

The development of the "B" and "C" mandates during the last five years. (1928—1932) *)

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In an article which appeared in the *Zeitschrift*, Vol. III, p. 176 upon the Termination of the "A" Mandates, it was said that the more complete and lasting vindication of the mandate idea is to be found in the mandates for the territories inhabited by the backward peoples of Africa and Polynesia; and that there was at present no question of the termination of any of these mandates. It is opportune to consider the development of the mandate idea in relation to the government of these territories during the last quinquennium, for it affords one of the more successful examples of the work of the League in bringing ethical standards into international relations.

The principal functions of the mandatory for the countries which were formerly German colonies are (1) to see to the well-being of the native inhabitants and to raise their standard of life, on the one hand; and (2) to make the resources of the country available without discrimination to all members of the League of Nations, on the other hand. In the nineteenth century the backward peoples of Africa and Polynesia were first treated as articles of commerce, and then as agents of production and consumption. Under the new order, the governing power is responsible both for the peace, order and good government of the territory, and for promoting to the utmost the material and moral well-being and the social progress of its inhabitants.

The most important of the "B" Mandates, as they are called, where the territory is not administered as an integral portion of the territory of the mandatory, is what is now known as Tanganyika, and was formerly the major part of German East Africa. It comprises an area of 365,000 square miles, which is seven times the size of England, and it has a population of five million natives and 17,000 others, of whom only 6,000 are Europeans. Government is in the hands of a British High Commissioner; but a legislative council has been set up in the

*) Der wichtigste Vorgang im Jahre 1933 ist die — im vorliegenden Aufsatz schon berührte — Behandlung des Planes einer »Closer Union« zwischen dem Mandatsgebiet von Ost-Afrika und den benachbarten englischen Kolonien in der Mandatskommission, über die im nächsten Heft im Zusammenhang berichtet werden wird. (D. Red.)

territory composed of fourteen official members and ten non-official nominated members, seven being Europeans and three Indians. The non-official members are selected as persons qualified to advise the Governor, with regard to the representation of race, locality or interest. They are all at present of British nationality, and take an oath of allegiance to the sovereign of the Mandatory Power. It is questionable whether there should not be rather an oath of loyalty and faithfulness to the government of the territory.

The distinctive feature, however, of British mandatory rule in Tanganyika is not the gradual establishment of representative institutions, but the introduction of the system known as Indirect Rule. That means, ruling through native chiefs who are regarded as an integral part of the machinery of government, and wield defined powers in executive, financial and judicial, recognised by the government, and not dependent on the expression of the will of British executive officers. The policy of the government is to support native rule, to educate the chiefs in the duties of rulers, to maintain their prestige and seek their co-operation, and not to impose a form of British rule with the support of native chiefs. It is a system which has been described in the terms: "Let the white head think: let the black hand rule." The British administration has established a College in the territory at Tabora for the sons of chiefs, who are educated on the lines of an English Public School adapted to the conditions of African life. The College is, as it were, an African Eton, where the boys are trained to responsibility in the government of their people. The chiefs are not appointed by the Mandatory Government, but chosen by their own people or hereditary. They have, however, to be approved by the Governor. Nor are they paid by the Central Government, but they receive fees which are part of a native Poll Tax, and draw other sources of revenue. They control the native treasury, of which the revenues are spent for the benefit of their particular area. So, too, the native law-courts are manned entirely by native judges and administer a local law based on custom, which is only modified if it is in conflict with fundamental principles of justice. At the same time, protection against abuse of justice is afforded by an appeal from the native court to the British District Officer, who also examines the records kept by the native clerks and has a right to revise a judgment or order a rehearing. This system of indirect rule is being substituted throughout the territory for the old German system of headmen, who were paid agents of the Central power and enforced the will of that power. The principle of the mandatory administration is that the best safeguard of the interests of all the population, native, white and Indian, is the building up of a strong, contented, lawabiding native community, capable of taking its share of the administration.

There has been protracted discussion during the last five years of a proposal to link the government of the mandated territory of Tanganyika with that of the surrounding British colonies and protectorates of Kenya, Nyassaland and Uganda. White settlement is possible in all these territories; and the white settlers, who are powerful in Kenya, conceived a grandiose programme of a United East Africa developing into a new British self-governing dominion. A Commission headed by Sir E. Hilton-Young (now Minister of Health in the British Cabinet) visited the territories in 1928 and recommended that there should be a federal union of the four territories under a British Governor-General. After the issue of their report, the Permanent Under-Secretary of State of the Colonial Office, Sir Samuel Wilson, paid a further visit with a view to elaborating in detail the recommendations of the Commission. The British Government made it clear from the beginning that they would take carefully into account the special position of the mandated territory so as to secure the observance of the spirit as well as the letter of its mandatory obligations. And the Permanent Mandates Commission, which discussed the proposal of the union at several meetings, indicated that while, in accordance with Article 10 of the Mandate there may be a customs, economic and administrative union with the adjoining territories, a separate fiscal system must be maintained so that the revenue of Tanganyika should be used for the benefit of its inhabitants. There was, however, both in Tanganyika and the other territories to be affected by the proposal, and also in the British Parliament, considerable misgiving as to the scheme of union. The Labour Government therefore, at the end of 1930, appointed a Joint Select Committee of the two Houses of Parliament to examine the whole question and to hear the evidence of witnesses from the countries concerned. Their report, published in November 1931, is a most important document, defining the principles of British administration in the new order with regard to the trusteeship for the native peoples, and the principles and machinery of native policy. In their conclusions, the Committee stated that it became evident early in their inquiry:

“that neither the proposals of the Hilton Young Commission nor those in Sir Samuel Wilson’s report, nor yet the conclusions of his Majesty’s Government, have at present any substantial measure of support either from the Governments of the territories concerned or from the communities affected. In fact, there has undoubtedly been a certain reaction against the whole idea of closer union in East Africa. Witnesses, almost without exception, expressed the view that the time for giving effect to any far-reaching scheme in East Africa was inopportune on financial grounds. Among these temporary causes must be included a very definite reluctance,

expressed by the native witnesses from Tanganyika and Uganda, to be more intimately associated with Kenya as they know of it by hearsay to-day. Further, there was strong objection on the part of all the native witnesses to the establishment of any authority which would come between the representatives of the Crown in the several East African Dependencies and His Majesty's Government in the United Kingdom. Another objection is that the present stage of economic development, particularly in regard to communications, is such that it still imposes serious obstacles to the effective operation of any new authority with executive functions throughout the whole of so large an area. Above all, although there is discernible, particularly among certain elements of the European community in each territory, some growing East African consciousness, the vast majority of all communities are still primarily and mainly interested in the affairs of their particular territories. This is especially true of the native populations, whose horizon is, for the most part, still confined to their separate tribal affairs.

All these circumstances combined make it clear to the Committee that this is not the time for taking any far-reaching step in the direction of formal union. In fact, they consider that for a considerable time to come the progress and development of East Africa as a whole can best be assured by each of the three territories continuing to develop upon its own lines, lines which they consider to be still experimental. It is of no use ignoring the fact that there is considerable diversity between the central and significant features of each of these territories, and that the evolution which has taken place in the last 30 years, and is still taking place to-day, is not on identical lines."

The Committee suggested certain departments of Government in which co-operation and co-ordination between the four territories was advisable and practicable. There should be an adviser on transport; a Central Road Board; a union of the Customs Departments; and a conference of the Governors of the four territories at least twice a year, which will among other things maintain a continuous review of development in native policy.

With regard to the fundamental question of native policy, the Committee declared that the trusteeship on behalf of the natives must remain the function of His Majesty's Government, but that the assistance of the non-native communities, white and Indian, in carrying out this obligation should be encouraged to an increasing extent. "Further association in the responsibility of trusteeship is, however, not necessarily synonymous with increased political control in native affairs." The principle of trusteeship implies not only the avoidance

of direct injustice to the natives as individuals, but also the more positive obligation to afford the natives as a race both time and opportunity to develop their latent capacities, and play such part as they may eventually prove capable of playing in the ultimate destiny of the country. Every opportunity for advancement should be afforded to those natives who may reach a higher level than is common to their race. "The mission of Great Britain is to work continuously at the training and education of the natives towards a higher intellectual, moral and economic level than that which they had reached when the Crown assumed responsibility for the administration of the territory."

Great controversy had been engendered by a statement in a White Paper issued by the Labour Government in 1930 that the interest of the natives must be 'paramount'. The statement was interpreted to mean that the Imperial Government was interested only in the native and had no concern for the white settler. The Committee sought to remove this misunderstanding, and interpreted the doctrine of paramountcy as meaning that "the interests of the overwhelming majority of the indigenous population should not be subordinated to those of a minority belonging to another race, however important in itself". It affirmed a principle of the government of Tanganyika that the main line of development should be to promote the growth of native councils with increasing financial, judicial and executive functions. The councils should be schools in which political experience was gained, and should develop gradually from district to province. "Out of these native councils may well grow in future a central native council, representative of native political opinions and ambitions, for the whole of the territory concerned."

The Committee's report dealt also with the question of the termination of the Mandate for Tanganyika. Remarks had been made by a Conservative Secretary for the Colonies which suggested that Tanganyika should be incorporated in the British Empire. The Committee pointed out that no amendment of the terms of the Mandate could be made without the concurrence of the Council of the League of Nations; and that, further, the Government of the United States would have to be consulted in view of the terms of the Convention of 1925 between Great Britain and the United States regarding the rights of the two governments and their nationals in the mandated territory. They went on to say that it was implicit in Article 22 of the Covenant of the League that a Mandate can only end when the people in the mandated territory are in a position to stand alone. They hoped that the recital of these provisions would put an end to the doubts and misapprehensions, both in East Africa and elsewhere, with regard to the effectual permanence of His Majesty's title to, and mandatory responsibility for, the territory

of Tanganyika. The obligation to carry out the Mandate both in the spirit and the letter would be fulfilled.

The report of the Joint Committee gave an opportunity of laying down broad conclusions which should lead to a continuity of policy in East Africa, and of dispelling the uncertainty which had been aroused by the varying recommendations of the commissions of inquiry. It should put an end to the conception of a united East Africa administered with a view to white settlement, in which the native is a submissive and subordinate factor. It was significant that the High Commissioner for the mandated territory at the time, Sir Donald Cameron, gave most emphatic evidence before the Commission against the union; and pointed out that one of the motives for the proposal had been that the active policy inaugurated in Tanganyika since 1925 was opposed to that dream of a 'great white state'.

The present Government issued a White Paper in 1932 (Cmd. 4141) containing the correspondence which had passed between the Colonial Office and the Governors of the East African territories concerned, with regard to the report of the Joint Committee. It appeared that the Governors of the territories upheld the recommendations of the Parliamentary Committee. Both in Uganda and Tanganyika the natives were apprehensive of being brought under the domination of Kenya, where the white settlers might play a dominant part, and the Governors agreed that there was need of consultation and co-ordination rather than for federation. The project of a Federal union in East Africa may be regarded, then, as having been placed in cold storage.

The Permanent Mandates Commission, at its 22nd session held at the end of 1932, gave anxious consideration to the question of union but did not finally pass upon it. The Commission had received from the British Government the complete documentation on the question. The documents were accompanied by a letter of September 2nd, 1932, in which the Government stated its agreement with the opinion of the Joint Select Committee, and pointed out that "on the main issue the Committee advised that the time was not yet ripe for any far-reaching steps in the direction of political or constitutional union of any of the territories concerned". The words "not yet ripe" provoked uneasiness among certain members of the Commission; they were regarded as suggesting that the scheme would be reinstated later; and there was a fear that the Mandatory would advance by way of administrative measures. As Monsieur Rappard put it, "The Mandates Commission should examine the decisions already taken, . . . and especially remember that it was on the top of a slope down which it was invited to slide by imperceptible degrees"²). Lord Plymouth, the Under-

²) Minutes of the 22nd session, C. 772, M. 364, p. 121.

Secretary of State for the Colonies, who appeared before the Commission as the representative of the Mandatory when the Report was under consideration, endeavoured to remove the apprehension of the members with regard to the extension of the work of the Governors' Conference, the customs union with Kenya, and the postal union made in 1932 with the neighbouring territories. But it is clear from the Report of the Commission to the Council of the League that the anxiety remained. The Commission "noted" the statement by the accredited representative to the effect that an enquiry into the question of railway rates and finance in Kenya, Uganda and Tanganyika has been instituted, and hoped that the Report had been communicated to the Commission. It noted also the assurance "that the question of the amalgamation of postal services . . . — to which it attaches importance, will be dealt with fully in the next annual report", and finally, the Commission hopes: "that the next report will contain detailed information showing that the effects of the existing customs union between the three territories does not injuriously affect the interests of the mandated territory". (Ib. p. 367). The Commission discussed a report on the larger question prepared by its *rapporteur* without finally coming to a decision; but the conclusion of the report includes a paragraph which expresses the hope, with good reason, that the time for the adoption of political and constitutional measures with regard to closer union will not come while the Mandate is in force".

When the report of the Commission came before the Council of the League in January 1933, the German member expressed strong opposition to any scheme for the closer union of Tanganyika with the other British territories in East Africa, and to the postal union which has been made between the territories. The British representative of the Council gave an assurance that the Government would keep the Permanent Mandates Commission closely informed at every stage, and that the Mandatory Power recognised that the primary consideration must be the welfare of the native population.

In regard to one burning question of administration affecting the natives, namely, the acquisition of land, the mandatory laid down from the beginning in Tanganyika that the interest of the tribes must be paramount, and that white settlement and colonisation can only be allowed subject to that interest. The European settler is the experimental factor; the native is the permanent element. There are no native reserves of land, and no restriction on the movements of natives; but the government allows land to be alienated to white settlers only where it is satisfied that the natives do not require the land and that the product of any land alienated can be made available. Every disposition by a native to a non-native is controlled by the Government:

a limit is placed on the area which may be transferred for development: and no land is granted in freehold, but the right of occupancy is limited to 99 years.

The Joint Committee dealt with another burning question, the use of native forced labour for public services; and they expressed the view that the practice was no longer in accordance with the ideas of modern civilisation and should be discontinued. The British Government has adhered wholeheartedly to the Forced Labour Convention which was passed by the International Labour Conference at Geneva in 1931; and proposes the complete elimination of compulsory work whether for public or private purposes, after a transitory period in which the practice of requiring labour for communal purposes may be maintained subject to strict safeguards.

The other territories, former German colonies, which are administered under „B“ Mandate, are known as the Cameroons and Togoland; and they are divided in administration between Great Britain and France. The systems of administration by the two mandatories vary considerably; the French favour direct government, while the English, as in Tanganyika, have introduced a system of indirect government by native chiefs. The French have established a Council of Notables, but the chiefs have no individual responsibility, and the native courts only act for purposes of conciliation and have no compulsory jurisdiction³⁾. At the meeting of the Commission in 1931, Professor Rappard pointed out that while German trade had revived with the British Cameroons, it had not shown a similar revival with the French Cameroons. The trade with the British mandated territory was carried on mainly in German boats; and the British imperial preference which is granted to the exports from the territory, as of other „B“ and „C“ Mandates, did not appear to have any serious effect on the trade. The Germans had a large percentage of the commerce of West African territories mandated to England and the principle of the open door was effective.

The German member of the Mandates Commission raised in 1931 objection to a contract made by the mandatory government of the French Cameroons with a French line by which French ships carrying mails were exempt from port dues. It was explained that the exemption was given under the general postal convention and did not involve discrimination in favour of French shipping. Objection was also raised by the German member to a difference in the amount of security required from German immigrants; while other nationals deposited the sum of 3000 francs, Germans were required to deposit 5000 francs. Another objection was raised by him to the refusal of authority to

³⁾ Minutes of the Permanent Mandates Commission, 18th Session, 1930.

members of the German Baptist Mission to settle again in the French Cameroons. But it was explained that the refusal was due to an agreement between the Paris Evangelical Mission and the Basle Mission, and that there was no discrimination against the missionary enterprise of German bodies.

It shows the extraordinary care of the Commission with regard to constitutional questions, that in the case of Togoland under the British Mandate, they noted, in 1932, that the stamps were those of the Gold Coast, and the postmark also was that of the colony; and recommended to the British representatives that there should be a change.

There is one other African B Mandate, over the territory known as Ruanda-Urundi, which was the Western part of the German Colony of East Africa. The mandate was entrusted to Belgium, and has two remarkable features: (1) that it is exercised over native peoples who have reached a high standard of civilisation; and (2) that it applies to a territory which is thickly populated and which had no history before the institution of the mandate. The Permanent Mandates Commission has been exercised here with the actual work of the administration in safeguarding the well-being of the native peoples. It has been impressed by the severe famines that occur from time to time, and with the transfers of population carried out by the administration. At its meeting in 1930, members of the Commission asked some searching questions. Was the famine due to excessive demands for labour on road-making or for portorage? Why was so much portorage needed? Or was the famine due to excessive taxation which compelled the natives to work for wages instead of in their own fields? The report showed that the taxation of the natives had been quintupled. Or was it due to concessions granted to companies to grow cotton and other products for export, and to the demand for manual labour coming from these companies? The members drew attention to the fact that there had been large exports of cattle, beans and palm oil to the Congo. Why had the government allowed the export of foodstuffs from a country whose inhabitants were dying of hunger?

The Belgian representative before the Commission was at pains to answer these questions, and to point out that the portorage was not excessive, and that of the 700 000 adult men in the territory some 10 000 porters only were employed permanently, which could not influence substantially the cultivation of foodstuffs. He stated that the administration had contrived to intensify the cultivation of foodstuffs throughout the country, and to restrict grazing, and it was essential that the excess of produce should find an outlet in exports. The mandatory power, he said, had set itself to accomplish two things: to establish

essential public services and to open up lines of communication and secure public order; and secondly, it was prospecting the country, studying native institutions, the social conditions, the requirements of the population and the resources of the territory, and drawing a map. That preliminary work had now been accomplished and the period of realisation had commenced. The woman member of the Commission remarked that there was some danger that the development of the country might make too rapid progress compared with the development of the native people; and the Commission subsequently adopted a recommendation for mandated territories generally, that the development should not be precipitated in advance of the conditions of the people.

In its report to the Council in 1930, the Commission asked for further information on the scheme for transferring certain tribes; and expressed its satisfaction — its tactful way of emphasising its advice — that no recruiting of labour for European undertakings in the mining district of Katanga would be allowed over a considerable period from the agricultural communities formed in this way of emigrants from the mandated territory. The Commission also criticised certain provisions of the law proposed by the Belgian government for the organisation of the mandated territory to which the German government had objected on the ground that it would treat Ruanda as a part of the colony of the Belgian Congo. While satisfied that the mandatory did not propose to merge the mandated territory in the colony, the commission pointed out certain provisions in the bill which might give rise to unfortunate interpretations, and suggested their amendment. In their examination of the report of 1930, the Commission expressed the hope that the recently increased Poll Tax would not prove to be in excess of the taxable capacity of the natives, and also asked for further information on the infant mortality in view of the high rate, and recommended that more ample measures should be taken to put down sleeping sickness.

At its meetings in 1931, and 1932, the Permanent Mandates Commission expressed concern at the successive budgetary deficits of the territory and hoped that the efforts by the Mandatory Power to balance the budget would prove effective. It further asked for detailed information in the next report on the financial relations between the territory in the Belgian Congo and Belgium. It was concerned about the loans by the Mandatory to the Administration in order to cover the deficits in the budget, which were likely to impose a permanent burden on the territory. It was further concerned about the customs union which had been made between the mandated territory and the Belgian Congo. The question of such customs union between a mandated territory and the adjoining colony of the Mandatory Power arose also when the Commission were considering the report of Togoland under the

French Mandate. There the Mandatory Government had entered into a customs union with the adjoining colony of Dahomey, and the Mandates Commission stated in its report to the Council that it desired in the next report a full statement on the question, to which it attached special importance.

Turning now to the "C" Mandates, as they are called, where the country is administered as an integral portion of the territory of the mandatory, subject to specific safeguards in the interests of the native population, the most important and the most controversial administration is that of the former German colony of South-west Africa. That is another vast territory, tho' far less populous than Tanganyika; and the mandate for it is entrusted to the Union of South Africa. In the early period of the mandate administration, the organs of the League were seriously concerned with the repressive measures taken by the Government to put down a rising of a section of the natives, the Bondelzwaerts, and the Rehoboth community has made frequent complaint, but in recent years there has been no resort to violence. Other questions, however, of a more theoretical kind have aroused concern in the Permanent Mandates Commission. An issue was raised as to the legal status of the mandatory on account of a recital in a treaty between the Union and Portugal concerning the boundary of South-west Africa and Angola. The Union was described there as having powers of sovereignty; and in an ordinance concerning the railways and ports of the territory there was a declaration that the Governor-General of the Union had full dominium. The Mandates Commission took exception to these terms as being in conflict with the principles of the mandate system; and after repeated discussions and references back to the Government of the Union, it obtained a satisfactory solution. The Assembly of the League in September 1929 adopted the report of the Dutch Foreign Minister upon the issue, in which he declared that the relations of the mandatory and the occupied territory is a new one in international law, and for that reason the use of timehonoured terminology is sometimes inappropriate to the new conditions. In the end, the Union of South Africa accepted that observation, and communicated its acceptance to the Commission, and so disposed of the recital in the Treaty. As regards the ordinance, it passed an amending enactment in 1930, the South African Railways and Harbour Act, which declared that any rights which were transferred to and vested in the Governor-General of the Union by the principal Act: — „shall be held by him subject to the mandate issued by the Council of the League in pursuance of article 22 of the Treaty of Versailles“.

Another question involving the legal status of the mandatory still remains an issue between the Commission and the Government. It

concerns the nationality of the former German settlers in South-west Africa. The Mandates Commission approved in 1923 of a measure by which British naturalisation was conferred collectively on those inhabitants, subject to the power of any person to refuse it. The bulk of the German settlers accepted the British nationality, thus giving a remarkable indication of the good feeling which had been established. Subsequently, the Government of the Union passed an Act by which the British nationality of all persons in the territory was transformed into South African nationality. Exception was taken to this by some of the former German subjects, and was voiced before the Mandates Commission by the German member upon it. It was objected that the mandatory is not within its rights in transforming the larger British citizenship into Dominion citizenship. The Mandates Commission suggested to the Council of the League that the matter might be sent to the Permanent Court of International Justice for an advisory opinion, but hitherto no action has been taken.

Another matter which the Permanent Mandates Commission has criticised in the administration of the territory arose from a law which provided for the cancellation of old mining concessions without compensation. The Chairman of the Commission pointed out that, while the mandatory had power under the Mandate to apply the laws of the Union of South Africa which allowed such cancellations, and the act, therefore, was legal, the Commission drew the attention of the Government to the abnormal clause of the legislation which prohibited any action in the courts against the administration or its officers by reason of the application of the provision of the South Africa proclamation. Those powers appeared to be antagonistic to the spirit of the mandate which was essentially based on rules of law obtaining over the world. In its report to the Council the Commission stated that, "while the proclamation does not seem to be incompatible with the actual letter of the Mandate, the Commission finds it difficult to reconcile such a measure with the dictates of equity". The representative of the mandatory took exception to the criticism of the Commission, which in accordance with its practice, was communicated to him at the end of the session before the minutes were published. He said that his Government was constrained to point out that the general expression of opinion and implications that might arise therefrom must in the circumstances be unfair to the mandatory.

The Commission, at its 22nd session, manifested concern about the well-being of the natives in South West Africa. In its report to the Council it included four observations in this regard: a) it trusts that it will be possible for the Mandatory Power to take steps for the encouragement of agricultural production of the natives of Ovamboland; b) it is concerned about the health of the natives in the southern parts of the

territory, and hopes that the remedial measures taken by the Administration will prove effective; c) it hopes to hear in the next report that the question of the water supply to natives in the northern extremity of the territory has been satisfactorily solved; and d) it hopes that it will be possible in the near future to restore the credits allocated for the welfare and education of the natives, which were reduced considerably in 1931 4).

The Commission discussed proposals that had been put forward in South Africa for closer association of the mandated territory with the Union. It did not reach any conclusion because the proposal was still inchoate. It had, however, before it, information from the representative of the Mandatory Power of proposals that were under consideration of the Union Government for the acknowledgment of German as an official language, the extension of certain powers over native affairs to the Legislative Assembly, and lastly, naturalisation of all persons of European origin. The settlement suggested for the nationality question is that a new automatic naturalisation should take place for all European persons domiciled within the territory on December 31st, 1931, and that the Naturalisation Act of 1910 should be applied to Europeans who might in future become domiciled in South West Africa.

The mandated territories in Oceania and Polynesia comprise part of the island of New Guinea which was entrusted to the Commonwealth of Australia, and of the Samoa Island, which was entrusted to the Dominion of New Zealand, and a cluster of small Pacific Islands which are divided between Australia and Japan. There is in addition the little island of Nauru, insignificant in size and population, but important for its phosphate deposits, which is entrusted to the mandate of the British Empire, comprising Australia and New Zealand as well as Great Britain. It has been actually administered during the last ten years by the Commonwealth of Australia, but there has been no development to comment upon in the period under review.

It has been otherwise with the territory of New Guinea, administered by the Commonwealth, and the mandated territory of Samoa, administered by New Zealand. The mandatory has had to face a certain resistance from the population in both those territories, and the Permanent Mandates Commission has been critical of their methods. The British Dominions generally have had little experience in the administration of native territories; and the advice of the expert body of administrators on the Mandates Commission has been undoubtedly of value in carrying out its task. There was a time when clashes, though skilfully concealed, were rife between the Commission and the representatives of the Dominions, but the governments have come to appreciate

4) Minutes of the 22nd session. Ib. p. 369.

that the activity of the Commission is helpful cooperation rather than carping criticism.

In 1930 the Commission criticised the administration of New Guinea because of the constant change of personnel, but civil service is being built up; and it was significant that, in addition to a member of the Commonwealth legislature, the mandatory was represented before the Commission in 1931 by a government anthropologist, whose function it is to study scientifically the conditions of the native population. The Commission suggested that the mandatory should make more liberal grants towards the local government with a view to raising the health and educational conditions of the population. The natives suffer from sickness of the soul as well as of the body. One quarter of the revenue of the country is spent on health; and four-fifths of that expenditure is for the benefit of the native population. The Australian people themselves are alive to their responsibility in connection with the Mandate, and in 1928 instituted a round table discussion among different authorities in the country upon the affairs of the territory of New Guinea. When they considered the report for New Guinea in 1932, the Commission noted that it had not yet been possible to explore a considerable part of the territory under the Mandate, and while recognising the difficulties due to the nature of the country and the hostility of the inhabitants, hoped that the Mandatory Power would prosecute its work of bringing the whole territory under Government control.

It is recognised that the mandatory must fill an active function, and see that the development is towards a higher standard of life of the primitive peoples entrusted to his charge. This at least may be said, that the mandate administration during the last twelve years has shown very different results from that of early periods of colonial administration before the war in Polynesia.

Samoa was once regarded as one of the blessed isles; but the task of the mandatory has not been found easy. Charming and simple with the reputation of being the most amiable people in the world, even the natives of Samoa have imbibed in recent years the doctrine of self-determination, and object to the mandatory control. An organisation known as the Mau which raised the slogan: "Samoa for the Samoans" gained the allegiance of the majority of the inhabitants and instituted a policy of passive resistance. Its directing committee gathered taxes and exercised jurisdiction, and refused the invitations of the mandatory government to discuss grievances. The government in its determination to avoid forcible repression for a time abandoned direct taxation. In the end it was forced to arrest the leaders of the resistance; but it has contrived to assert its authority without any resort to general violence, and it has made the most earnest enquiries and investigations into the

causes of unrest of the natives. Committees appointed by the government have searchingly examined into the conduct of the local administration; and their reports, which have been critical enough, have been laid fully before the mandates commission. As in New Guinea, the mandatory is striving to build up an expert civil service which shall be adequate for the government of the native peoples in her care. In an earlier report, after its session in 1928, the Mandates Commission had criticised a publication of the mandatory government with regard to the League of Nations which had been issued to the schools in Samoa. In an explanation of the Mandate there was no mention of any idea of a trust, and it was stated that the League of Nations would return the petition of a Samoan because the League is not a government, but only a committee of representatives of different countries who are there to consider and decide on matters for the advancement of the world and the abolition of the causes of war. At the same time, the Commission declared in their report that it must be clearly understood that the Mandatory Power alone is responsible for maintaining law and order in accordance with the mandate, and trusted that the Samoan people would resume their former attitude of confidence in the administration.

At their meeting in 1931 the Commission received an optimistic report from the High Commissioner of New Zealand who represented the Mandatory. The state of Samoa, he said, was like the Lake of Geneva on that day, smooth as a mill pond and not ruffled by any wind. The Mau were again taking part in public life, the Fonos, native Assemblies were re-established, and members of the Mau were acting as assessors of the Native Land Courts. The Commission had received some less hopeful reports; and in their conclusions expressed the hope that the next year the report would afford more reassuring information as to the efforts made to restore good feeling in the country. They considered a petition from the Women's International League for Peace and Freedom in New Zealand, reciting grievances of the Samoan woman; and their conclusions on that petitions were likewise guarded. While regretting that further information was not given in the report of the accredited representative, they were of opinion that "no conclusive reason has been demonstrated that would justify carrying out any further enquiry in the country with regard to the facts alleged".

The report of the Mandatory for Samoa in 1932 stated that the political situation had improved; and the representative of the New Zealand Government, who appeared before the Mandates Commission, was emphatic on that point. A question was raised in the House of Lords during December 1932 by Lord Ponsonby, the former Labour Under-Secretary for Foreign Affairs, whether His Majesty's Government were satisfied that the Mandate for Samoa was being administered with due

regard to the best interests of the Samoans, and also whether Great Britain was bound by the Berlin Treaty of 1889 to guarantee the independence of Samoa. The spokesman of the Government in reply stated that Great Britain was not bound by that Treaty which was annulled by a later Convention between Great Britain, The United States of America and Germany; and as regards the administration of the Mandate, the relations between the Mandatory Dominion and the natives were much better. Lord Lugard, the British member of the Permanent Mandates Commission, who was not present in the House of Lords when the question was raised, wrote subsequently a letter to the Times on the 13/12/32 in which he pointed out the fundamental principle of the Commission that members should regard themselves as impartial critics and divest themselves of any national bias.

With regard to the Japanese mandate for the Pacific Islands, the Commission has been most concerned about the decline of the native population. It is one of the principal aims of the mandatory system to eliminate that decline, which was the grossest evil of the pre-war exploitation of Melanesia. In its report to the Council in 1931 the Commission noted with regret that during the last ten years the native population of the Island of Yap had decreased by one quarter, and that it was advisable for the mandatory to study the question not only from the medical but also from the social standpoint. On the other hand, there was a great increase in the number of Japanese residents in one of the islands. One of the effective instruments of the Commission is that it receives each year from the mandatory government demographic statistics of the population; and that enables it to check any tendency to exploit the natives in the execution of a colonising policy.

The Commission at its meeting in 1932 was concerned also with the report as to the establishment of a naval base in the islands by the Japanese. The representative of Japan stated categorically that the report was unfounded, and that his Government had not contemplated and had no intention of contemplating the establishment of such a base. He explained that the improvements which had been made in the Port of Saipan were necessary in consequence of the great increase of the trade of the island. The figures of the increase were indeed remarkable. The export of sugar had grown in 10 years more than a hundredfold, and the export of copra nearly threefold.

A few days after the Declaration of Japan in March 1933 that she would leave the League of Nations, following on the Report of the Assembly upon the Manchuria question, it was stated in the Press that she proposed to annex the Caroline Islands and the other groups which were under her Mandate. Having regard to the provisions in all the Mandates that no change may be made without the approval of the

Council of the League, it is surmised that the radical alteration in the status of the Islands cannot be made by that simple Declaration, but must be a matter of international concern. The statements of the Joint Committee of the English Houses of Parliament about the termination of the Mandate for Tanganyika, which are set out above, are relevant in this connection; and it is notable also, that the consent of the United States, with which the Mandatory Governments have special Conventions, would appear to be necessary to any radical modification of the régime.

There are certain minor points, as they appear superficially, concerning all the mandated territories, on which the Mandates Commission has been conducting in recent years special enquiries. They concern the application of the general principle of equal treatment in the mandated territories for the subjects of all countries, members of the League, and the avoidance of any discrimination in favour of subjects of the Mandatory Power. Thus they examined the question of preferential postal rates in favour of the mandatory countries, and after full examination, came to the conclusion that it was not necessary to lay down any definite rule in the matter.

They have examined also the question of economic equality in its application to the purchase of material and supplies by the public authorities of the territories under the A and B mandates for their own use or for public works. They received a full report from each of the Mandatory Powers as to their practice in the matter. Some of the members considered that the exception in the Article of the B mandates to the principle of complete economic equality, by which the Mandatory should be free "to organise essential public works and services on such terms and conditions as it thinks just", must be interpreted with the emphasis on 'essential'. Other members, however, considered that the principle of equal opportunity for trade and commerce applied only to private enterprise, and that the exception as regards public works and services was general. All public works undertaken by the Administration in the public interest, and all public services, are of an essential character. The Commission, after examining the rules in force in the different territories as regards public supplies and tenders for public works, concluded at its session in 1932 that the rules did not call for criticism save in the case of Togoland and the Cameroons under British Mandate, where the colonial regulations as to obtaining supplies through the Crown agents for the Colonies were in force, those territories being administered as integral parts of adjoining colonies. The Commission did not think it necessary to submit proposals to the Council for a doctrinal interpretation of the Articles of the Mandates, but would confine its activities to the supervision of the application

given in the various territories to the rules drawn up by the Mandatory Powers themselves. In other words, they would be concerned to see that there was no abuse of the practice of ordering supplies from the Mandatory country in such way as to place an excessive charge on the budget of the mandated territory.

Another matter of common concern is the provision of adequate health services in the backward territories; and the Commission in 1930 made the general recommendation, which was adopted by the Council and Assembly of the League, that these services should not be restricted to subjects of the Mandatory, but should be open to qualified persons of any States Members of the League. The Commission makes enquiries in order to see that the resolution of the Assembly is fulfilled.

Looking generally at the effect of the mandates system on the government of backward peoples, it may be said that the experience of the last ten years has indicated a heightening of the international conscience towards backward races who were too long regarded as hewers of wood and drawers of water, and has given effect to that conscience. The Assembly of the League in 1931 recorded that the "essentially humanitarian experiment instituted by Article 22 of the Covenant has been crowned with indisputable success". And that judgment is justified. The government of native peoples is no longer an internal or purely national question, but is one in which the governing power stands before the bar of public opinion of the world. If there is any serious trouble, the matter is brought without delay before the notice of the international body, the Permanent Mandates Commission, which examines with the representative of the Mandatory the causes of the trouble, and offers its recommendation for their removal. Violent measures and repression are checked when the ruling power knows that it must give an account of its stewardship and justify its action. The international supervision also has induced the governing power to do much more than it did under the old colonial system for raising the standard of life both material and intellectual of the native peoples. Health and education are now recognised as among the primary duties of the government; and it is notable that the expenditure on education in the British mandated territories was tripled in a few years.

The influence of the Commission is indeed threefold. In the first place, it is reducing what has been called 'the area of equivocation' in the mandate instruments, removing ambiguities and amplifying in detail the broad principles. This it does by proposing resolutions for the adoption of the Council of the League, e. g., on questions of nationality in the mandated territories, on subventions by the government of a mandated territory to the mandatory, on special preference given in regard to supplies for public works. These resolutions when adopted by the Council become binding on all the mandatory powers equally

with the terms of the mandate instrument. In the second place, it exercises a regular annual supervision over the whole work of the mandatory in each mandated territory. It examines its administration not simply with regard to particular obligations of the mandate but in its whole spirit and application towards the native races, and sees to it that in regard to each aspect of government, acquisition of land, health, education, labour, communication, taxation and so forth, the interest of the native peoples is treated as a paramount duty. Adding to the experience in colonial administration of its individual members the experience which it has acquired, during its ten years of supervision, of progressive methods of government of the backward races, it can come to the assistance of any mandatory power which has difficulties, and co-operate with it. Without seeking in any way to introduce uniformity it is enabled to assist in the establishment of a certain standard of government, and to see that not only are repression and exploitation avoided, but that positive measures are taken for the advancement and the well-being of the native peoples. Lastly, by laying down canons of native government in connection with the mandated territories which are under its direct supervision, it is gradually and steadily influencing the outlook of all the great colonial countries in relation to their colonies, so that there also the well-being and advancement of the native peoples are regarded as a trust. As it has been said, what was somewhat lightly, almost ironically, described in the nineteenth century as "the white man's burden", may under the new order become so in the opinion of the black races as well as of the white.

The sanctions of the Permanent Mandates Commission are paper and publicity, but these have been found remarkably effective. It is not possible for a government nowadays to disregard the opinion of the world; and the fact that any strictures passed by the Commission are published and are available to the opposition in a Parliamentary government is an effective lever for introducing the reform of any abuse in a mandated territory. On account of the alleged need for economy in the activities of the League of Nations, the Assembly resolved at its meeting in 1931 that the Commission should hold only one session in 1932 instead of the regular two sessions. That has been recognised to be a false economy. The chairman of the Commission pointed out that it would be absolutely impossible for it to fulfil the duties conferred by Article 22 of the Covenant if it had to review the reports of all the mandatories in one sitting; and, consequently, the whole mandate system, of which the Commission forms an essential part, would be prevented from working in an effective and regular manner. The Assembly of the League in 1932 adopted his view and resolved that the old conditions of the annual supervision shall be restored.