganyika had continued to be favourable during the year 1937; it asked for additional information as to the refunding of loans, and expressed the hope that the objections raised to the imposition of an income-tax would not prove insuperable.

The Commission welcomed the fact that the administration is now promoting a policy for the improved organisation of the recruiting of workers. It also noted that the measures taken to improve conditions of labour on the Lupa goldfields have had a good effect.

In its observations on Togoland under French Mandate, the Commission noted with satisfaction that, owing to the material improvement in the financial situation of the territory it had been possible to modify certain administrative measures taken for reasons of economy in the last few years, and thus to make the territory once more autonomous in regard to the majority of its administrative services. As to the system of land tenure in the territory, the Commission, while still concerned at the risks inherent in the present system from the point of view of the safeguarding of native property, which is formally stipulated in Article 5, paragraph 2, of the mandate, noted the accredited representative's statement that the question whether any addition should be made to the legislation in force in the territory would receive consideration. The Commission further asks for definite information on the question of "vacant lands" and on the conditions under which such lands can be assigned.

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In its observations on the administration of Nauru, the Commission was concerned at the high death-rate among the native population, and particularly at the high infant mortality and said that it would follow with the greatest interest the results of investigations made into health problems on the island.

As regards New Guinea, the Commission expressed a desire to know the conclusions of the mandatory Power as to whether, in its opinion, the welfare of the natives would be better secured by opening up the uncontrolled areas to European activities as soon as they are brought under control, or by arranging for a transitional period which would enable the administration to strengthen its authority and develop its activities.

In addition, the Commission made some observations and asked for further information on road development, education, the recruiting of native workers, the activities of missions, and the system of land tenure.

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In its observations regarding South West Africa, the Commission noted, in connection with the relations between the various sections of the European population of the territory, a statement by the mandatory Power to the effect that the mellowing influence of time and the necessity of co-operating in the promotion of common interests will gradually exercise their beneficial effects. At the same time, the Commission was

informed by the accredited representative that, in spite of the inherent difficulties of the political situation in the territory, the administration reported that the atmosphere had improved, and that the work of government had been easier in recent months. He recognised, however, that recent tendencies showed that there was still a marked divergence of feeling amongst the European community, but said that this was due to external causes rather than local factors.

Furthermore, although it was aware that the administration has stated that its present native policy merely aims at avoiding the undue acceleration of the development of native reserves, and that it considers it essential to convey to the natives the lesson that their improvement must depend on their own exertions, the Commission nevertheless felt that this consideration could not justly apply to the grant of certain material assistance to the natives; it continues, therefore, to hope that the administration will not withhold the required assistance, to which the Commission called attention at its thirty-first session. The Commission also made a number of observations on public health, missions, education, and the system of land tenure.

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None of the many petitions examined during the session called for any special recommendation from the Commission to the Council. I shall only mention, therefore, the remarks regarding, first, certain petitions relating to the status of Palestine, and, secondly, petitions relating to the treatment of the Circassian-speaking population of Syria and to the administration of the Upper Jezireh.

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I suppose that, as usual, the Commission's observations on the annual reports it has examined should be transmitted to the mandatory Powers with a request that action be taken thereon as asked by the Commission. I also think that the Council can approve the Commission's conclusions with regard to the petitions it has examined. These conclusions are based on the Rapporteurs' reports, which are annexed to the minutes of the session.

I have therefore the honour to propose that the Council adopt the following resolution:

THE COUNCIL:

I. Takes note: (a) of the annual reports relating to the administration of the six territories enumerated in the report of the Permanent Mandates Commission on the work of its thirty-fourth session; (b) of the report and minutes of the said session of the Commission;

II. Adopts the present report submitted by the representative of Roumania.

A. Observations regarding the various Territories.

The Council instructs the Secretary-General to communicate in every case to the Government of the mandatory Power concerned, the observations of the Permanent Mandates Commission on the administration of the territories, the annual reports for which it has examined (Palestine and Trans-jordan, 1937; Tanganyika, 1937; Togoland under French Mandate, 1937; South West Africa, 1937; New Guinea, 1936-1937; Nauru, 1937), with a request to take thereon the action asked for by the Commission.

B. Petitions.

The Council approves the conclusions of the Permanent Mandates Commission with regard to the petitions it examined during its thirty-fourth session, and instructs the Secretary-General to communicate these conclusions in every case to the mandatory Power and the petitioners concerned;

III. Requests the Secretary-General, when communicating to the mandatory Powers the observations and conclusions of the Permanent Mandates Commission, to attach the text of the report to the Council by the representative of Roumania, and the minutes of the present meeting.
