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من المصادر الإلكترونية في مكتبة قطر الرقمية تم إنشاء هذا الملف بصيغة PDF بتاريخ ٢٠٢٣/٠٨/٢٩
النسخة الإلكترونية من هذا السجل متاحة للاطلاع على الإنترنت عبر الرابط التالي:
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تحتوي النسخة الإلكترونية على معلومات إضافية ونصوص وصور بدقة عالية تسمح بإمكانية تكبيرها ومطالعتها بسهولة.

أوراق متعلقة بانتدابات عصبة الأمم

المؤسسة المالكة	المكتبة البريطانية: أوراق خاصة وسجلات من مكتب الهند
المرجع	Mss Eur F112/287
التاريخ/ التواريخ	٣٠ يناير ١٩١٩-١٥ يناير ١٩٢٢ (ميلادي)
لغة الكتابة	الإنجليزية و الفرنسية في اللاتينية
الحجم والشكل	ملف واحد (٣٢٣ ورقة)
حق النشر	غير معروف

حول هذا السجلّ

ملف يحتوي على مراسلات ومذكرات وتقارير بخصوص تشكيل انتدابات عصبة الأمم، التي وُزعت بموجبها إدارة المستعمرات السابقة لألمانيا والدولة العثمانية [تركيا] على المملكة المتحدة وفرنسا وبلجيكا واليابان.

ويركز جزءٌ كبير من الملف على الانتدابات التي تشكّلت من الأراضي التي كانت تخضع لسيطرة الدولة العثمانية، وخاصةً الوضع السياسي الذي كان يتطور بسرعة في بلاد الرافدين [العراق]، والذي نتج عنه تشكيل مملكة العراق والتخلي عن الانتداب البريطاني على بلاد الرافدين. توجد المسودات النهائية للانتدابات على بلاد الرافدين وفلسطين في الأوراق ٢٣٦-٢٤٢، كما توجد مسودة المعاهدة الأنجلو-عراقية لسنة ١٩٢٢ في الأوراق ٢٩٥-٢٩٨.

تتضمن الموضوعات الأخرى التي يتناولها الملف ما يلي:

المحادثات الأولية بين قوى الحلفاء حول تشكيل الانتدابات، لا سيما فيما • يتعلق بالاختلافات بين فئات الانتداب الثلاث • الترتيبات لإضفاء الطابع الرسمي على انتدابات معينة وترسيخها • طلب اليابان إضافة بنود تنص على التجارة الحرة لقوى الحلفاء ضمن الانتدابات • محاولات الولايات المتحدة الحصول على حق الاعتماد النهائي لمسودات الانتدابات على الرغم من عدم توقيعها على معاهدة فرساي وعدم مشاركتها في مؤتمر سان ريمو.

- المحادثات الأولية بين قوى الحلفاء حول تشكيل الانتدابات، لا سيما فيما يتعلق بالاختلافات بين فئات الانتداب الثلاث

- الترتيبات لإضفاء الطابع الرسمي على انتدابات معينة وترسيخها

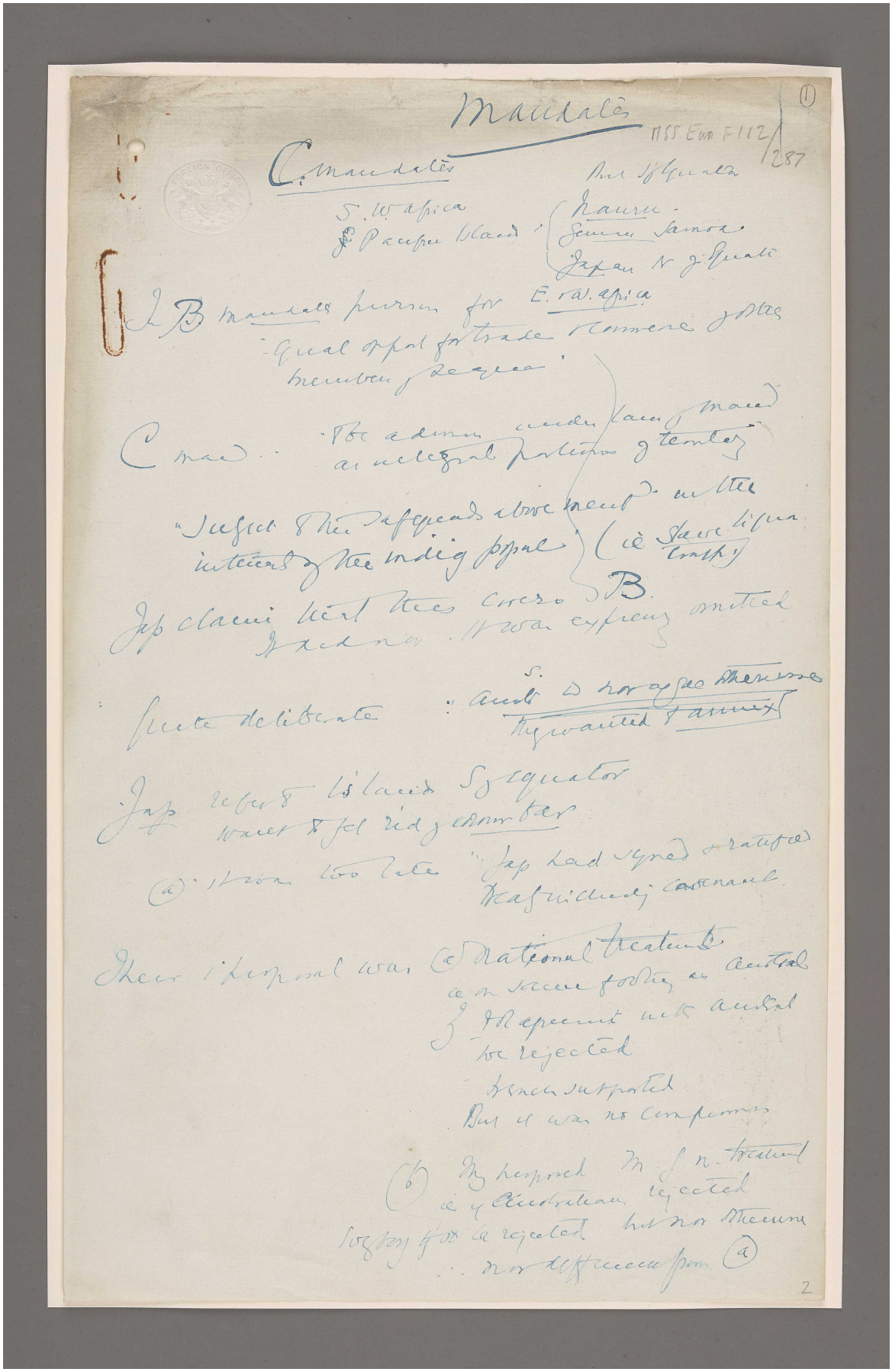
- طلب اليابان إضافة بنود تنص على التجارة الحرة لقوى الحلفاء ضمن الانتدابات

- محاولات الولايات المتحدة الحصول على حق الاعتماد النهائي لمسودات الانتدابات على الرغم من عدم توقيعها على معاهدة فرساي وعدم مشاركتها في مؤتمر سان ريمو.

تحتوي الأوراق ٣-٣٤ على نسخ من الإعلانات الرسمية لكلٍ من الانتدابات التي تشكّلت من الأراضي التي كانت تخضع لسيطرة ألمانيا في أفريقيا والمحيط الهادي، وتحتوي الأوراق ٦٨-٩٣ على اتفاقيات هذه الانتدابات.

توجد عشر ورقات من المواد باللغة الفرنسية، أغلبها مراسلات تتعلق بالانتدابات البريطانية والفرنسية في غرب أفريقيا.

تتضمن الأطراف الرئيسية للمراسلات كلاً من: اللورد كرزون من كيدليستون، وزير الدولة للشؤون الخارجية؛ ونستون تشرشل، وزير الدولة لشؤون المستعمرات؛ آرثر جيمس بلفور، رئيس المجلس الملكي الخاص؛ هربرت فيشر، رئيس مجلس التعليم؛ السير بيرسي كوكس، المندوب السامي في بلاد الرافدين؛ باينبريدج كولبي، وزير الخارجية الأمريكي؛ سفراء فرنسا واليابان والولايات المتحدة إلى المملكة المتحدة؛ مكتب المستعمرات البريطانية؛ مكتب الهند؛ وزارة الخارجية؛ مكتب الحرب البريطاني.



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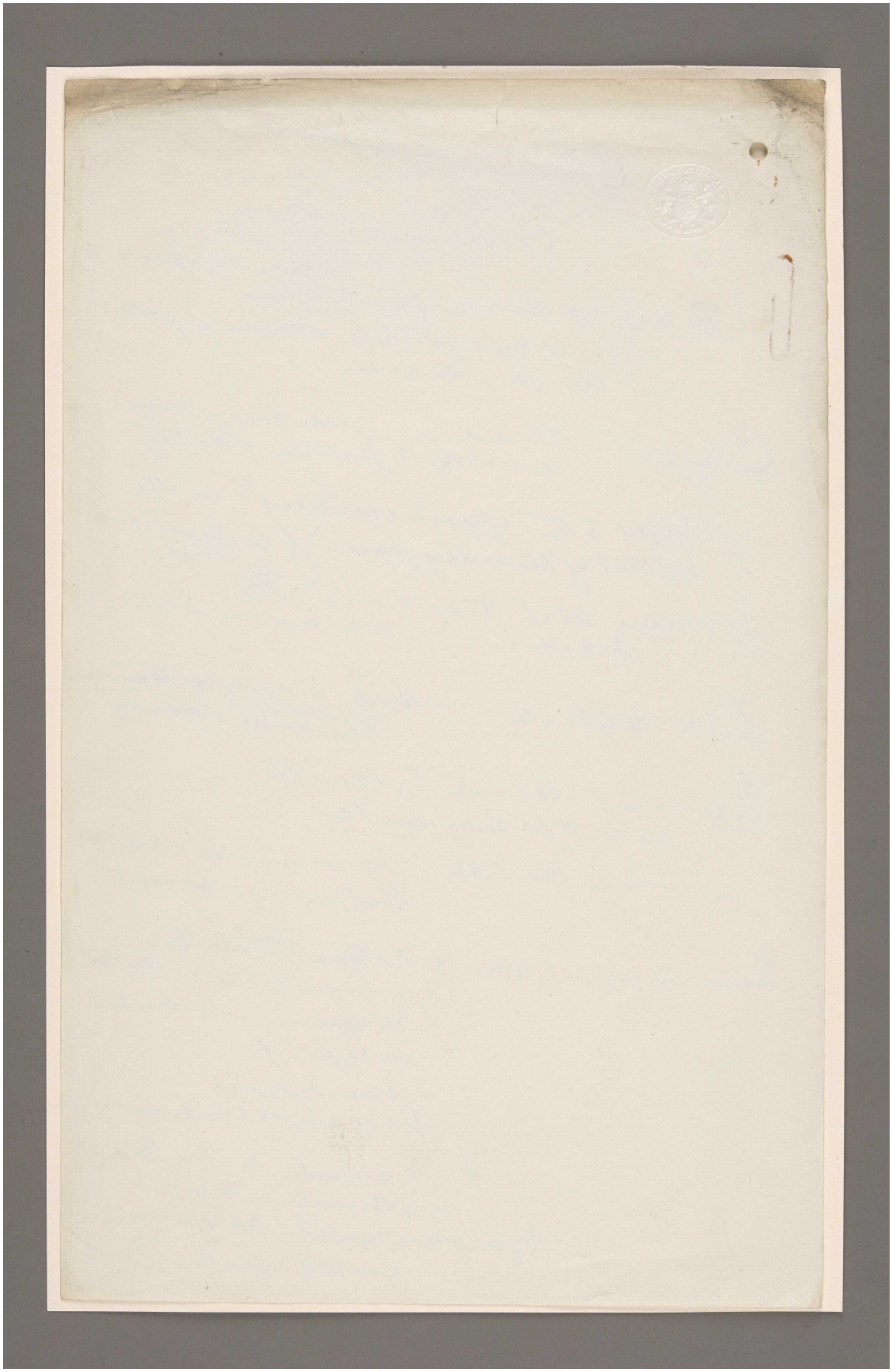
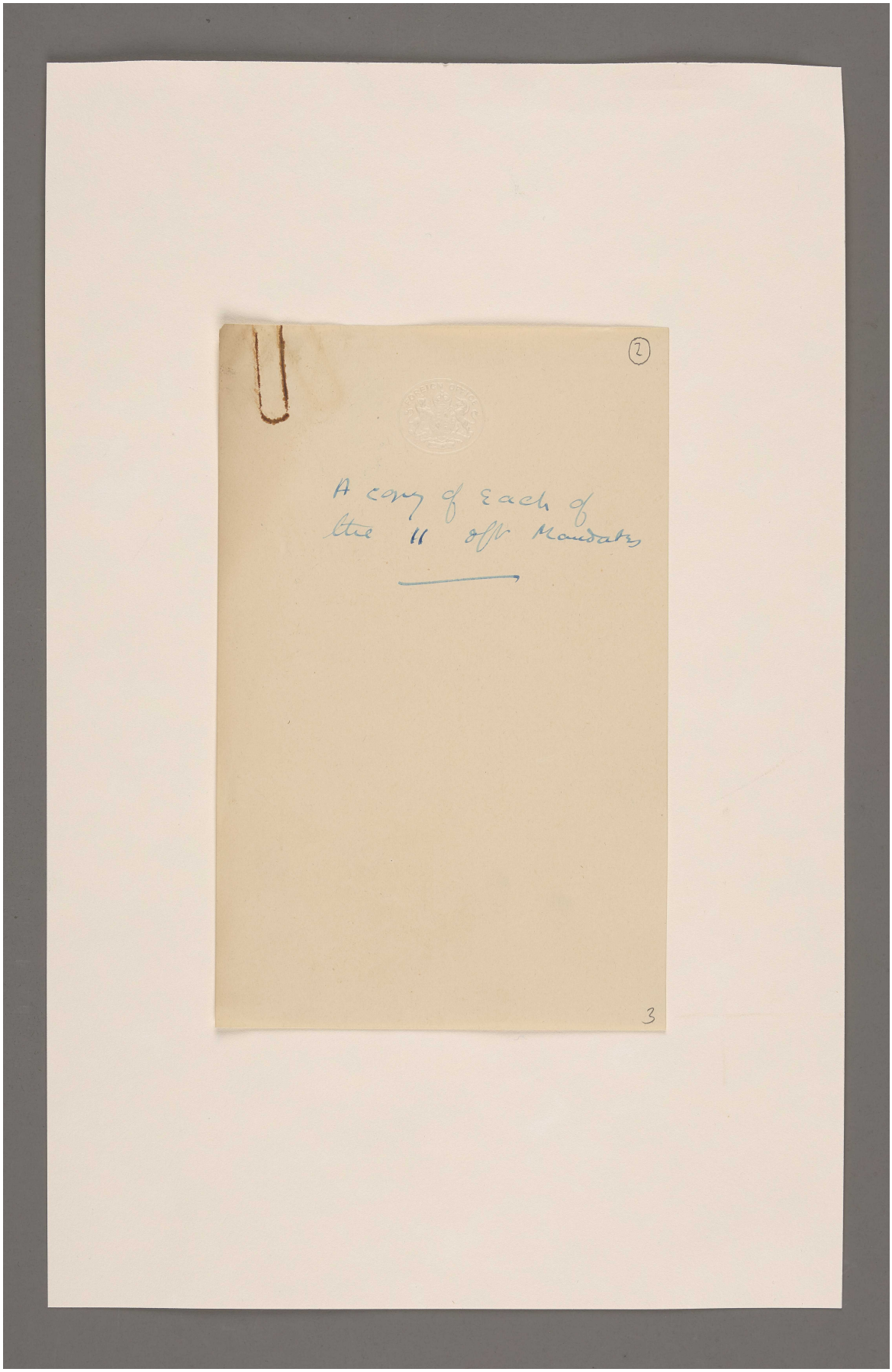
أوراق متعلقة بانتدابات عصبة الأمم [١ظ] (٦٤٦/٢)

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A copy of each of
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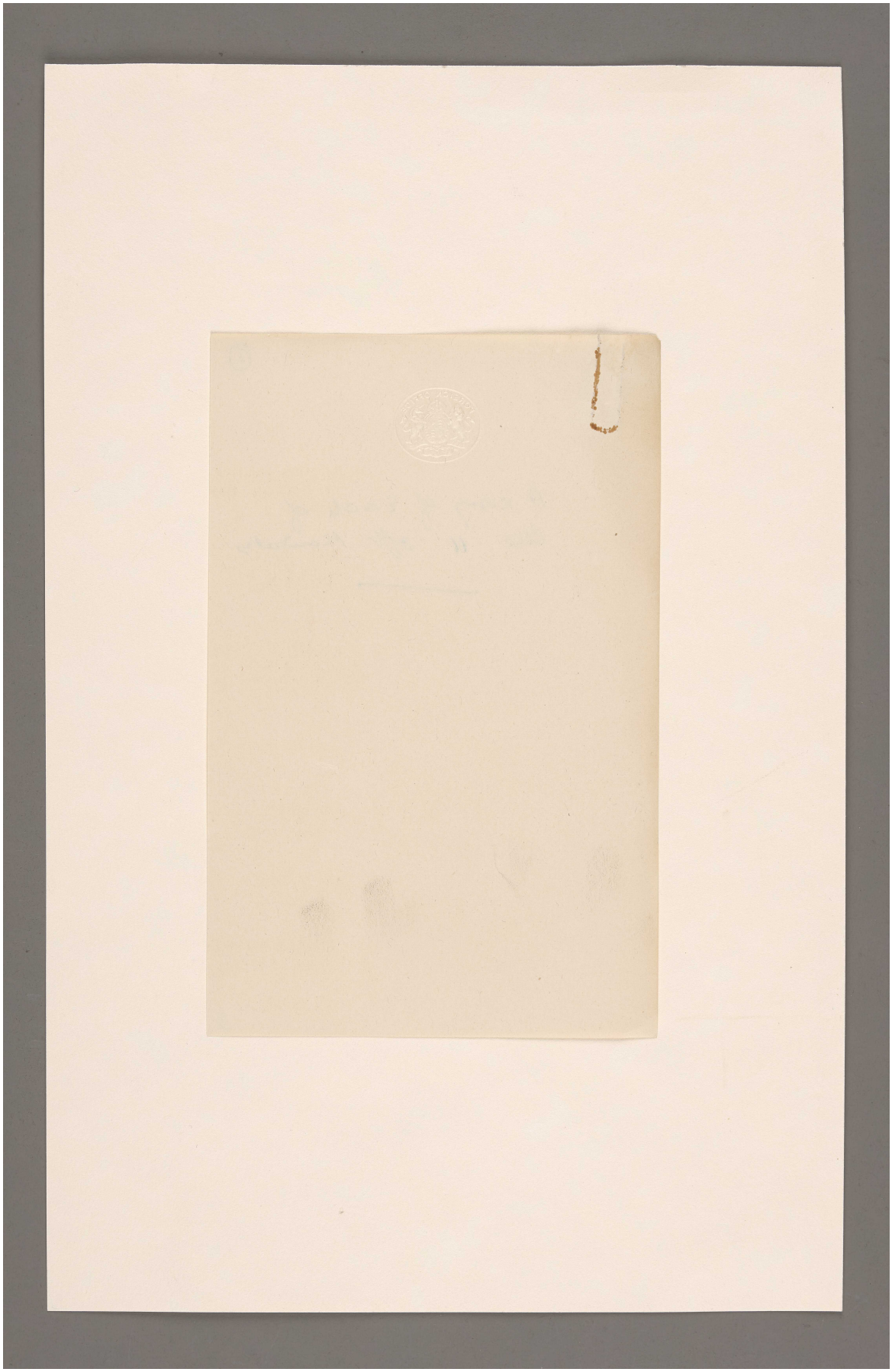

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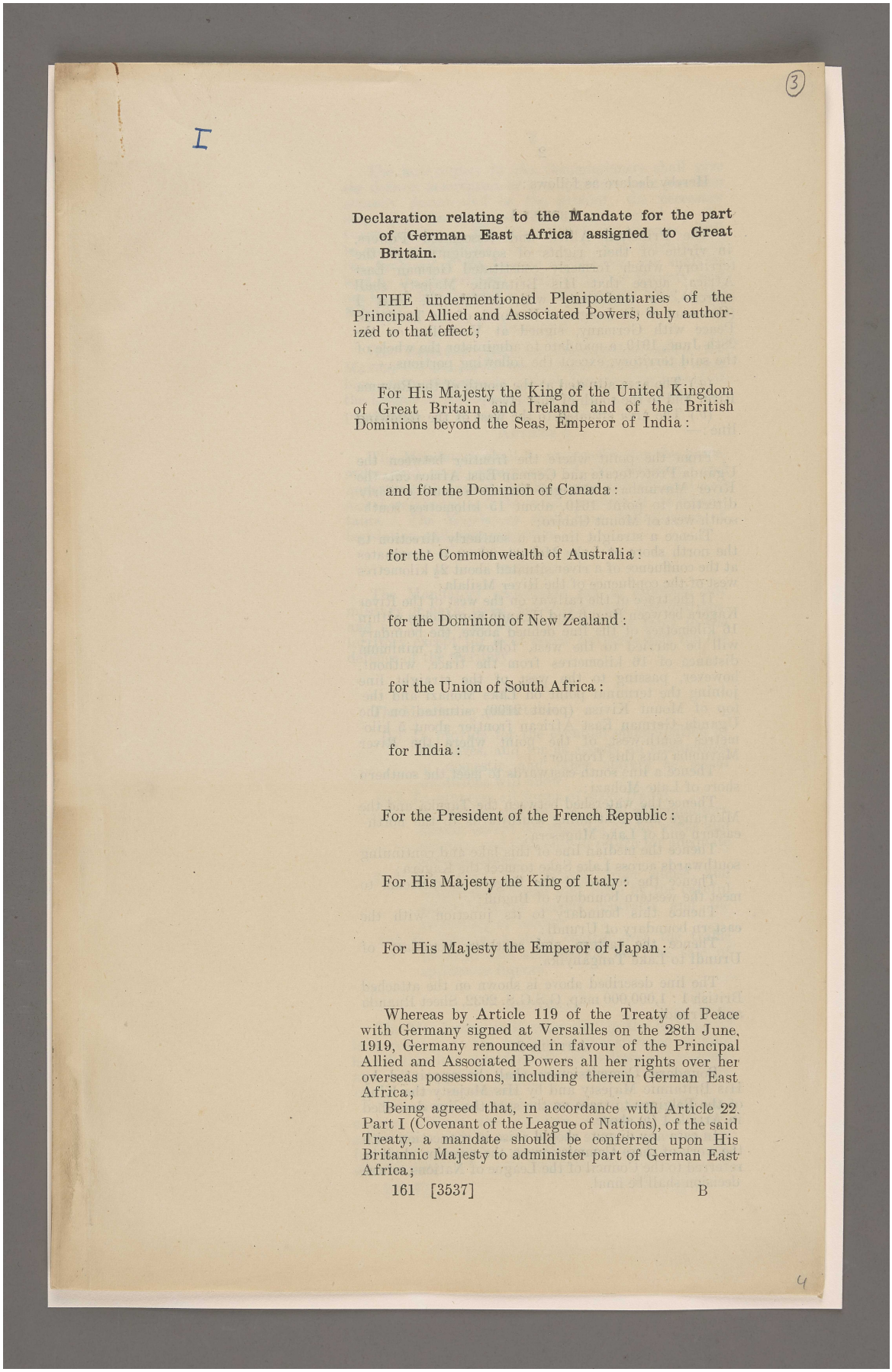

I

(3)

Declaration relating to the Mandate for the part of German East Africa assigned to Great Britain.

THE undermentioned Plenipotentiaries of the Principal Allied and Associated Powers, duly authorized to that effect;

For His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

and for the Dominion of Canada:

for the Commonwealth of Australia:

for the Dominion of New Zealand:

for the Union of South Africa:

for India:

For the President of the French Republic:

For His Majesty the King of Italy:

For His Majesty the Emperor of Japan:

Whereas by Article 119 of the Treaty of Peace with Germany signed at Versailles on the 28th June, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her overseas possessions, including therein German East Africa;

Being agreed that, in accordance with Article 22, Part I (Covenant of the League of Nations), of the said Treaty, a mandate should be conferred upon His Britannic Majesty to administer part of German East Africa;

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المرجع: Mss Eur F112/287 حق النشر: غير معروف
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Hereby declare as follows:

ARTICLE 1.

The Principal Allied and Associated Powers, in virtue of their rights of sovereignty over the territory which formerly constituted German East Africa, agree that His Britannic Majesty shall exercise, in conformity with Article 22, Part I (Covenant of the League of Nations), of the Treaty of Peace with Germany, signed at Versailles on the 28th June, 1919, a mandate to administer the whole of the said territory, except the following portions:—

(*a*.) The area situated at the mouth of the Rovuma River and to the south of that river;

(*b*.) The area situated to the west of the following line:—

From the point where the frontier between the Uganda Protectorate and German East Africa cuts the River Mavumba a straight line in a south-easterly direction to point 1640, about 15 kilometres south-south-west of Mount Gabiro;

Thence a straight line in a southerly direction to the north shore of Lake Mohazi, where it terminates at the confluence of a river situated about 2½ kilometres west of the confluence of the River Msilala;

If the trace of the railway on the west of the River Kagera between Bugufi and Uganda approaches within 16 kilometres of the line defined above, the boundary will be carried to the west, following a minimum distance of 16 kilometres from the trace, without, however, passing to the west of the straight line joining the terminal point on Lake Mohazi and the top of Mount Kivisa (point 2100), situated on the Uganda–German East African frontier about 5 kilometres south-west of the point where the River Mavumba cuts this frontier;

Thence a line south-eastwards to meet the southern shore of Lake Mohazi;

Thence the watershed between the Taruka and the Mkarange and continuing southwards to the north-eastern end of Lake Mugesera;

Thence the median line of this lake and continuing southwards across Lake Sake to meet the Kagera;

Thence the course of the Kagera downstream to meet the western boundary of Bugufi;

Thence this boundary to its junction with the eastern boundary of Urundi;

Thence the eastern and southern boundary of Urundi to Lake Tanganyika.

The line described above is shown on the attached British 1 : 1,000,000 map, G.S.G.S. 2932, Sheet Ruanda and Urundi.

ARTICLE 2.

Boundary Commissioners shall be appointed by His Britannic Majesty and by His Majesty the King of the Belgians to trace on the spot the line described in Article 1 (*b*) above.

In case any dispute should arise in connection with the work of these Commissioners, the question shall be referred to the Council of the League of Nations, whose decision shall be final.

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The final report by the Commissioners shall give the definite description of this boundary as it has been actually demarcated on the ground; the necessary maps shall be annexed thereto and signed by the Commissioners. The report, with its annexes, shall be made in triplicate; one copy shall be deposited in the Archives of the League of Nations, one shall be kept by the Government of His Britannic Majesty, and one by the Government of His Majesty the King of the Belgians.

ARTICLE 3.

His Britannic Majesty (hereinafter called the Mandatory) accepts the mandate hereby conferred upon him, and undertakes to execute the same on behalf of the League of Nations in accordance with the following provisions.

ARTICLE 4.

The Mandatory shall be responsible for the peace, order and good government of the territory, and undertakes to promote to the utmost the material and moral well-being and the social progress of its inhabitants. The Mandatory shall have full powers of legislation and administration.

ARTICLE 5.

The Mandatory undertakes not to establish any military or naval bases, not to erect any fortifications, and not to organise any native military force in the territory except for local police purposes and for the defence of the territory.

ARTICLE 6.

The Mandatory undertakes:

(i.) To provide for the eventual emancipation of all slaves, and for as speedy an elimination of domestic and other slavery as social conditions will allow;

(ii.) To suppress all forms of slave trade;

(iii.) To prohibit all forms of forced or compulsory labour, except for essential public works and services, and then only in return for adequate remuneration;

(iv.) To protect the natives from abuse and measures of fraud and force by the careful supervision of labour contracts and the recruiting of labour;

(v.) To exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

ARTICLE 7.

The Mandatory undertakes that in the framing of laws relating to the holding or transference of land he will take into consideration native laws and customs, and will respect the rights and safeguard the interests of the native population.

No native land may be transferred, except between natives, without the previous consent of the public authorities, and no real rights over native land in favour of non-natives may be created except with the same consent.

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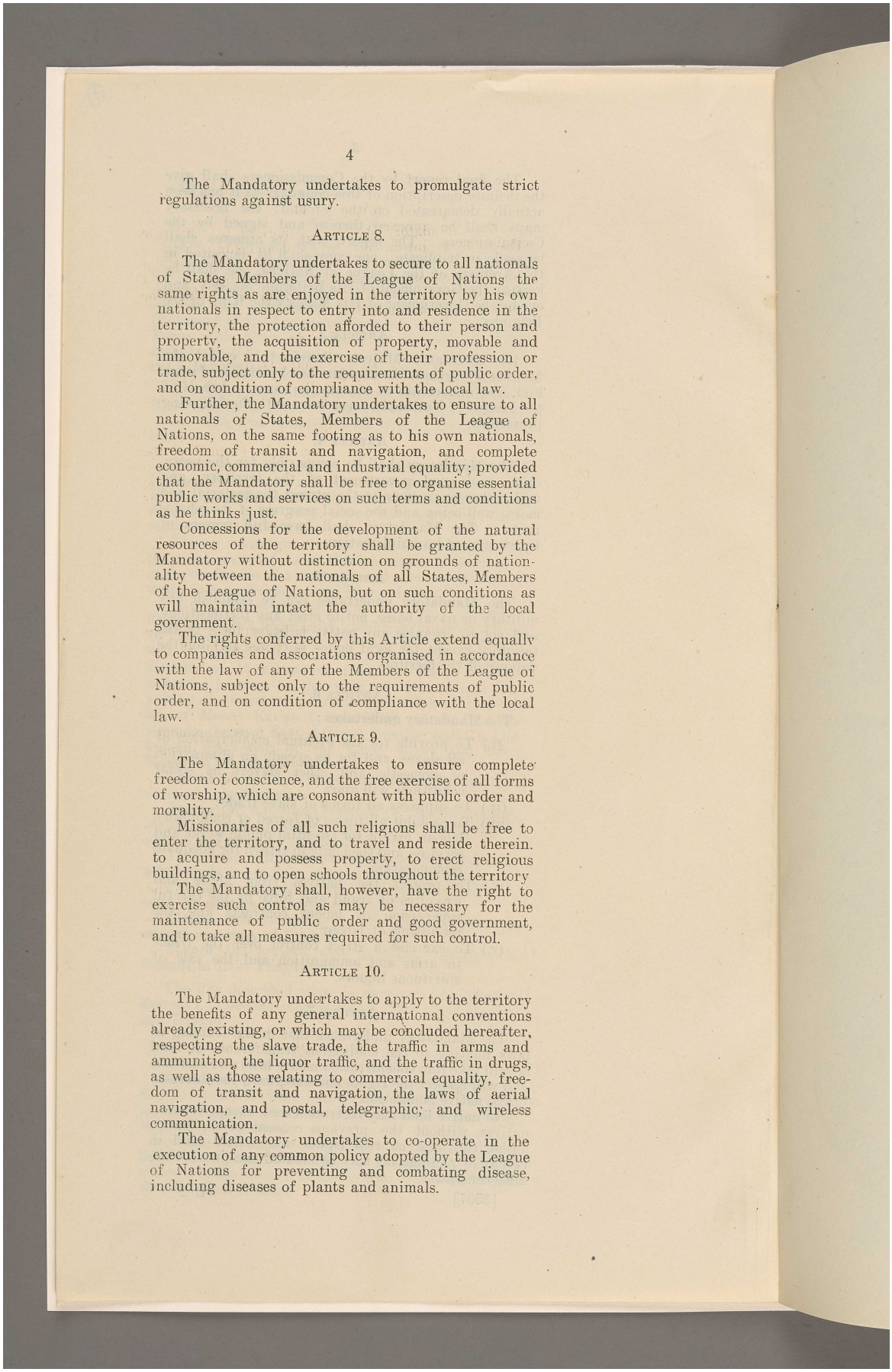

The Mandatory undertakes to promulgate strict regulations against usury.

ARTICLE 8.

The Mandatory undertakes to secure to all nationals of States Members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect to entry into and residence in the territory, the protection afforded to their person and property, the acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

Further, the Mandatory undertakes to ensure to all nationals of States, Members of the League of Nations, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality; provided that the Mandatory shall be free to organise essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the Mandatory without distinction on grounds of nationality between the nationals of all States, Members of the League of Nations, but on such conditions as will maintain intact the authority of the local government.

The rights conferred by this Article extend equally to companies and associations organised in accordance with the law of any of the Members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

ARTICLE 9.

The Mandatory undertakes to ensure complete freedom of conscience, and the free exercise of all forms of worship, which are consonant with public order and morality.

Missionaries of all such religions shall be free to enter the territory, and to travel and reside therein, to acquire and possess property, to erect religious buildings, and to open schools throughout the territory.

The Mandatory shall, however, have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

ARTICLE 10.

The Mandatory undertakes to apply to the territory the benefits of any general international conventions already existing, or which may be concluded hereafter, respecting the slave trade, the traffic in arms and ammunition, the liquor traffic, and the traffic in drugs, as well as those relating to commercial equality, freedom of transit and navigation, the laws of aerial navigation, and postal, telegraphic, and wireless communication.

The Mandatory undertakes to co-operate in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

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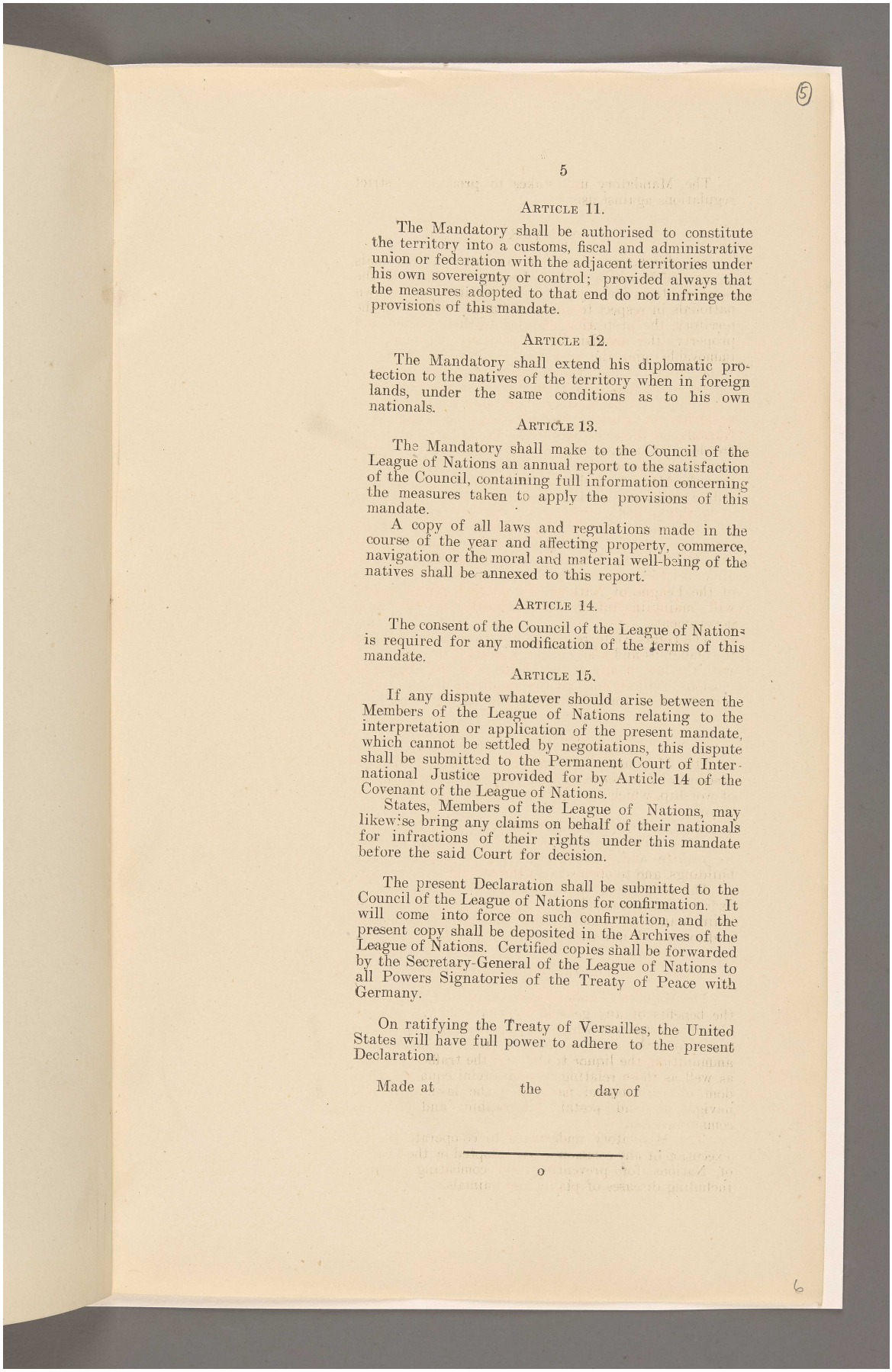

ARTICLE 11.

The Mandatory shall be authorised to constitute the territory into a customs, fiscal and administrative union or federation with the adjacent territories under his own sovereignty or control; provided always that the measures adopted to that end do not infringe the provisions of this mandate.

ARTICLE 12.

The Mandatory shall extend his diplomatic protection to the natives of the territory when in foreign lands, under the same conditions as to his own nationals.

ARTICLE 13.

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information concerning the measures taken to apply the provisions of this mandate.

A copy of all laws and regulations made in the course of the year and affecting property, commerce, navigation or the moral and material well-being of the natives shall be annexed to this report.

ARTICLE 14.

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

ARTICLE 15.

If any dispute whatever should arise between the Members of the League of Nations relating to the interpretation or application of the present mandate, which cannot be settled by negotiations, this dispute shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

States, Members of the League of Nations, may likewise bring any claims on behalf of their nationals for infractions of their rights under this mandate before the said Court for decision.

The present Declaration shall be submitted to the Council of the League of Nations for confirmation. It will come into force on such confirmation, and the present copy shall be deposited in the Archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers Signatories of the Treaty of Peace with Germany.

On ratifying the Treaty of Versailles, the United States will have full power to adhere to the present Declaration.

Made at the day of

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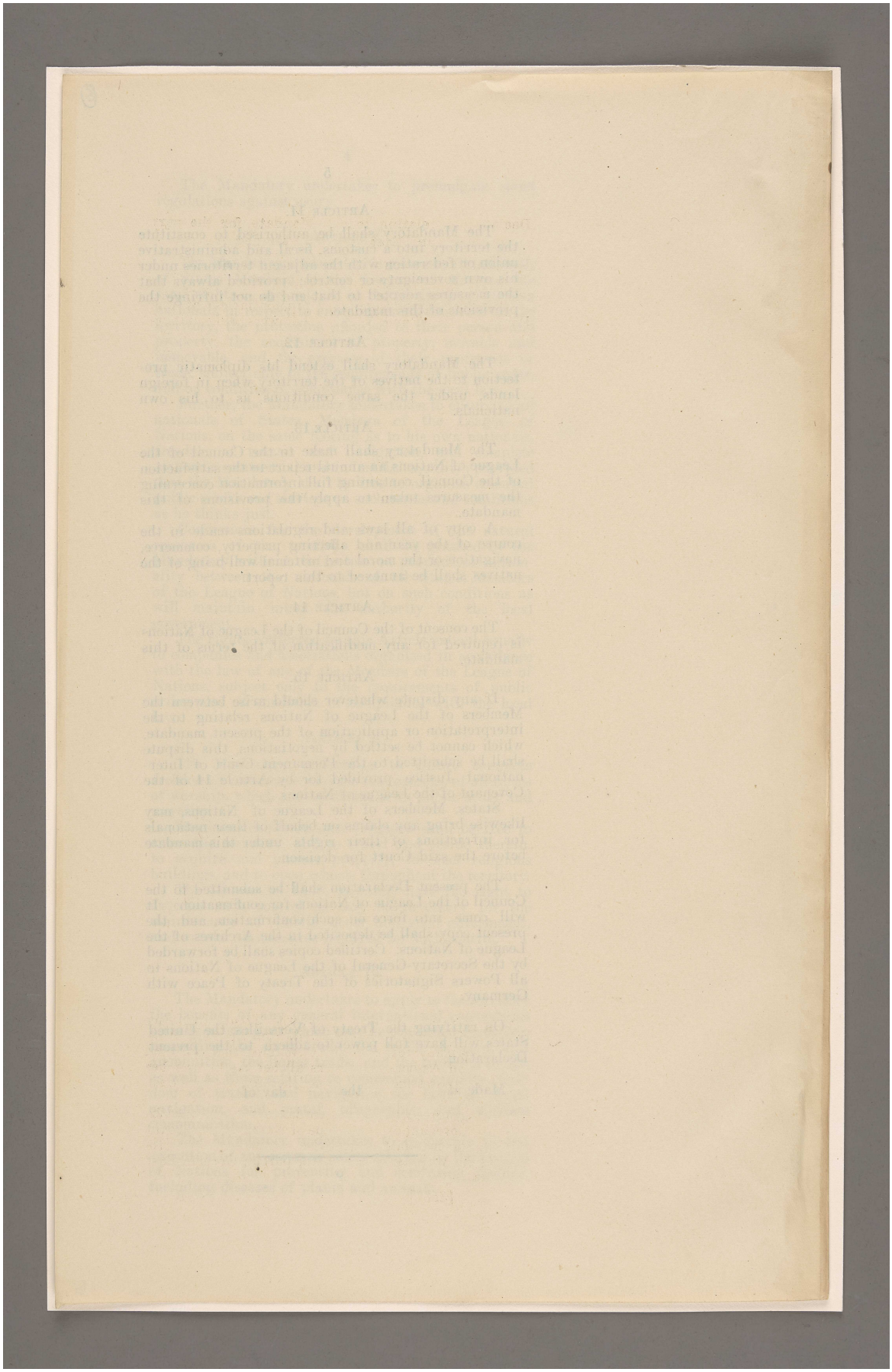

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اعرض على مكتبة قطر الرقمية: http://www.qdl.qa/العربية/archive/81055/vdc_100179745901.0x000016

II

6

Declaration relating to the Mandate for the part of German East Africa assigned to Belgium.

THE undermentioned Plenipotentiaries of the Principal Allied and Associated Powers and of His Majesty the King of the Belgians, duly authorised to that effect;

For His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India :

and for the Dominion of Canada :

for the Commonwealth of Australia :

for the Dominion of New Zealand :

for the Union of South Africa :

for India :

For the President of the French Republic :

For His Majesty the King of Italy :

For His Majesty the Emperor of Japan :

For His Majesty the King of the Belgians :

Whereas by Article 119 of the Treaty of Peace with Germany signed at Versailles on the 28th June, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her overseas possessions, including therein German East Africa;

Being agreed that, in accordance with Article 22, Part I (Covenant of the League of Nations), of the said Treaty, a mandate should be conferred upon His Majesty the King of the Belgians to administer part of German East Africa;

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Hereby declare as follows :—

ARTICLE 1.

The Principal Allied and Associated Powers, in virtue of their rights of sovereignty over the territory which formerly constituted German East Africa, agree that His Majesty the King of the Belgians shall exercise, in conformity with Article 22, Part I (Covenant of the League of Nations), of the Treaty of Peace with Germany, signed at Versailles on the 28th June, 1919, a mandate to administer the portion of the said territory situated to the west of the following line :—

From the point where the frontier between the Uganda Protectorate and German East Africa cuts the River Mavumba a straight line in a south-easterly direction to point 1640, about 15 kilometres south-south-west of Mount Gabiro;

Thence a straight line in a southerly direction to the north shore of Lake Mohazi, where it terminates at the confluence of a river situated about 2½ kilometres west of the confluence of the River Msilala;

If the trace of the railway on the west of the River Kagera between Bugufi and Uganda approaches within 16 kilometres of the line defined above, the boundary will be carried to the west, following a minimum distance of 16 kilometres from the trace, without, however, passing to the west of the straight line joining the terminal point on Lake Mohazi and the top of Mount Kivisa (point 2100), situated on the Uganda–German East African frontier about 5 kilometres south-west of the point where the River Mavumba cuts this frontier;

Thence a line south-eastwards to meet the southern shore of Lake Mohazi;

Thence the watershed between the Taruka and the Mkarange and continuing southwards to the north-eastern end of Lake Mugesera;

Thence the median line of this lake and continuing southwards across Lake Sake to meet the Kagera;

Thence the course of the Kagera downstream to meet the western boundary of Bugufi;

Thence this boundary to its junction with the eastern boundary of Urundi;

Thence the eastern and southern boundary of Urundi to Lake Tanganyika.

The line described above is shown on the attached British 1 : 1,000,000 map, G.S.G.S. 2932, Sheet Ruanda and Urundi.

ARTICLE 2.

Boundary Commissioners shall be appointed by His Majesty the King of the Belgians and by His Britannic Majesty to trace on the spot the line described in Article 1 above.

In case any dispute should arise in connection with the work of these Commissioners, the question shall be referred to the Council of the League of Nations, whose decision shall be final.

The final report by the Commissioners shall give the definite description of this boundary as it has been actually demarcated on the ground; the necessary maps shall be annexed thereto and signed by the

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Commissioners. The report, with its annexes, shall be made in triplicate; one copy shall be deposited in the Archives of the League of Nations, one shall be kept by the Government of His Majesty the King of the Belgians, and one by the Government of His Britannic Majesty.

ARTICLE 3.

His Majesty the King of the Belgians (hereinafter called the Mandatory) accepts the mandate hereby conferred upon him, and undertakes to execute the same on behalf of the League of Nations in accordance with the following provisions.

ARTICLE 4.

The Mandatory shall be responsible for the peace, order and good government of the territory, and undertakes to promote to the utmost the material and moral well-being and the social progress of its inhabitants. The Mandatory shall have full powers of legislation and administration.

ARTICLE 5.

The Mandatory undertakes not to establish any military or naval bases, not to erect any fortifications, and not to organise any native military force in the territory except for local police purposes and for the defence of the territory.

ARTICLE 6.

The Mandatory undertakes:

(i.) To provide for the eventual emancipation of all slaves, and for as speedy an elimination of domestic and other slavery as social conditions will allow;
(ii.) To suppress all forms of slave trade;
(iii.) To prohibit all forms of forced or compulsory labour, except for essential public works and services, and then only in return for adequate remuneration;
(iv.) To protect the natives from abuse and measures of fraud and force by the careful supervision of labour contracts and the recruiting of labour;
(v.) To exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

ARTICLE 7.

The Mandatory undertakes that in the framing of laws relating to the holding or transference of land he will take into consideration native laws and customs, and will respect the rights and safeguard the interests of the native population.

No native land may be transferred, except between natives, without the previous consent of the public authorities, and no real rights over native land in favour of non-natives may be created except with the same consent.

The Mandatory undertakes to promulgate strict regulations against usury.

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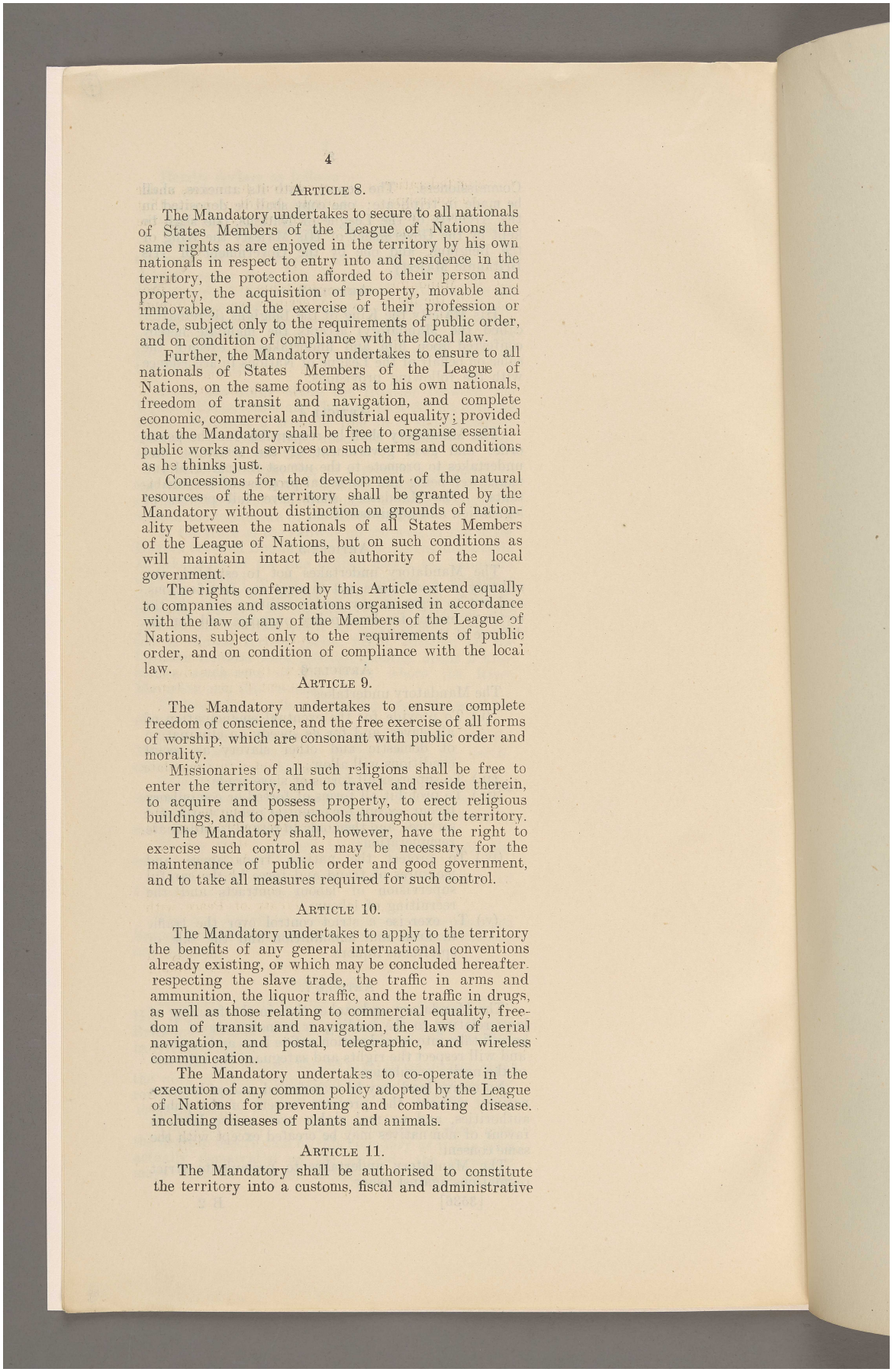

ARTICLE 8.

The Mandatory undertakes to secure to all nationals of States Members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect to entry into and residence in the territory, the protection afforded to their person and property, the acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

Further, the Mandatory undertakes to ensure to all nationals of States Members of the League of Nations, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality; provided that the Mandatory shall be free to organise essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the Mandatory without distinction on grounds of nationality between the nationals of all States Members of the League of Nations, but on such conditions as will maintain intact the authority of the local government.

The rights conferred by this Article extend equally to companies and associations organised in accordance with the law of any of the Members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

ARTICLE 9.

The Mandatory undertakes to ensure complete freedom of conscience, and the free exercise of all forms of worship, which are consonant with public order and morality.

Missionaries of all such religions shall be free to enter the territory, and to travel and reside therein, to acquire and possess property, to erect religious buildings, and to open schools throughout the territory.

The Mandatory shall, however, have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

ARTICLE 10.

The Mandatory undertakes to apply to the territory the benefits of any general international conventions already existing, or which may be concluded hereafter respecting the slave trade, the traffic in arms and ammunition, the liquor traffic, and the traffic in drugs, as well as those relating to commercial equality, freedom of transit and navigation, the laws of aerial navigation, and postal, telegraphic, and wireless communication.

The Mandatory undertakes to co-operate in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

ARTICLE 11.

The Mandatory shall be authorised to constitute the territory into a customs, fiscal and administrative

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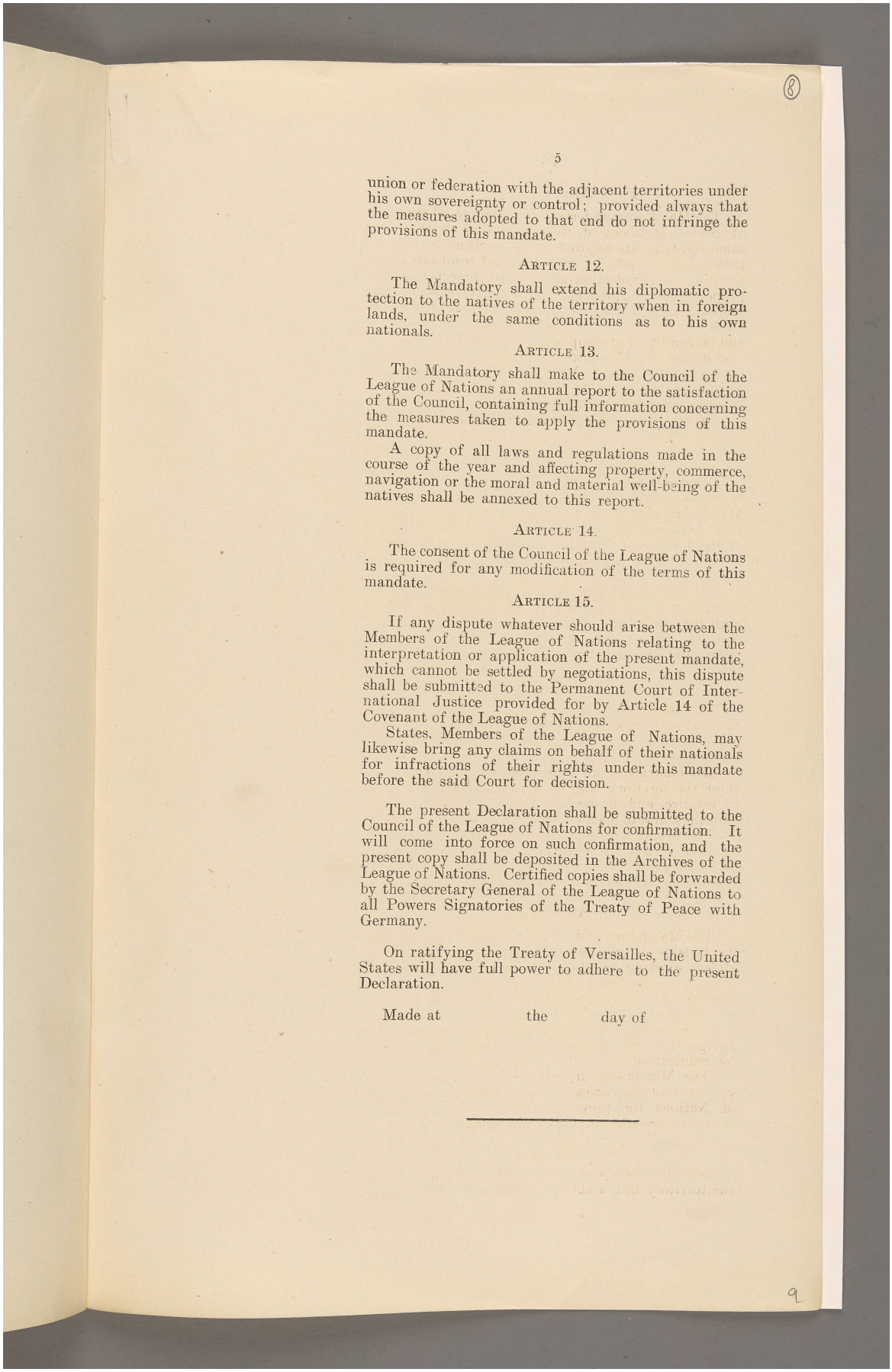

union or federation with the adjacent territories under his own sovereignty or control; provided always that the measures adopted to that end do not infringe the provisions of this mandate.

ARTICLE 12.

The Mandatory shall extend his diplomatic protection to the natives of the territory when in foreign lands, under the same conditions as to his own nationals.

ARTICLE 13.

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information concerning the measures taken to apply the provisions of this mandate.

A copy of all laws and regulations made in the course of the year and affecting property, commerce, navigation or the moral and material well-being of the natives shall be annexed to this report.

ARTICLE 14.

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

ARTICLE 15.

If any dispute whatever should arise between the Members of the League of Nations relating to the interpretation or application of the present mandate, which cannot be settled by negotiations, this dispute shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

States, Members of the League of Nations, may likewise bring any claims on behalf of their nationals for infractions of their rights under this mandate before the said Court for decision.

The present Declaration shall be submitted to the Council of the League of Nations for confirmation. It will come into force on such confirmation, and the present copy shall be deposited in the Archives of the League of Nations. Certified copies shall be forwarded by the Secretary General of the League of Nations to all Powers Signatories of the Treaty of Peace with Germany.

On ratifying the Treaty of Versailles, the United States will have full power to adhere to the present Declaration.

Made at the day of

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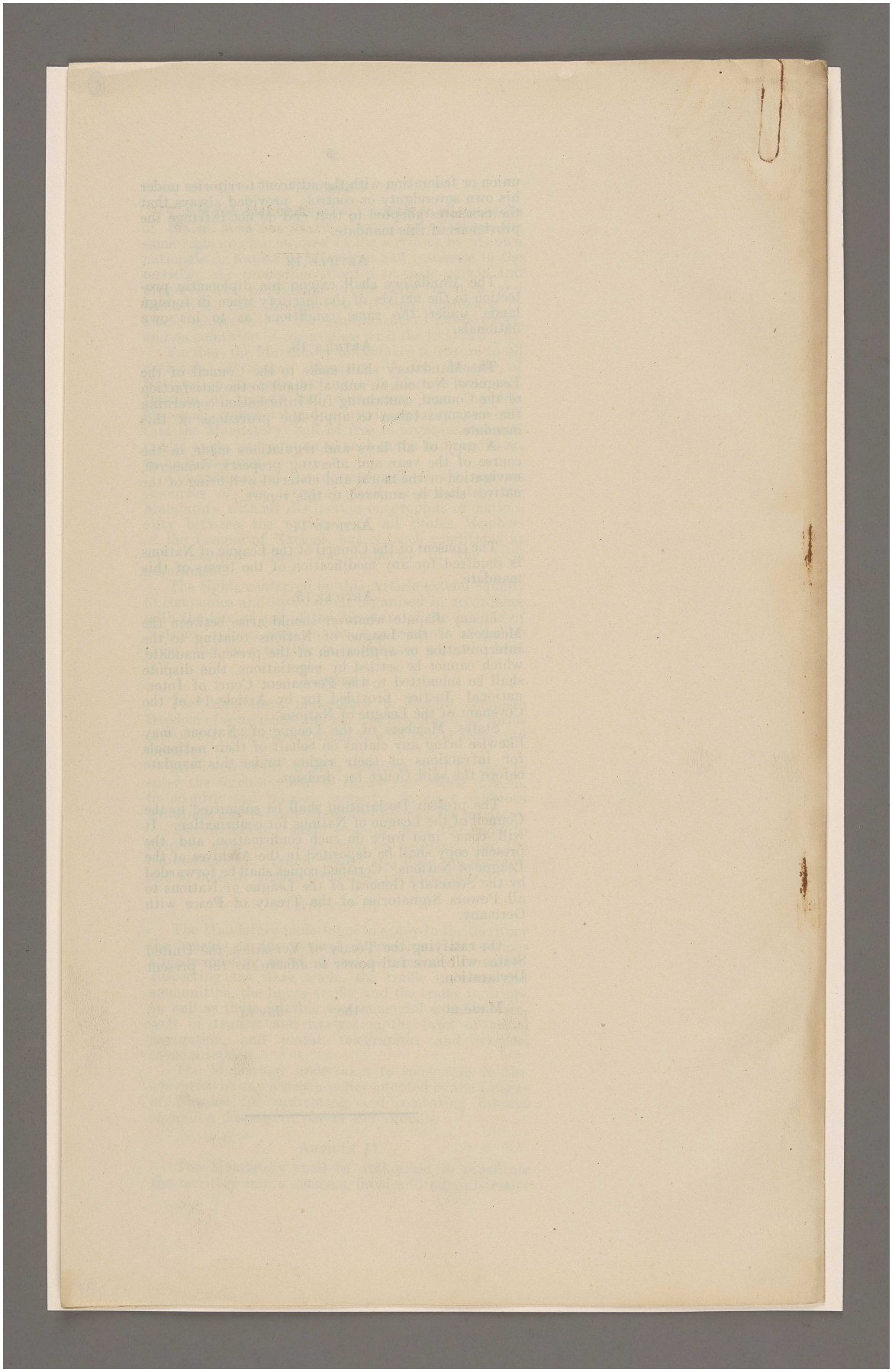

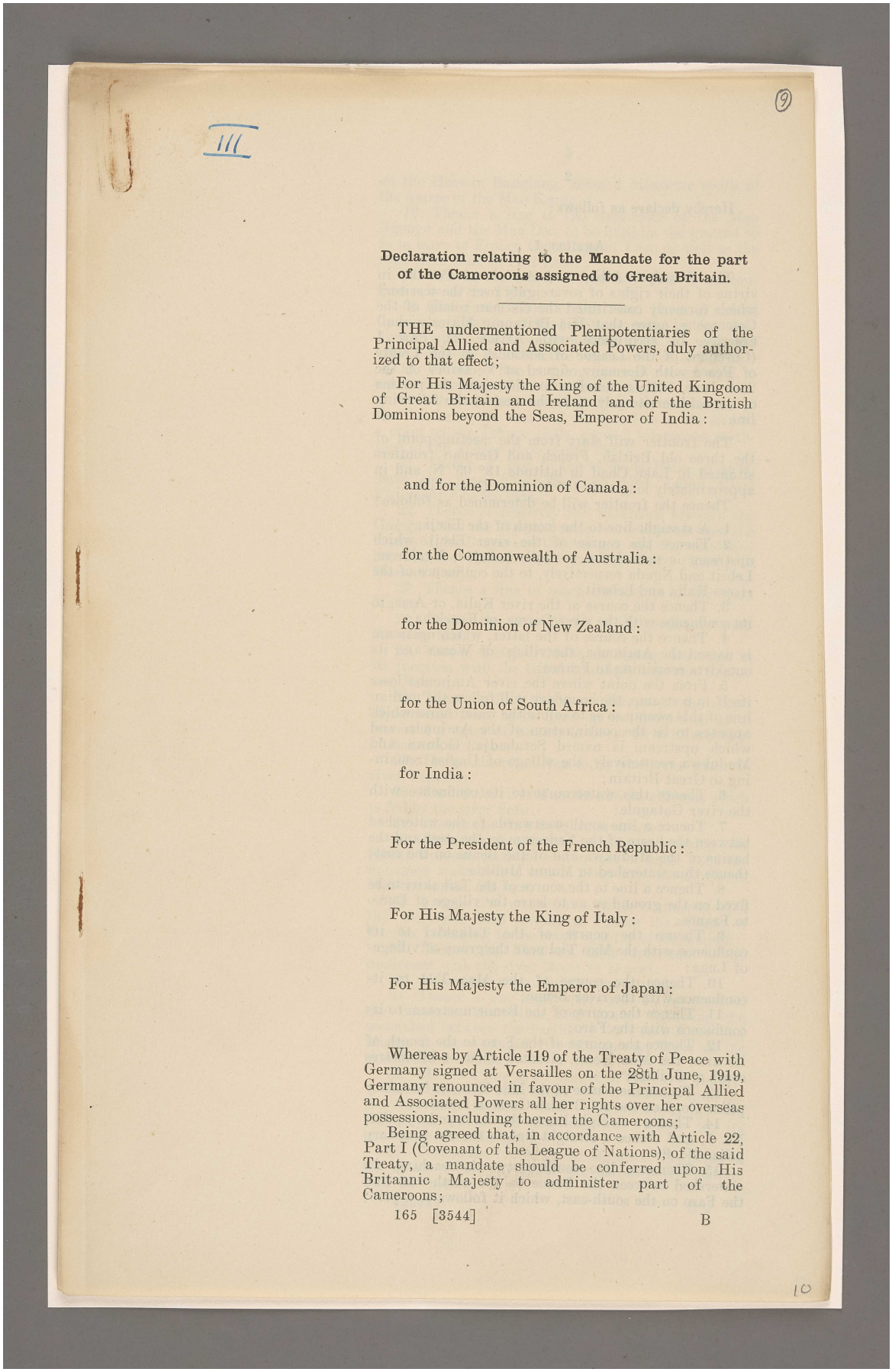

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111

Declaration relating to the Mandate for the part of the Cameroons assigned to Great Britain.

THE undermentioned Plenipotentiaries of the Principal Allied and Associated Powers, duly authorized to that effect;

For His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

and for the Dominion of Canada:

for the Commonwealth of Australia:

for the Dominion of New Zealand:

for the Union of South Africa:

for India:

For the President of the French Republic:

For His Majesty the King of Italy:

For His Majesty the Emperor of Japan:

Whereas by Article 119 of the Treaty of Peace with Germany signed at Versailles on the 28th June, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her overseas possessions, including therein the Cameroons;

Being agreed that, in accordance with Article 22, Part I (Covenant of the League of Nations), of the said Treaty, a mandate should be conferred upon His Britannic Majesty to administer part of the Cameroons;

10

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Hereby declare as follows:

ARTICLE 1.

The Principal Allied and Associated Powers, in virtue of their rights of sovereignty over the territory which formerly constituted the German colony of the Cameroons, agree that His Britannic Majesty shall exercise, in accordance with Article 22, Part I (Covenant of the League of Nations), of the Treaty of Peace with Germany, signed at Versailles on the 28th June, 1919, a mandate to administer the portion of the said territory lying to the west of the following line:

The frontier will start from the meeting-point of the three old British, French and German frontiers situated in Lake Chad in latitude 13° 05′ N. and in approximately longitude 14° 05′ E. of Greenwich.

Thence the frontier will be determined as follows:

1. A straight line to the mouth of the Ebeji;
2. Thence the course of the river Ebeji, which upstream is named the Lewejil, Labejed, Ngalarem, Lebeit and Ngada respectively, to the confluence of the rivers Kalia and Lebaiit;
3. Thence the course of the river Kalia, or Ame, to its confluence with the river Dorma, or Kutelaha;
4. Thence the course of the latter, which upstream is named the Amjumba, the village of Woma and its outskirts remaining to France;
5. From the point where the river Amjumba loses itself in a swamp, the boundary will follow the median line of this swamp so as to rejoin the watercourse which appears to be the continuation of the Amjumba and which upstream is named Serahadja, Goluwa and Mudukwa respectively, the village of Uagisa remaining to Great Britain;
6. Thence this watercourse to its confluence with the river Gatagule;
7. Thence a line south-westwards to the watershed between the basin of the Yedseram on the west and the basins of the Mudukwa and of the Benue on the east; thence this watershed to Mount Mulikia;
8. Thence a line to the source of the Tsikakiri to be fixed on the ground so as to leave the village of Dumo to France;
9. Thence the course of the Tsikakiri to its confluence with the Mao Tiel near the group of villages of Luga;
10. Thence the course of the Mao Tiel to its confluence with the river Benue;
11. Thence the course of the Benue upstream to its confluence with the Faro;
12. Thence the course of the Faro to the mouth of its arm, the Mao Hesso, situated about 4 kilometres south of Chikito;
13. Thence the course of the Mao Hesso to boundary pillar No. 6 on the old British-German frontier;
14. Thence a straight line to the old boundary pillar No. 7; and thence a straight line to the old boundary pillar No. 8;
15. Thence a line south-westwards reaching the watershed between the Benue on the north-west and the Faro on the south-east, which it follows to a point

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on the Hossere Banglang, about 1 kilometre south of the source of the Mao Kordo;

16. Thence a line to the confluence of the Mao Ngonga and the Mao Deo, to be fixed on the ground so as to leave to France the village of Laro as well as the road from Bare to Fort Lamy;

17. Thence the course of the Mao Deo to its confluence with the Tiba;

18. Thence the course of the Tiba, which is named upstream Tibsat and Tussa respectively, to its confluence with a watercourse flowing from the west and situated about 12 kilometres south-west of Kontscha;

19. Thence a line running generally south-west to reach the summit of the Dutschi-Djombi;

20. Thence the watershed between the basins of the Taraba on the west and the Mao Deo on the east to a point on the Tchape Hills, about 2 kilometres north-west of the Tchape Pass (point 1541);

21. Thence a line to the Gorulde Hills, so as to leave the road from Bare to Fort Lamy about 2 kilometres to the east;

22. Thence successively the watershed between the Gamgam and the Jim, the main watershed between the basins of the Benue and the Sanaga, and the watershed between the Kokumbahun and the Ardo (Ntuli) to Hossere Jadji;

23. Thence a line to reach the source of the river Mafu;

24. Thence the river Mafu to its confluence with the river Mabe;

25. Thence the river Mabe, or Nsang, upstream to its junction with the tribal boundary between Bansso and Bamum;

26. Thence a line to the confluence of the rivers Mpand and Nun, to be fixed on the ground so as to leave the country of Bansso to Great Britain and that of Bamum to France;

27. Thence the river Nun to its confluence with the river Tantam;

28. Thence the river Tantam and its affluent, which is fed by the river Sefu;

29. Thence the river Sefu to its source;

30. Thence a line south-westwards, crossing the Kupti, to reach near its source east of point 1300 the unnamed watercourse which flows into the Northern Mifi below Bali-Bagam;

31. Thence this watercourse to its confluence with the Northern Mifi leaving to France the village of Gascho, belonging to the small country of Bamenjam;

32. Thence the Northern Mifi upstream to its confluence with the river Mogo, or Doschi;

33. Thence the river Mogo to its source;

34. Thence a line south-westwards to the crest of the Bambuto Mountains and thence following the watershed between the basins of the Cross River and Mungo on the west and the Sanaga and Wuri on the east to Mount Kupe;

35. Thence a line to the source of the river Bubu;

36. Thence the river Bubu, which appears from the German map to lose itself and reappear as the Ediminjo, which the frontier will follow to its confluence with the Mungo;

37. Thence the course of the Mungo to the point in its mouth where it meets the parallel of latitude 4° 2′ 30″ north;

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38. Thence this parallel of latitude westwards so as to reach the coast south of Tauben I.

39. Thence a line following the coast, passing south of Reiher I. to Mokola Creek, thus leaving Möwe Lake to Great Britain;

40. Thence a line following the eastern banks of the Mokola, Mbakwele, Njubanan-Jau and Matumal creeks, and cutting the mouths of the Mbossa-Bombe, Mikanje, Tende, Victoria, and other unnamed creeks to the junction of the Matumal and Victoria creeks;

41. Thence a line running 35° west of true south to the Atlantic Ocean.

The line described above is shown on the attached British 1: 2,000,000 map, G.S.G.S. 2793, Sheet Cameroons.

ARTICLE 2.

Boundary Commissioners shall be appointed by His Britannic Majesty's Government and the President of the French Republic to trace on the spot the line described in Article 1.

It is understood that where the natural features to be followed are not indicated in the above description, the Commissioners will, as far as possible, but without changing the attribution of the villages named in Article 1, lay down the frontier in accordance with natural features (rivers, hills, or watersheds).

The Boundary Commissioners shall be authorised to make such minor modifications of the frontier line as may appear to them necessary in order to avoid separating villages from their agricultural lands. Such deviations shall be clearly marked on special maps and submitted for the approval of the two Governments. Pending such approval, the deviations shall be provisionally recognised and respected.

As regards the roads mentioned in Article 1, only those which are shown upon the annexed map shall be taken into consideration in the delimitation of the frontier.

Where the frontier follows a waterway, the median line of the waterway shall be the boundary.

In case any dispute should arise in connection with the work of these Commissioners, the question shall be referred to the Council of the League of Nations, whose decision shall be final.

The final report by the Commissioners shall give the definitive description of the boundary as it has been actually demarcated on the ground; the necessary maps shall be annexed thereto and signed by the Commissioners. The report with its annexes shall be made in triplicate; one copy shall be deposited in the archives of the League of Nations, one shall be kept by His Britannic Majesty's Government and one by the Government of the French Republic.

ARTICLE 3.

It is understood that if the inhabitants living near the frontier should, within a period of six months from the completion of the local delimitation, express the intention to settle in the regions placed under French authority, or inversely, in the regions placed under

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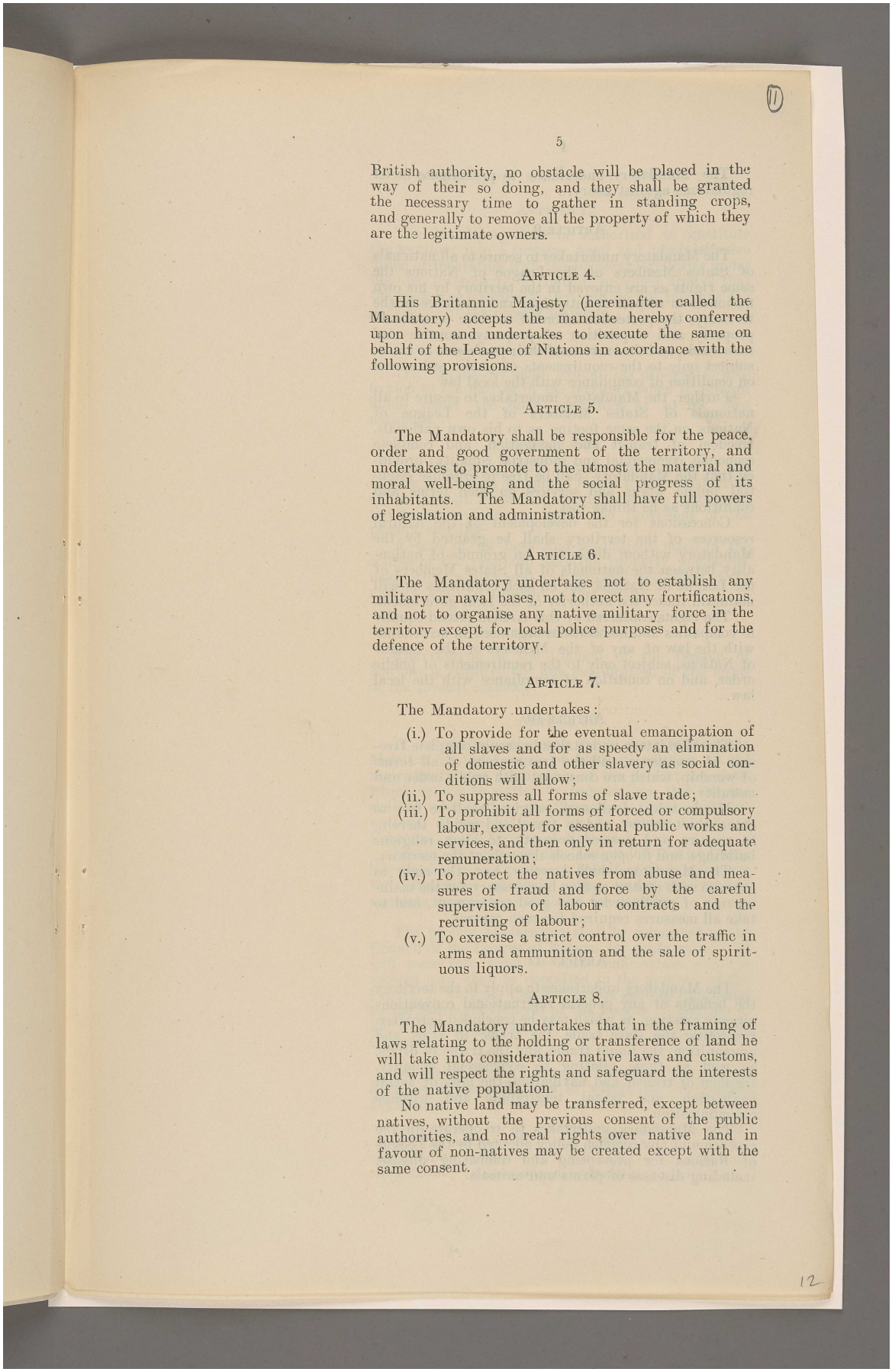

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British authority, no obstacle will be placed in the way of their so doing, and they shall be granted the necessary time to gather in standing crops, and generally to remove all the property of which they are the legitimate owners.

ARTICLE 4.

His Britannic Majesty (hereinafter called the Mandatory) accepts the mandate hereby conferred upon him, and undertakes to execute the same on behalf of the League of Nations in accordance with the following provisions.

ARTICLE 5.

The Mandatory shall be responsible for the peace, order and good government of the territory, and undertakes to promote to the utmost the material and moral well-being and the social progress of its inhabitants. The Mandatory shall have full powers of legislation and administration.

ARTICLE 6.

The Mandatory undertakes not to establish any military or naval bases, not to erect any fortifications, and not to organise any native military force in the territory except for local police purposes and for the defence of the territory.

ARTICLE 7.

The Mandatory undertakes:

(i.) To provide for the eventual emancipation of all slaves and for as speedy an elimination of domestic and other slavery as social conditions will allow;
(ii.) To suppress all forms of slave trade;
(iii.) To prohibit all forms of forced or compulsory labour, except for essential public works and services, and then only in return for adequate remuneration;
(iv.) To protect the natives from abuse and measures of fraud and force by the careful supervision of labour contracts and the recruiting of labour;
(v.) To exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

ARTICLE 8.

The Mandatory undertakes that in the framing of laws relating to the holding or transference of land he will take into consideration native laws and customs, and will respect the rights and safeguard the interests of the native population.

No native land may be transferred, except between natives, without the previous consent of the public authorities, and no real rights over native land in favour of non-natives may be created except with the same consent.

12

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The Mandatory undertakes to promulgate strict regulations against usury.

ARTICLE 9.

The Mandatory undertakes to secure to all nationals of States Members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect to entry into and residence in the territory, the protection afforded to their person and property, and acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

Further, the Mandatory undertakes to ensure to all nationals of States Members of the League of Nations, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality; provided that the Mandatory shall be free to organise essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the Mandatory without distinction on grounds of nationality between the nationals of all States Members of the League of Nations, but on such conditions as will maintain intact the authority of the local government.

The rights conferred by this Article extend equally to companies and associations organised in accordance with the law of any of the Members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

ARTICLE 10.

The Mandatory undertakes to ensure complete freedom of conscience, and the free exercise of all forms of worship, which are consonant with public order and morality.

Missionaries of all such religions shall be free to enter the territory, and to travel and reside therein, to acquire and possess property, to erect religious buildings, and to open schools throughout the territory.

The Mandatory shall, however, have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

ARTICLE 11.

The Mandatory undertakes to apply to the territory the benefits of any general international conventions already existing, or which may be concluded hereafter respecting the slave trade, the traffic in arms and ammunition, the liquor traffic, and the traffic in drugs, as well as those relating to commercial equality, freedom of transit and navigation, the laws of aerial navigation, and postal, telegraphic and wireless communication.

The Mandatory undertakes to co-operate in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

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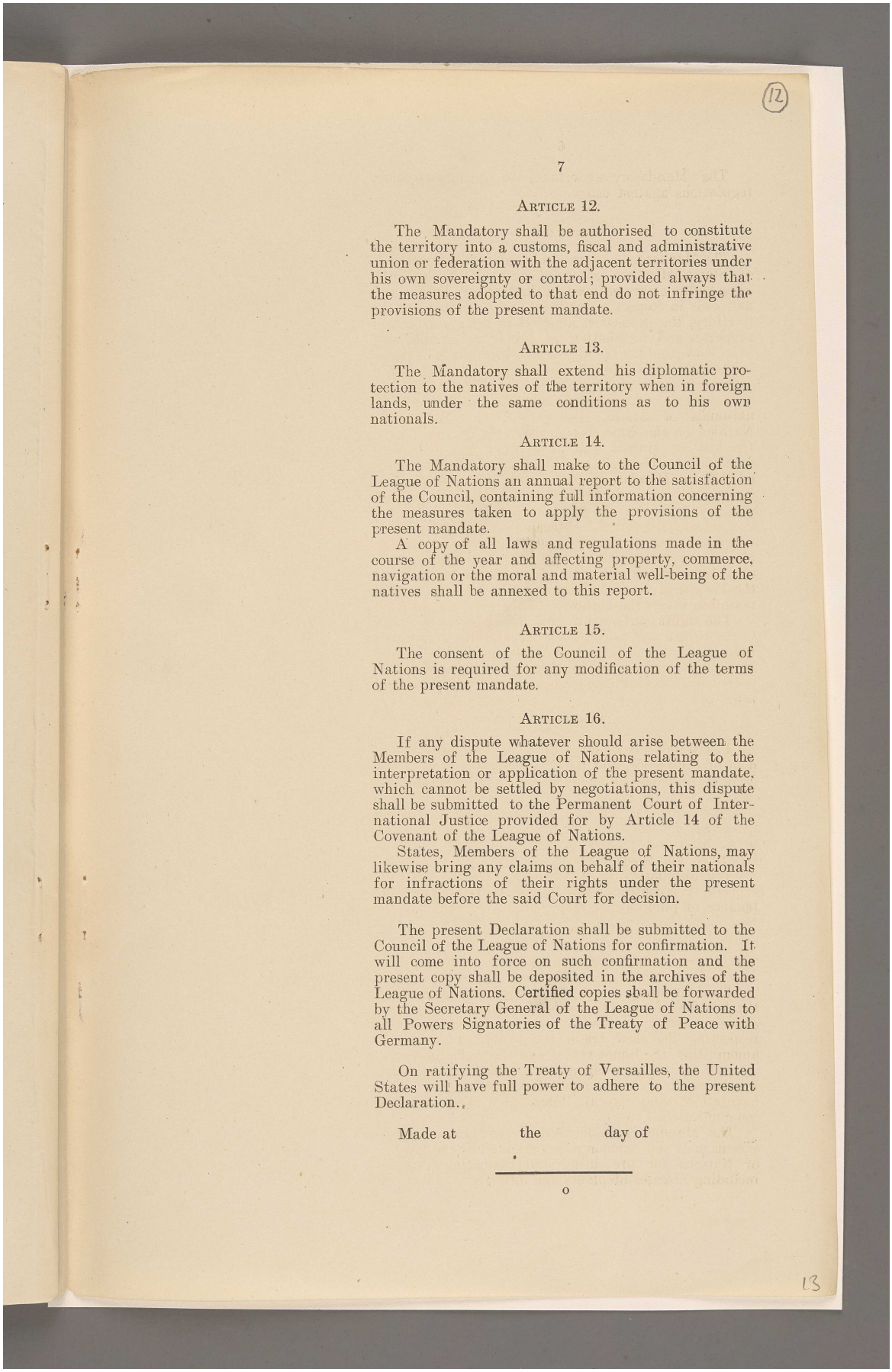

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ARTICLE 12.

The Mandatory shall be authorised to constitute the territory into a customs, fiscal and administrative union or federation with the adjacent territories under his own sovereignty or control; provided always that the measures adopted to that end do not infringe the provisions of the present mandate.

ARTICLE 13.

The Mandatory shall extend his diplomatic protection to the natives of the territory when in foreign lands, under the same conditions as to his own nationals.

ARTICLE 14.

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information concerning the measures taken to apply the provisions of the present mandate.

A copy of all laws and regulations made in the course of the year and affecting property, commerce, navigation or the moral and material well-being of the natives shall be annexed to this report.

ARTICLE 15.

The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

ARTICLE 16.

If any dispute whatever should arise between the Members of the League of Nations relating to the interpretation or application of the present mandate, which cannot be settled by negotiations, this dispute shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

States, Members of the League of Nations, may likewise bring any claims on behalf of their nationals for infractions of their rights under the present mandate before the said Court for decision.

The present Declaration shall be submitted to the Council of the League of Nations for confirmation. It will come into force on such confirmation and the present copy shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary General of the League of Nations to all Powers Signatories of the Treaty of Peace with Germany.

On ratifying the Treaty of Versailles, the United States will have full power to adhere to the present Declaration.

Made at the day of

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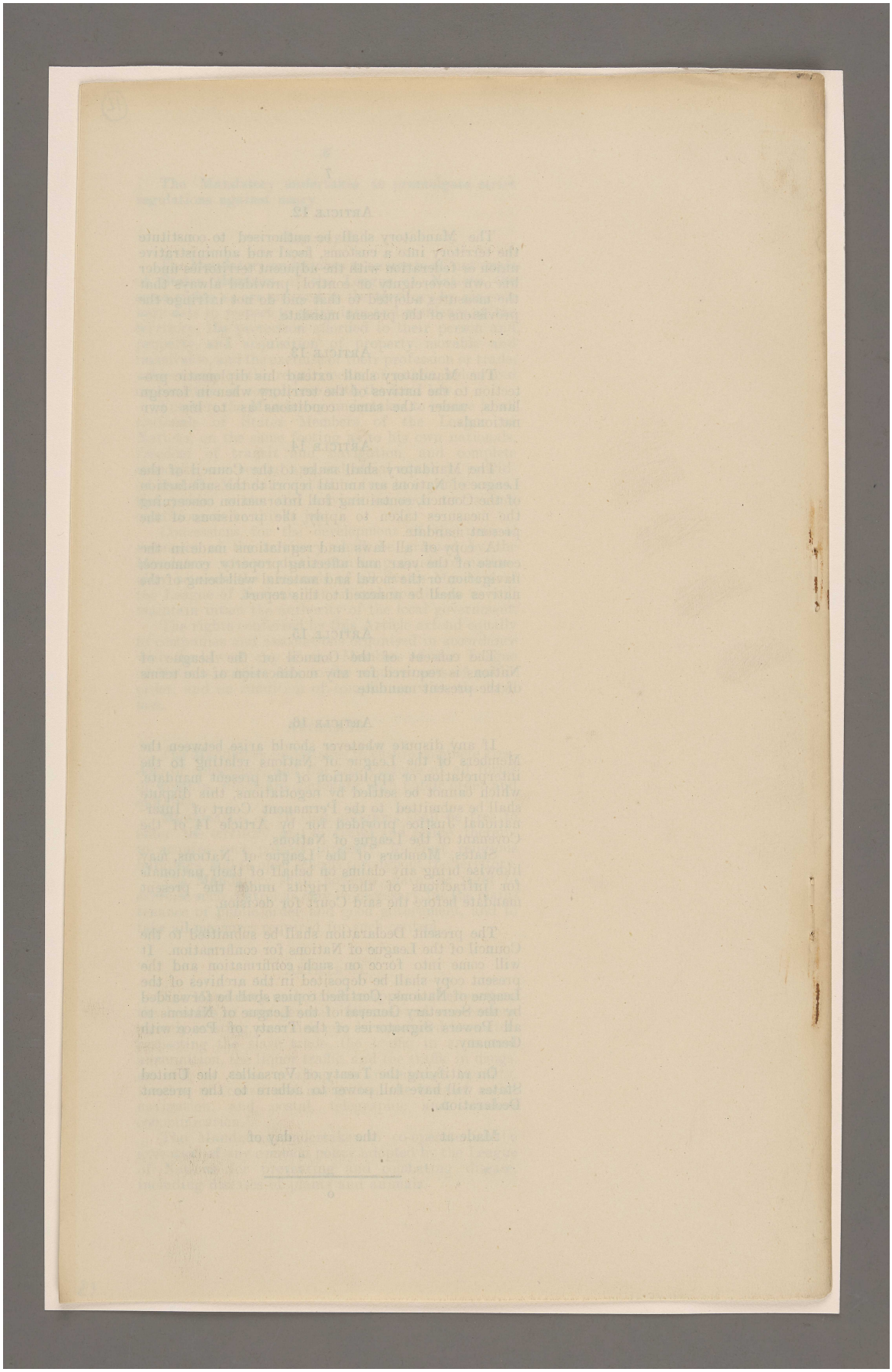

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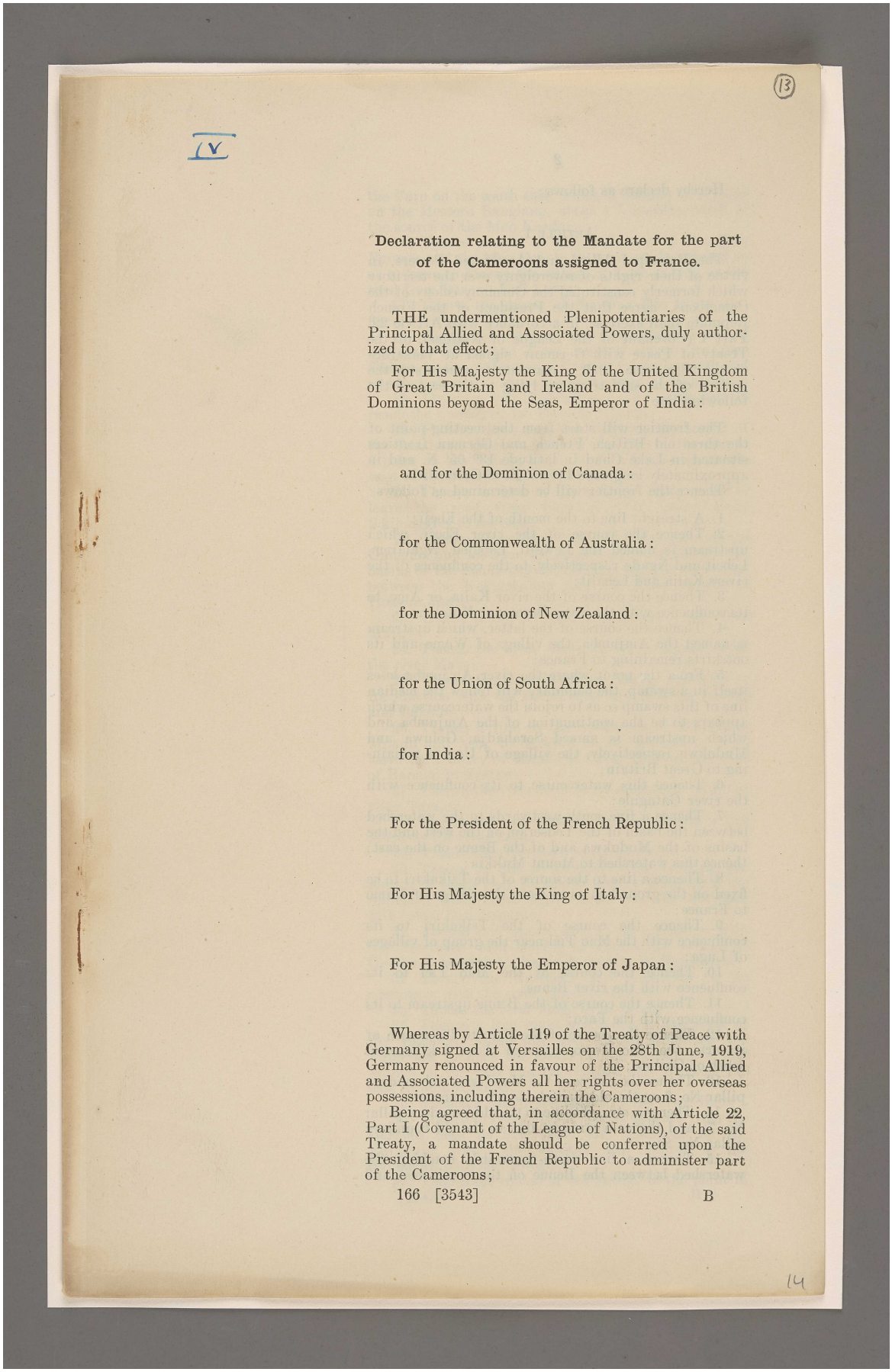

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Declaration relating to the Mandate for the part of the Cameroons assigned to France.

THE undermentioned Plenipotentiaries of the Principal Allied and Associated Powers, duly authorized to that effect;

For His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

and for the Dominion of Canada:

for the Commonwealth of Australia:

for the Dominion of New Zealand:

for the Union of South Africa:

for India:

For the President of the French Republic:

For His Majesty the King of Italy:

For His Majesty the Emperor of Japan:

Whereas by Article 119 of the Treaty of Peace with Germany signed at Versailles on the 28th June, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her overseas possessions, including therein the Cameroons;

Being agreed that, in accordance with Article 22, Part I (Covenant of the League of Nations), of the said Treaty, a mandate should be conferred upon the President of the French Republic to administer part of the Cameroons;

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Hereby declare as follows :

ARTICLE 1.

The Principal Allied and Associated Powers, in virtue of their rights of sovereignty over the territory which formerly constituted the Germany colony of the Cameroons, agree that the President of the French Republic shall exercise, in accordance with Article 22, Part I (Covenant of the League of Nations), of the Treaty of Peace with Germany, signed at Versailles on the 28th June, 1919, a mandate to administer the portion of the said territory lying to the east of the following line :

The frontier will start from the meeting-point of the three old British, French and German frontiers situated in Lake Chad in latitude 13° 05′ N. and in approximately longitude 14° 05′ E. of Greenwich.

Thence the frontier will be determined as follows :

1. A straight line to the mouth of the Ebeji;
2. Thence the course of the river Ebeji, which upstream is named the Lewejil, Labejed, Ngalarem, Lebeit and Ngada respectively, to the confluence of the rivers Kalia and Lebaiit;
3. Thence the course of the river Kalia, or Ame, to its confluence with the river Dorma, or Kutelaha;
4. Thence the course of the latter, which upstream is named the Amjumba, the village of Woma and its outskirts remaining to France;
5. From the point where the river Amjumba loses itself in a swamp, the boundary will follow the median line of this swamp so as to rejoin the watercourse which appears to be the continuation of the Amjumba and which upstream is named Serahadja, Goluwa and Mudukwa respectively, the village of Uagisa remaining to Great Britain;
6. Thence this watercourse to its confluence with the river Gatagule;
7. Thence a line south-westwards to the watershed between the basin of the Yedseram on the west and the basins of the Mudukwa and of the Benue on the east; thence this watershed to Mount Mulikia;
8. Thence a line to the source of the Tsikakiri to be fixed on the ground so as to leave the village of Dumo to France;
9. Thence the course of the Tsikakiri to its confluence with the Mao Tiel near the group of villages of Luga;
10. Thence the course of the Mao Tiel to its confluence with the river Benue;
11. Thence the course of the Benue upstream to its confluence with the Faro;
12. Thence the course of the Faro to the mouth of its arm, the Mao Hesso, situated about 4 kilometres south of Chikito;
13. Thence the course of the Mao Hesso to boundary pillar No. 6 on the old British-German frontier;
14. Thence a straight line to the old boundary pillar No. 7; and thence a straight line to the old boundary pillar No. 8;
15. Thence a line south-westwards reaching the watershed between the Benue on the north-west and

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the Faro on the south-east, which it follows to a point on the Hossere Banglang, about 1 kilometre south of the source of the Mao Kordo;

16. Thence a line to the confluence of the Mao Ngonga and the Mao Deo, to be fixed on the ground so as to leave to France the village of Laro as well as the road from Bare to Fort Lamy;

17. Thence the course of the Mao Deo to its confluence with the Tiba;

18. Thence the course of the Tiba, which is named upstream Tibsat and Tussa respectively, to its confluence with a watercourse flowing from the west and situated about 12 kilometres south-west of Kontscha;

19. Thence a line running generally south-west to reach the summit of the Dutschi-Djombi;

20. Thence the watershed between the basins of the Taraba on the west and the Mao Deo on the east to a point on the Tchape Hills, about 2 kilometres north-west of the Tchape Pass (point 1541);

21. Thence a line to the Gorulde Hills, so as to leave the road from Bare to Fort Lamy about 2 kilometres to the east;

22. Thence successively the watershed between the Gamgam and the Jim, the main watershed between the basins of the Benue and the Sanaga, and the watershed between the Kokumbahun and the Ardo (Ntuli) to Hossere Jadji;

23. Thence a line to reach the source of the river Mafu;

24. Thence the river Mafu to its confluence with the river Mabe;

25. Thence the river Mabe, or Nsang, upstream to its junction with the tribal boundary between Bansso and Bamum;

26. Thence a line to the confluence of the rivers Mpand and Nun, to be fixed on the ground so as to leave the country of Bansso to Great Britain and that of Bamum to France;

27. Thence the river Nun to its confluence with the river Tantam;

28. Thence the river Tantam and its affluent, which is fed by the river Sefu;

29. Thence the river Sefu to its source;

30. Thence a line south-westwards, crossing the Kupti, to reach near its source east of point 1300 the unnamed watercourse which flows into the Northern Mifi below Bali-Bagam;

31. Thence this watercourse to its confluence with the Northern Mifi leaving to France the village of Gascho, belonging to the small country of Bamenjam;

32. Thence the Northern Mifi upstream to its confluence with the river Mogo, or Doschi;

33. Thence the river Mogo to its source;

34. Thence a line south-westwards to the crest of the Bambuto Mountains and thence following the watershed between the basins of the Cross River and Mungo on the west and the Sanaga and Wuri on the east to Mount Kupe;

35. Thence a line to the source of the river Bubu;

36. Thence the river Bubu, which appears from the German map to lose itself and reappear as the Ediminjo, which the frontier will follow to its confluence with the Mungo;

37. Thence the course of the Mungo to the point in

15

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its mouth where it meets the parallel of latitude 4° 2′ 30″ north;

38. Thence this parallel of latitude westwards so as to reach the coast south of Tauben I.

39. Thence a line following the coast, passing south of Reiher I. to Mokola Creek, thus leaving Möwe Lake to Great Britain;

40. Thence a line following the eastern banks of the Mokola, Mbakwele, Njubanan-Jau and Matumal creeks, and cutting the mouths of the Mbossa-Bombe, Mikanje, Tende, Victoria, and other unnamed creeks to the junction of the Matumal and Victoria creeks;

41. Thence a line running 35° west of true south to the Atlantic Ocean.

The line described above is shown on the attached British 1: 2,000,000 map, G.S.G.S. 2793, Sheet Cameroons.

ARTICLE 2.

Boundary Commissioners shall be appointed by the President of the French Republic and His Britannic Majesty to trace on the spot the line described in Article 1.

It is understood that where the natural features to be followed are not indicated in the above description, the Commissioners will, as far as possible, but without changing the attribution of the villages named in Article 1, lay down the frontier in accordance with natural features (rivers, hills, or watersheds).

The Boundary Commissioners shall be authorised to make such minor modifications of the frontier line as may appear to them necessary in order to avoid separating villages from their agricultural lands. Such deviations shall be clearly marked on special maps and submitted for the approval of the two Governments. Pending such approval, the deviations shall be provisionally recognised and respected.

As regards the roads mentioned in Article 1, only those which are shown upon the annexed map shall be taken into consideration in the delimitation of the frontier.

Where the frontier follows a waterway, the median line of the waterway shall be the boundary.

In case any dispute should arise in connection with the work of these Commissioners, the question shall be referred to the Council of the League of Nations, whose decision shall be final.

The final report by the Commissioners shall give the definitive description of the boundary as it has been actually demarcated on the ground; the necessary maps shall be annexed thereto and signed by the Commissioners. The report with its annexes shall be made in triplicate; one copy shall be deposited in the archives of the League of Nations, one shall be kept by the Government of the French Republic, and one by the Government of His Britannic Majesty.

ARTICLE 3.

It is understood that if the inhabitants living near the frontier should, within a period of six months from the completion of the local delimitation, express the intention to settle in the regions placed under French

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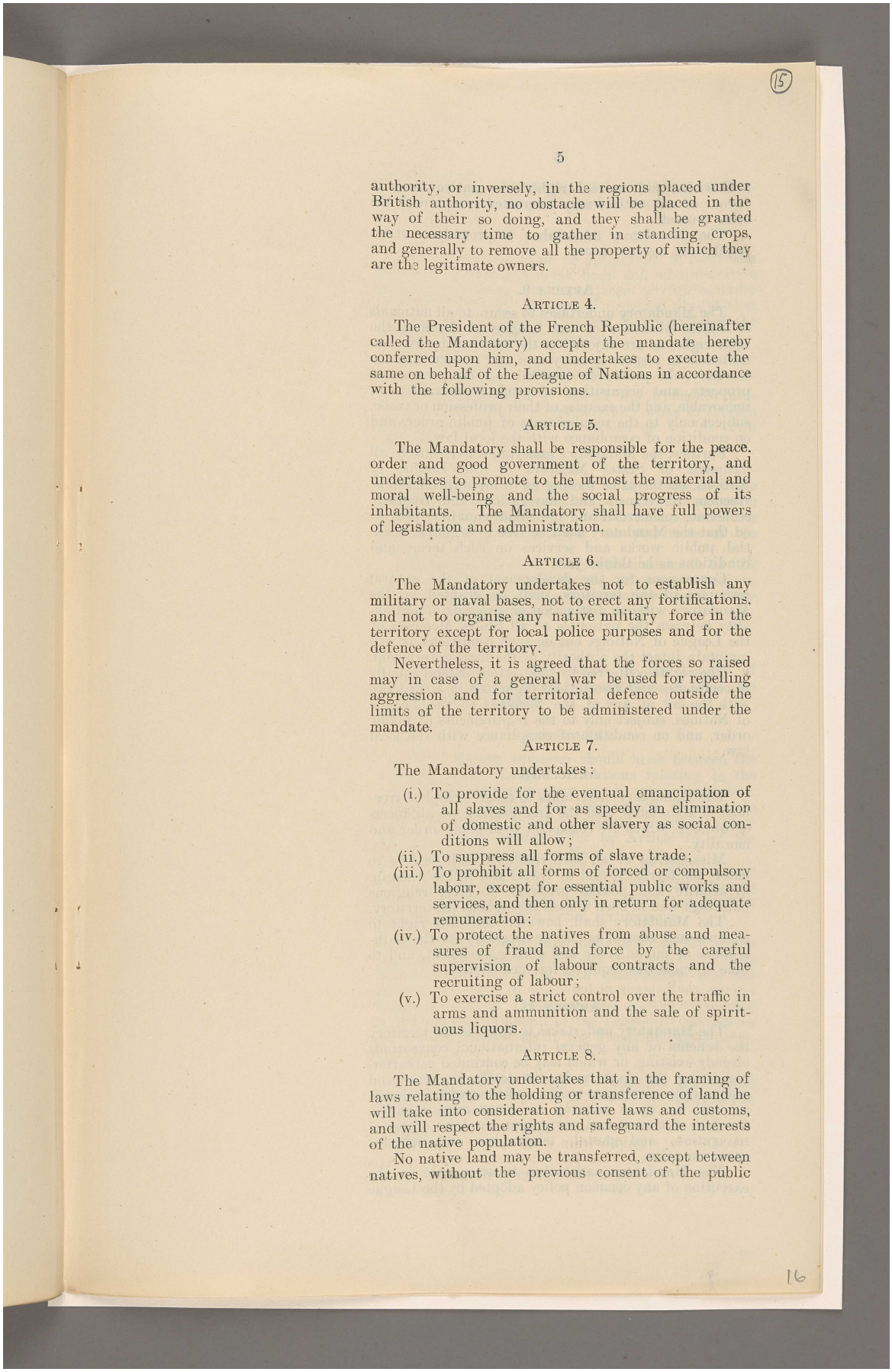

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authority, or inversely, in the regions placed under British authority, no obstacle will be placed in the way of their so doing, and they shall be granted the necessary time to gather in standing crops, and generally to remove all the property of which they are the legitimate owners.

ARTICLE 4.

The President of the French Republic (hereinafter called the Mandatory) accepts the mandate hereby conferred upon him, and undertakes to execute the same on behalf of the League of Nations in accordance with the following provisions.

ARTICLE 5.

The Mandatory shall be responsible for the peace, order and good government of the territory, and undertakes to promote to the utmost the material and moral well-being and the social progress of its inhabitants. The Mandatory shall have full powers of legislation and administration.

ARTICLE 6.

The Mandatory undertakes not to establish any military or naval bases, not to erect any fortifications, and not to organise any native military force in the territory except for local police purposes and for the defence of the territory.

Nevertheless, it is agreed that the forces so raised may in case of a general war be used for repelling aggression and for territorial defence outside the limits of the territory to be administered under the mandate.

ARTICLE 7.

The Mandatory undertakes:

(i.) To provide for the eventual emancipation of all slaves and for as speedy an elimination of domestic and other slavery as social conditions will allow;

(ii.) To suppress all forms of slave trade;

(iii.) To prohibit all forms of forced or compulsory labour, except for essential public works and services, and then only in return for adequate remuneration;

(iv.) To protect the natives from abuse and measures of fraud and force by the careful supervision of labour contracts and the recruiting of labour;

(v.) To exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

ARTICLE 8.

The Mandatory undertakes that in the framing of laws relating to the holding or transference of land he will take into consideration native laws and customs, and will respect the rights and safeguard the interests of the native population.

No native land may be transferred, except between natives, without the previous consent of the public

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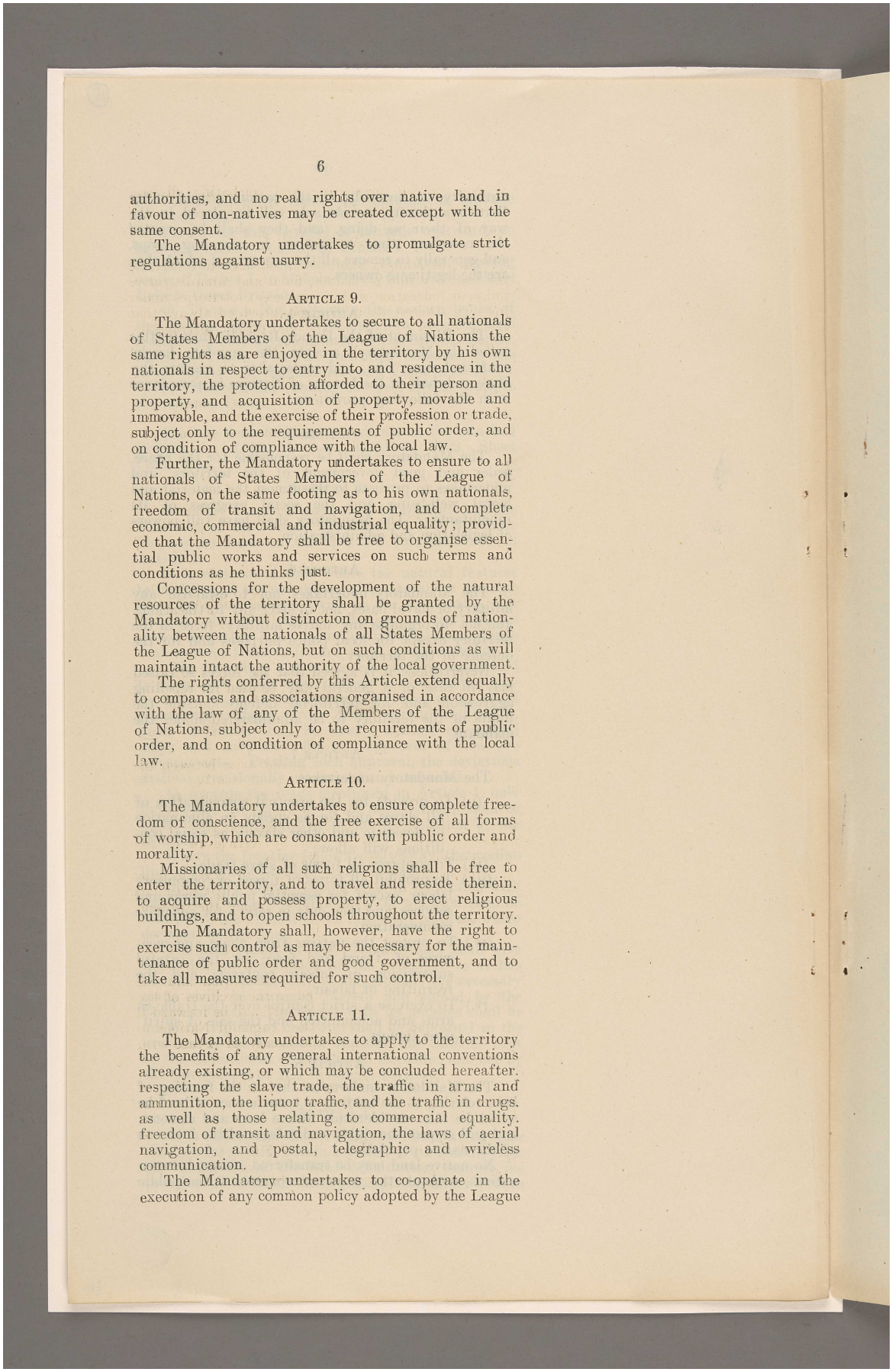

authorities, and no real rights over native land in favour of non-natives may be created except with the same consent.

The Mandatory undertakes to promulgate strict regulations against usury.

ARTICLE 9.

The Mandatory undertakes to secure to all nationals of States Members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect to entry into and residence in the territory, the protection afforded to their person and property, and acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

Further, the Mandatory undertakes to ensure to all nationals of States Members of the League of Nations, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality; provided that the Mandatory shall be free to organise essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the Mandatory without distinction on grounds of nationality between the nationals of all States Members of the League of Nations, but on such conditions as will maintain intact the authority of the local government.

The rights conferred by this Article extend equally to companies and associations organised in accordance with the law of any of the Members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

ARTICLE 10.

The Mandatory undertakes to ensure complete freedom of conscience, and the free exercise of all forms of worship, which are consonant with public order and morality.

Missionaries of all such religions shall be free to enter the territory, and to travel and reside therein, to acquire and possess property, to erect religious buildings, and to open schools throughout the territory.

The Mandatory shall, however, have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

ARTICLE 11.

The Mandatory undertakes to apply to the territory the benefits of any general international conventions already existing, or which may be concluded hereafter, respecting the slave trade, the traffic in arms and ammunition, the liquor traffic, and the traffic in drugs, as well as those relating to commercial equality, freedom of transit and navigation, the laws of aerial navigation, and postal, telegraphic and wireless communication.

The Mandatory undertakes to co-operate in the execution of any common policy adopted by the League

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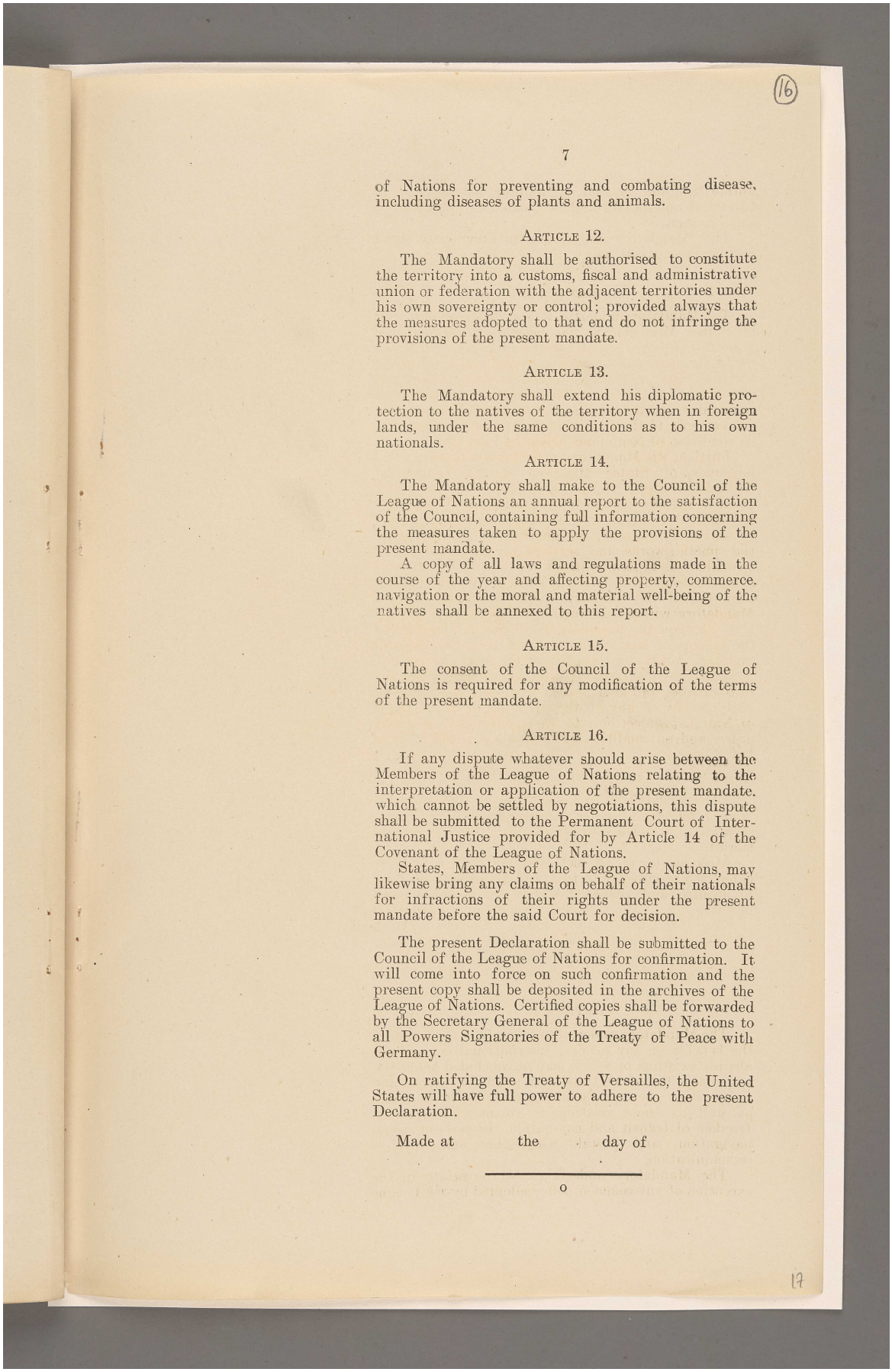

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of Nations for preventing and combating disease, including diseases of plants and animals.

ARTICLE 12.

The Mandatory shall be authorised to constitute the territory into a customs, fiscal and administrative union or federation with the adjacent territories under his own sovereignty or control; provided always that the measures adopted to that end do not infringe the provisions of the present mandate.

ARTICLE 13.

The Mandatory shall extend his diplomatic protection to the natives of the territory when in foreign lands, under the same conditions as to his own nationals.

ARTICLE 14.

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information concerning the measures taken to apply the provisions of the present mandate.

A copy of all laws and regulations made in the course of the year and affecting property, commerce, navigation or the moral and material well-being of the natives shall be annexed to this report.

ARTICLE 15.

The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

ARTICLE 16.

If any dispute whatever should arise between the Members of the League of Nations relating to the interpretation or application of the present mandate, which cannot be settled by negotiations, this dispute shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

States, Members of the League of Nations, may likewise bring any claims on behalf of their nationals for infractions of their rights under the present mandate before the said Court for decision.

The present Declaration shall be submitted to the Council of the League of Nations for confirmation. It will come into force on such confirmation and the present copy shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary General of the League of Nations to all Powers Signatories of the Treaty of Peace with Germany.

On ratifying the Treaty of Versailles, the United States will have full power to adhere to the present Declaration.

Made at the day of

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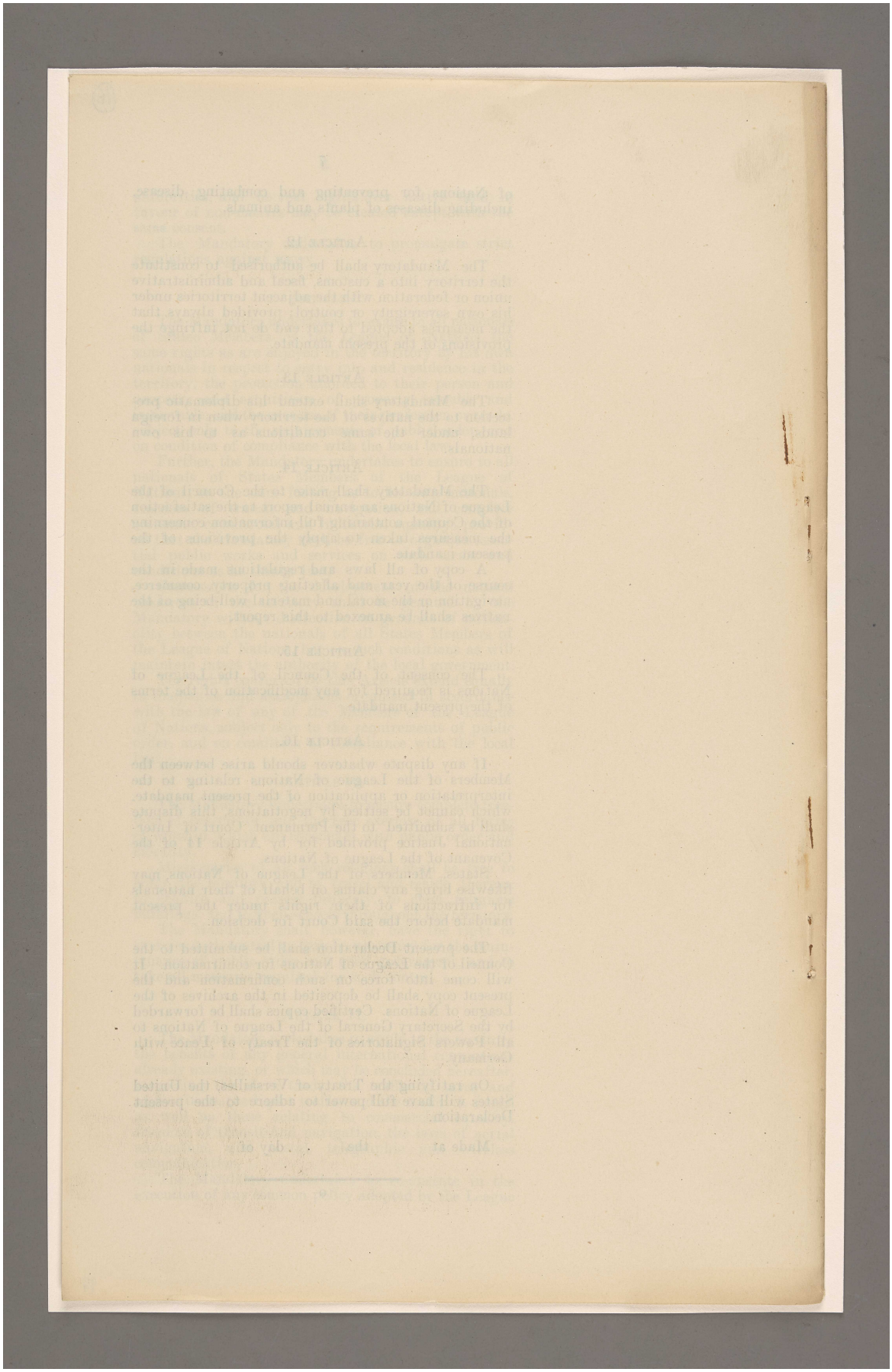

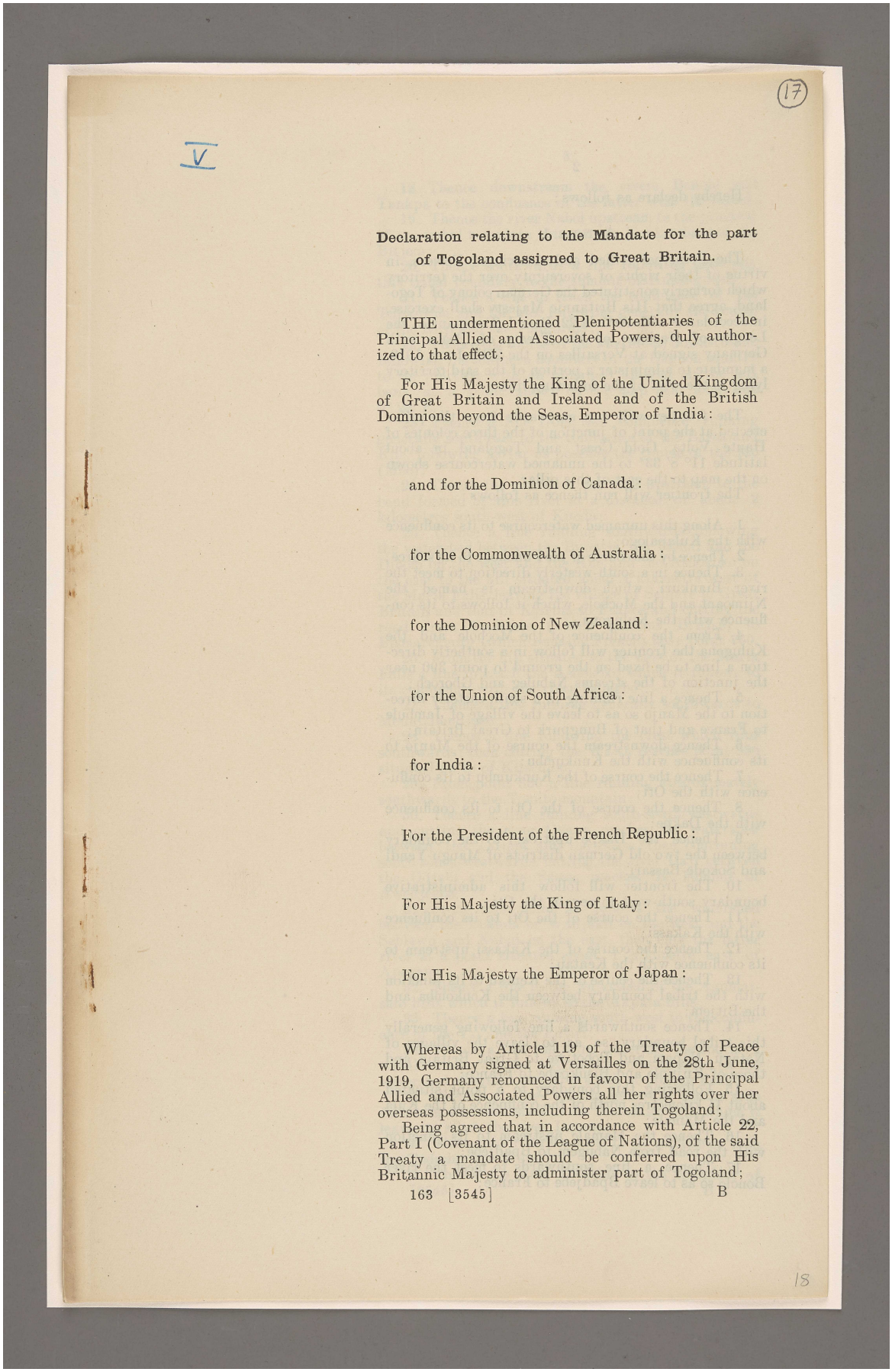

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V

Declaration relating to the Mandate for the part of Togoland assigned to Great Britain.

THE undermentioned Plenipotentiaries of the Principal Allied and Associated Powers, duly authorized to that effect;

For His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

and for the Dominion of Canada:

for the Commonwealth of Australia:

for the Dominion of New Zealand:

for the Union of South Africa:

for India:

For the President of the French Republic:

For His Majesty the King of Italy:

For His Majesty the Emperor of Japan:

Whereas by Article 119 of the Treaty of Peace with Germany signed at Versailles on the 28th June, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her overseas possessions, including therein Togoland;

Being agreed that in accordance with Article 22, Part I (Covenant of the League of Nations), of the said Treaty a mandate should be conferred upon His Britannic Majesty to administer part of Togoland;

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Hereby declare as follows:

ARTICLE 1.

The Principal Allied and Associated Powers, in virtue of their rights of sovereignty over the territory which formerly constituted the German colony of Togoland, agree that His Britannic Majesty shall exercise, in accordance with Article 22, Part I (Covenant of the League of Nations), of the Treaty of Peace with Germany signed at Versailles on the 28th June, 1919, a mandate to administer a portion of the said territory lying to the west of the following line:

The frontier will run eastwards from the pillar erected at the point of junction of the three colonies of Haute Volta, Gold Coast and Togoland in about latitude 11° 8′ 33″ to the unnamed watercourse shown on the map to the east of this pillar.

The frontier will run thence as follows:

1. Along this unnamed watercourse to its confluence with the Kulapalogo;
2. Thence by the course of the Punokobo to its source;
3. Thence in a south-westerly direction to meet the river Biankuri, which downstream is named the Njimoant and the Mochole, which it follows to its confluence with the Kulugona.
4. From the confluence of the Mochole and the Kulugona the frontier will follow in a southerly direction a line to be fixed on the ground to point 390 near the junction of the streams Nabuleg and Gboroch;
5. Thence a line running in a south-easterly direction to the Manjo so as to leave the village of Jambule to France and that of Bungpurk to Great Britain;
6. Thence downstream the course of the Manjo to its confluence with the Kunkumbu;
7. Thence the course of the Kunkumbu to its confluence with the Oti;
8. Thence the course of the Oti to its confluence with the Dakpe;
9. Thence the Dakpe upstream to the boundary between the two old German districts of Mangu-Yendi and Sokode-Bassari.
10. The frontier will follow this administrative boundary south-west to regain the Oti;
11. Thence the course of the Oti to its confluence with the Kakassi;
12. Thence the course of the Kakassi upstream to its confluence with the Kentau;
13. Thence the course of the Kentau to its junction with the tribal boundary between the Konkomba and the Bitjem;
14. Thence southwards a line following generally this tribal boundary so as to leave the villages of Natagu, Napari and Bobotiwe to Great Britain and those of Kujunle and Bisukpabe to France;
15. Following this boundary to a point situated about 1½ kilometres north of the confluence of the Kula and the Mamale;
16. Thence the Mamale upstream to its junction with the road from Nabugem to Bpadjebe;
17. Thence a line southwards to meet the river Bonolo so as to leave Bpadjebe to France;

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18. Thence downstream the rivers Bonolo and Tankpa to the confluence of the latter with the Nabol;

19. Thence the river Nabol upstream to the junction of the tribal boundary between the Konkomba and the Bitjem;

20. Thence southwards a line following generally this tribal boundary to the summit of Kusangnaeli;

21. Thence a line to reach the confluence of the Tunkurma and the Mo, following generally the course of the Kuji and the Tunkurma;

22. Thence the course of the Mo (Mola) downstream, following the southern boundary of the Dagbon country to its junction with an unnamed affluent on the left bank at a point shown on the map near longitude 0° 20′ E.;

23. Thence a line from this confluence running generally south-east to the confluence of the Bassa and Kue, following as far as possible the course of the Mo (Moo);

24. Thence the course of the Kue upstream to the bend formed by this river at a distance of about 2 kilometres south-west of Kueda;

25. Thence a line running southwards following the watershed between the Bunatje, the Tschai and the Dibom on the west and the Kue and the Asuokoko on the east to the hill situated about 1 kilometre west of the Maria Falls, leaving the village of Schiare to Great Britain and that of Kjirina to France and cutting the road from Dadiasse (which remains British) to Bismarckburg (which remains French) near point 760.

26. From the hill situated to the west of the Maria Falls a line to reach the Asuokoko which it follows to its confluence with the river Balagbo;

27. Thence a line running generally southwards to Mount Bendjabe;

28. Thence a line following the crest which runs southwards; then cutting the Wawa reaches point 850 situated north of Kitschibo.

29. From point 850 a line running approximately southwards to the Tomito mountain;

30. Thence a line running south-south-westwards and cutting the river Onana reaches the watershed between the Odjabi and the Sassa, then continuing south-south-westwards, cutting the river Daji between the Odjabi and the Sassa, reaches the summit of Awedjegbe.

31. From this point it follows the watershed between the Ebanda or Wadjakli on the west and the Seblawu and Nubui on the east, then cuts the latter river at a point situated about 1 kilometre east of Apegame;

32. Thence a line to the watershed of the Agumassato hills which it follows to the Akpata hills;

33. Thence a line running south-west to the confluence of the Tsi and the Edjiri;

34. Thence a line following generally the southern tribal boundary of the Agome to a point situated on the watershed about 2 kilometres south of Moltke Peak;

35. Thence a line running generally southwards following the watershed to the Fiamekito hills which it leaves to reach the river Damitsi;

36. Thence the river Damitsi to its confluence with the Todschie (or Wuto);

37. Thence the river Todschie to the boundary of

19

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the lands of the village of Botoe, which it passes on the east so as to leave it wholly to Great Britain;

38. Thence the road from Botoe to Batome to the western limit of the latter village;

39. Thence the line passes south of Batome so as to leave this village in its entirety to France.

40. From south of Batome the boundary runs to the point of junction of the present boundary of the Gold Coast Colony (parallel 6° 20′ north) and the river Magbawi;

41. Thence it follows, to the sea, the present frontier as laid down in the Anglo-German Convention of the 1st July, 1890. However, where the Lome–Akepe road by way of Degbokovhe crosses the present frontier south of latitude 6° 10′ north and west of longitude 1° 14′ east of Greenwich, the new frontier shall run 1 kilometre south-west of this road, so as to leave it entirely in French territory.

The line described above is shown on the attached British 1 : 1,500,000 map, G.S.G.S. 2306, Sheet Togoland.

ARTICLE 2.

Boundary Commissioners shall be appointed by His Britannic Majesty and the President of the French Republic to trace on the spot the line described in Article 1.

It is understood that where the natural features to be followed are not indicated in the above description, the Commissioners will, as far as possible, but without changing the attribution of the villages named in Article 1, lay down the frontier in accordance with natural features (rivers, hills, or watersheds).

The Boundary Commissioners shall be authorised to make such minor modifications of the frontier line as may appear to them necessary in order to avoid separating villages from their agricultural lands. Such deviations shall be clearly marked on special maps and submitted for the approval of the two Governments. Pending such approval, the deviations shall be provisionally recognised and respected.

As regards the roads mentioned in Article 1, only those which are shown upon the annexed map shall be taken into consideration in the delimitation of the frontier.

Where the frontier follows a waterway, the median line of the waterway shall be the boundary.

In case any dispute should arise in connection with the work of these Commissioners, the question shall be referred to the Council of the League of Nations, whose decision shall be final.

The final report by the Commissioners shall give the definitive description of the boundary as it has been actually demarcated on the ground; the necessary maps shall be annexed thereto and signed by the Commissioners. The report with its annexes shall be made in triplicate; one copy shall be deposited in the archives of the League of Nations, one shall be kept by His Britannic Majesty's Government and one by the Government of the French Republic.

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ARTICLE 3.

It is understood that if the inhabitants living near the frontier should, within a period of six months from the completion of the local delimitation, express the intention to settle in the regions placed under French authority, or inversely, in the regions placed under British authority, no obstacle will be placed in the way of their so doing, and they shall be granted the necessary time to gather in standing crops, and generally to remove all the property of which they are the legitimate owners.

ARTICLE 4.

His Britannic Majesty (hereinafter called the Mandatory) accepts the mandate hereby conferred upon him, and undertakes to execute the same on behalf of the League of Nations, in accordance with the following provisions.

ARTICLE 5.

The Mandatory shall be responsible for the peace, order and good government of the territory, and undertakes to promote to the utmost the material and moral well-being and the social progress of its inhabitants. The Mandatory shall have full powers of legislation and administration.

ARTICLE 6.

The Mandatory undertakes not to establish any military or naval bases, not to erect any fortifications, and not to organise any native military force in the territory except for local police purposes and for the defence of the territory.

ARTICLE 7.

The Mandatory undertakes:

(i.) To provide for the eventual emancipation of all slaves and for as speedy an elimination of domestic and other slavery as social conditions will allow;
(ii.) To suppress all forms of slave trade;
(iii.) To prohibit all forms of forced or compulsory labour, except for essential public works and services, and then only in return for adequate remuneration;
(iv.) To protect the natives from abuse and measures of fraud and force by the careful supervision of labour contracts and the recruiting of labour;
(v.) To exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

ARTICLE 8.

The Mandatory undertakes that in the framing of laws relating to the holding or transference of land he will take into consideration native laws and customs, and will respect the rights and safeguard the interests of the native population.

No native land may be transferred, except between natives, without the previous consent of the public

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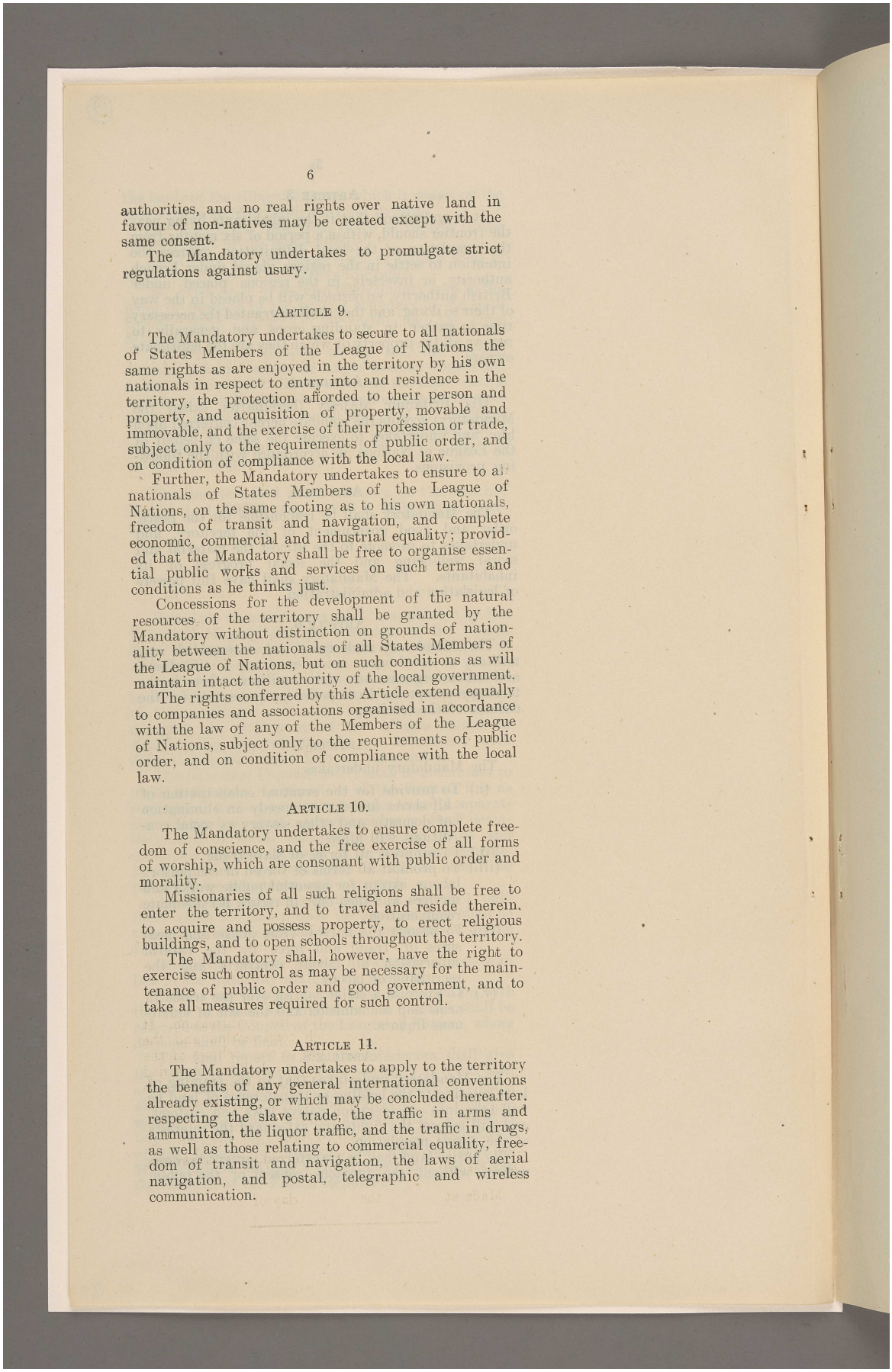

authorities, and no real rights over native land in favour of non-natives may be created except with the same consent.

The Mandatory undertakes to promulgate strict regulations against usury.

ARTICLE 9.

The Mandatory undertakes to secure to all nationals of States Members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect to entry into and residence in the territory, the protection afforded to their person and property, and acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

Further, the Mandatory undertakes to ensure to all nationals of States Members of the League of Nations, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality; provided that the Mandatory shall be free to organise essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the Mandatory without distinction on grounds of nationality between the nationals of all States Members of the League of Nations, but on such conditions as will maintain intact the authority of the local government.

The rights conferred by this Article extend equally to companies and associations organised in accordance with the law of any of the Members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

ARTICLE 10.

The Mandatory undertakes to ensure complete freedom of conscience, and the free exercise of all forms of worship, which are consonant with public order and morality.

Missionaries of all such religions shall be free to enter the territory, and to travel and reside therein, to acquire and possess property, to erect religious buildings, and to open schools throughout the territory.

The Mandatory shall, however, have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

ARTICLE 11.

The Mandatory undertakes to apply to the territory the benefits of any general international conventions already existing, or which may be concluded hereafter, respecting the slave trade, the traffic in arms and ammunition, the liquor traffic, and the traffic in drugs, as well as those relating to commercial equality, freedom of transit and navigation, the laws of aerial navigation, and postal, telegraphic and wireless communication.

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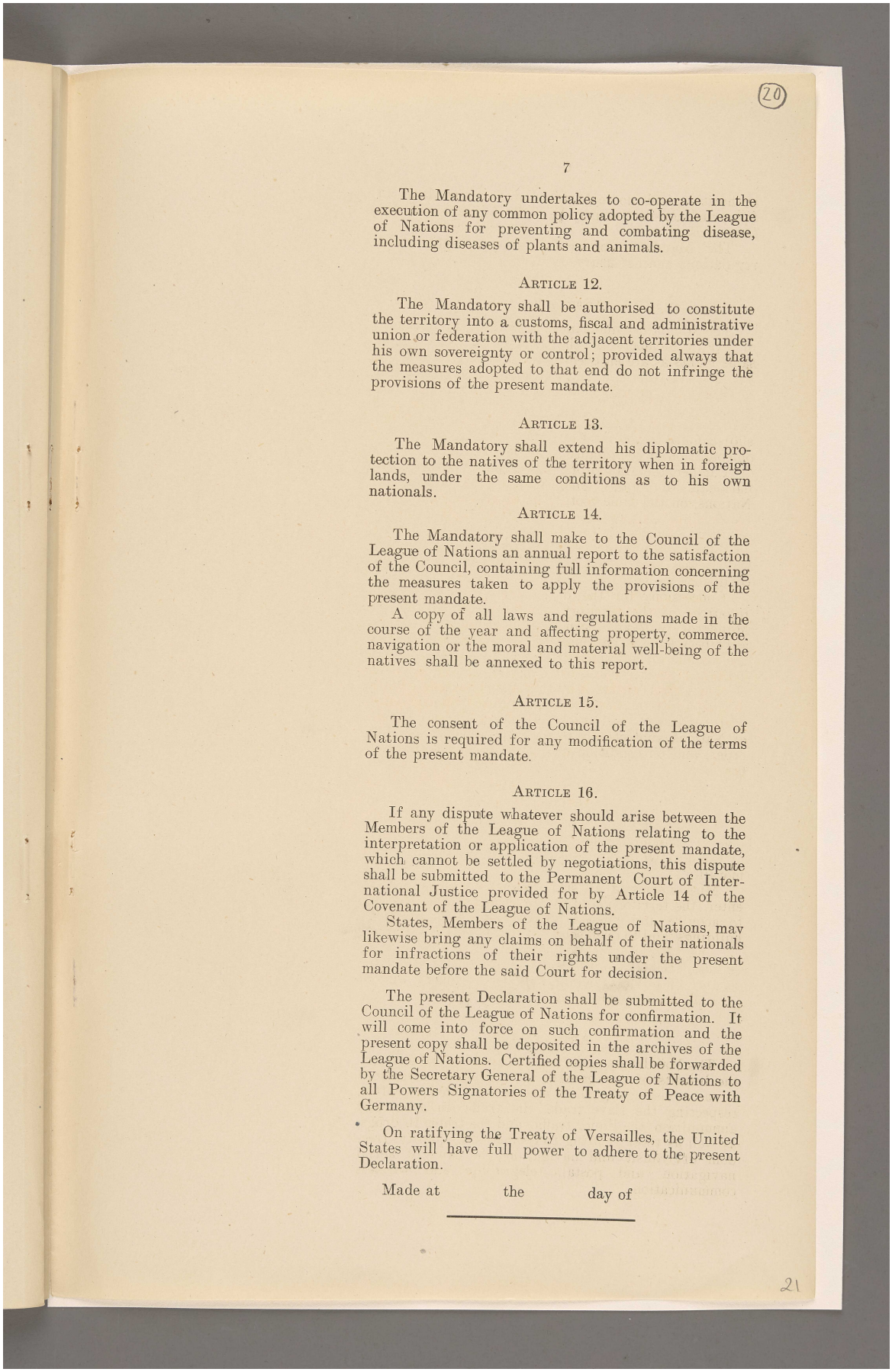

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The Mandatory undertakes to co-operate in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

ARTICLE 12.

The Mandatory shall be authorised to constitute the territory into a customs, fiscal and administrative union or federation with the adjacent territories under his own sovereignty or control; provided always that the measures adopted to that end do not infringe the provisions of the present mandate.

ARTICLE 13.

The Mandatory shall extend his diplomatic protection to the natives of the territory when in foreign lands, under the same conditions as to his own nationals.

ARTICLE 14.

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information concerning the measures taken to apply the provisions of the present mandate.

A copy of all laws and regulations made in the course of the year and affecting property, commerce, navigation or the moral and material well-being of the natives shall be annexed to this report.

ARTICLE 15.

The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

ARTICLE 16.

If any dispute whatever should arise between the Members of the League of Nations relating to the interpretation or application of the present mandate, which cannot be settled by negotiations, this dispute shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

States, Members of the League of Nations, may likewise bring any claims on behalf of their nationals for infractions of their rights under the present mandate before the said Court for decision.

The present Declaration shall be submitted to the Council of the League of Nations for confirmation. It will come into force on such confirmation and the present copy shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary General of the League of Nations to all Powers Signatories of the Treaty of Peace with Germany.

On ratifying the Treaty of Versailles, the United States will have full power to adhere to the present Declaration.

Made at the day of

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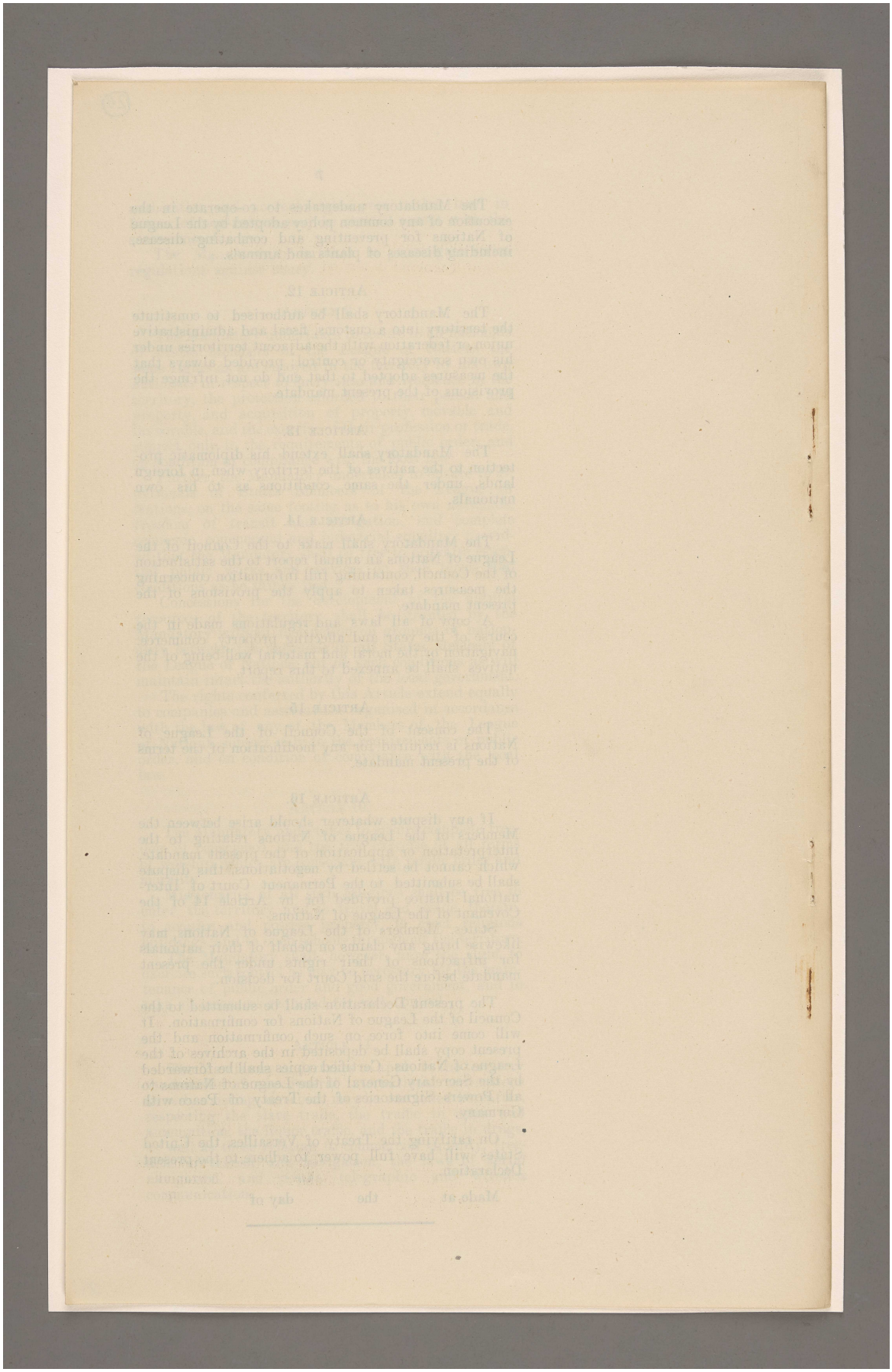

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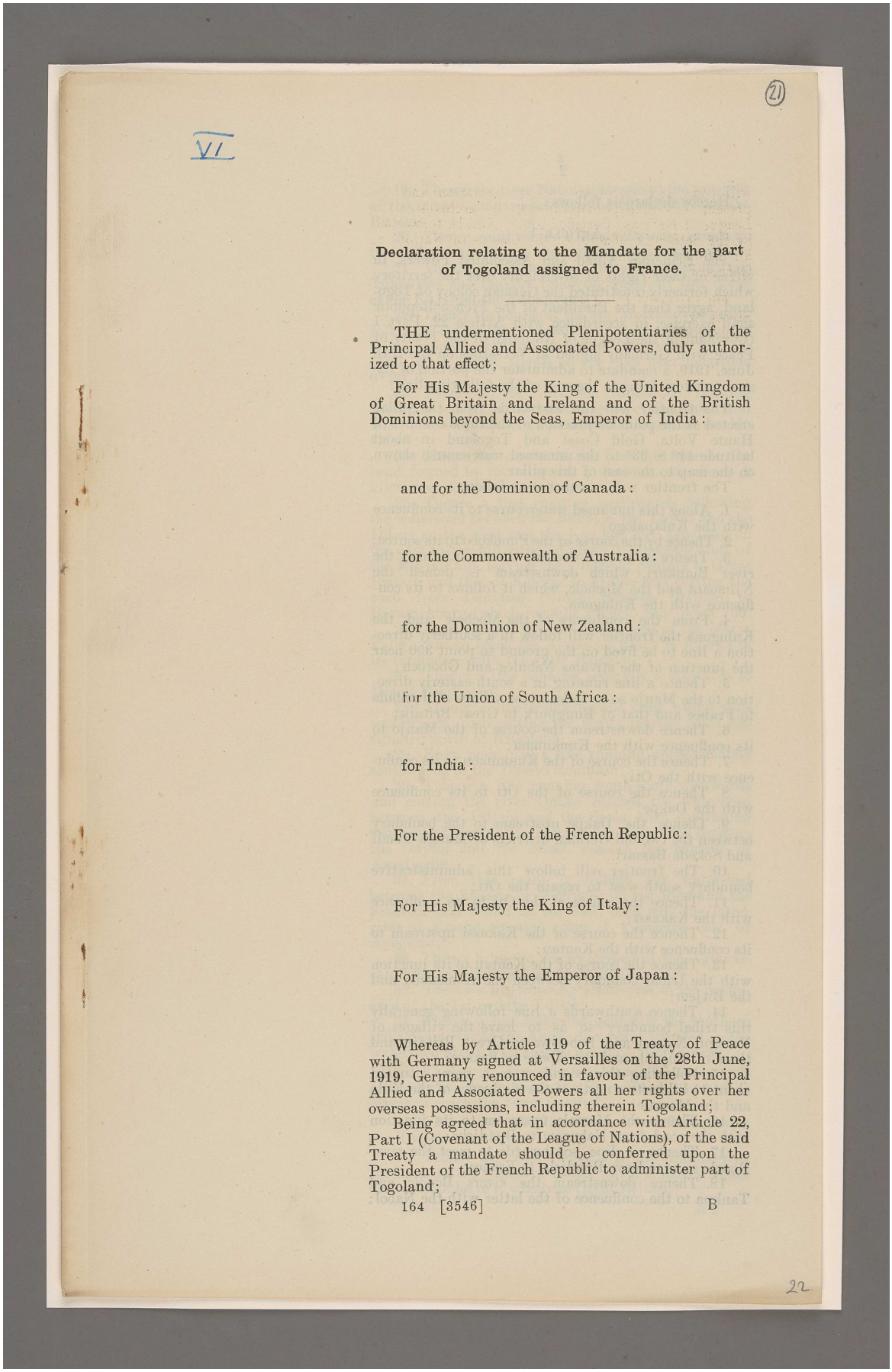

(21)

VI

Declaration relating to the Mandate for the part of Togoland assigned to France.

THE undermentioned Plenipotentiaries of the Principal Allied and Associated Powers, duly authorized to that effect;

For His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

and for the Dominion of Canada:

for the Commonwealth of Australia:

for the Dominion of New Zealand:

for the Union of South Africa:

for India:

For the President of the French Republic:

For His Majesty the King of Italy:

For His Majesty the Emperor of Japan:

Whereas by Article 119 of the Treaty of Peace with Germany signed at Versailles on the 28th June, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her overseas possessions, including therein Togoland;

Being agreed that in accordance with Article 22, Part I (Covenant of the League of Nations), of the said Treaty a mandate should be conferred upon the President of the French Republic to administer part of Togoland;

164 [3546] B

22

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Hereby declare as follows :

ARTICLE 1.

The Principal Allied and Associated Powers, in virtue of their rights of sovereignty over the territory which formerly constituted the German colony of Togoland, agree that the President of the French Republic shall exercise, in accordance with Article 22, Part I (Covenant of the League of Nations), of the Treaty of Peace with Germany signed at Versailles on the 28th June, 1919, a mandate to administer the portion of the said territory lying to the east of the following line :

The frontier will run eastwards from the pillar erected at the point of junction of the three colonies of Haute Volta, Gold Coast and Togoland in about latitude 11° 8′ 33″ to the unnamed watercourse shown on the map to the east of this pillar.

The frontier will run thence as follows :

1. Along this unnamed watercourse to its confluence with the Kulapalogo;
2. Thence by the course of the Punokobo to its source;
3. Thence in a south-westerly direction to meet the river Biankuri, which downstream is named the Njimoant and the Mochole, which it follows to its confluence with the Kulugona.
4. From the confluence of the Mochole and the Kulugona the frontier will follow in a southerly direction a line to be fixed on the ground to point 390 near the junction of the streams Nabuleg and Gboroch;
5. Thence a line running in a south-easterly direction to the Manjo so as to leave the village of Jambule to France and that of Bungpurk to Great Britain;
6. Thence downstream the course of the Manjo to its confluence with the Kunkumbu;
7. Thence the course of the Kunkumbu to its confluence with the Oti;
8. Thence the course of the Oti to its confluence with the Dakpe;
9. Thence the Dakpe upstream to the boundary between the two old German districts of Mangu-Yendi and Sokode-Bassari.
10. The frontier will follow this administrative boundary south-west to regain the Oti;
11. Thence the course of the Oti to its confluence with the Kakassi;
12. Thence the course of the Kakassi upstream to its confluence with the Kentau;
13. Thence the course of the Kentau to its junction with the tribal boundary between the Konkomba and the Bitjem;
14. Thence southwards a line following generally this tribal boundary so as to leave the villages of Natagu, Napari and Bobotiwe to Great Britain and those of Kujunle and Bisukpabe to France;
15. Following this boundary to a point situated about 1½ kilometres north of the confluence of the Kula and the Mamale;
16. Thence the Mamale upstream to its junction with the road from Nabugem to Bpadjebe;
17. Thence a line southwards to meet the river Bonolo so as to leave Bpadjebe to France;
18. Thence downstream the rivers Bonolo and Tankpa to the confluence of the latter with the Nabol;

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19. Thence the river Nabol upstream to the junction of the tribal boundary between the Konkomba and the Bitjem;

20. Thence southwards a line following generally this tribal boundary to the summit of Kusangnaeli;

21. Thence a line to reach the confluence of the Tunkurma and the Mo, following generally the course of the Kuji and the Tunkurma;

22. Thence the course of the Mo (Mola) downstream, following the southern boundary of the Dagbon country to its junction with an unnamed affluent on the left bank at a point shown on the map near longitude 0° 20′ E.;

23. Thence a line from this confluence running generally south-east to the confluence of the Bassa and Kue, following as far as possible the course of the Mo (Moo);

24. Thence the course of the Kue upstream to the bend formed by this river at a distance of about 2 kilometres south-west of Kueda;

25. Thence a line running southwards following the watershed between the Bunatje, the Tschai and the Dibom on the west and the Kue and the Asuokoko on the east to the hill situated about 1 kilometre west of the Maria Falls, leaving the village of Schiare to Great Britain and that of Kjirina to France and cutting the road from Dadiasse (which remains British) to Bismarckburg (which remains French) near point 760.

26. From the hill situated to the west of the Maria Falls a line to reach the Asuokoko which it follows to its confluence with the river Balagbo;

27. Thence a line running generally southwards to Mount Bendjabe;

28. Thence a line following the crest which runs southwards; then cutting the Wawa reaches point 850 situated north of Kitschibo.

29. From point 850 a line running approximately southwards to the Tomito mountain;

30. Thence a line running south-south-westwards and cutting the river Onana reaches the watershed between the Odjabi and the Sassa, then continuing south-south-westwards, cutting the river Daji between the Odjabi and the Sassa, reaches the summit of Awedjegbe.

31. From this point it follows the watershed between the Ebanda or Wadjakli on the west and the Seblawu and Nubui on the east, then cuts the latter river at a point situated about 1 kilometre east of Apegame;

32. Thence a line to the watershed of the Agumas-sato hills which it follows to the Akpata hills;

33. Thence a line running south-west to the confluence of the Tsi and the Edjiri;

34. Thence a line following generally the southern tribal boundary of the Agome to a point situated on the watershed about 2 kilometres south of Moltke Peak;

35. Thence a line running generally southwards following the watershed to the Fiamekito hills which it leaves to reach the river Damitsi;

36. Thence the river Damitsi to its confluence with the Todschie (or Wuto);

37. Thence the river Todschie to the boundary of the lands of the village of Botoe, which it passes on the east so as to leave it wholly to Great Britain;

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38. Thence the road from Botoe to Batome to the western limit of the latter village;

39. Thence the line passes south of Batome so as to leave this village in its entirety to France.

40. From south of Batome the boundary runs to the point of junction of the present boundary of the Gold Coast Colony (parallel 6° 20′ north) and the river Magbawi;

41. Thence it follows, to the sea, the present frontier as laid down in the Anglo-German Convention of the 1st July, 1890. However, where the Lome–Akepe road by way of Degbokovhe crosses the present frontier south of latitude 6° 10′ north and west of longitude 1° 14′ east of Greenwich, the new frontier shall run 1 kilometre south-west of this road, so as to leave it entirely in French territory.

The line described above is shown on the attached British 1 : 1,500,000 map, G.S.G.S. 2306, Sheet Togoland.

ARTICLE 2.

Boundary Commissioners shall be appointed by the President of the French Republic and His Britannic Majesty to trace on the spot the line described in Article 1.

It is understood that where the natural features to be followed are not indicated in the above description, the Commissioners will, as far as possible, but without changing the attribution of the villages named in Article 1, lay down the frontier in accordance with natural features (rivers, hills, or watersheds).

The Boundary Commissioners shall be authorised to make such minor modifications of the frontier line as may appear to them necessary in order to avoid separating villages from their agricultural lands. Such deviations shall be clearly marked on special maps and submitted for the approval of the two Governments. Pending such approval, the deviations shall be provisionally recognised and respected.

As regards the roads mentioned in Article 1, only those which are shown upon the annexed map shall be taken into consideration in the delimitation of the frontier.

Where the frontier follows a waterway, the median line of the waterway shall be the boundary.

In case any dispute should arise in connection with the work of these Commissioners, the question shall be referred to the Council of the League of Nations, whose decision shall be final.

The final report by the Commissioners shall give the definitive description of the boundary as it has been actually demarcated on the ground; the necessary maps shall be annexed thereto and signed by the Commissioners. The report with its annexes shall be made in triplicate; one copy shall be deposited in the archives of the League of Nations, one shall be kept by the Government of the French Republic, and one by the Government of His Britannic Majesty.

ARTICLE 3.

It is understood that if the inhabitants living near the frontier should, within a period of six months from

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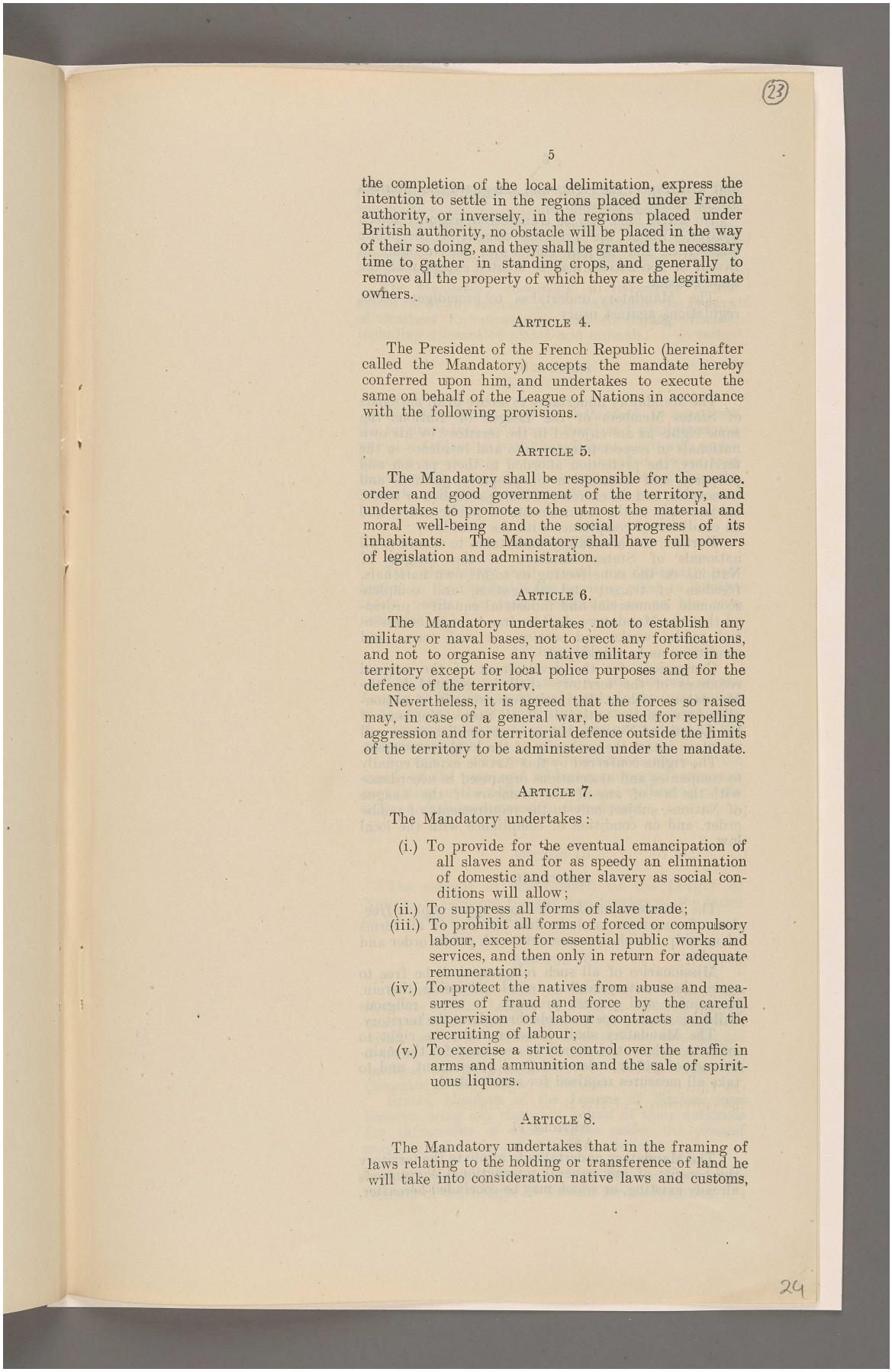

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the completion of the local delimitation, express the intention to settle in the regions placed under French authority, or inversely, in the regions placed under British authority, no obstacle will be placed in the way of their so doing, and they shall be granted the necessary time to gather in standing crops, and generally to remove all the property of which they are the legitimate owners.

ARTICLE 4.

The President of the French Republic (hereinafter called the Mandatory) accepts the mandate hereby conferred upon him, and undertakes to execute the same on behalf of the League of Nations in accordance with the following provisions.

ARTICLE 5.

The Mandatory shall be responsible for the peace, order and good government of the territory, and undertakes to promote to the utmost the material and moral well-being and the social progress of its inhabitants. The Mandatory shall have full powers of legislation and administration.

ARTICLE 6.

The Mandatory undertakes not to establish any military or naval bases, not to erect any fortifications, and not to organise any native military force in the territory except for local police purposes and for the defence of the territory.

Nevertheless, it is agreed that the forces so raised may, in case of a general war, be used for repelling aggression and for territorial defence outside the limits of the territory to be administered under the mandate.

ARTICLE 7.

The Mandatory undertakes:

(i.) To provide for the eventual emancipation of all slaves and for as speedy an elimination of domestic and other slavery as social conditions will allow;
(ii.) To suppress all forms of slave trade;
(iii.) To prohibit all forms of forced or compulsory labour, except for essential public works and services, and then only in return for adequate remuneration;
(iv.) To protect the natives from abuse and measures of fraud and force by the careful supervision of labour contracts and the recruiting of labour;
(v.) To exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

ARTICLE 8.

The Mandatory undertakes that in the framing of laws relating to the holding or transference of land he will take into consideration native laws and customs,

29

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and will respect the rights and safeguard the interests of the native population.

No native land may be transferred, except between natives, without the previous consent of the public authorities, and no real rights over native land in favour of non-natives may be created except with the same consent.

The Mandatory undertakes to promulgate strict regulations against usury.

ARTICLE 9.

The Mandatory undertakes to secure to all nationals of States Members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect to entry into and residence in the territory, the protection afforded to their person and property, and acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

Further, the Mandatory undertakes to ensure to all nationals of States Members of the League of Nations, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality; provided that the Mandatory shall be free to organise essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the Mandatory without distinction on grounds of nationality between the nationals of all States Members of the League of Nations, but on such conditions as will maintain intact the authority of the local government.

The rights conferred by this Article extend equally to companies and associations organised in accordance with the law of any of the Members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

ARTICLE 10.

The Mandatory undertakes to ensure complete freedom of conscience, and the free exercise of all forms of worship, which are consonant with public order and morality.

Missionaries of all such religions shall be free to enter the territory, and to travel and reside therein, to acquire and possess property, to erect religious buildings, and to open schools throughout the territory.

The Mandatory shall, however, have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

ARTICLE 11.

The Mandatory undertakes to apply to the territory the benefits of any general international conventions already existing, or which may be concluded hereafter,

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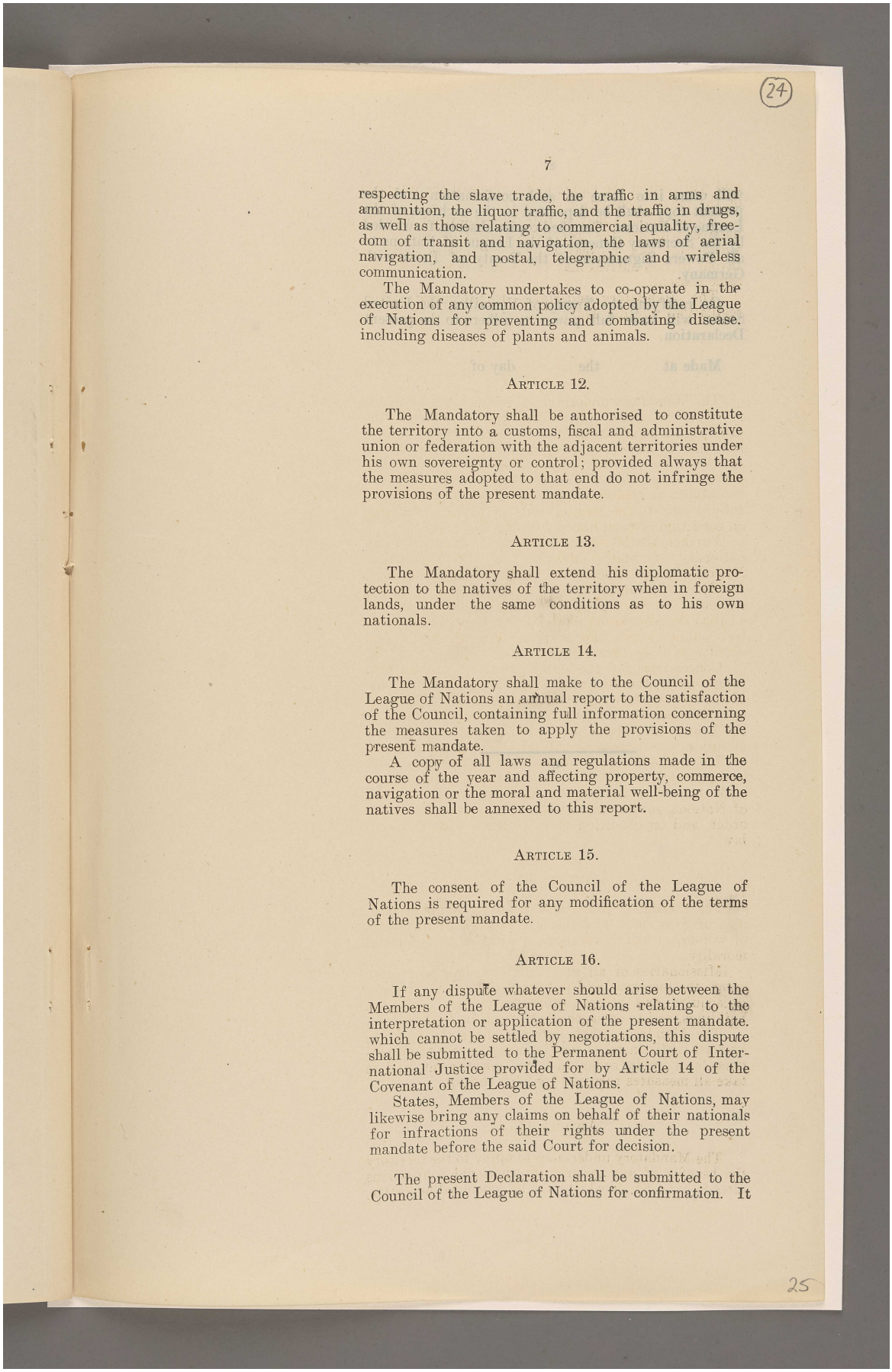

(24)

respecting the slave trade, the traffic in arms and ammunition, the liquor traffic, and the traffic in drugs, as well as those relating to commercial equality, freedom of transit and navigation, the laws of aerial navigation, and postal, telegraphic and wireless communication.

The Mandatory undertakes to co-operate in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

ARTICLE 12.

The Mandatory shall be authorised to constitute the territory into a customs, fiscal and administrative union or federation with the adjacent territories under his own sovereignty or control; provided always that the measures adopted to that end do not infringe the provisions of the present mandate.

ARTICLE 13.

The Mandatory shall extend his diplomatic protection to the natives of the territory when in foreign lands, under the same conditions as to his own nationals.

ARTICLE 14.

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information concerning the measures taken to apply the provisions of the present mandate.

A copy of all laws and regulations made in the course of the year and affecting property, commerce, navigation or the moral and material well-being of the natives shall be annexed to this report.

ARTICLE 15.

The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

ARTICLE 16.

If any dispute whatever should arise between the Members of the League of Nations relating to the interpretation or application of the present mandate, which cannot be settled by negotiations, this dispute shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

States, Members of the League of Nations, may likewise bring any claims on behalf of their nationals for infractions of their rights under the present mandate before the said Court for decision.

The present Declaration shall be submitted to the Council of the League of Nations for confirmation. It

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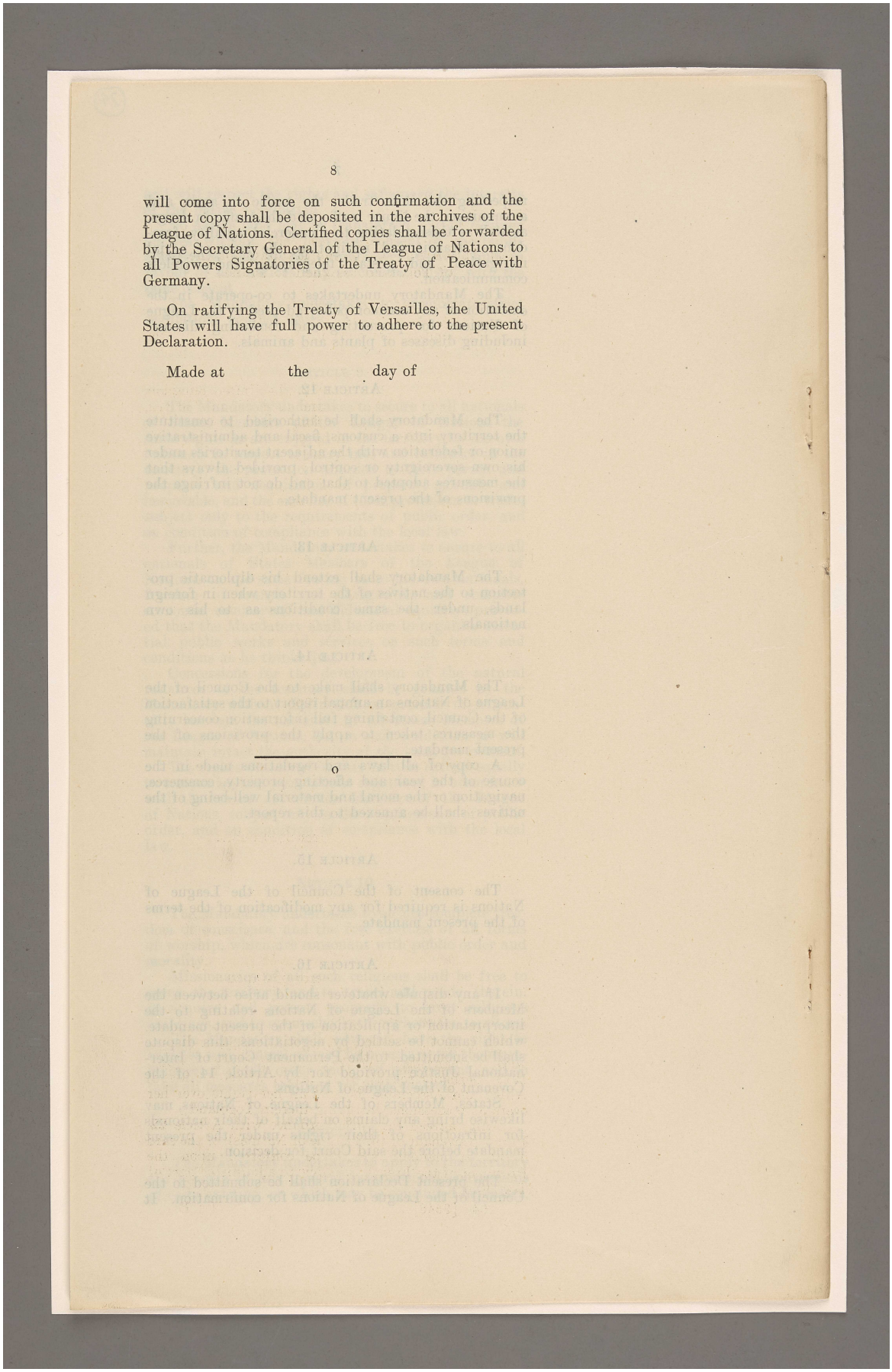

will come into force on such confirmation and the present copy shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary General of the League of Nations to all Powers Signatories of the Treaty of Peace with Germany.

On ratifying the Treaty of Versailles, the United States will have full power to adhere to the present Declaration.

Made at the day of

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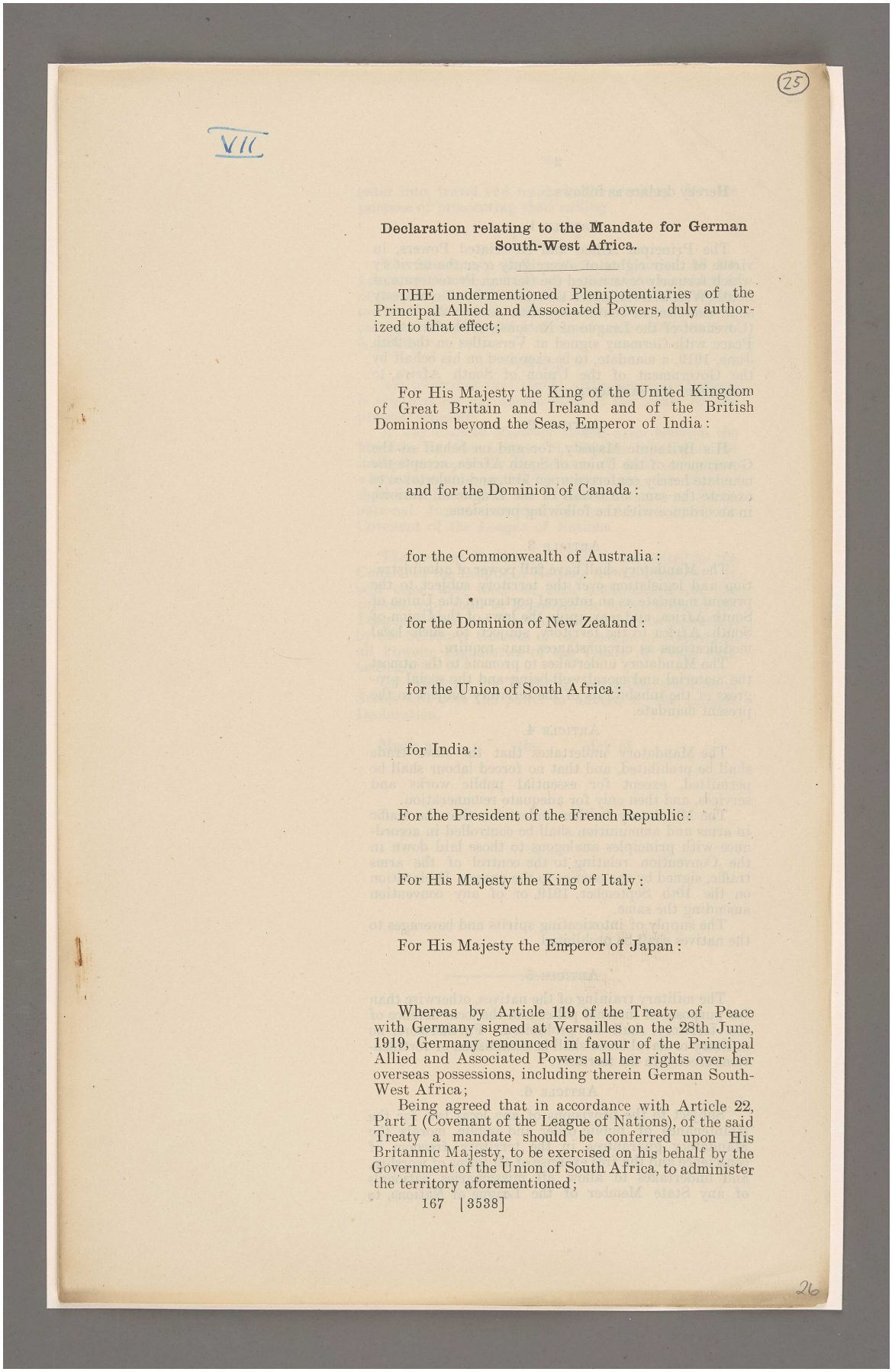

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VII

Declaration relating to the Mandate for German South-West Africa.

THE undermentioned Plenipotentiaries of the Principal Allied and Associated Powers, duly authorized to that effect;

For His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

and for the Dominion of Canada:

for the Commonwealth of Australia:

for the Dominion of New Zealand:

for the Union of South Africa:

for India:

For the President of the French Republic:

For His Majesty the King of Italy:

For His Majesty the Emperor of Japan:

Whereas by Article 119 of the Treaty of Peace with Germany signed at Versailles on the 28th June, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her overseas possessions, including therein German South-West Africa;

Being agreed that in accordance with Article 22, Part I (Covenant of the League of Nations), of the said Treaty a mandate should be conferred upon His Britannic Majesty, to be exercised on his behalf by the Government of the Union of South Africa, to administer the territory aforementioned;

167 [3538]

26

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Hereby declare as follows :

ARTICLE 1.

The Principal Allied and Associated Powers, in virtue of their rights of sovereignty over the territory which formerly constituted the German Protectorate of South-West Africa, agree that His Britannic Majesty shall exercise, in conformity with Article 22, Part I (Covenant of the League of Nations), of the Treaty of Peace with Germany signed at Versailles on the 28th June, 1919, a mandate, to be exercised on his behalf by the Government of the Union of South Africa, to administer the said territory.

ARTICLE 2.

His Britannic Majesty, for and on behalf of the Government of the Union of South Africa, accepts the mandate hereby conferred upon him, and undertakes to execute the same on behalf of the League of Nations, in accordance with the following provisions.

ARTICLE 3.

The Mandatory shall have full power of administration and legislation over the territory subject to the present mandate as an integral portion of the Union of South Africa, and may apply the laws of the Union of South Africa to the territory, subject to such local modifications as circumstances may require.

The Mandatory undertakes to promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present mandate.

ARTICLE 4.

The Mandatory undertakes that the slave trade shall be prohibited, and that no forced labour shall be permitted, except for essential public works and services, and then only for adequate remuneration.

The Mandatory further undertakes that the traffic in arms and ammunition shall be controlled in accordance with principles analogous to those laid down in the Convention relating to the control of the arms traffic, signed by the parties to the present Declaration on the 10th September, 1919, or of any convention amending the same.

The supply of intoxicating spirits and beverages to the natives shall be prohibited.

ARTICLE 5.

The military training of the natives, otherwise than for purposes of internal police and the local defence of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

ARTICLE 6.

Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory guarantees in the territory freedom of conscience and the free exercise of all forms of worship, and undertakes to allow all missionaries, nationals of any State Member of the League of Nations, to

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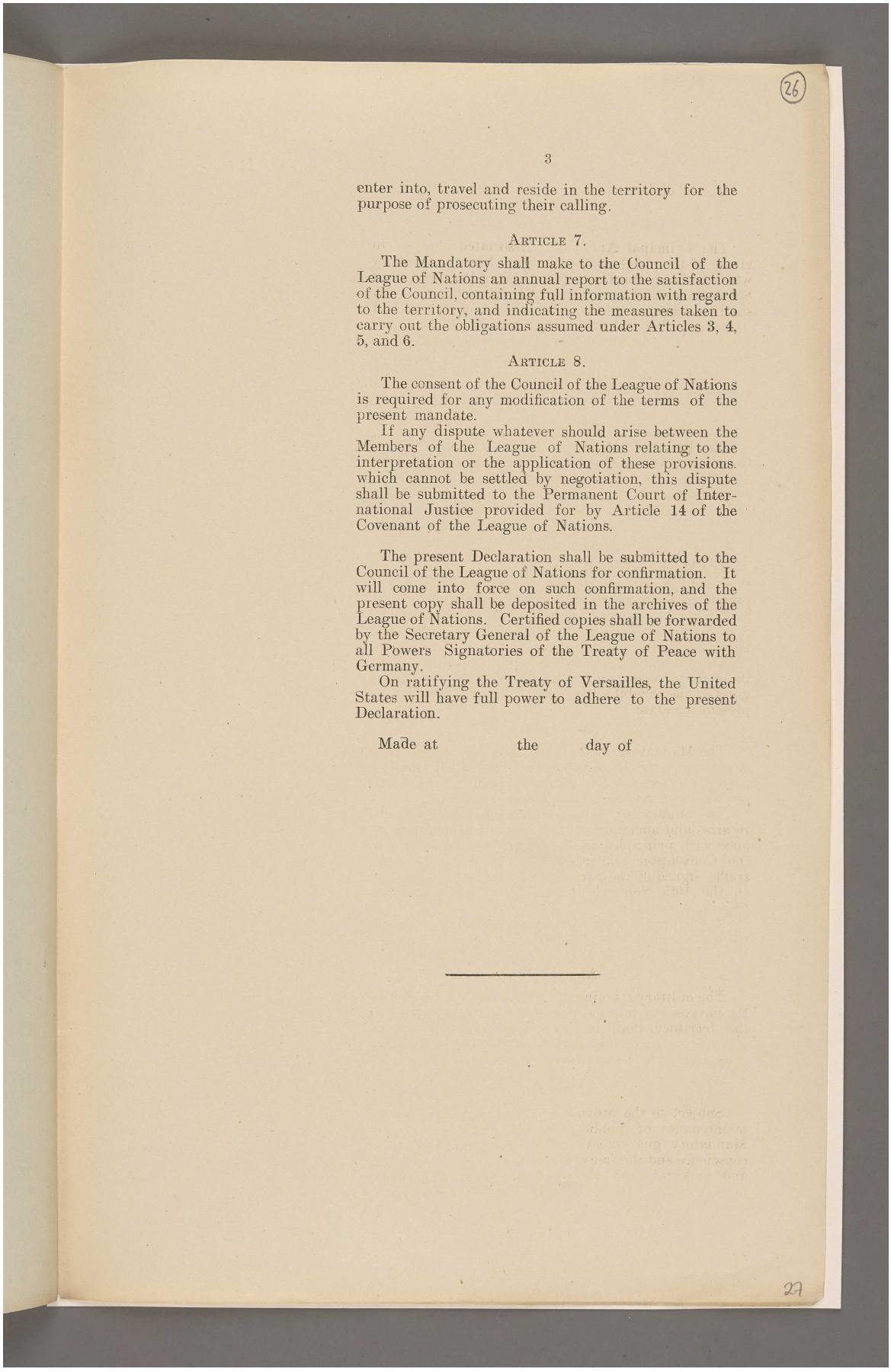

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enter into, travel and reside in the territory for the purpose of prosecuting their calling.

ARTICLE 7.

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the obligations assumed under Articles 3, 4, 5, and 6.

ARTICLE 8.

The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

If any dispute whatever should arise between the Members of the League of Nations relating to the interpretation or the application of these provisions, which cannot be settled by negotiation, this dispute shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present Declaration shall be submitted to the Council of the League of Nations for confirmation. It will come into force on such confirmation, and the present copy shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary General of the League of Nations to all Powers Signatories of the Treaty of Peace with Germany.

On ratifying the Treaty of Versailles, the United States will have full power to adhere to the present Declaration.

Made at the day of

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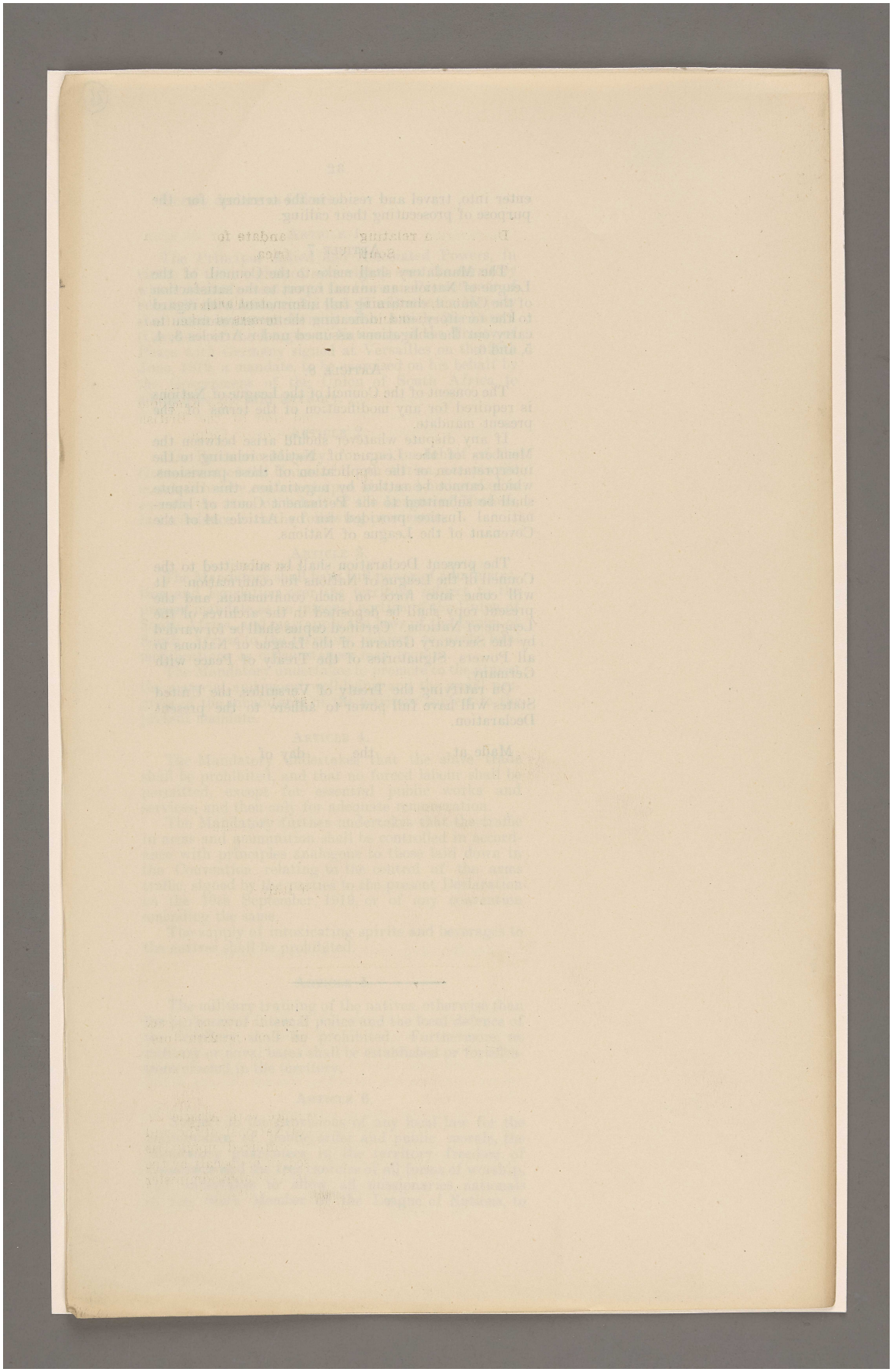

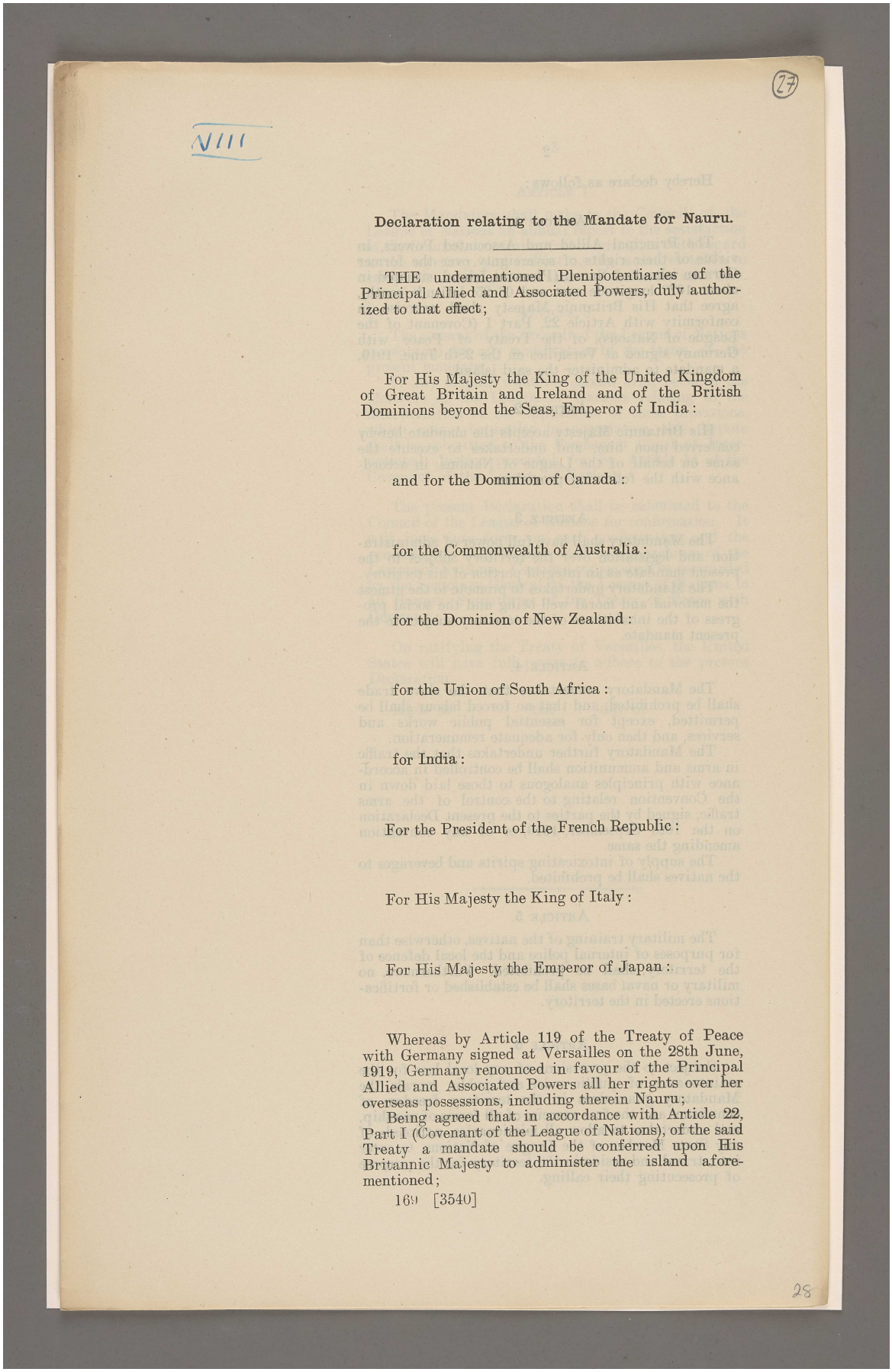

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VIII

Declaration relating to the Mandate for Nauru.

THE undermentioned Plenipotentiaries of the Principal Allied and Associated Powers, duly authorized to that effect;

For His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India :

and for the Dominion of Canada :

for the Commonwealth of Australia :

for the Dominion of New Zealand :

for the Union of South Africa :

for India :

For the President of the French Republic :

For His Majesty the King of Italy :

For His Majesty the Emperor of Japan :

Whereas by Article 119 of the Treaty of Peace with Germany signed at Versailles on the 28th June, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her overseas possessions, including therein Nauru;

Being agreed that in accordance with Article 22, Part I (Covenant of the League of Nations), of the said Treaty a mandate should be conferred upon His Britannic Majesty to administer the island aforementioned;

169 [3540]

28

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Hereby declare as follows:

ARTICLE 1.

The Principal Allied and Associated Powers, in virtue of their rights of sovereignty over the former German island of Nauru (Pleasant Island, situated in about 167° longitude east and 0° 25′ latitude south), agree that His Britannic Majesty shall exercise, in conformity with Article 22, Part I (Covenant of the League of Nations), of the Treaty of Peace with Germany signed at Versailles on the 28th June, 1919, a mandate to administer the said island.

ARTICLE 2.

His Britannic Majesty accepts the mandate hereby conferred upon him, and undertakes to execute the same on behalf of the League of Nations, in accordance with the following provisions.

ARTICLE 3.

The Mandatory shall have full power of administration and legislation over the territory subject to the present mandate as an integral portion of his territory.

The Mandatory undertakes to promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present mandate.

ARTICLE 4.

The Mandatory undertakes that the slave trade shall be prohibited, and that no forced labour shall be permitted, except for essential public works and services, and then only for adequate remuneration.

The Mandatory further undertakes that the traffic in arms and ammunition shall be controlled in accordance with principles analogous to those laid down in the Convention relating to the control of the arms traffic, signed by the parties to the present Declaration on the 10th September, 1919, or of any convention amending the same.

The supply of intoxicating spirits and beverages to the natives shall be prohibited.

ARTICLE 5.

The military training of the natives, otherwise than for purposes of internal police and the local defence of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

ARTICLE 6.

Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory guarantees in the territory freedom of conscience and the free exercise of all forms of worship, and undertakes to allow all missionaries, nationals of any State Member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.

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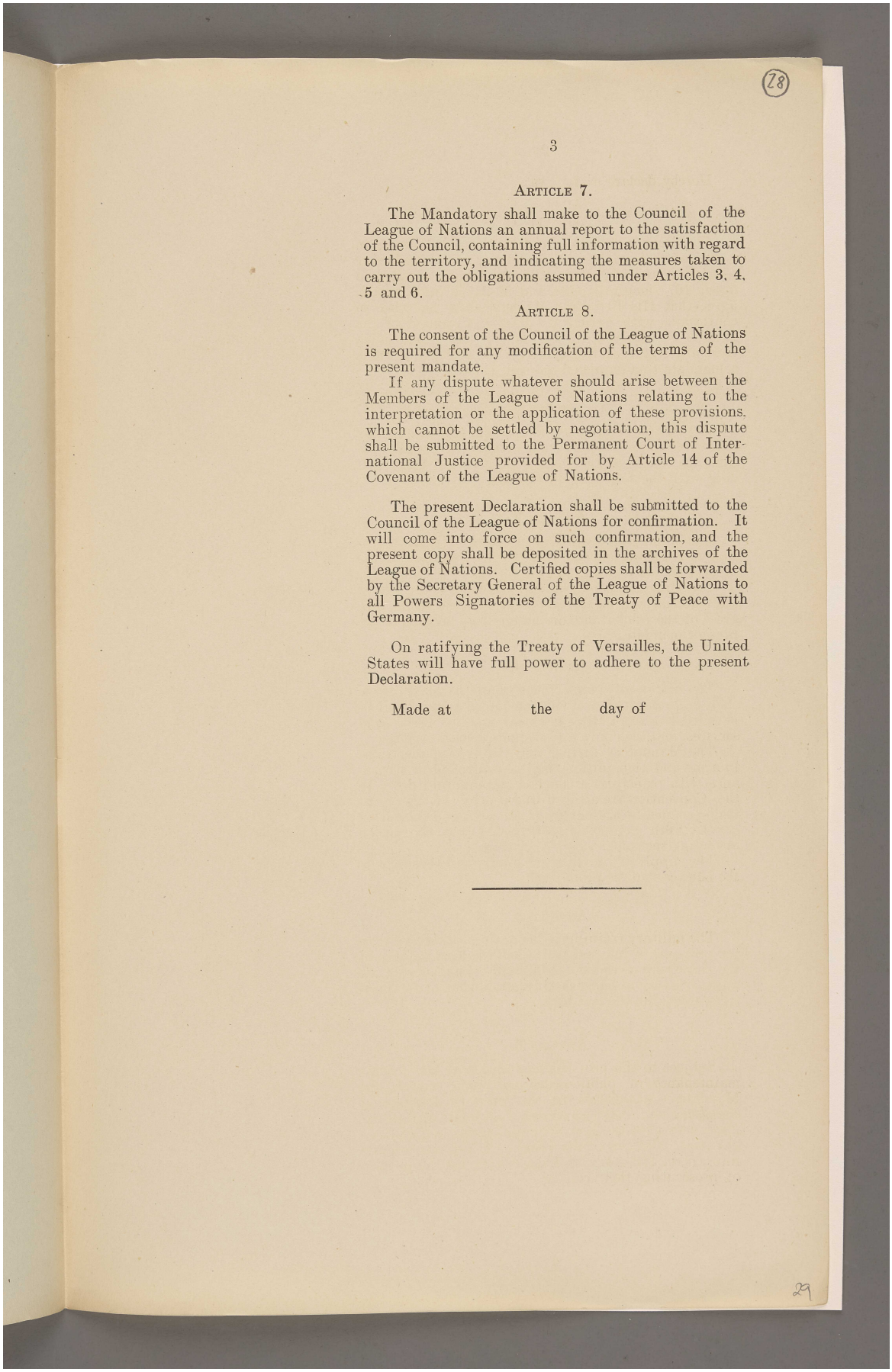

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ARTICLE 7.

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the obligations assumed under Articles 3, 4, 5 and 6.

ARTICLE 8.

The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

If any dispute whatever should arise between the Members of the League of Nations relating to the interpretation or the application of these provisions, which cannot be settled by negotiation, this dispute shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present Declaration shall be submitted to the Council of the League of Nations for confirmation. It will come into force on such confirmation, and the present copy shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary General of the League of Nations to all Powers Signatories of the Treaty of Peace with Germany.

On ratifying the Treaty of Versailles, the United States will have full power to adhere to the present Declaration.

Made at the day of

29

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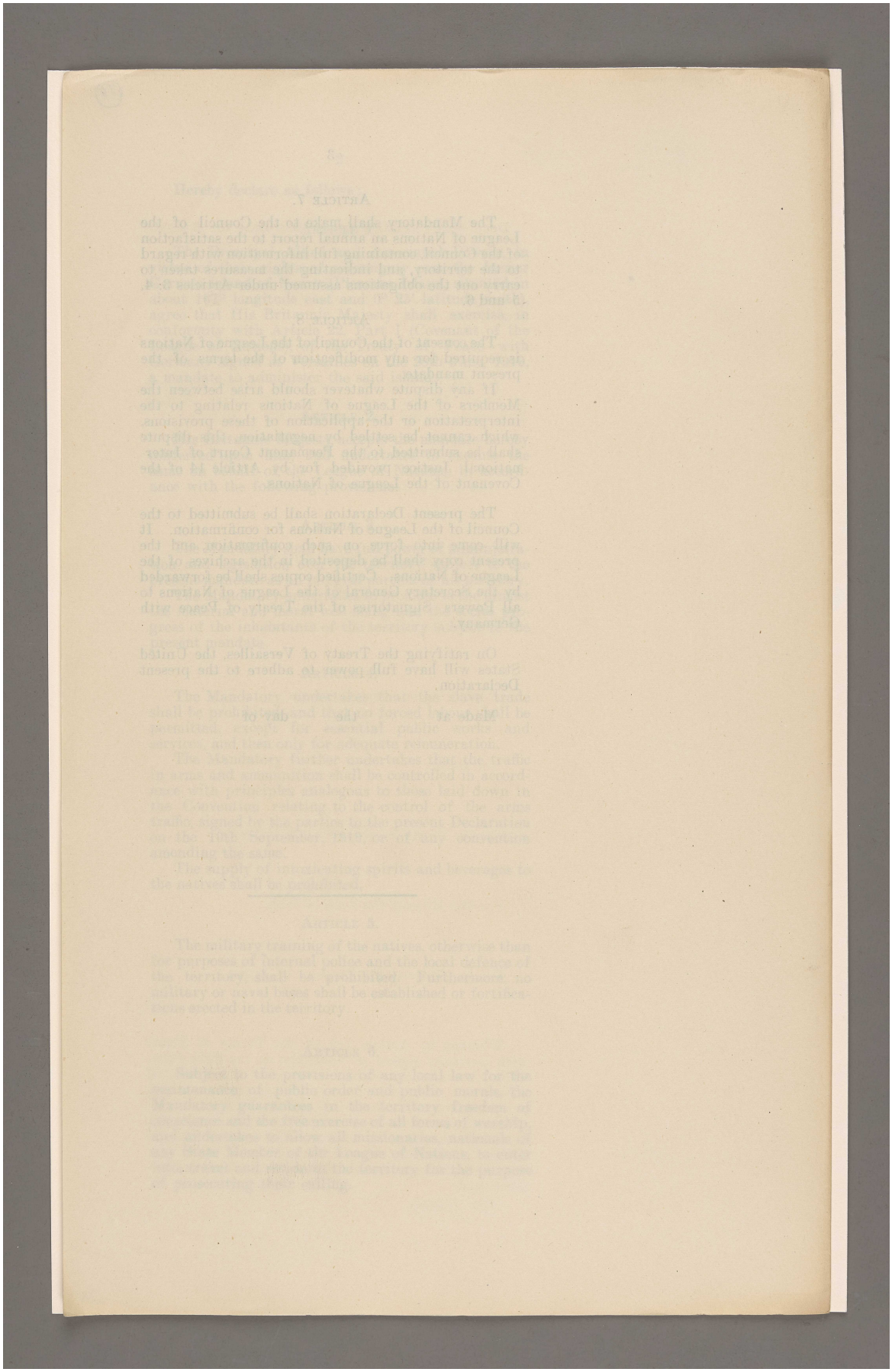

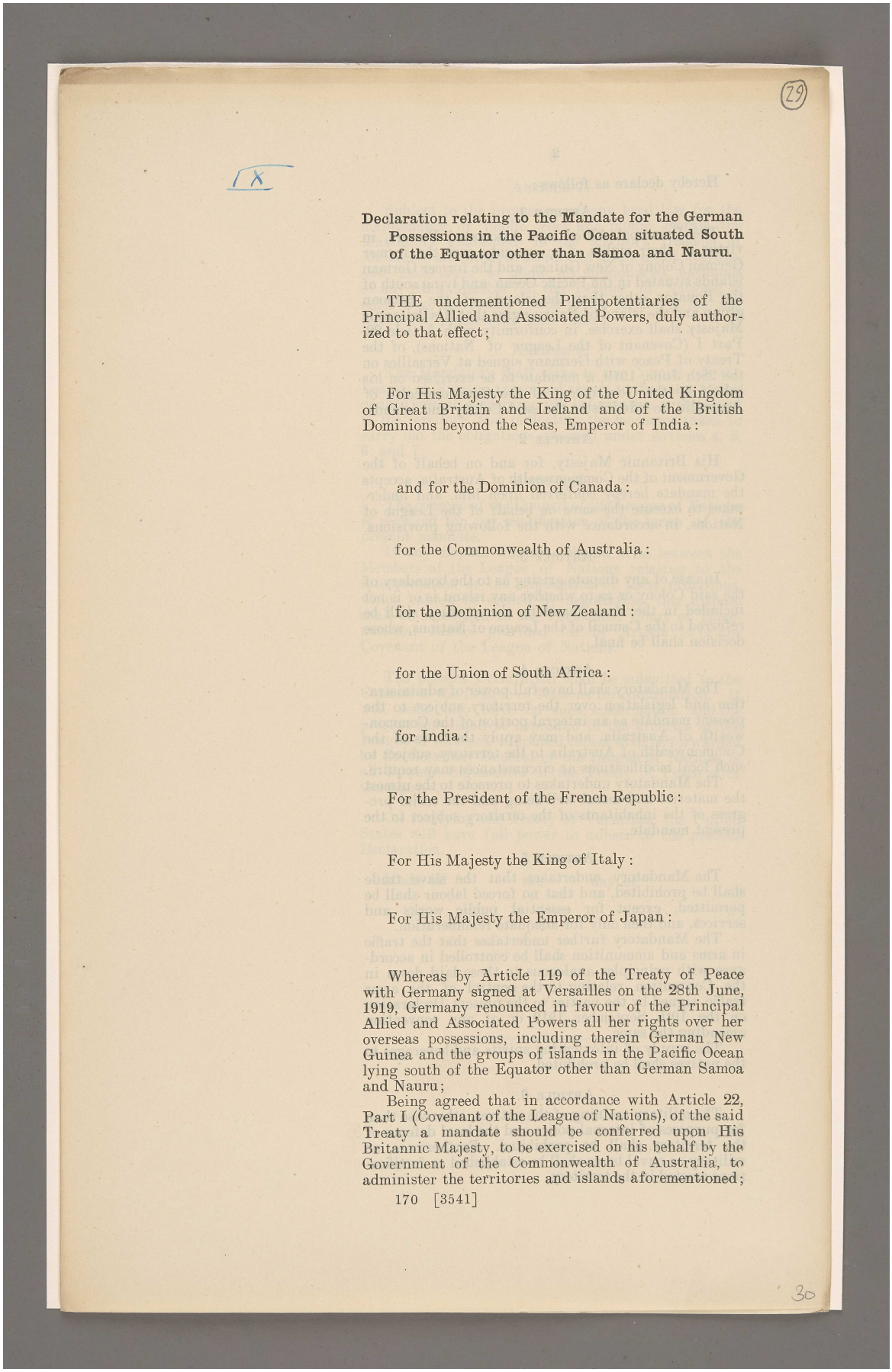

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IX

Declaration relating to the Mandate for the German Possessions in the Pacific Ocean situated South of the Equator other than Samoa and Nauru.

THE undermentioned Plenipotentiaries of the Principal Allied and Associated Powers, duly authorized to that effect;

For His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

and for the Dominion of Canada:

for the Commonwealth of Australia:

for the Dominion of New Zealand:

for the Union of South Africa:

for India:

For the President of the French Republic:

For His Majesty the King of Italy:

For His Majesty the Emperor of Japan:

Whereas by Article 119 of the Treaty of Peace with Germany signed at Versailles on the 28th June, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her overseas possessions, including therein German New Guinea and the groups of islands in the Pacific Ocean lying south of the Equator other than German Samoa and Nauru;

Being agreed that in accordance with Article 22, Part I (Covenant of the League of Nations), of the said Treaty a mandate should be conferred upon His Britannic Majesty, to be exercised on his behalf by the Government of the Commonwealth of Australia, to administer the territories and islands aforementioned;

170 [3541]

30

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Hereby declare as follows:

ARTICLE 1.

The Principal Allied and Associated Powers, in virtue of their rights of sovereignty over the former German Colony of New Guinea and the former German islands situated in the Pacific Ocean and lying south of the Equator, other than the islands of the Samoan group and the island of Nauru, agree that His Britannic Majesty shall exercise, in conformity with Article 22, Part I (Covenant of the League of Nations), of the Treaty of Peace with Germany signed at Versailles on the 28th June, 1919, a mandate to be exercised on his behalf by the Government of the Commonwealth of Australia, to administer the said Colony and islands.

ARTICLE 2.

His Britannic Majesty, for and on behalf of the Government of the Commonwealth of Australia, accepts the mandate hereby conferred upon him, and undertakes to execute the same on behalf of the League of Nations, in accordance with the following provisions.

ARTICLE 3.

In case of any dispute arising as to the boundary of the said Colony or as to whether any island is or is not included in the above mandate, the question shall be referred to the Council of the League of Nations, whose decision shall be final.

ARTICLE 4.

The Mandatory shall have full power of administration and legislation over the territory subject to the present mandate as an integral portion of the Commonwealth of Australia, and may apply the laws of the Commonwealth of Australia to the territory, subject to such local modifications as circumstances may require.

The Mandatory undertakes to promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present mandate.

ARTICLE 5.

The Mandatory undertakes that the slave trade shall be prohibited, and that no forced labour shall be permitted, except for essential public works and services, and then only for adequate remuneration.

The Mandatory further undertakes that the traffic in arms and ammunition shall be controlled in accordance with principles analogous to those laid down in the Convention relating to the control of the arms traffic, signed by the parties to the present Declaration on the 10th September, 1919, or of any convention amending the same.

The supply of intoxicating spirits and beverages to the natives shall be prohibited.

ARTICLE 6.

The military training of the natives, otherwise than for purposes of internal police and the local defence of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

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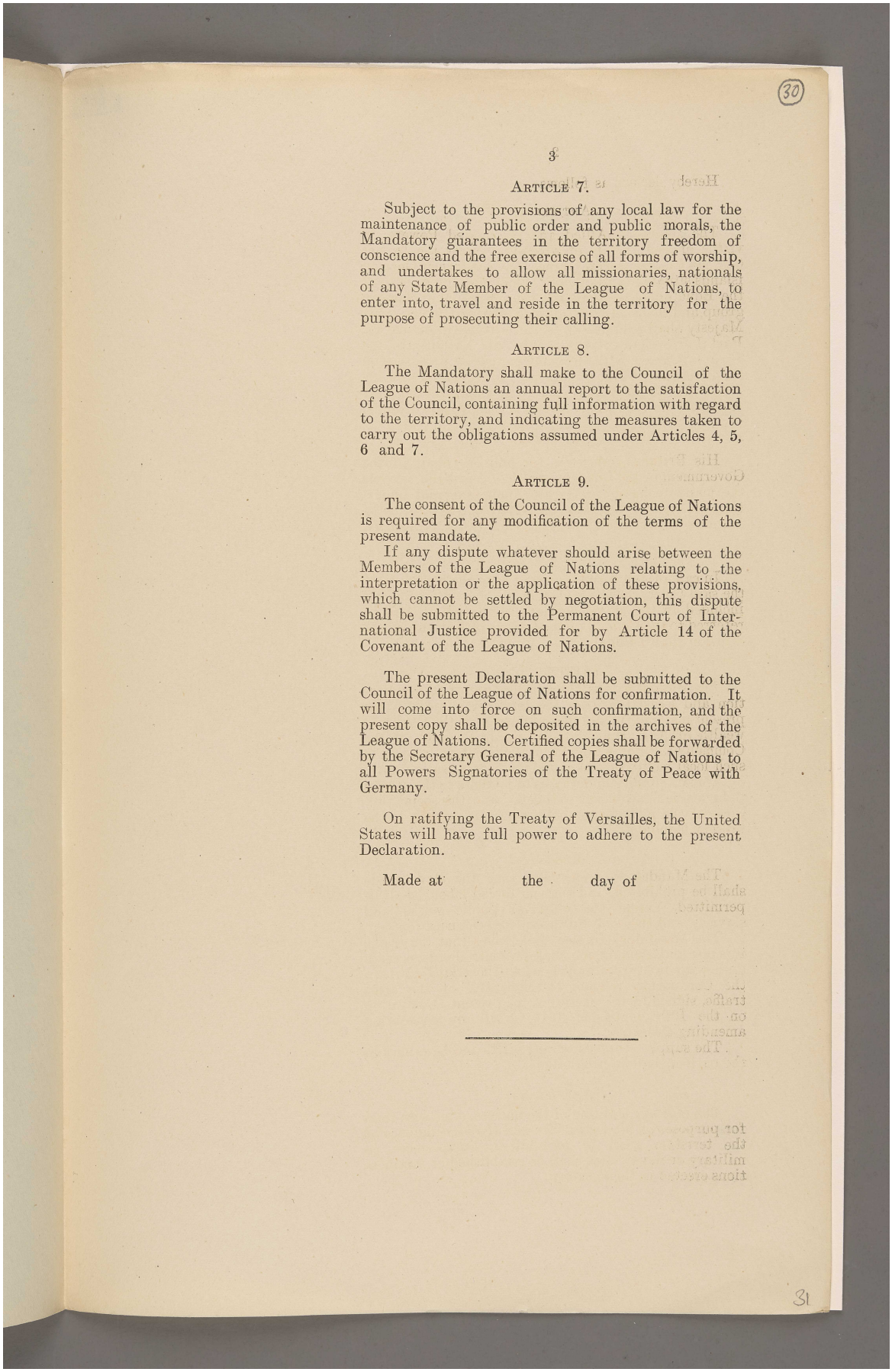

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ARTICLE 7.

Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory guarantees in the territory freedom of conscience and the free exercise of all forms of worship, and undertakes to allow all missionaries, nationals of any State Member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.

ARTICLE 8.

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the obligations assumed under Articles 4, 5, 6 and 7.

ARTICLE 9.

The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

If any dispute whatever should arise between the Members of the League of Nations relating to the interpretation or the application of these provisions, which cannot be settled by negotiation, this dispute shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present Declaration shall be submitted to the Council of the League of Nations for confirmation. It will come into force on such confirmation, and the present copy shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary General of the League of Nations to all Powers Signatories of the Treaty of Peace with Germany.

On ratifying the Treaty of Versailles, the United States will have full power to adhere to the present Declaration.

Made at the day of

(31)

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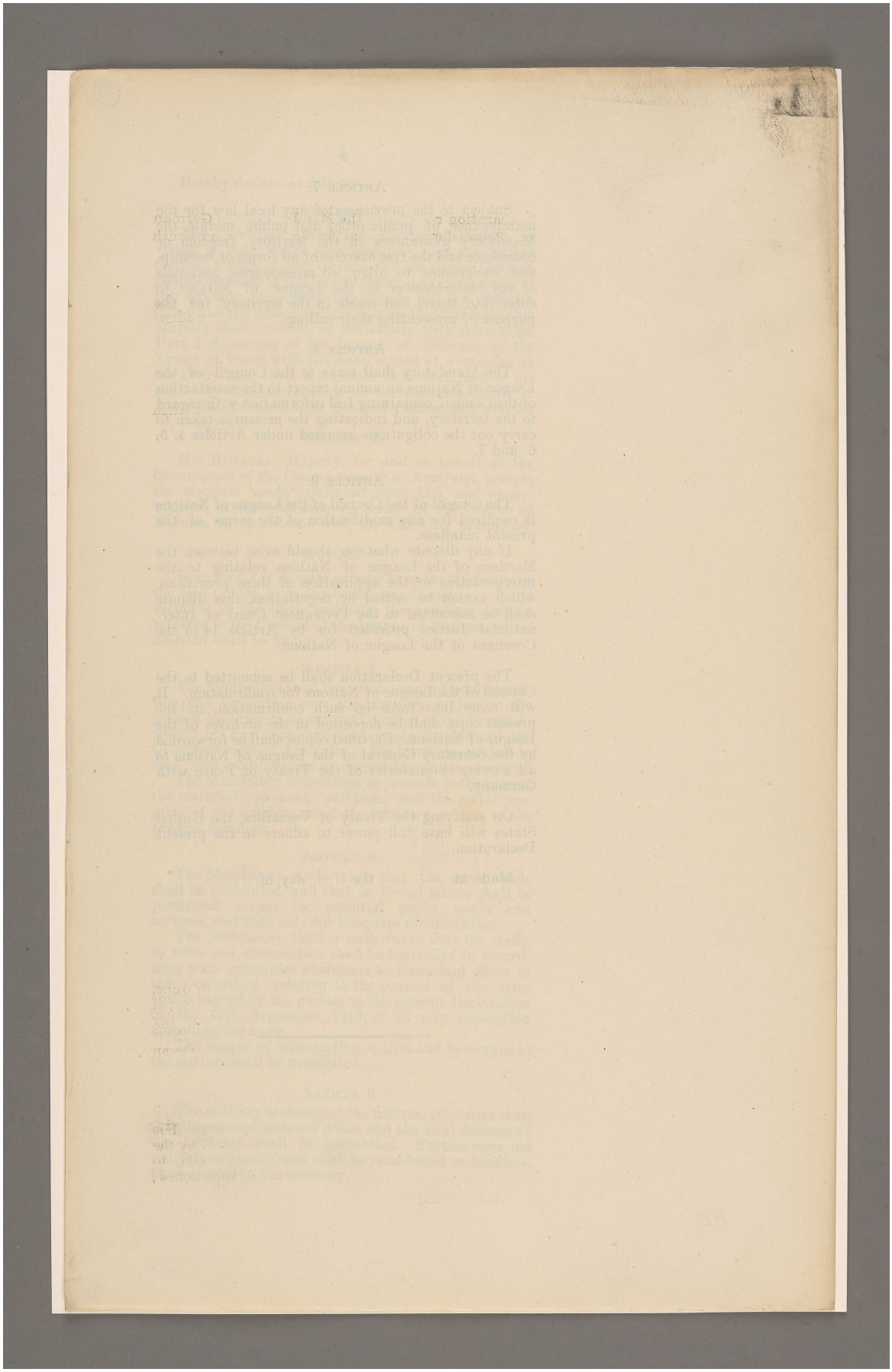

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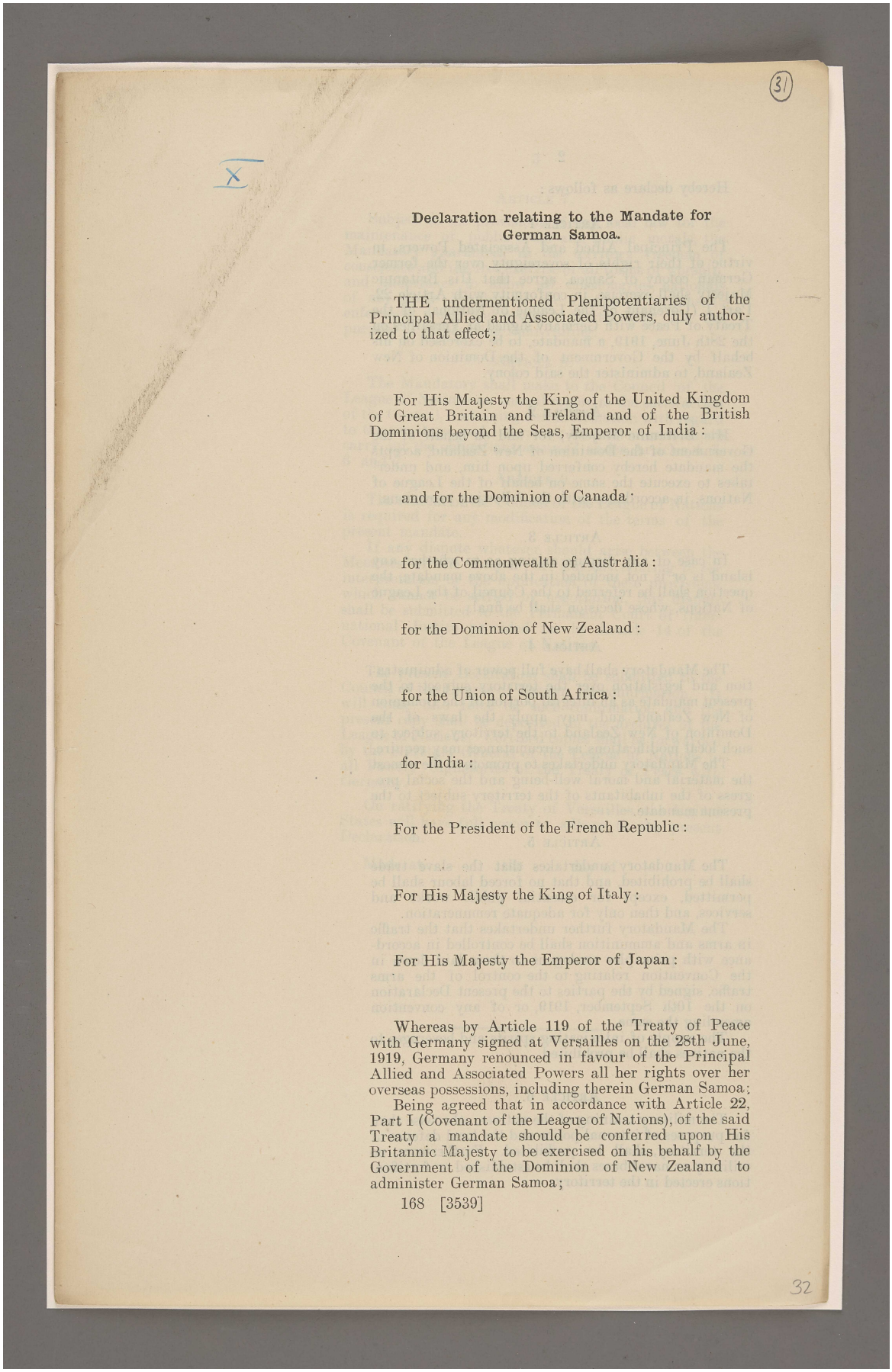

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X

Declaration relating to the Mandate for German Samoa.

THE undermentioned Plenipotentiaries of the Principal Allied and Associated Powers, duly authorized to that effect;

For His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

and for the Dominion of Canada:

for the Commonwealth of Australia:

for the Dominion of New Zealand:

for the Union of South Africa:

for India:

For the President of the French Republic:

For His Majesty the King of Italy:

For His Majesty the Emperor of Japan:

Whereas by Article 119 of the Treaty of Peace with Germany signed at Versailles on the 28th June, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her overseas possessions, including therein German Samoa;

Being agreed that in accordance with Article 22, Part I (Covenant of the League of Nations), of the said Treaty a mandate should be conferred upon His Britannic Majesty to be exercised on his behalf by the Government of the Dominion of New Zealand to administer German Samoa;

168 [3539]

32

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Hereby declare as follows:

ARTICLE 1.

The Principal Allied and Associated Powers, in virtue of their rights of sovereignty over the former German colony of Samoa, agree that His Britannic Majesty shall exercise, in conformity with Article 22, Part I (Covenant of the League of Nations), of the Treaty of Peace with Germany signed at Versailles on the 28th June, 1919, a mandate, to be exercised on his behalf by the Government of the Dominion of New Zealand, to administer the said colony.

ARTICLE 2.

His Britannic Majesty, for and on behalf of the Government of the Dominion of New Zealand, accepts the mandate hereby conferred upon him, and undertakes to execute the same on behalf of the League of Nations, in accordance with the following provisions.

ARTICLE 3.

In case of any dispute arising as to whether any island is or is not included in the above mandate, the question shall be referred to the Council of the League of Nations, whose decision shall be final.

ARTICLE 4.

The Mandatory shall have full power of administration and legislation over the territory subject to the present mandate as an integral portion of the Dominion of New Zealand, and may apply the laws of the Dominion of New Zealand to the territory, subject to such local modifications as circumstances may require.

The Mandatory undertakes to promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present mandate.

ARTICLE 5.

The Mandatory undertakes that the slave trade shall be prohibited, and that no forced labour shall be permitted, except for essential public works and services, and then only for adequate remuneration.

The Mandatory further undertakes that the traffic in arms and ammunition shall be controlled in accordance with principles analogous to those laid down in the Convention relating to the control of the arms traffic, signed by the parties to the present Declaration on the 10th September, 1919, or of any convention amending the same.

The supply of intoxicating spirits and beverages to the natives shall be prohibited.

ARTICLE 6.

The military training of the natives, otherwise than for purposes of internal police and the local defence of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

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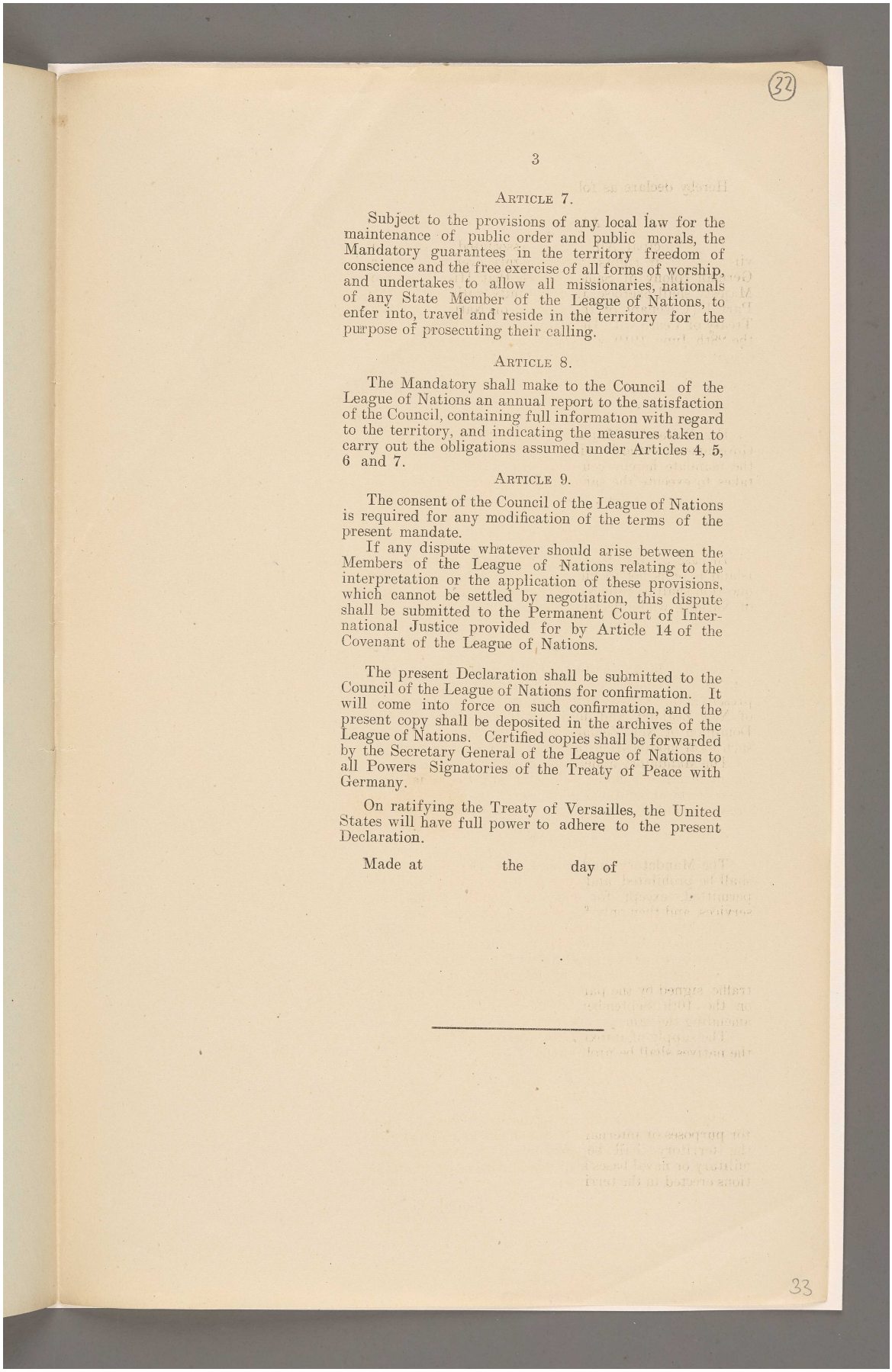

ARTICLE 7.

Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory guarantees in the territory freedom of conscience and the free exercise of all forms of worship, and undertakes to allow all missionaries, nationals of any State Member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.

ARTICLE 8.

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the obligations assumed under Articles 4, 5, 6 and 7.

ARTICLE 9.

The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

If any dispute whatever should arise between the Members of the League of Nations relating to the interpretation or the application of these provisions, which cannot be settled by negotiation, this dispute shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present Declaration shall be submitted to the Council of the League of Nations for confirmation. It will come into force on such confirmation, and the present copy shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary General of the League of Nations to all Powers Signatories of the Treaty of Peace with Germany.

On ratifying the Treaty of Versailles, the United States will have full power to adhere to the present Declaration.

Made at the day of

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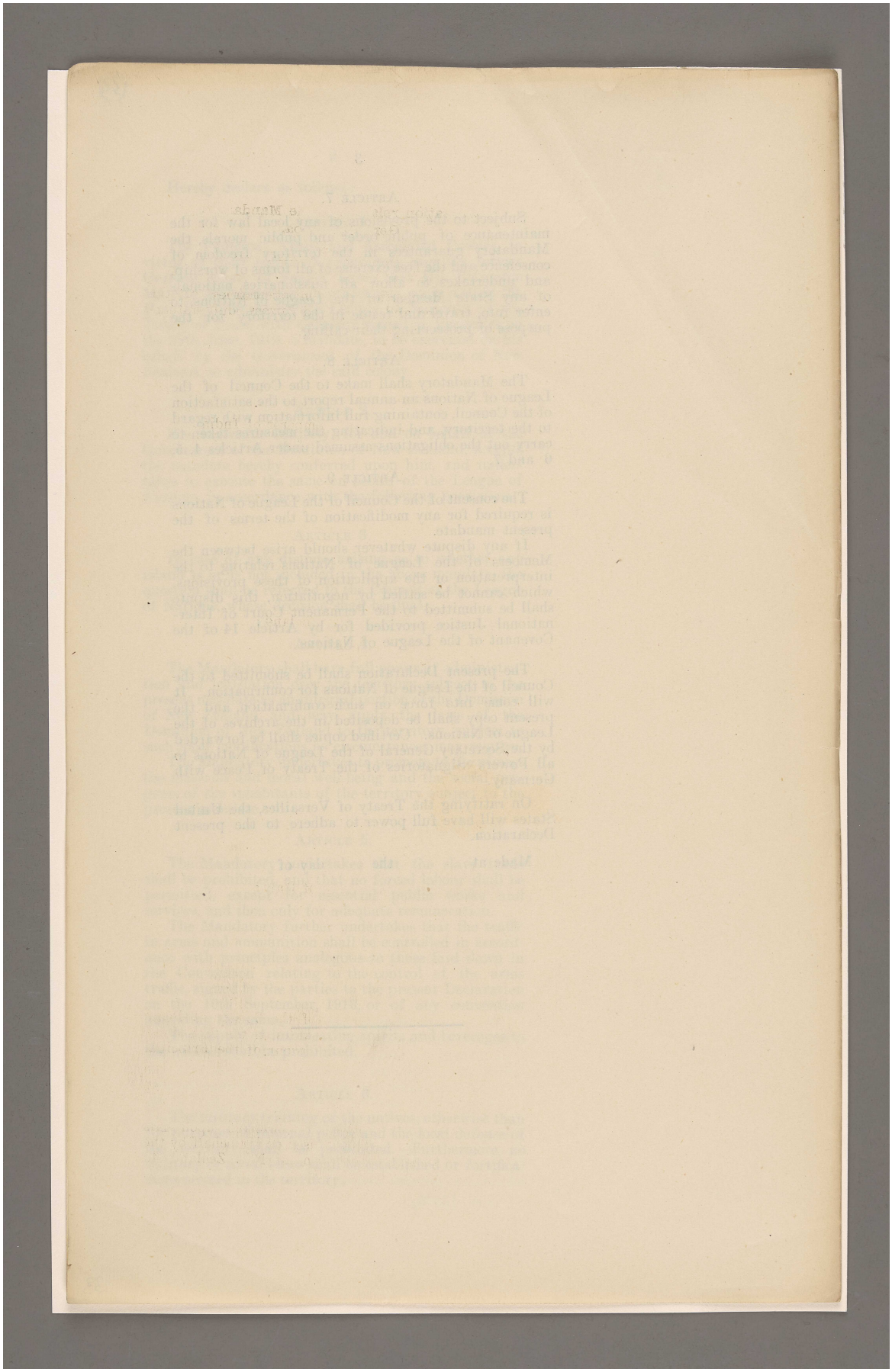

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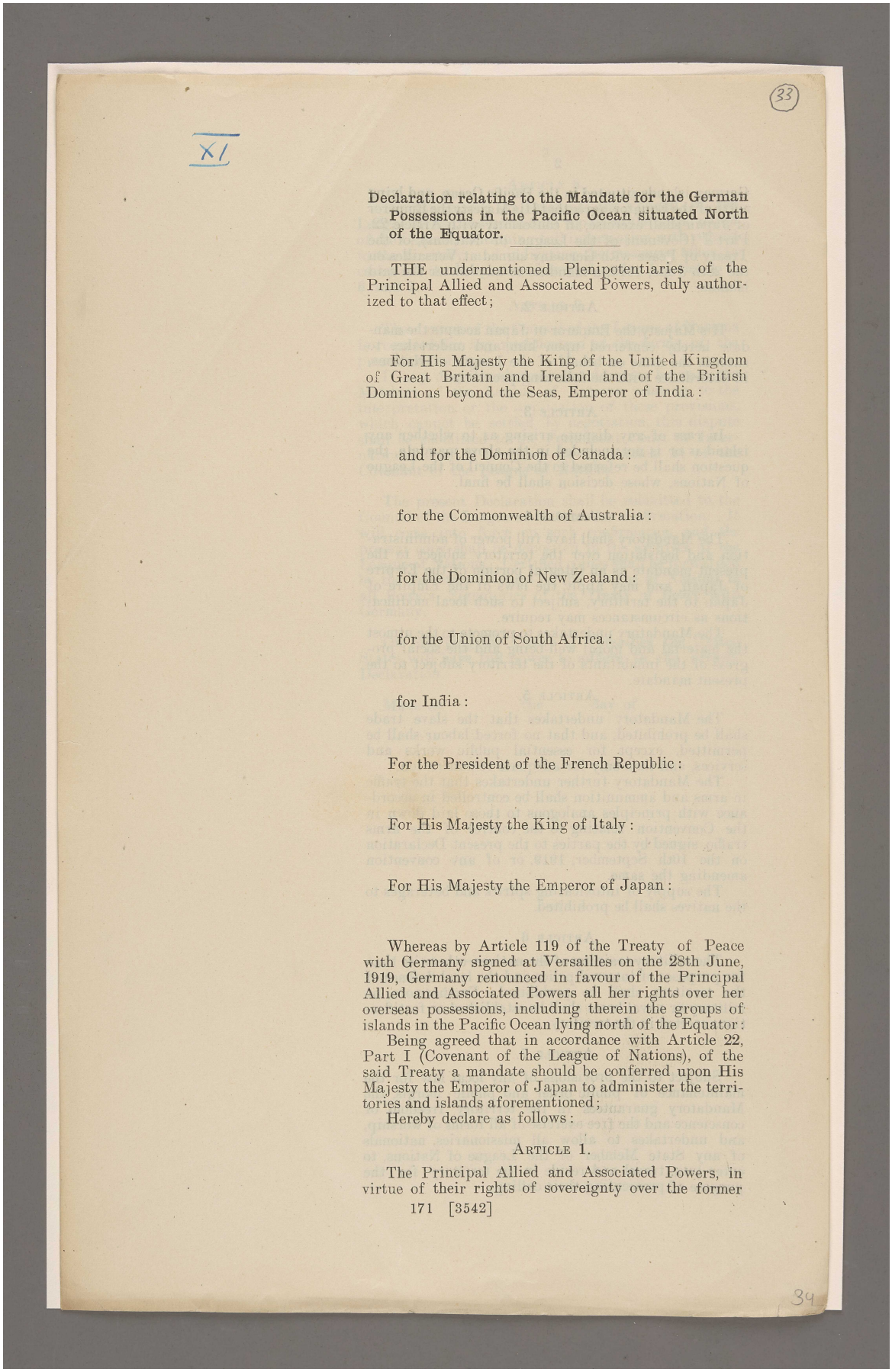

(33)

XI

Declaration relating to the Mandate for the German Possessions in the Pacific Ocean situated North of the Equator.

THE undermentioned Plenipotentiaries of the Principal Allied and Associated Powers, duly authorized to that effect;

For His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

and for the Dominion of Canada:

for the Commonwealth of Australia:

for the Dominion of New Zealand:

for the Union of South Africa:

for India:

For the President of the French Republic:

For His Majesty the King of Italy:

For His Majesty the Emperor of Japan:

Whereas by Article 119 of the Treaty of Peace with Germany signed at Versailles on the 28th June, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her overseas possessions, including therein the groups of islands in the Pacific Ocean lying north of the Equator:

Being agreed that in accordance with Article 22, Part I (Covenant of the League of Nations), of the said Treaty a mandate should be conferred upon His Majesty the Emperor of Japan to administer the territories and islands aforementioned;

Hereby declare as follows:

ARTICLE 1.

The Principal Allied and Associated Powers, in virtue of their rights of sovereignty over the former

171 [3542]

34

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German islands situated in the Pacific Ocean and lying north of the Equator, agree that His Majesty the Emperor of Japan shall exercise, in conformity with Article 22, Part I (Covenant of the League of Nations), of the Treaty of Peace with Germany signed at Versailles on the 28th June, 1919, a mandate to administer the said islands.

ARTICLE 2.

His Majesty the Emperor of Japan accepts the mandate hereby conferred upon him, and undertakes to execute the same on behalf of the League of Nations, in accordance with the following provisions.

ARTICLE 3.

In case of any dispute arising as to whether any island is or is not included in the above mandate, the question shall be referred to the Council of the League of Nations, whose decision shall be final.

ARTICLE 4.

The Mandatory shall have full power of administration and legislation over the territory subject to the present mandate as an integral portion of the Empire of Japan, and may apply the laws of the Empire of Japan to the territory, subject to such local modifications as circumstances may require.

The Mandatory undertakes to promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to the present mandate.

ARTICLE 5.

The Mandatory undertakes that the slave trade shall be prohibited, and that no forced labour shall be permitted, except for essential public works and services, and then only for adequate remuneration.

The Mandatory further undertakes that the traffic in arms and ammunition shall be controlled in accordance with principles analogous to those laid down in the Convention relating to the control of the arms traffic, signed by the parties to the present Declaration on the 10th September, 1919, or of any convention amending the same.

The supply of intoxicating spirits and beverages to the natives shall be prohibited.

ARTICLE 6.

The military training of the natives, otherwise than for purposes of internal police and the local defence of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

ARTICLE 7.

Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory guarantees in the territory freedom of conscience and the free exercise of all forms of worship, and undertakes to allow all missionaries, nationals of any State Member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.

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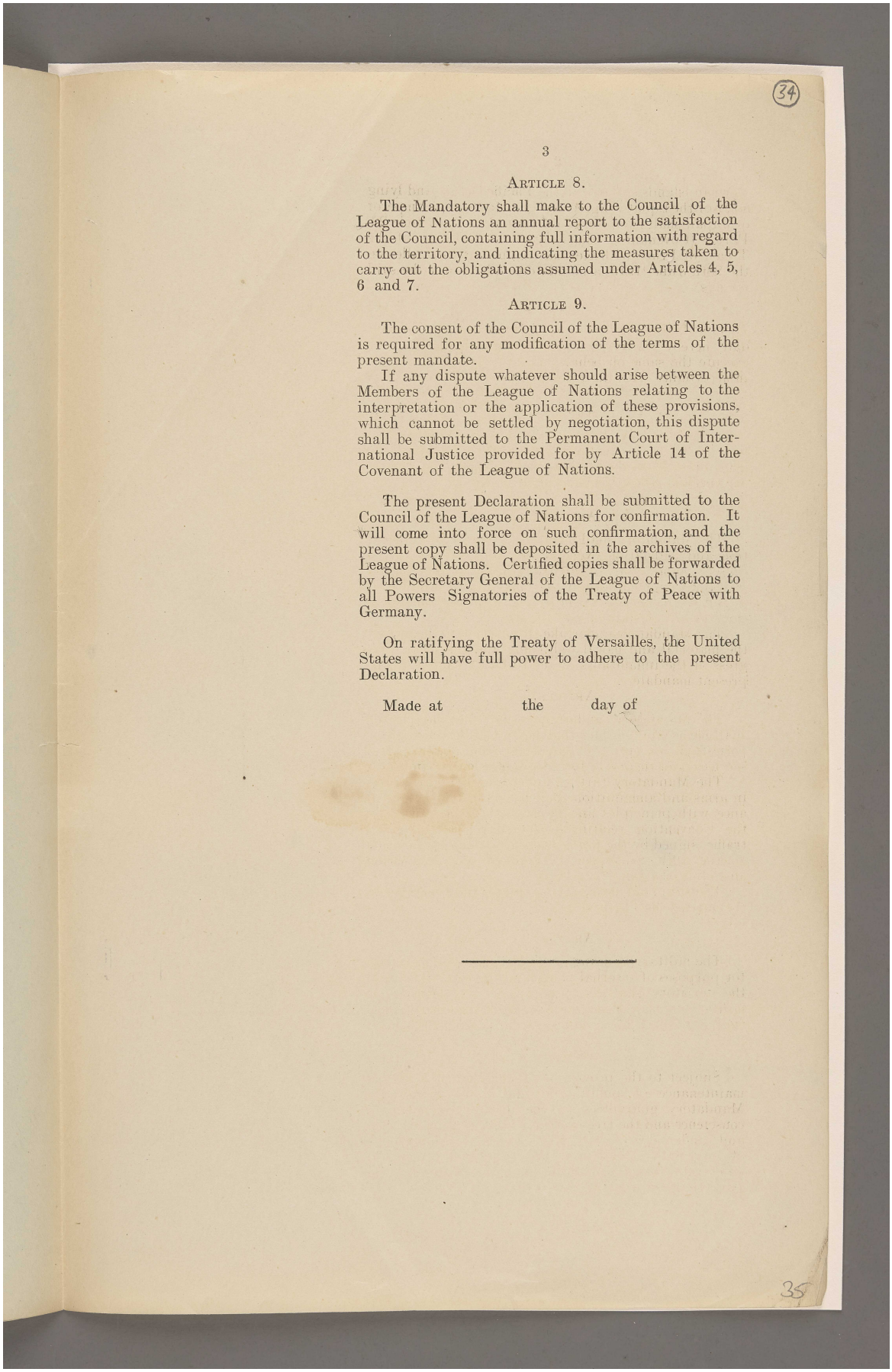

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ARTICLE 8.

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the obligations assumed under Articles 4, 5, 6 and 7.

ARTICLE 9.

The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

If any dispute whatever should arise between the Members of the League of Nations relating to the interpretation or the application of these provisions, which cannot be settled by negotiation, this dispute shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present Declaration shall be submitted to the Council of the League of Nations for confirmation. It will come into force on such confirmation, and the present copy shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary General of the League of Nations to all Powers Signatories of the Treaty of Peace with Germany.

On ratifying the Treaty of Versailles, the United States will have full power to adhere to the present Declaration.

Made at the day of

(35)

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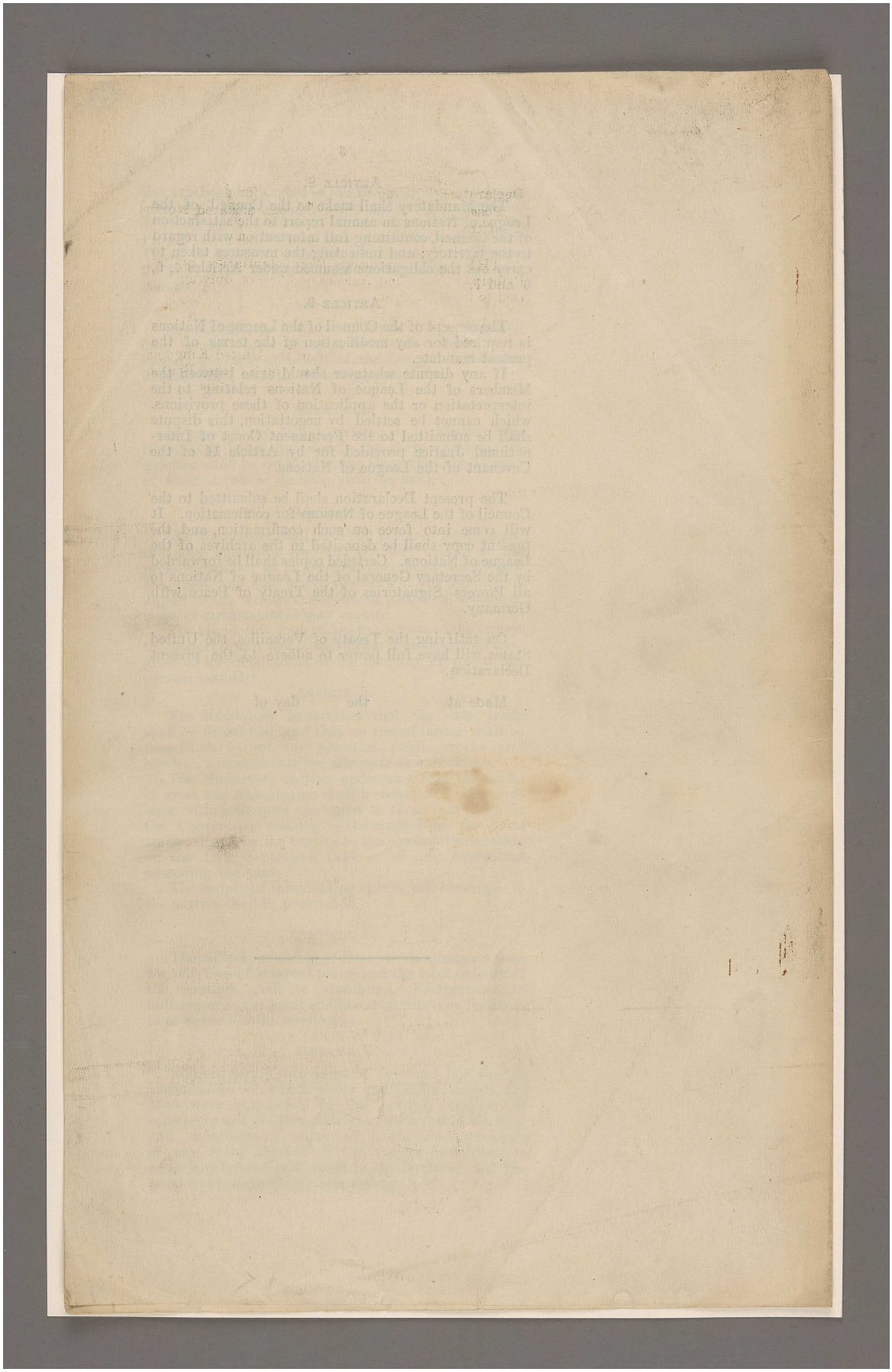

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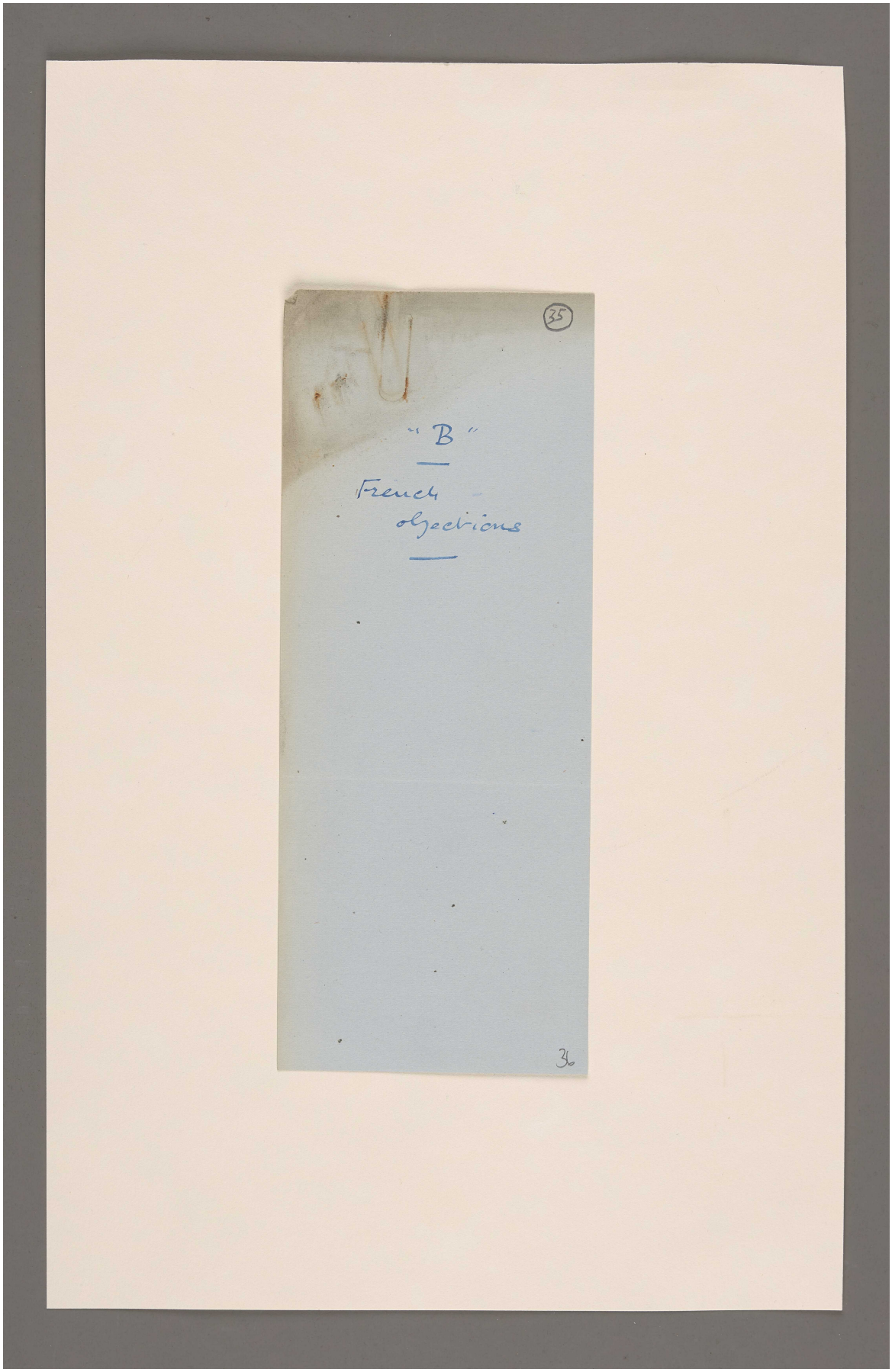

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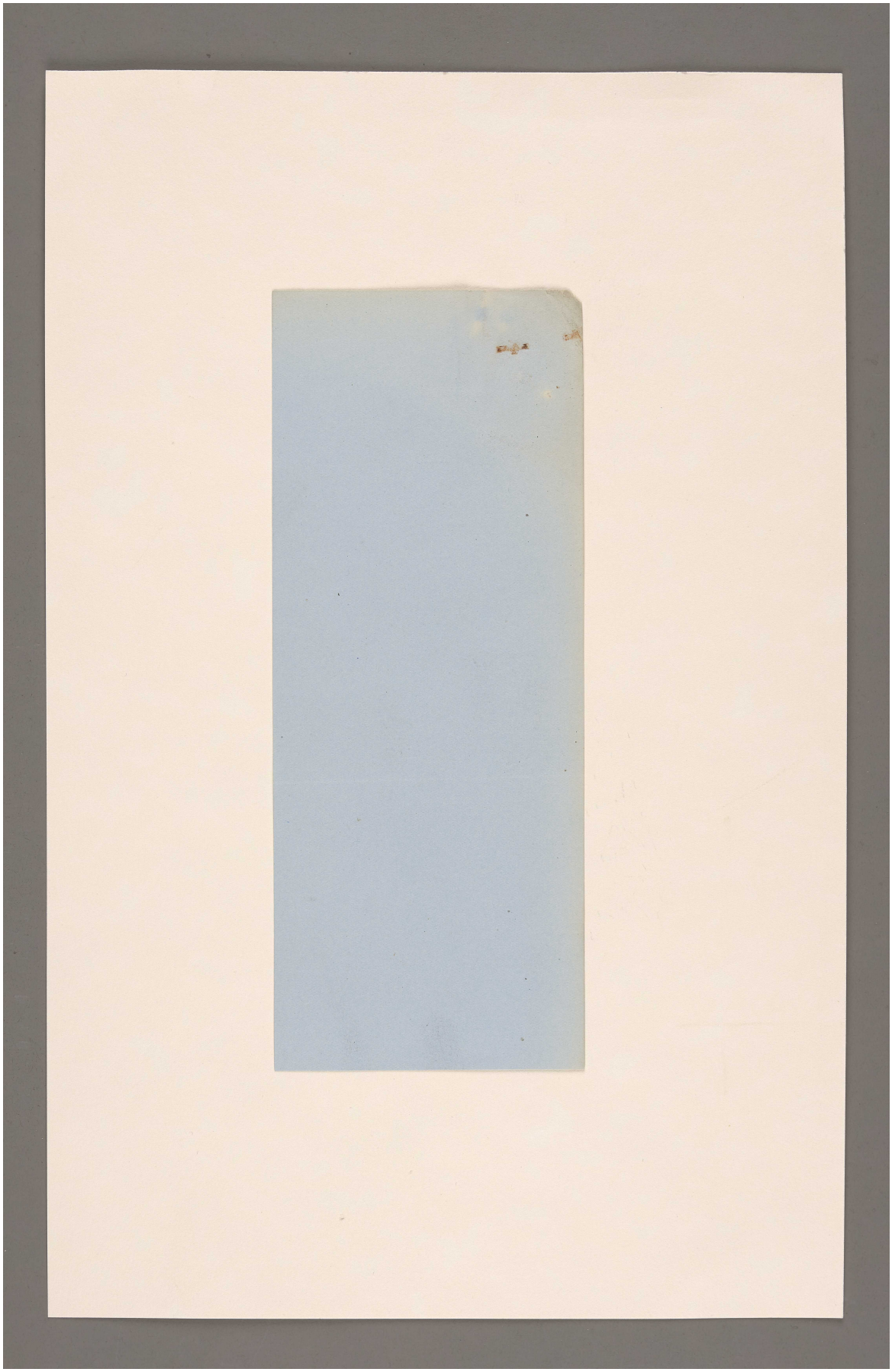

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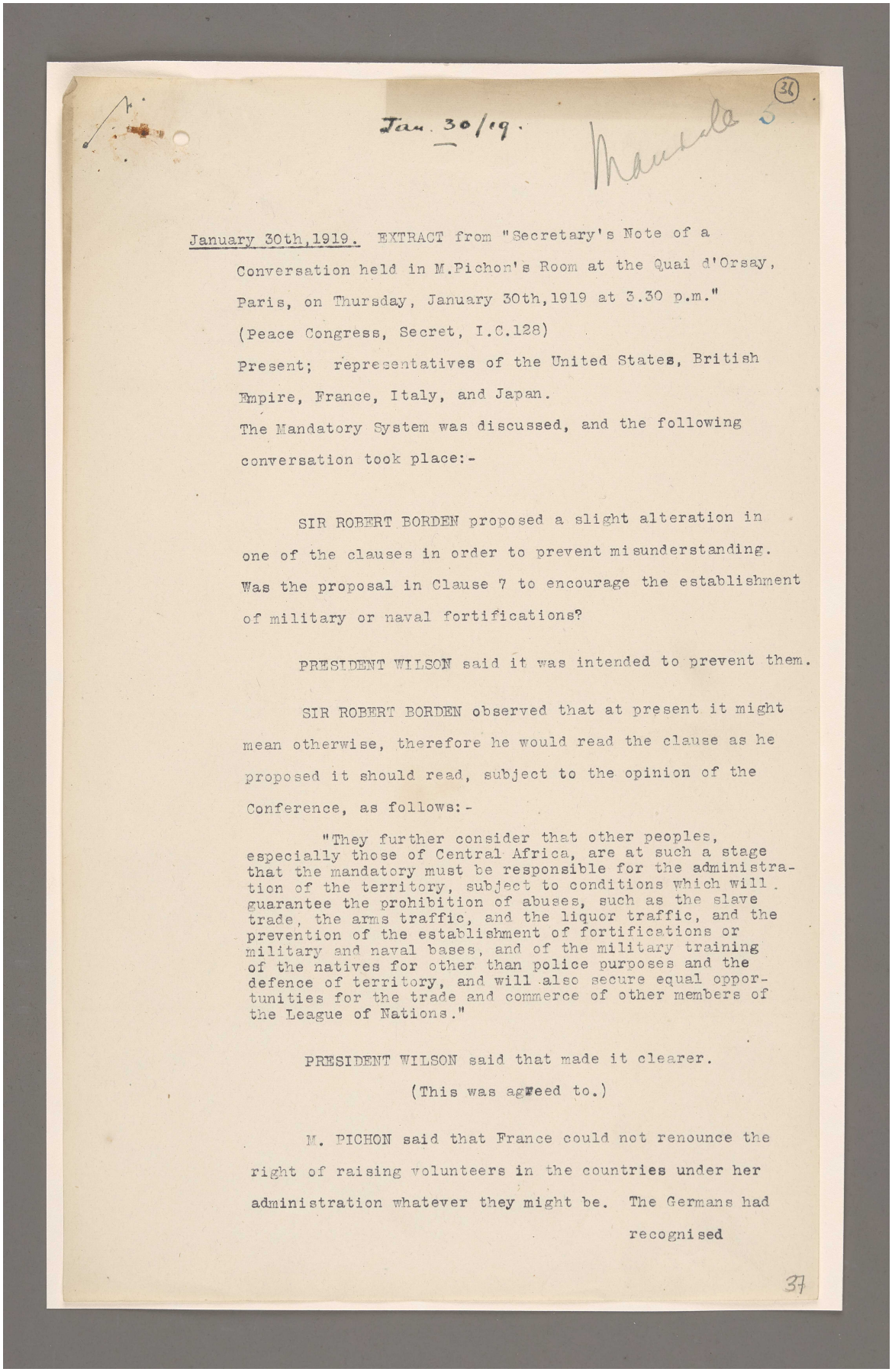

Jan. 30/19.

(36)

January 30th,1919. EXTRACT from "Secretary's Note of a Conversation held in M.Pichon's Room at the Quai d'Orsay, Paris, on Thursday, January 30th,1919 at 3.30 p.m."

(Peace Congress, Secret, I.C.128)

Present; representatives of the United States, British Empire, France, Italy, and Japan.

The Mandatory System was discussed, and the following conversation took place:-

SIR ROBERT BORDEN proposed a slight alteration in one of the clauses in order to prevent misunderstanding. Was the proposal in Clause 7 to encourage the establishment of military or naval fortifications?

PRESIDENT WILSON said it was intended to prevent them.

SIR ROBERT BORDEN observed that at present it might mean otherwise, therefore he would read the clause as he proposed it should read, subject to the opinion of the Conference, as follows:-

"They further consider that other peoples, especially those of Central Africa, are at such a stage that the mandatory must be responsible for the administration of the territory, subject to conditions which will guarantee the prohibition of abuses, such as the slave trade, the arms traffic, and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases, and of the military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other members of the League of Nations."

PRESIDENT WILSON said that made it clearer.

(This was agreed to.)

M. PICHON said that France could not renounce the right of raising volunteers in the countries under her administration whatever they might be. The Germans had recognised

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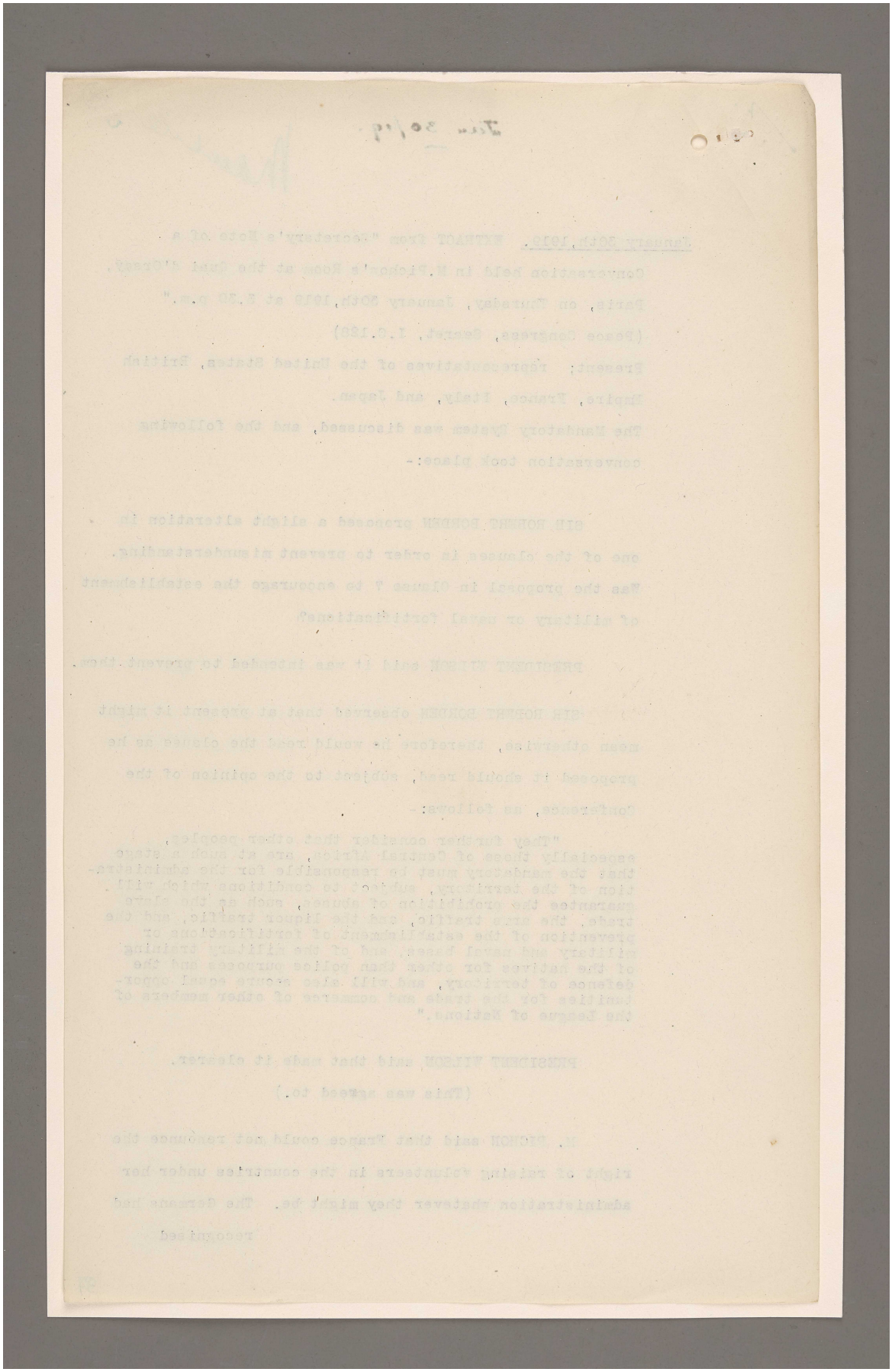

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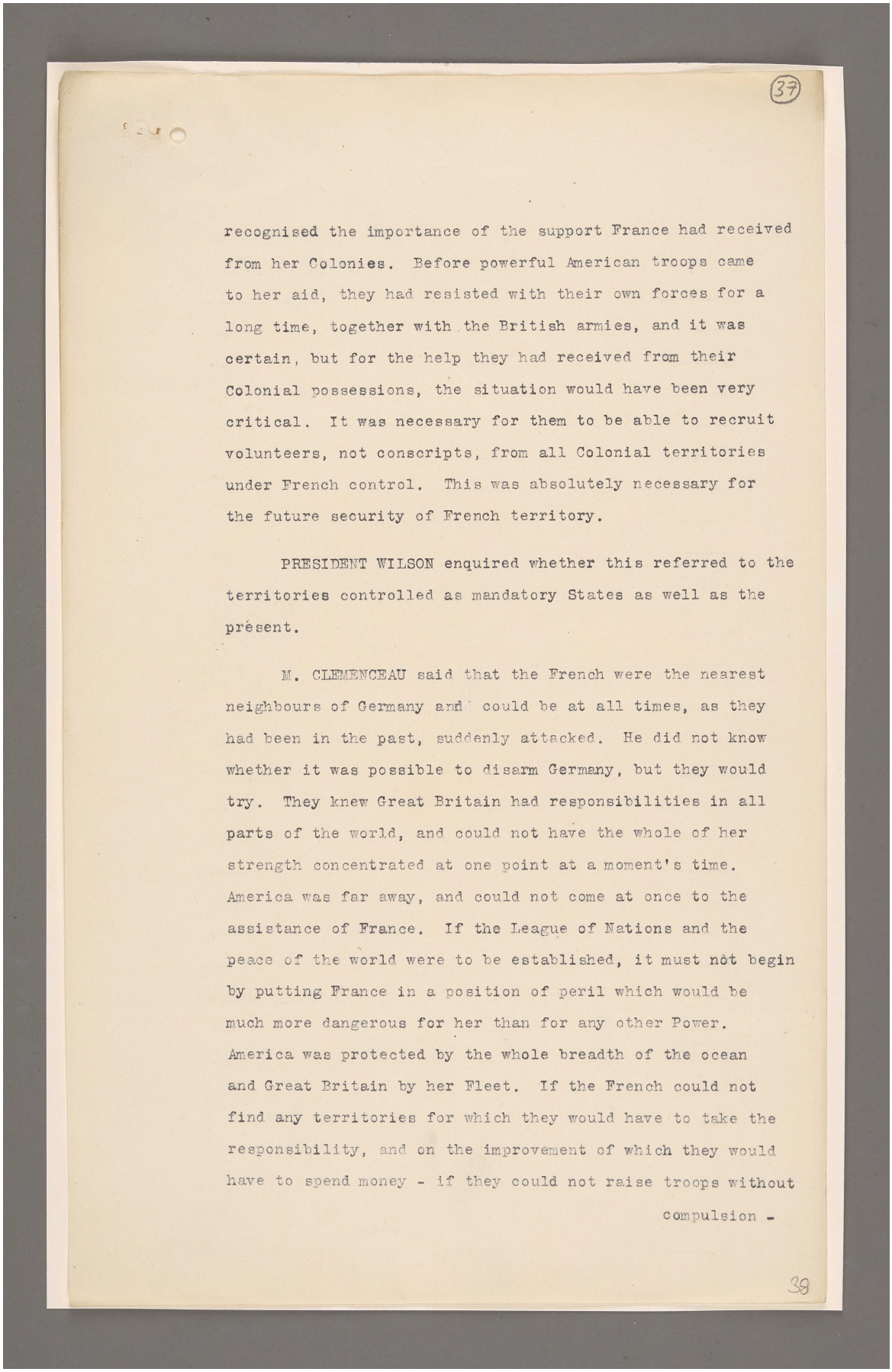

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recognised the importance of the support France had received from her Colonies. Before powerful American troops came to her aid, they had resisted with their own forces for a long time, together with the British armies, and it was certain, but for the help they had received from their Colonial possessions, the situation would have been very critical. It was necessary for them to be able to recruit volunteers, not conscripts, from all Colonial territories under French control. This was absolutely necessary for the future security of French territory.

PRESIDENT WILSON enquired whether this referred to the territories controlled as mandatory States as well as the présent.

M. CLEMENCEAU said that the French were the nearest neighbours of Germany and could be at all times, as they had been in the past, suddenly attacked. He did not know whether it was possible to disarm Germany, but they would try. They knew Great Britain had responsibilities in all parts of the world, and could not have the whole of her strength concentrated at one point at a moment's time. America was far away, and could not come at once to the assistance of France. If the League of Nations and the peace of the world were to be established, it must not begin by putting France in a position of peril which would be much more dangerous for her than for any other Power. America was protected by the whole breadth of the ocean and Great Britain by her Fleet. If the French could not find any territories for which they would have to take the responsibility, and on the improvement of which they would have to spend money - if they could not raise troops without compulsion -

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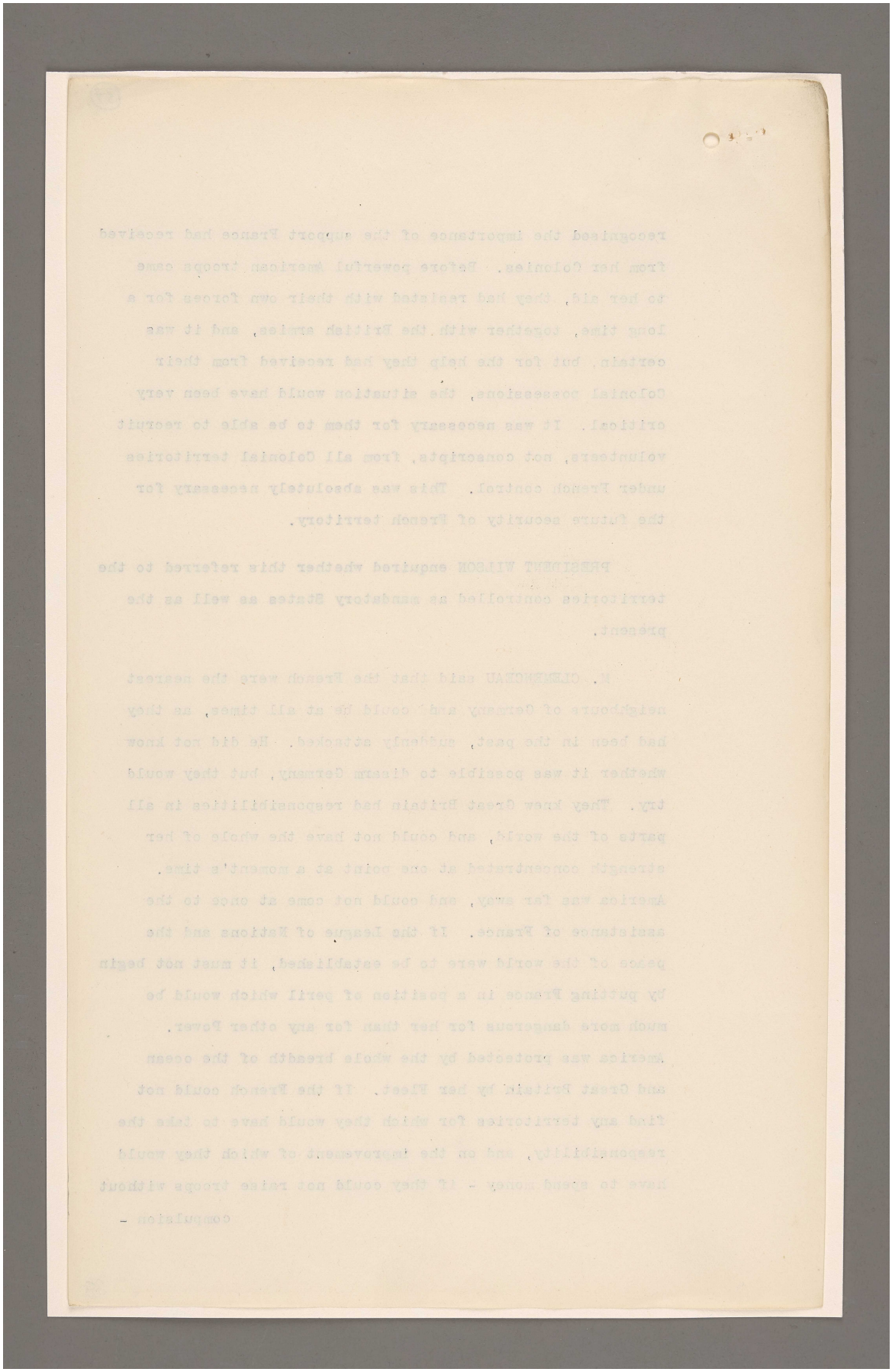

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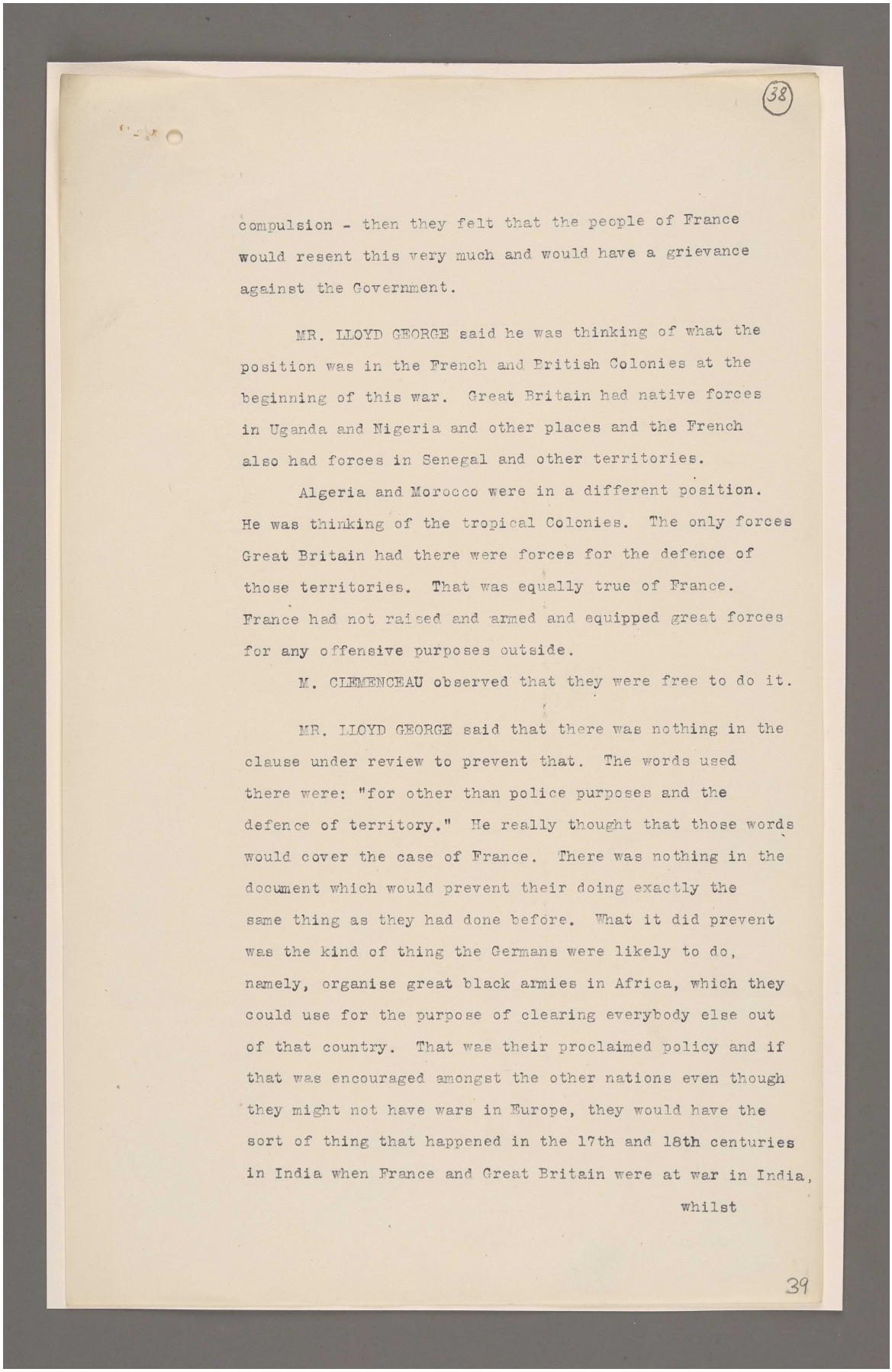

(38)

compulsion - then they felt that the people of France would resent this very much and would have a grievance against the Government.

MR. LLOYD GEORGE said he was thinking of what the position was in the French and British Colonies at the beginning of this war. Great Britain had native forces in Uganda and Nigeria and other places and the French also had forces in Senegal and other territories.

Algeria and Morocco were in a different position. He was thinking of the tropical Colonies. The only forces Great Britain had there were forces for the defence of those territories. That was equally true of France. France had not raised and armed and equipped great forces for any offensive purposes outside.

M. CLEMENCEAU observed that they were free to do it.

MR. LLOYD GEORGE said that there was nothing in the clause under review to prevent that. The words used there were: "for other than police purposes and the defence of territory." He really thought that those words would cover the case of France. There was nothing in the document which would prevent their doing exactly the same thing as they had done before. What it did prevent was the kind of thing the Germans were likely to do, namely, organise great black armies in Africa, which they could use for the purpose of clearing everybody else out of that country. That was their proclaimed policy and if that was encouraged amongst the other nations even though they might not have wars in Europe, they would have the sort of thing that happened in the 17th and 18th centuries in India when France and Great Britain were at war in India,

whilst

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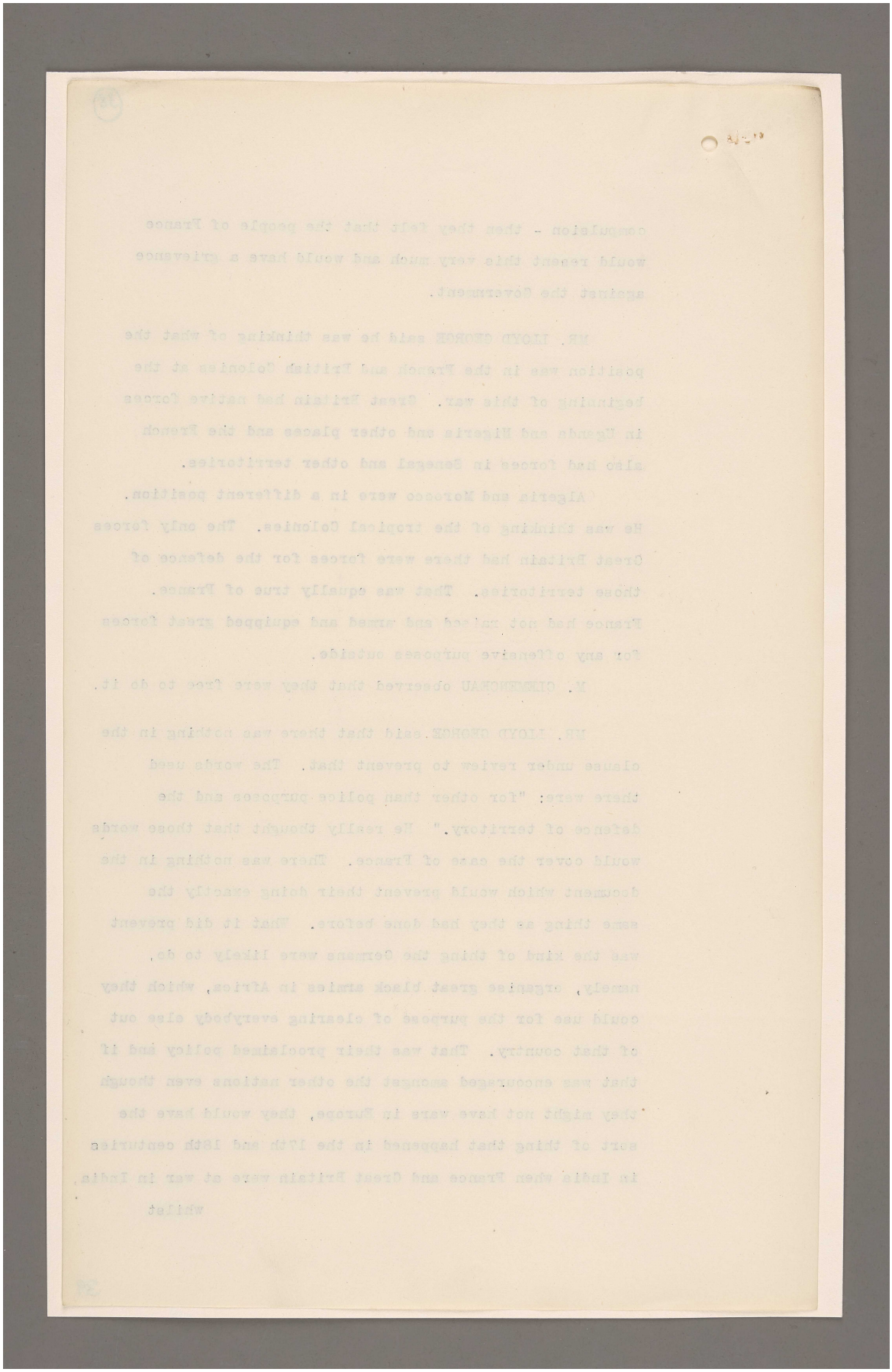

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whilst they were fairly good friends in Europe. Then they were always raising great native armies against each other. That must now be stopped. There was nothing in this document which prevented France doing what she did before. The defence of territory was provided for.

M.CLEMENCEAU said that if he could raise troops, that was all he wanted.

MR. LLOYD GEORGE replied that he had exactly the same power as previously. It only prevented any country drilling the natives and raising great armies.

M.CLEMENCEAU said that he did not want to do that. All that he wished was that the matter should be made quite plain, and he did not want anybody to come and tell him afterwards that he had broken the agreement. If this clause meant that he had a right to raise troops in case of general war, he was satisfied.

MR. LLOYD GEORGE said that so long as M.Clemenceau did not train big nigger armies for the purposes of aggression, which was all the clause was intended to guard against, he was free to raise troops.

M.CLEMENCEAU said that he did not want to do that. He therefore understood that Mr.Lloyd George's interpretation was adopted.

PRESIDENT WILSON said that Mr.Lloyd George's interpretation was consistent with the phraseology.

M.CLEMENCEAU said that he was quite satisfied.

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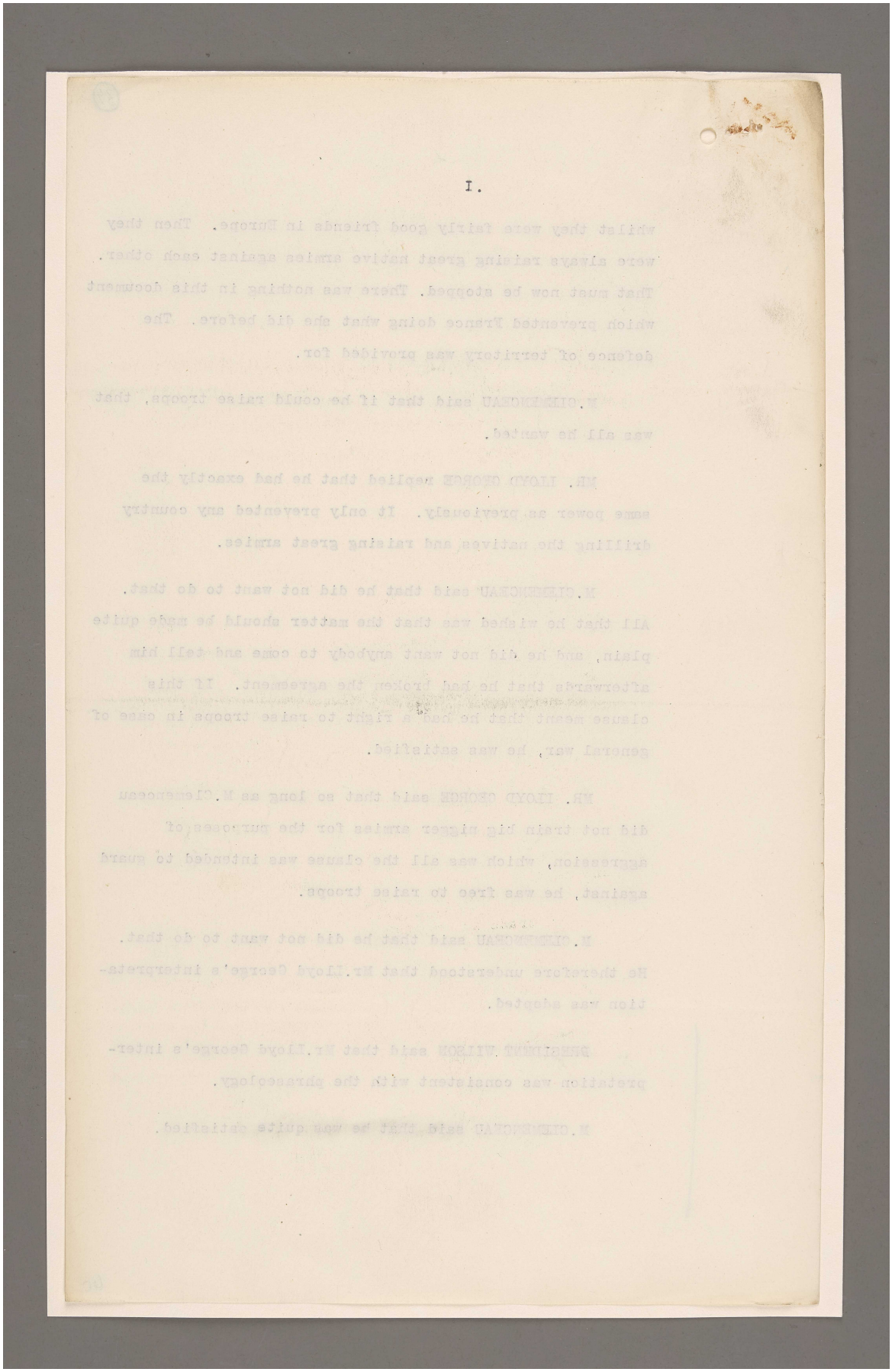

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H.D.110.

EXTRACT OF NOTES OF A MEETING OF THE HEADS
OF DELEGATIONS OF THE FIVE GREAT POWERS
HELD IN M.PICHON'S ROOM QUAI D'ORSAY,PARIS,
ON TUESDAY,DECEMBER 9, 1919, at 10.30 A.M.

Employment of contingents from Togo and Cameroons for the defense of metropolitan and colonial territories.

6. M.HENRY SIMON said that the question which he desired to submit to the Council had already been brought up on January 30th at a time when the future of German colonies had been discussed. Two theses were then confronting each other: on the one hand that of France and the Dominion Government; on the other hand that of Great Britain and America. They had then agreed upon an intermediate text which had become article 22 of the Pact of the League of Nations. It was stated in that article, that certain territories (Togo and Cameroons were amongst them) that no military instructions should be given to natives, "except for purposes of police and the defence of the territory". M.Clemenceau, at the meeting of January 30th, as expressed in the official minutes (I.C.128) had requested that the latter formula should be, if not modified at least interpreted in such a way as to allow for the employment of those native contingents for the defence of the metropolitan territories as well as the colonial. President Wilson and Mr. Lloyd George had agreed with M.Clemenceau, and at the Commission on Mandates the Delegates, with the exception of the French Delegates, had wished to limit the employment of troops raised under those conditions to the defence of the Colony. The French Delegation insisted that the first interpretation be maintained.

M.Clemenceau said that the

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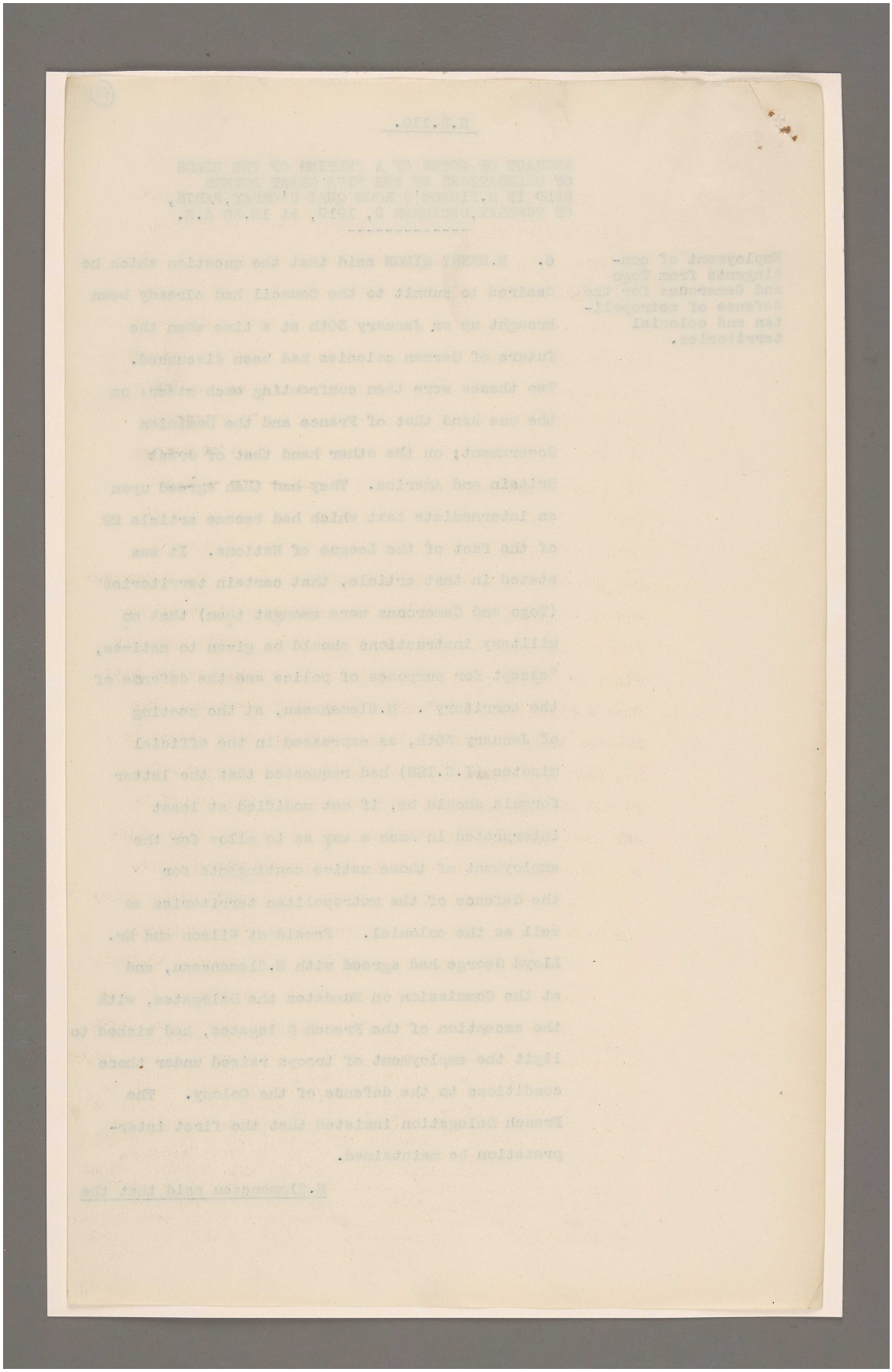

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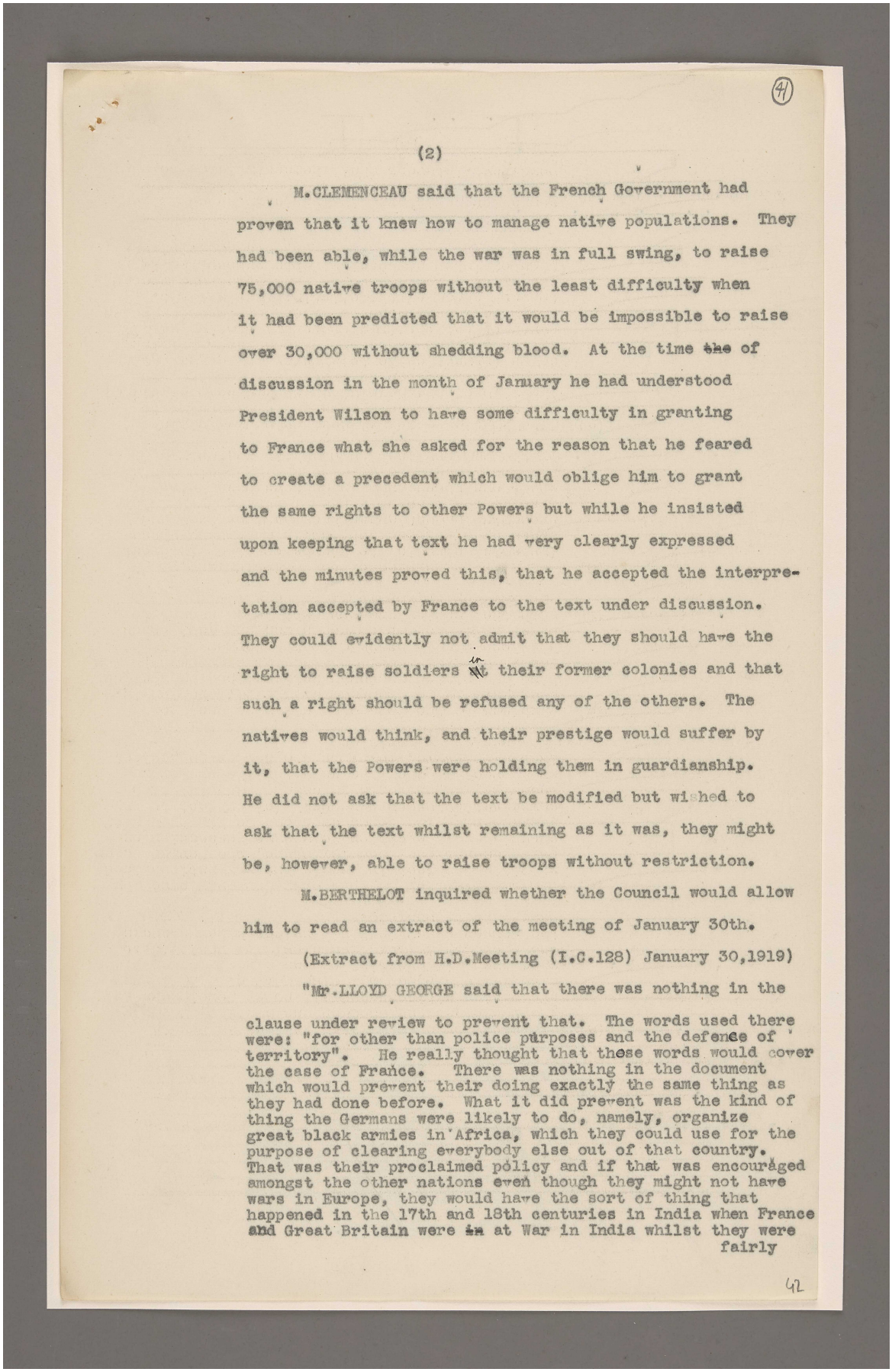

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M.CLEMENCEAU said that the French Government had proven that it knew how to manage native populations. They had been able, while the war was in full swing, to raise 75,000 native troops without the least difficulty when it had been predicted that it would be impossible to raise over 30,000 without shedding blood. At the time ~~the~~ of discussion in the month of January he had understood President Wilson to have some difficulty in granting to France what she asked for the reason that he feared to create a precedent which would oblige him to grant the same rights to other Powers but while he insisted upon keeping that text he had very clearly expressed and the minutes proved this, that he accepted the interpretation accepted by France to the text under discussion. They could evidently not admit that they should have the right to raise soldiers ~~it~~ in their former colonies and that such a right should be refused any of the others. The natives would think, and their prestige would suffer by it, that the Powers were holding them in guardianship. He did not ask that the text be modified but wished to ask that the text whilst remaining as it was, they might be, however, able to raise troops without restriction.

M.BERTHELOT inquired whether the Council would allow him to read an extract of the meeting of January 30th.

(Extract from H.D.Meeting (I.C.128) January 30,1919)

"Mr.LLOYD GEORGE said that there was nothing in the clause under review to prevent that. The words used there were: "for other than police purposes and the defence of territory". He really thought that these words would cover the case of France. There was nothing in the document which would prevent their doing exactly the same thing as they had done before. What it did prevent was the kind of thing the Germans were likely to do, namely, organize great black armies in Africa, which they could use for the purpose of clearing everybody else out of that country. That was their proclaimed policy and if that was encouraged amongst the other nations even though they might not have wars in Europe, they would have the sort of thing that happened in the 17th and 18th centuries in India when France and Great Britain were ~~in~~ at War in India whilst they were fairly

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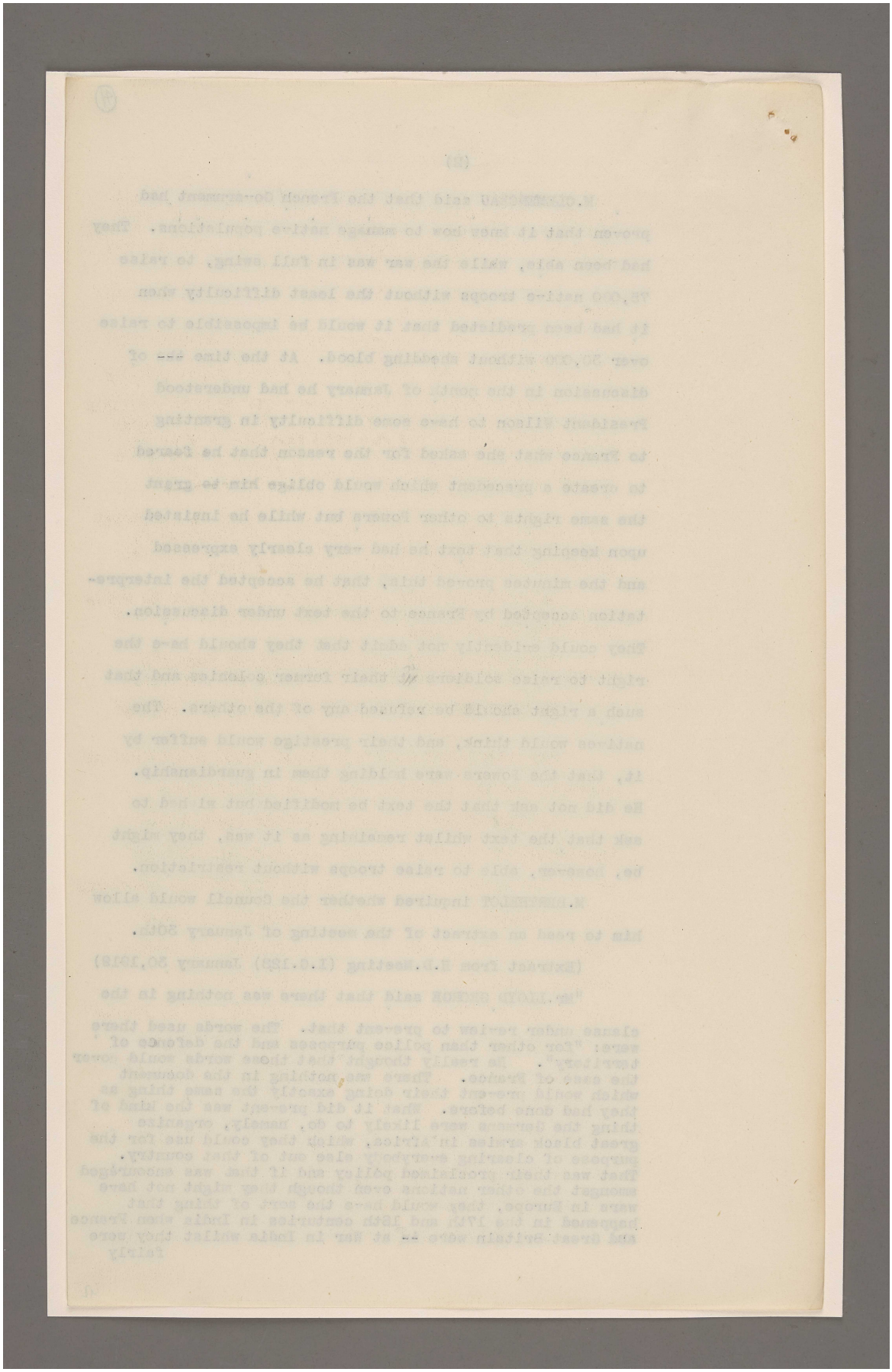

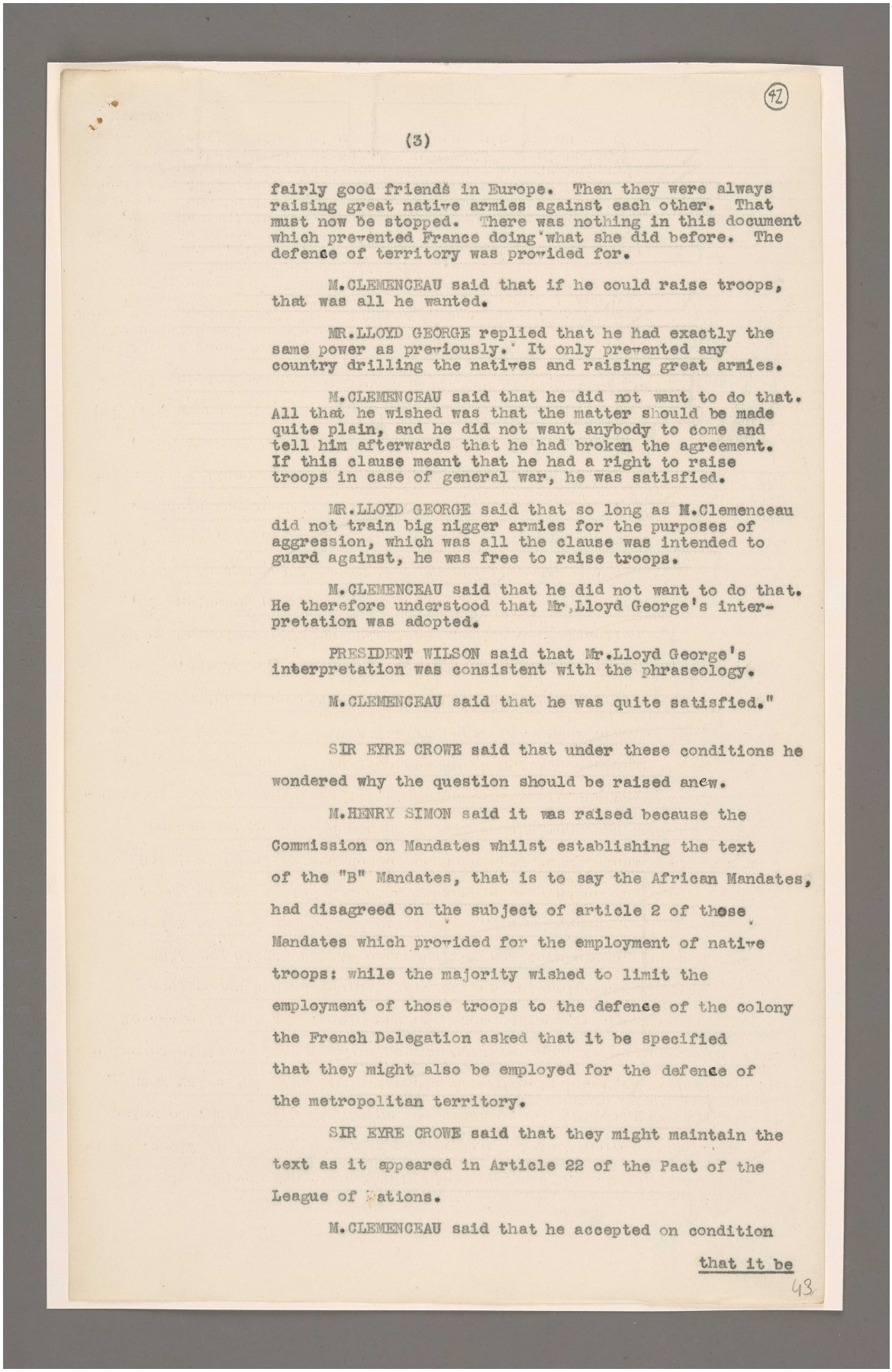

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(3)

fairly good friends in Europe. Then they were always raising great native armies against each other. That must now be stopped. There was nothing in this document which prevented France doing what she did before. The defence of territory was provided for.

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MR.LLOYD GEORGE replied that he had exactly the same power as previously. It only prevented any country drilling the natives and raising great armies.

M.CLEMENCEAU said that he did not want to do that. All that he wished was that the matter should be made quite plain, and he did not want anybody to come and tell him afterwards that he had broken the agreement. If this clause meant that he had a right to raise troops in case of general war, he was satisfied.

MR.LLOYD GEORGE said that so long as M.Clemenceau did not train big nigger armies for the purposes of aggression, which was all the clause was intended to guard against, he was free to raise troops.

M.CLEMENCEAU said that he did not want to do that. He therefore understood that Mr.Lloyd George's interpretation was adopted.

PRESIDENT WILSON said that Mr.Lloyd George's interpretation was consistent with the phraseology.

M.CLEMENCEAU said that he was quite satisfied."

SIR EYRE CROWE said that under these conditions he wondered why the question should be raised anew.

M.HENRY SIMON said it was raised because the Commission on Mandates whilst establishing the text of the "B" Mandates, that is to say the African Mandates, had disagreed on the subject of article 2 of those Mandates which provided for the employment of native troops: while the majority wished to limit the employment of those troops to the defence of the colony the French Delegation asked that it be specified that they might also be employed for the defence of the metropolitan territory.

SIR EYRE CROWE said that they might maintain the text as it appeared in Article 22 of the Pact of the League of Nations.

M.CLEMENCEAU said that he accepted on condition that it be

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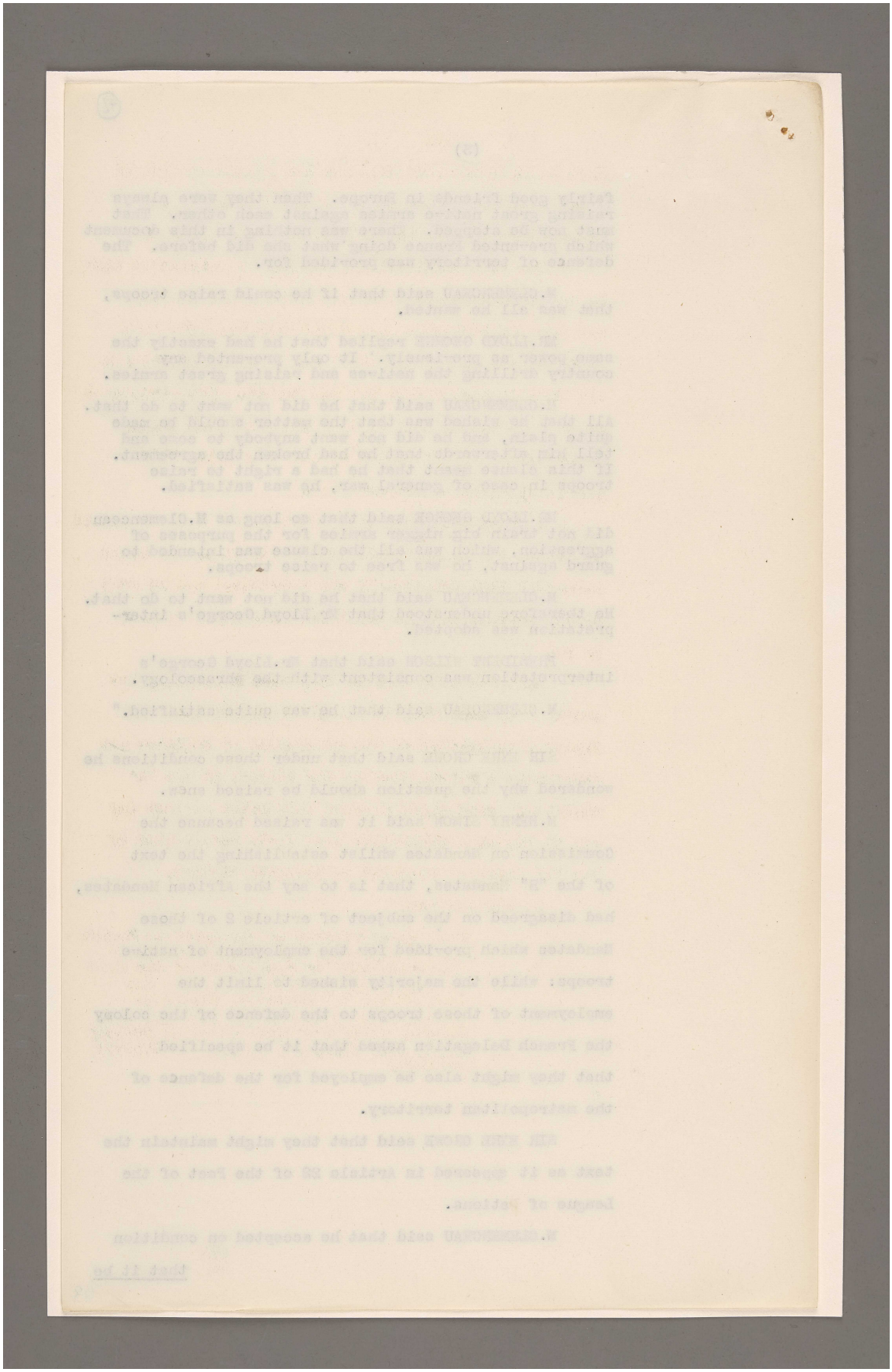

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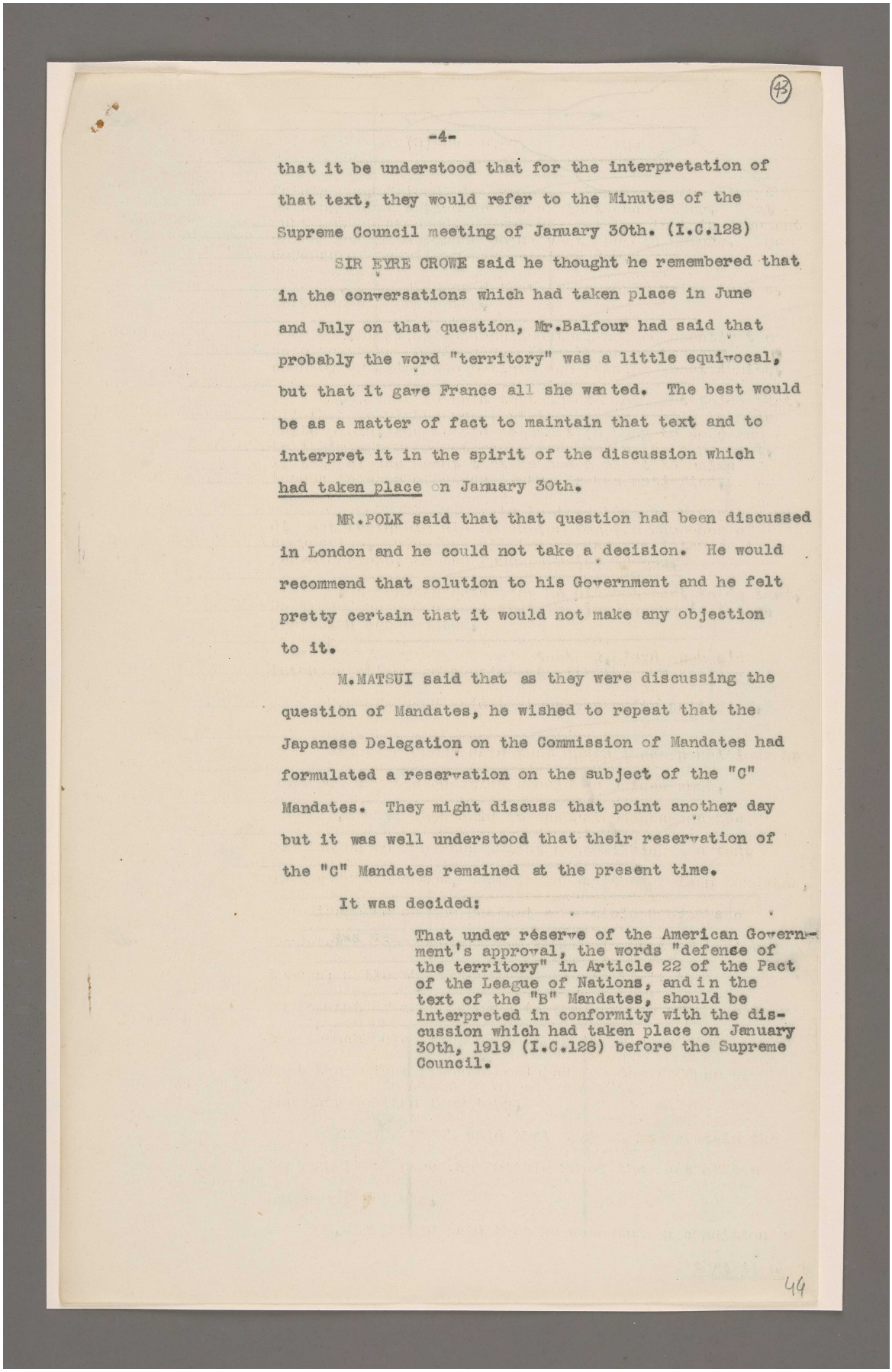

(43)

-4-

that it be understood that for the interpretation of that text, they would refer to the Minutes of the Supreme Council meeting of January 30th. (I.C.128)

SIR EYRE CROWE said he thought he remembered that in the conversations which had taken place in June and July on that question, Mr.Balfour had said that probably the word "territory" was a little equivocal, but that it gave France all she wanted. The best would be as a matter of fact to maintain that text and to interpret it in the spirit of the discussion which had taken place on January 30th.

MR.POLK said that that question had been discussed in London and he could not take a decision. He would recommend that solution to his Government and he felt pretty certain that it would not make any objection to it.

M.MATSUI said that as they were discussing the question of Mandates, he wished to repeat that the Japanese Delegation on the Commission of Mandates had formulated a reservation on the subject of the "C" Mandates. They might discuss that point another day but it was well understood that their reservation of the "C" Mandates remained at the present time.

It was decided:

That under réserve of the American Government's approval, the words "defence of the territory" in Article 22 of the Pact of the League of Nations, and in the text of the "B" Mandates, should be interpreted in conformity with the discussion which had taken place on January 30th, 1919 (I.C.128) before the Supreme Council.

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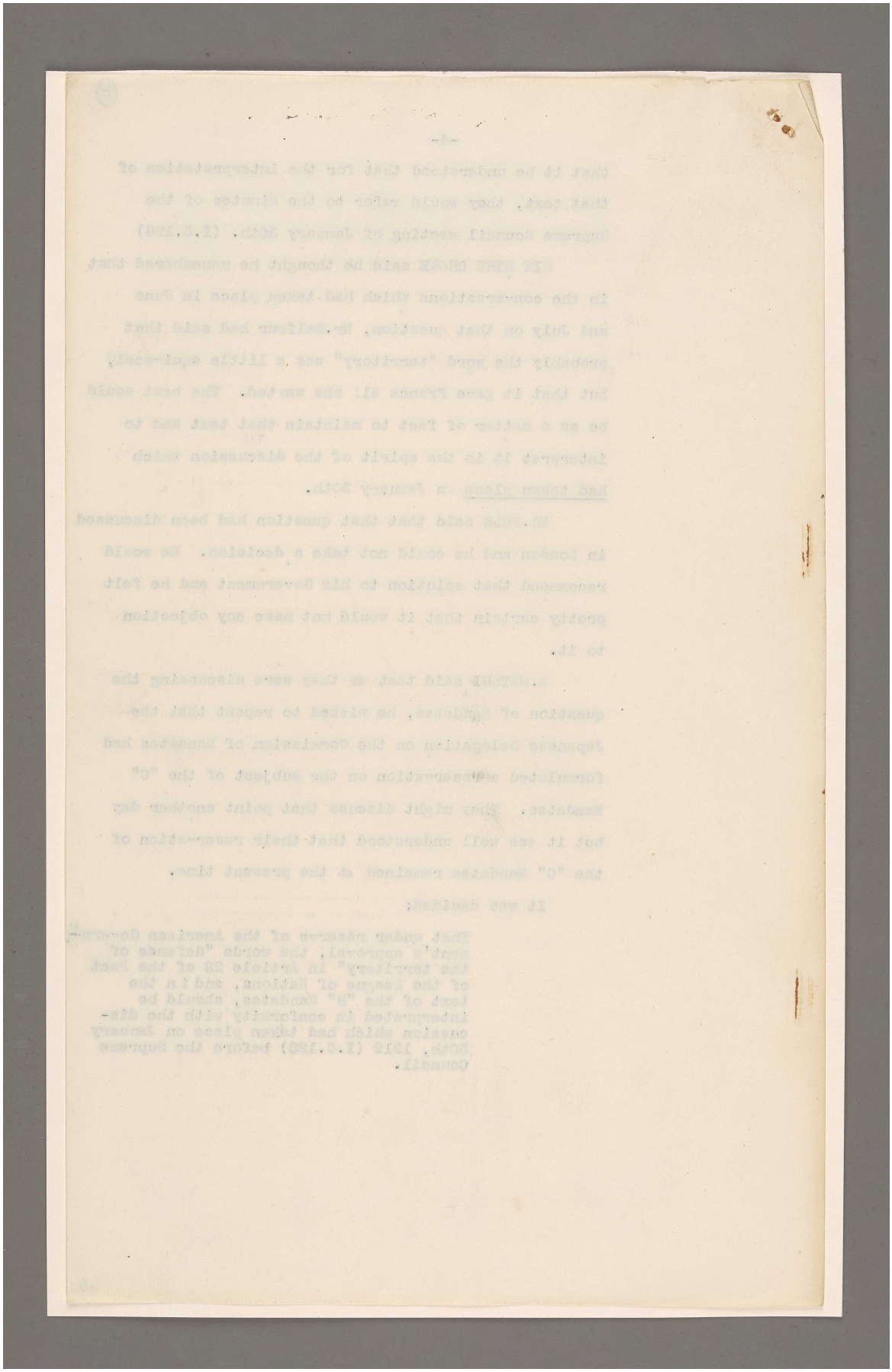

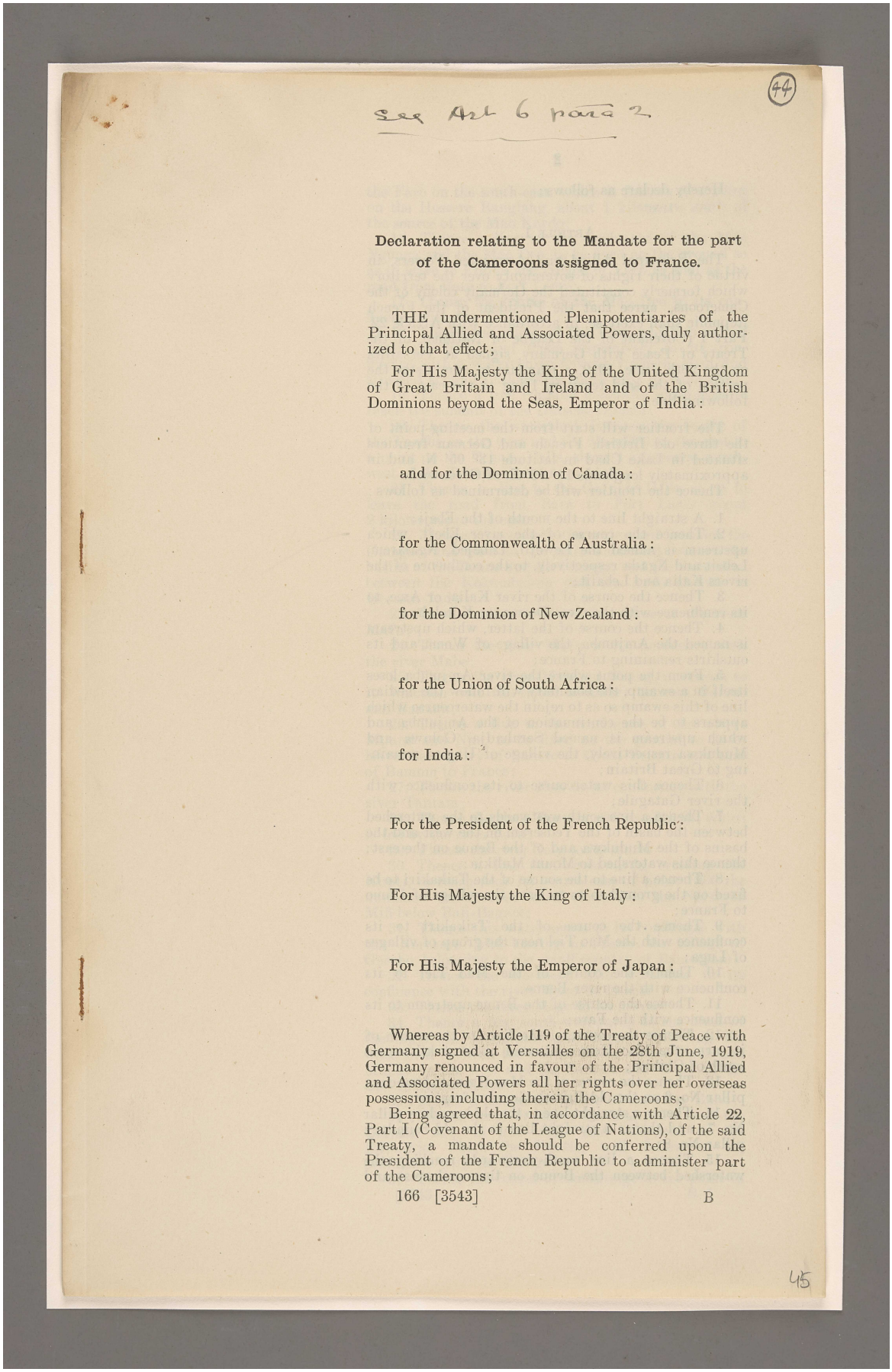

See Art 6 para 2.

(44)

Declaration relating to the Mandate for the part of the Cameroons assigned to France.

THE undermentioned Plenipotentiaries of the Principal Allied and Associated Powers, duly authorized to that effect;

For His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

and for the Dominion of Canada:

for the Commonwealth of Australia:

for the Dominion of New Zealand:

for the Union of South Africa:

for India:

For the President of the French Republic:

For His Majesty the King of Italy:

For His Majesty the Emperor of Japan:

Whereas by Article 119 of the Treaty of Peace with Germany signed at Versailles on the 28th June, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her overseas possessions, including therein the Cameroons;

Being agreed that, in accordance with Article 22, Part I (Covenant of the League of Nations), of the said Treaty, a mandate should be conferred upon the President of the French Republic to administer part of the Cameroons;

166 [3543] B

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Hereby declare as follows :

ARTICLE 1.

The Principal Allied and Associated Powers, in virtue of their rights of sovereignty over the territory which formerly constituted the Germany colony of the Cameroons, agree that the President of the French Republic shall exercise, in accordance with Article 22, Part I (Covenant of the League of Nations), of the Treaty of Peace with Germany, signed at Versailles on the 28th June, 1919, a mandate to administer the portion of the said territory lying to the east of the following line :

The frontier will start from the meeting-point of the three old British, French and German frontiers situated in Lake Chad in latitude 13° 05′ N. and in approximately longitude 14° 05′ E. of Greenwich.

Thence the frontier will be determined as follows :

1. A straight line to the mouth of the Ebeji;
2. Thence the course of the river Ebeji, which upstream is named the Lewejil, Labejed, Ngalarem, Lebait and Ngada respectively, to the confluence of the rivers Kalia and Lebaiit;
3. Thence the course of the river Kalia, or Ame, to its confluence with the river Dorma, or Kutelaha;
4. Thence the course of the latter, which upstream is named the Amjumba, the village of Woma and its outskirts remaining to France;
5. From the point where the river Amjumba loses itself in a swamp, the boundary will follow the median line of this swamp so as to rejoin the watercourse which appears to be the continuation of the Amjumba and which upstream is named Serahadja, Goluwa and Mudukwa respectively, the village of Uagisa remaining to Great Britain;
6. Thence this watercourse to its confluence with the river Gatagule;
7. Thence a line south-westwards to the watershed between the basin of the Yedseram on the west and the basins of the Mudukwa and of the Benue on the east; thence this watershed to Mount Mulikia;
8. Thence a line to the source of the Tsikakiri to be fixed on the ground so as to leave the village of Dumo to France;
9. Thence the course of the Tsikakiri to its confluence with the Mao Tiel near the group of villages of Luga;
10. Thence the course of the Mao Tiel to its confluence with the river Benue;
11. Thence the course of the Benue upstream to its confluence with the Faro;
12. Thence the course of the Faro to the mouth of its arm, the Mao Hesso, situated about 4 kilometres south of Chikito;
13. Thence the course of the Mao Hesso to boundary pillar No. 6 on the old British-German frontier;
14. Thence a straight line to the old boundary pillar No. 7; and thence a straight line to the old boundary pillar No. 8;
15. Thence a line south-westwards reaching the watershed between the Benue on the north-west and

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the Faro on the south-east, which it follows to a point on the Hossere Banglang, about 1 kilometre south of the source of the Mao Kordo;

16. Thence a line to the confluence of the Mao Ngonga and the Mao Deo, to be fixed on the ground so as to leave to France the village of Laro as well as the road from Bare to Fort Lamy;

17. Thence the course of the Mao Deo to its confluence with the Tiba;

18. Thence the course of the Tiba, which is named upstream Tibsat and Tussa respectively, to its confluence with a watercourse flowing from the west and situated about 12 kilometres south-west of Kontscha;

19. Thence a line running generally south-west to reach the summit of the Dutschi-Djombi;

20. Thence the watershed between the basins of the Taraba on the west and the Mao Deo on the east to a point on the Tchape Hills, about 2 kilometres north-west of the Tchape Pass (point 1541);

21. Thence a line to the Gorulde Hills, so as to leave the road from Bare to Fort Lamy about 2 kilometres to the east;

22. Thence successively the watershed between the Gamgam and the Jim, the main watershed between the basins of the Benue and the Sanaga, and the watershed between the Kokumbahun and the Ardo (Ntuli) to Hossere Jadji;

23. Thence a line to reach the source of the river Mafu;

24. Thence the river Mafu to its confluence with the river Mabe;

25. Thence the river Mabe, or Nsang, upstream to its junction with the tribal boundary between Bansso and Bamum;

26. Thence a line to the confluence of the rivers Mpand and Nun, to be fixed on the ground so as to leave the country of Bansso to Great Britain and that of Bamum to France;

27. Thence the river Nun to its confluence with the river Tantam;

28. Thence the river Tantam and its affluent, which is fed by the river Sefu;

29. Thence the river Sefu to its source;

30. Thence a line south-westwards, crossing the Kupti, to reach near its source east of point 1300 the unnamed watercourse which flows into the Northern Mifi below Bali-Bagam;

31. Thence this watercourse to its confluence with the Northern Mifi leaving to France the village of Gascho, belonging to the small country of Bamenjam;

32. Thence the Northern Mifi upstream to its confluence with the river Mogo, or Doschi;

33. Thence the river Mogo to its source;

34. Thence a line south-westwards to the crest of the Bambuto Mountains and thence following the watershed between the basins of the Cross River and Mungo on the west and the Sanaga and Wuri on the east to Mount Kupe;

35. Thence a line to the source of the river Bubu;

36. Thence the river Bubu, which appears from the German map to lose itself and reappear as the Ediminjo, which the frontier will follow to its confluence with the Mungo;

37. Thence the course of the Mungo to the point in

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its mouth where it meets the parallel of latitude 4° 2′ 30″ north;

38. Thence this parallel of latitude westwards so as to reach the coast south of Tauben I.

39. Thence a line following the coast, passing south of Reiher I. to Mokola Creek; thus leaving Möwe Lake to Great Britain;

40. Thence a line following the eastern banks of the Mokola, Mbakwele, Njubanan-Jau and Matumal creeks, and cutting the mouths of the Mbossa-Bombe, Mikanje, Tende, Victoria, and other unnamed creeks to the junction of the Matumal and Victoria creeks;

41. Thence a line running 35° west of true south to the Atlantic Ocean.

The line described above is shown on the attached British 1: 2,000,000 map, G.S.G.S. 2793, Sheet Cameroons.

ARTICLE 2.

Boundary Commissioners shall be appointed by the President of the French Republic and His Britannic Majesty to trace on the spot the line described in Article 1.

It is understood that where the natural features to be followed are not indicated in the above description, the Commissioners will, as far as possible, but without changing the attribution of the villages named in Article 1, lay down the frontier in accordance with natural features (rivers, hills, or watersheds).

The Boundary Commissioners shall be authorised to make such minor modifications of the frontier line as may appear to them necessary in order to avoid separating villages from their agricultural lands. Such deviations shall be clearly marked on special maps and submitted for the approval of the two Governments. Pending such approval, the deviations shall be provisionally recognised and respected.

As regards the roads mentioned in Article 1, only those which are shown upon the annexed map shall be taken into consideration in the delimitation of the frontier.

Where the frontier follows a waterway, the median line of the waterway shall be the boundary.

In case any dispute should arise in connection with the work of these Commissioners, the question shall be referred to the Council of the League of Nations, whose decision shall be final.

The final report by the Commissioners shall give the definitive description of the boundary as it has been actually demarcated on the ground; the necessary maps shall be annexed thereto and signed by the Commissioners. The report with its annexes shall be made in triplicate; one copy shall be deposited in the archives of the League of Nations, one shall be kept by the Government of the French Republic, and one by the Government of His Britannic Majesty.

ARTICLE 3.

It is understood that if the inhabitants living near the frontier should, within a period of six months from the completion of the local delimitation, express the intention to settle in the regions placed under French

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authority, or inversely, in the regions placed under British authority, no obstacle will be placed in the way of their so doing, and they shall be granted the necessary time to gather in standing crops, and generally to remove all the property of which they are the legitimate owners.

ARTICLE 4.

The President of the French Republic (hereinafter called the Mandatory) accepts the mandate hereby conferred upon him, and undertakes to execute the same on behalf of the League of Nations in accordance with the following provisions.

ARTICLE 5.

The Mandatory shall be responsible for the peace, order and good government of the territory, and undertakes to promote to the utmost the material and moral well-being and the social progress of its inhabitants. The Mandatory shall have full powers of legislation and administration.

ARTICLE 6.

The Mandatory undertakes not to establish any military or naval bases, not to erect any fortifications, and not to organise any native military force in the territory except for local police purposes and for the defence of the territory.

Nevertheless, it is agreed that the forces so raised may in case of a general war be used for repelling aggression and for territorial defence outside the limits of the territory to be administered under the mandate.

ARTICLE 7.

The Mandatory undertakes:

(i.) To provide for the eventual emancipation of all slaves and for as speedy an elimination of domestic and other slavery as social conditions will allow;

(ii.) To suppress all forms of slave trade;

(iii.) To prohibit all forms of forced or compulsory labour, except for essential public works and services, and then only in return for adequate remuneration;

(iv.) To protect the natives from abuse and measures of fraud and force by the careful supervision of labour contracts and the recruiting of labour;

(v.) To exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

ARTICLE 8.

The Mandatory undertakes that in the framing of laws relating to the holding or transference of land he will take into consideration native laws and customs, and will respect the rights and safeguard the interests of the native population.

No native land may be transferred, except between natives, without the previous consent of the public

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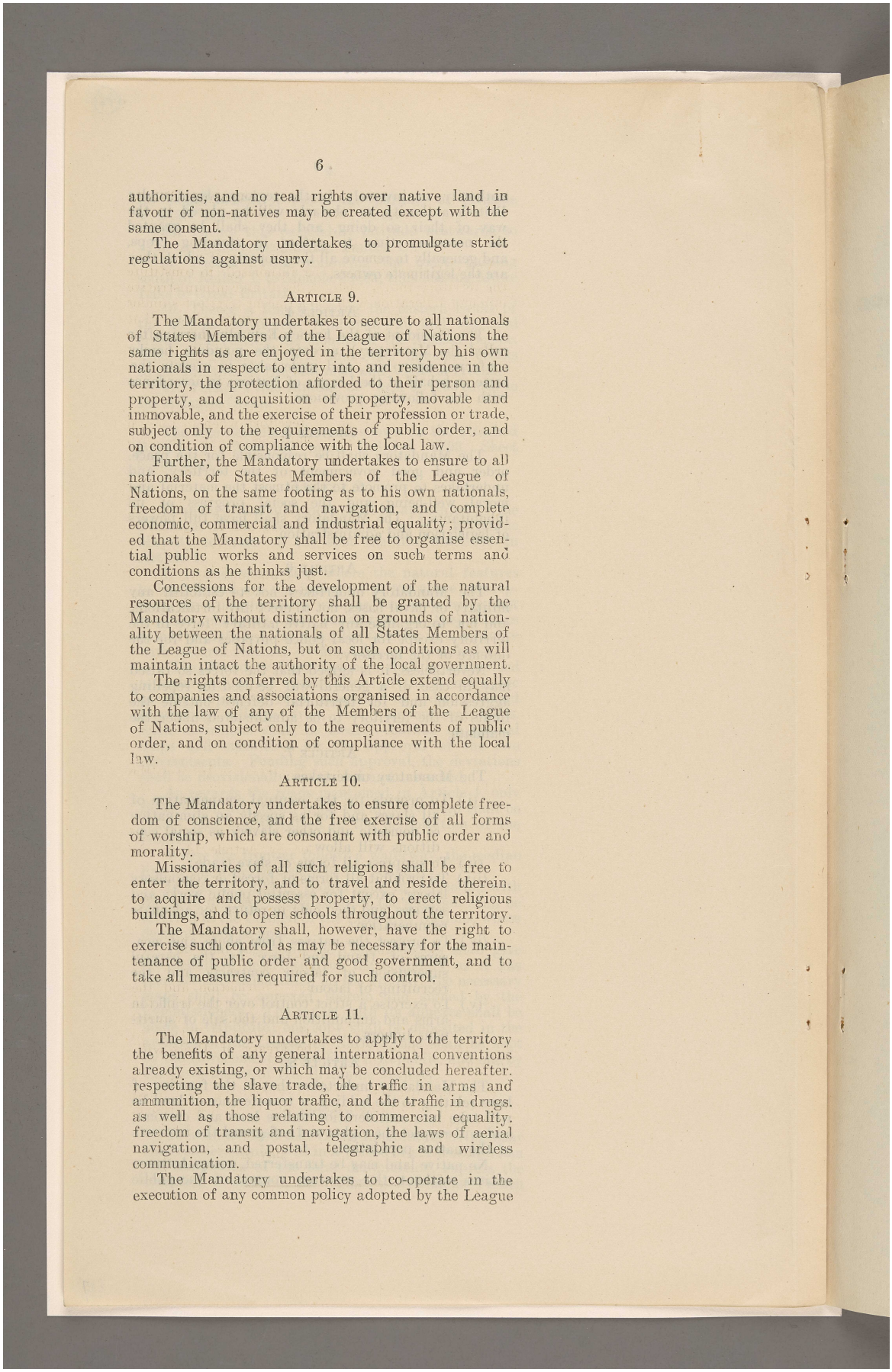

authorities, and no real rights over native land in favour of non-natives may be created except with the same consent.

The Mandatory undertakes to promulgate strict regulations against usury.

ARTICLE 9.

The Mandatory undertakes to secure to all nationals of States Members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect to entry into and residence in the territory, the protection afforded to their person and property, and acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

Further, the Mandatory undertakes to ensure to all nationals of States Members of the League of Nations, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality; provided that the Mandatory shall be free to organise essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the Mandatory without distinction on grounds of nationality between the nationals of all States Members of the League of Nations, but on such conditions as will maintain intact the authority of the local government.

The rights conferred by this Article extend equally to companies and associations organised in accordance with the law of any of the Members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

ARTICLE 10.

The Mandatory undertakes to ensure complete freedom of conscience, and the free exercise of all forms of worship, which are consonant with public order and morality.

Missionaries of all such religions shall be free to enter the territory, and to travel and reside therein, to acquire and possess property, to erect religious buildings, and to open schools throughout the territory.

The Mandatory shall, however, have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

ARTICLE 11.

The Mandatory undertakes to apply to the territory the benefits of any general international conventions already existing, or which may be concluded hereafter, respecting the slave trade, the traffic in arms and ammunition, the liquor traffic, and the traffic in drugs, as well as those relating to commercial equality, freedom of transit and navigation, the laws of aerial navigation, and postal, telegraphic and wireless communication.

The Mandatory undertakes to co-operate in the execution of any common policy adopted by the League

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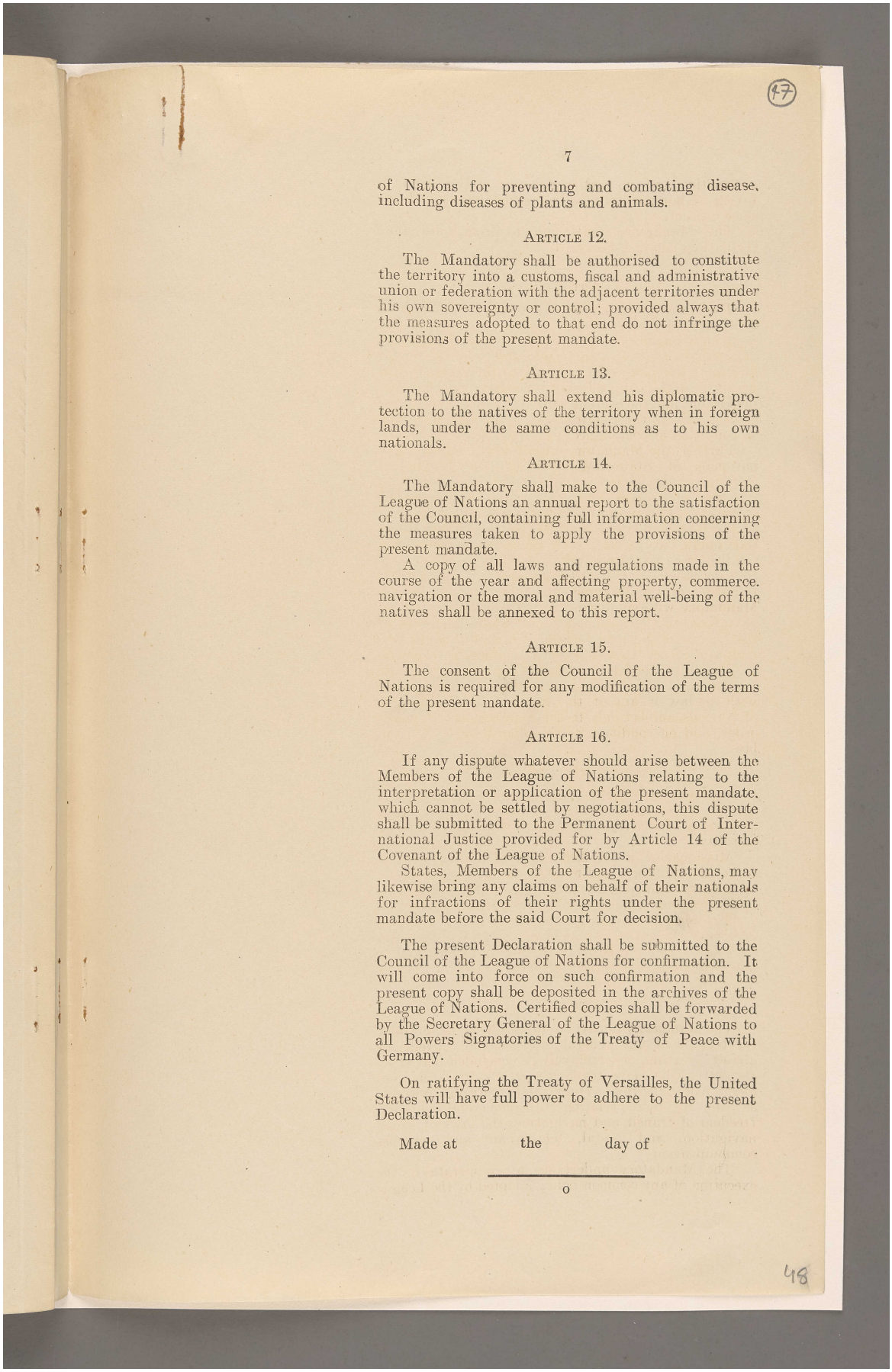

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of Nations for preventing and combating disease, including diseases of plants and animals.

ARTICLE 12.

The Mandatory shall be authorised to constitute the territory into a customs, fiscal and administrative union or federation with the adjacent territories under his own sovereignty or control; provided always that the measures adopted to that end do not infringe the provisions of the present mandate.

ARTICLE 13.

The Mandatory shall extend his diplomatic protection to the natives of the territory when in foreign lands, under the same conditions as to his own nationals.

ARTICLE 14.

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information concerning the measures taken to apply the provisions of the present mandate.

A copy of all laws and regulations made in the course of the year and affecting property, commerce, navigation or the moral and material well-being of the natives shall be annexed to this report.

ARTICLE 15.

The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

ARTICLE 16.

If any dispute whatever should arise between the Members of the League of Nations relating to the interpretation or application of the present mandate, which cannot be settled by negotiations, this dispute shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

States, Members of the League of Nations, may likewise bring any claims on behalf of their nationals for infractions of their rights under the present mandate before the said Court for decision.

The present Declaration shall be submitted to the Council of the League of Nations for confirmation. It will come into force on such confirmation and the present copy shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary General of the League of Nations to all Powers Signatories of the Treaty of Peace with Germany.

On ratifying the Treaty of Versailles, the United States will have full power to adhere to the present Declaration.

Made at the day of

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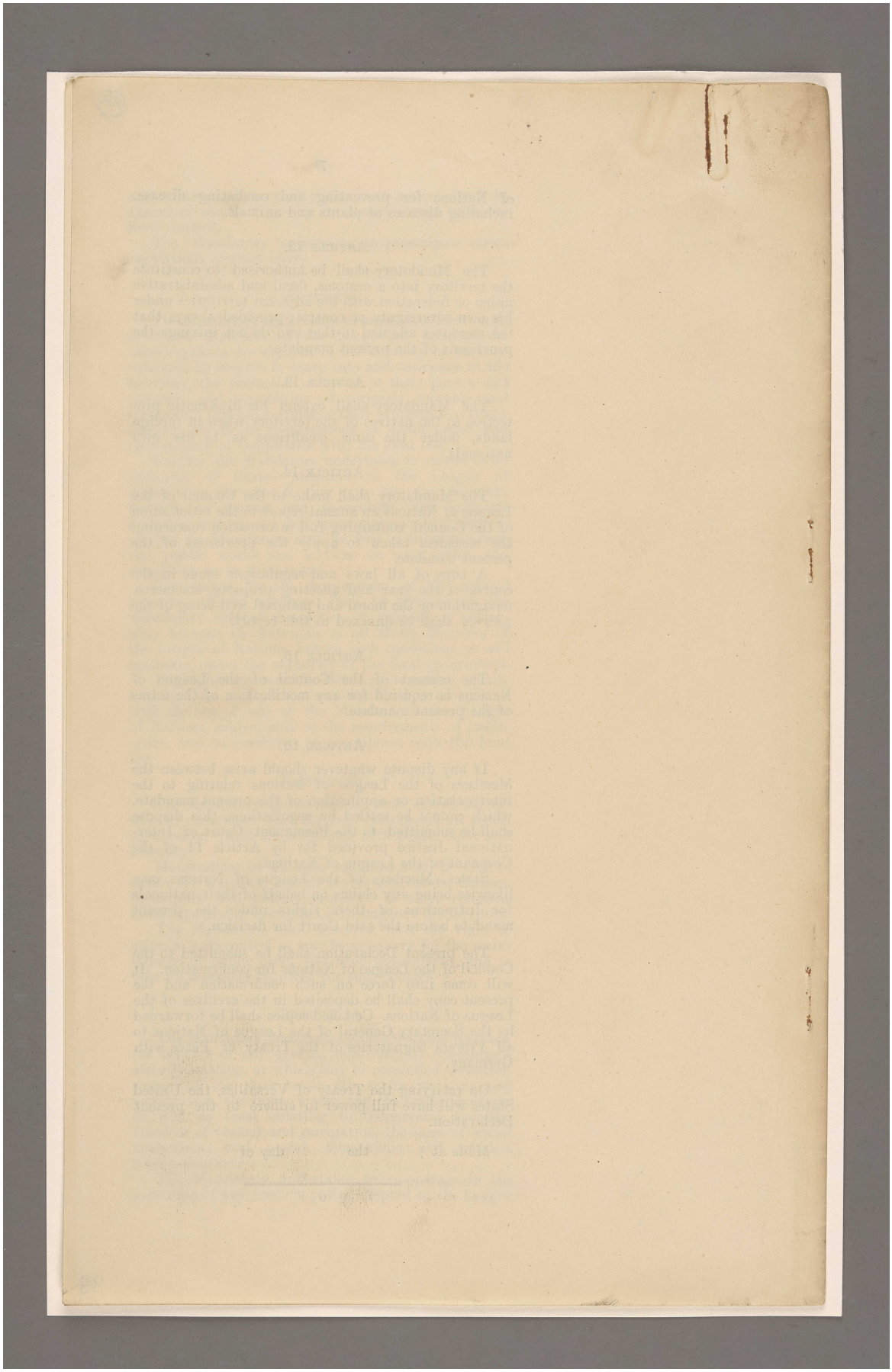

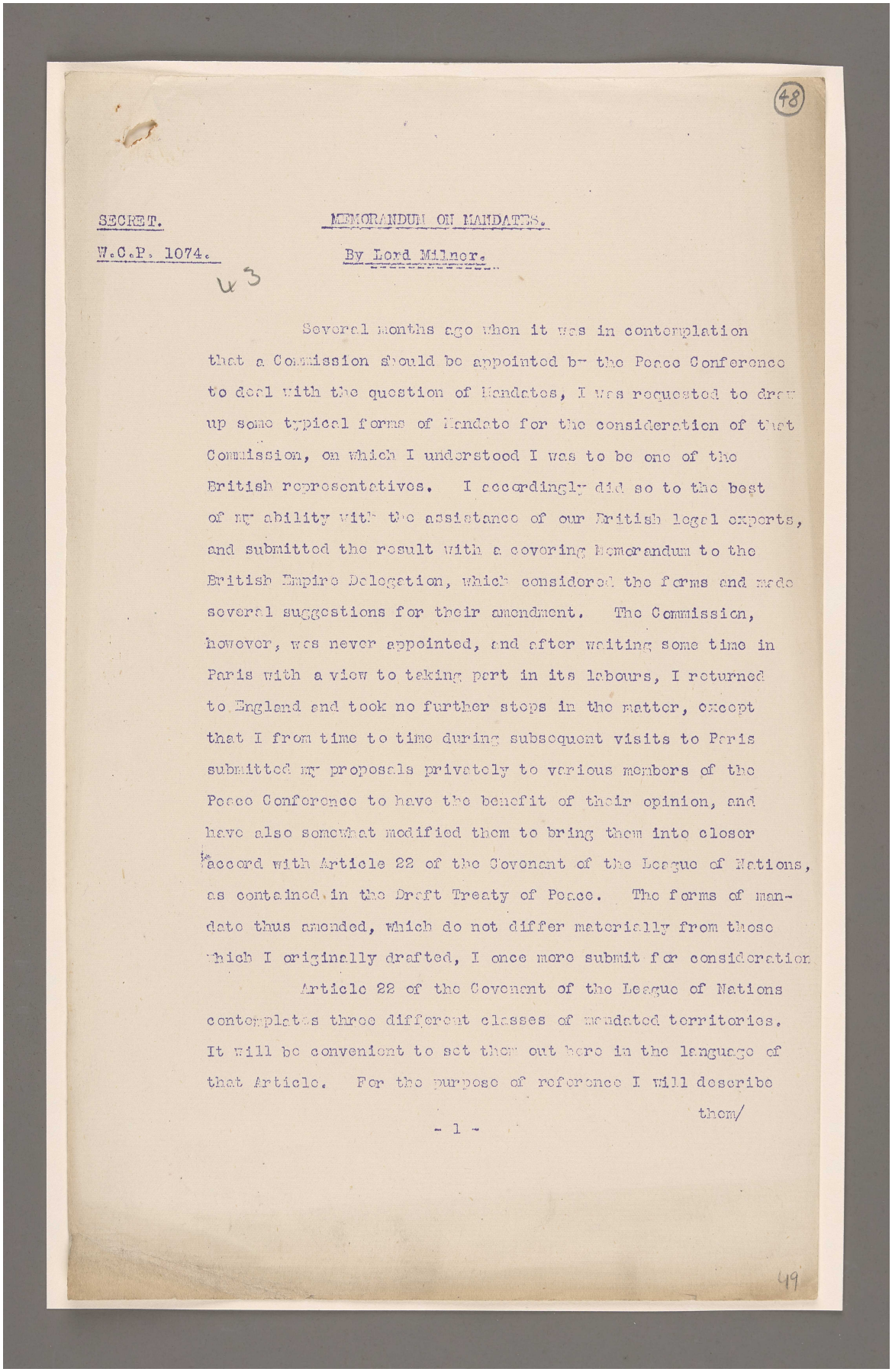

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W.C.P. 1074.

MEMORANDUM ON MANDATES.

By Lord Milner.

Several months ago when it was in contemplation that a Commission should be appointed by the Peace Conference to deal with the question of Mandates, I was requested to draw up some typical forms of Mandate for the consideration of that Commission, on which I understood I was to be one of the British representatives. I accordingly did so to the best of my ability with the assistance of our British legal experts, and submitted the result with a covering Memorandum to the British Empire Delegation, which considered the forms and made several suggestions for their amendment. The Commission, however, was never appointed, and after waiting some time in Paris with a view to taking part in its labours, I returned to England and took no further steps in the matter, except that I from time to time during subsequent visits to Paris submitted my proposals privately to various members of the Peace Conference to have the benefit of their opinion, and have also somewhat modified them to bring them into closer accord with Article 22 of the Covenant of the League of Nations, as contained in the Draft Treaty of Peace. The forms of mandate thus amended, which do not differ materially from those which I originally drafted, I once more submit for consideration.

Article 22 of the Covenant of the League of Nations contemplates three different classes of mandated territories. It will be convenient to set them out here in the language of that Article. For the purpose of reference I will describe them/

- 1 -

49

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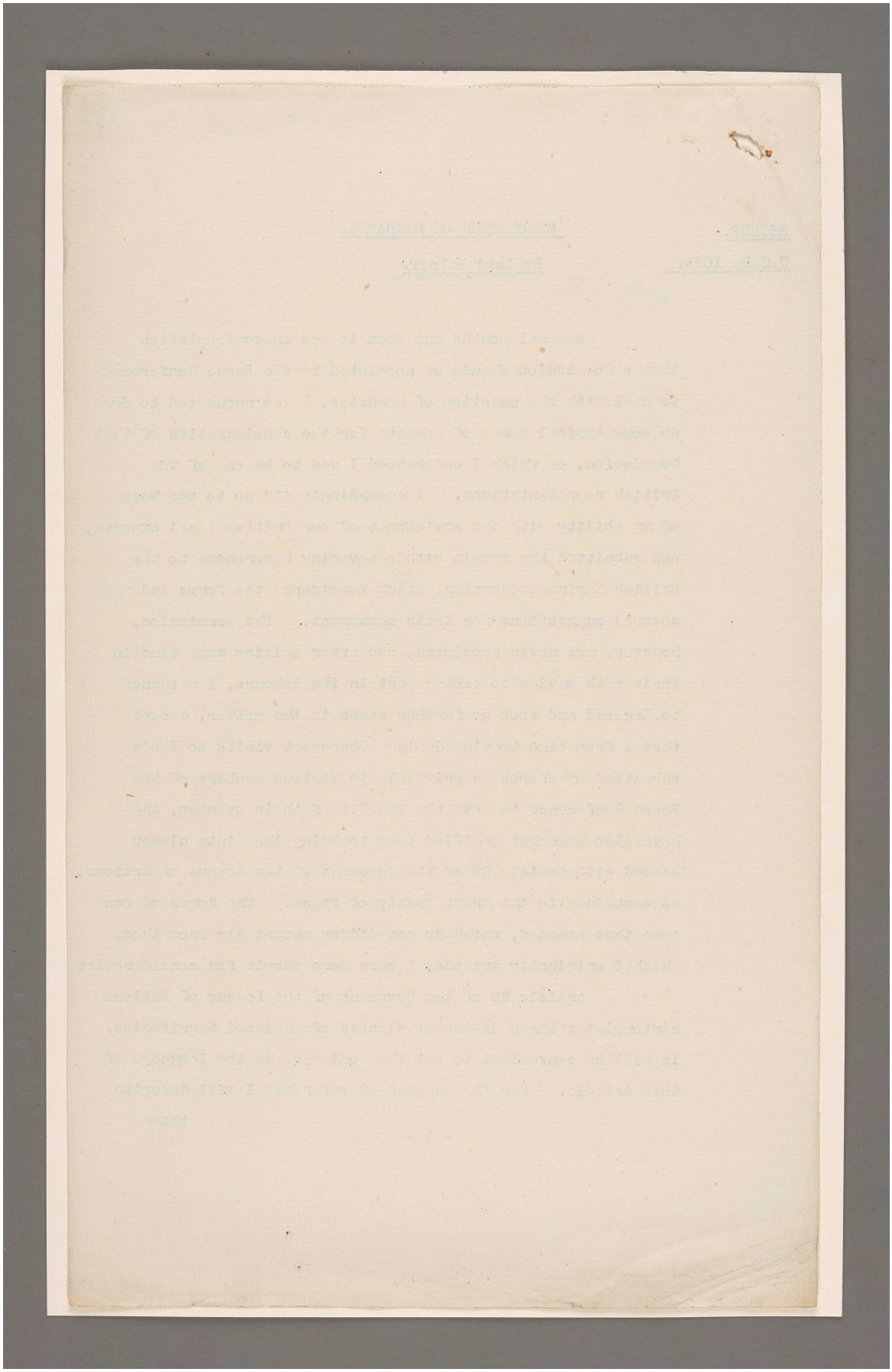

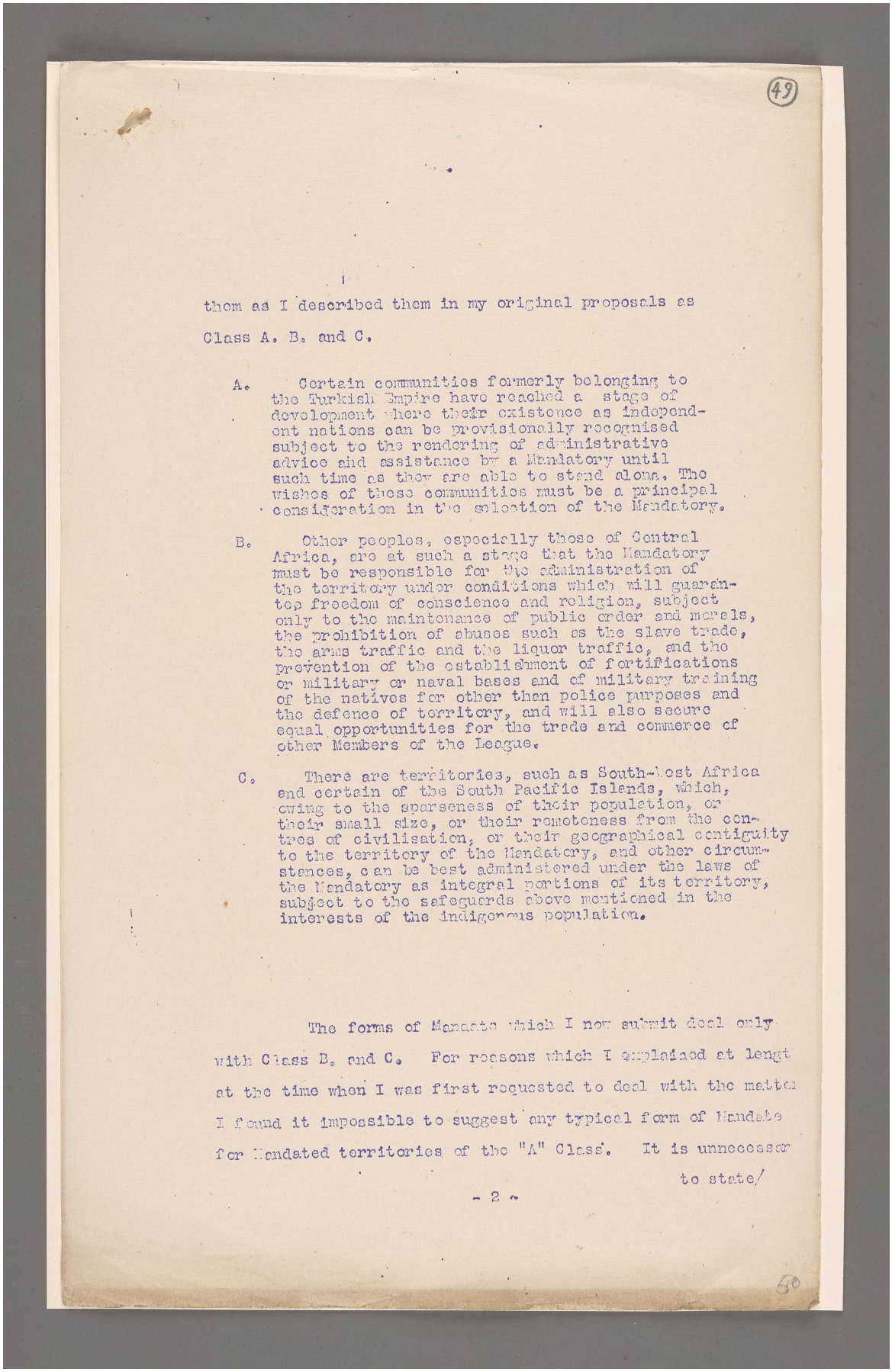

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them as I described them in my original proposals as Class A. B. and C.

A. Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

B. Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military or naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

C. There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

The forms of Mandate which I now submit deal only with Class B. and C. For reasons which I explained at length at the time when I was first requested to deal with the matter I found it impossible to suggest any typical form of Mandate for Mandated territories of the "A" Class. It is unnecessary to state/

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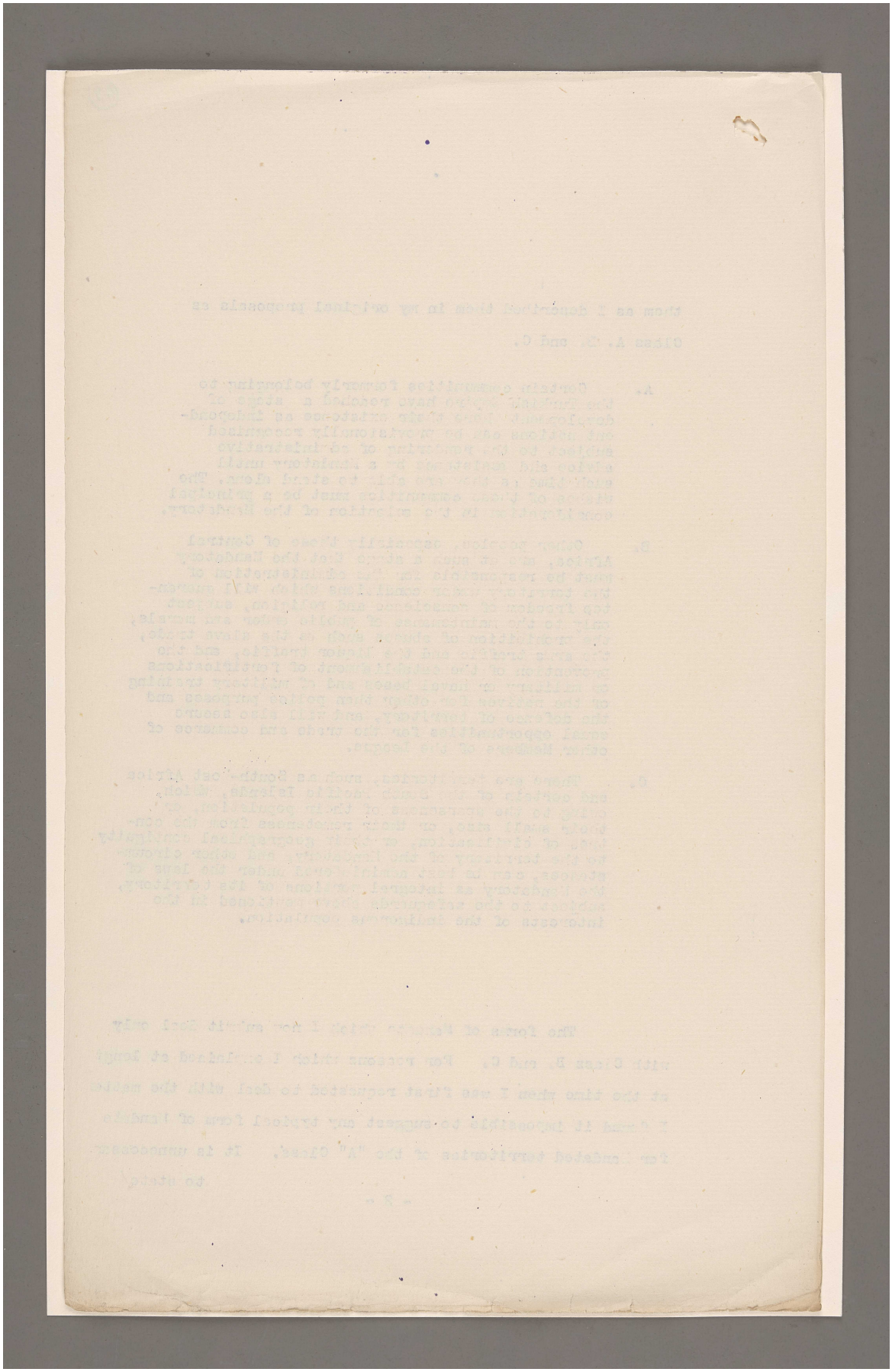

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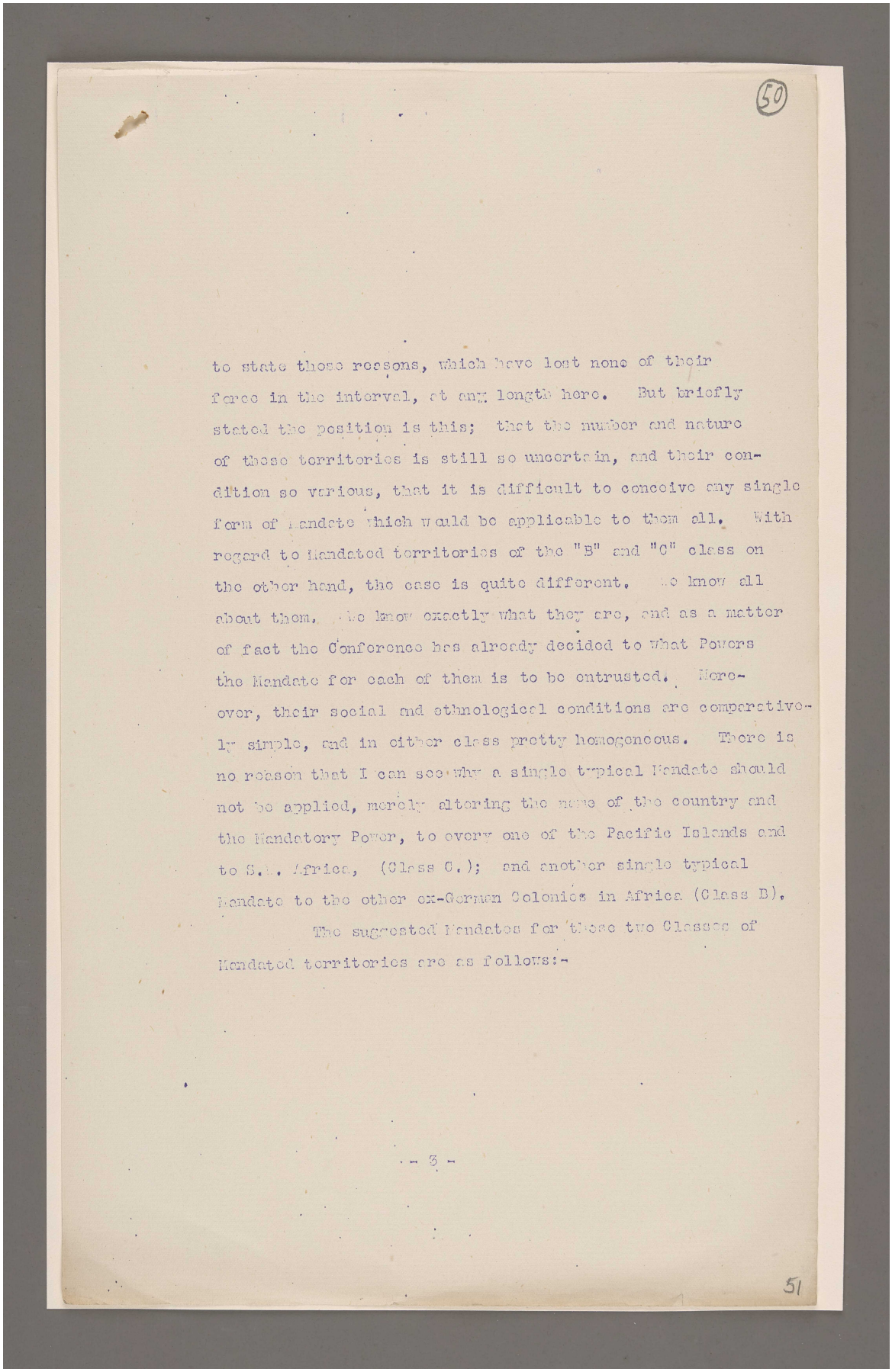

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to state those reasons, which have lost none of their force in the interval, at any length here. But briefly stated the position is this; that the number and nature of these territories is still so uncertain, and their condition so various, that it is difficult to conceive any single form of Mandate which would be applicable to them all. With regard to Mandated territories of the "B" and "C" class on the other hand, the case is quite different. We know all about them. We know exactly what they are, and as a matter of fact the Conference has already decided to what Powers the Mandate for each of them is to be entrusted. Moreover, their social and ethnological conditions are comparatively simple, and in either class pretty homogeneous. There is no reason that I can see why a single typical Mandate should not be applied, merely altering the name of the country and the Mandatory Power, to every one of the Pacific Islands and to S.W. Africa, (Class C.); and another single typical Mandate to the other ex-German Colonies in Africa (Class B).

The suggested Mandates for these two Classes of Mandated territories are as follows:-

- 3 -

51

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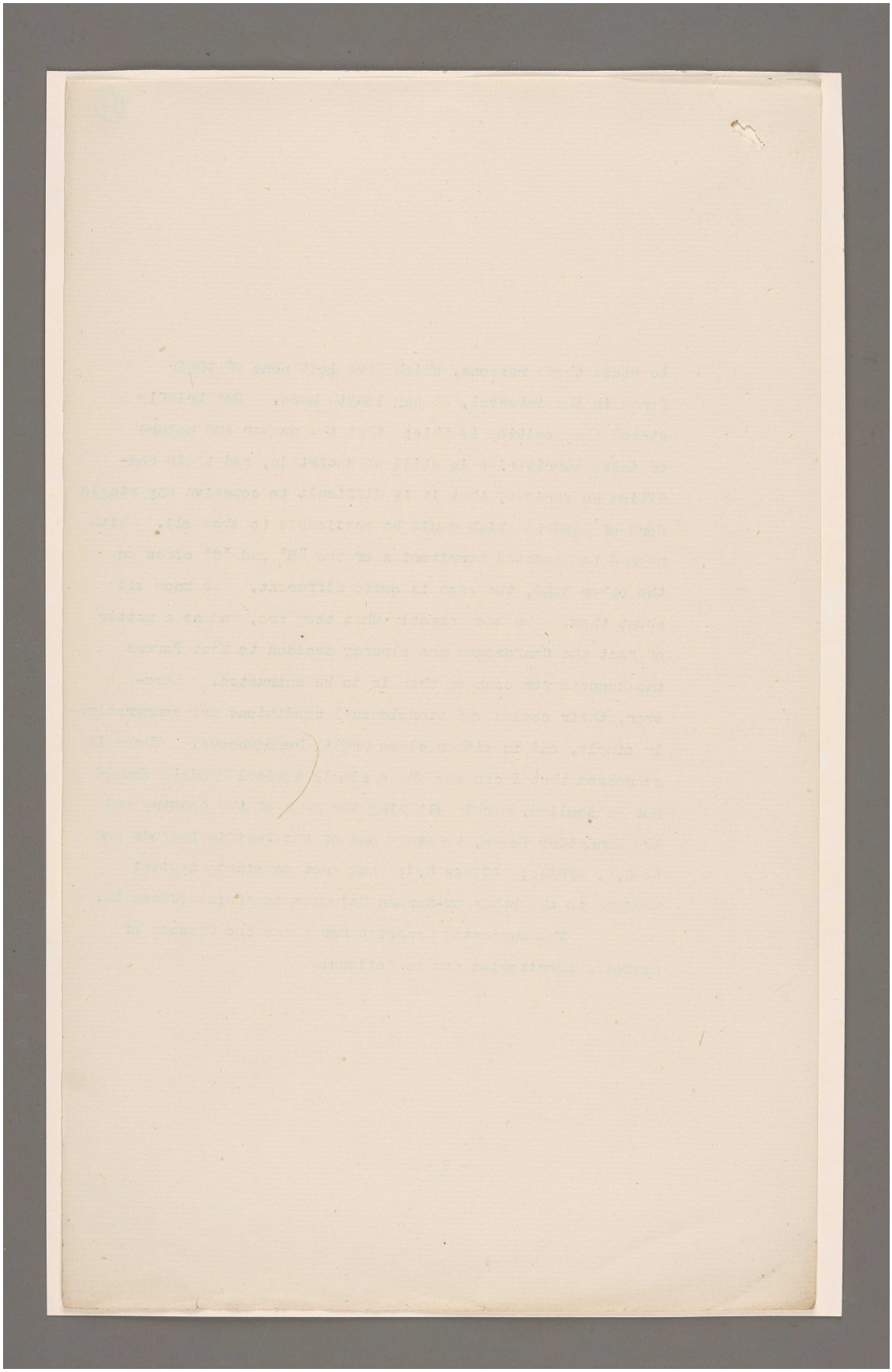

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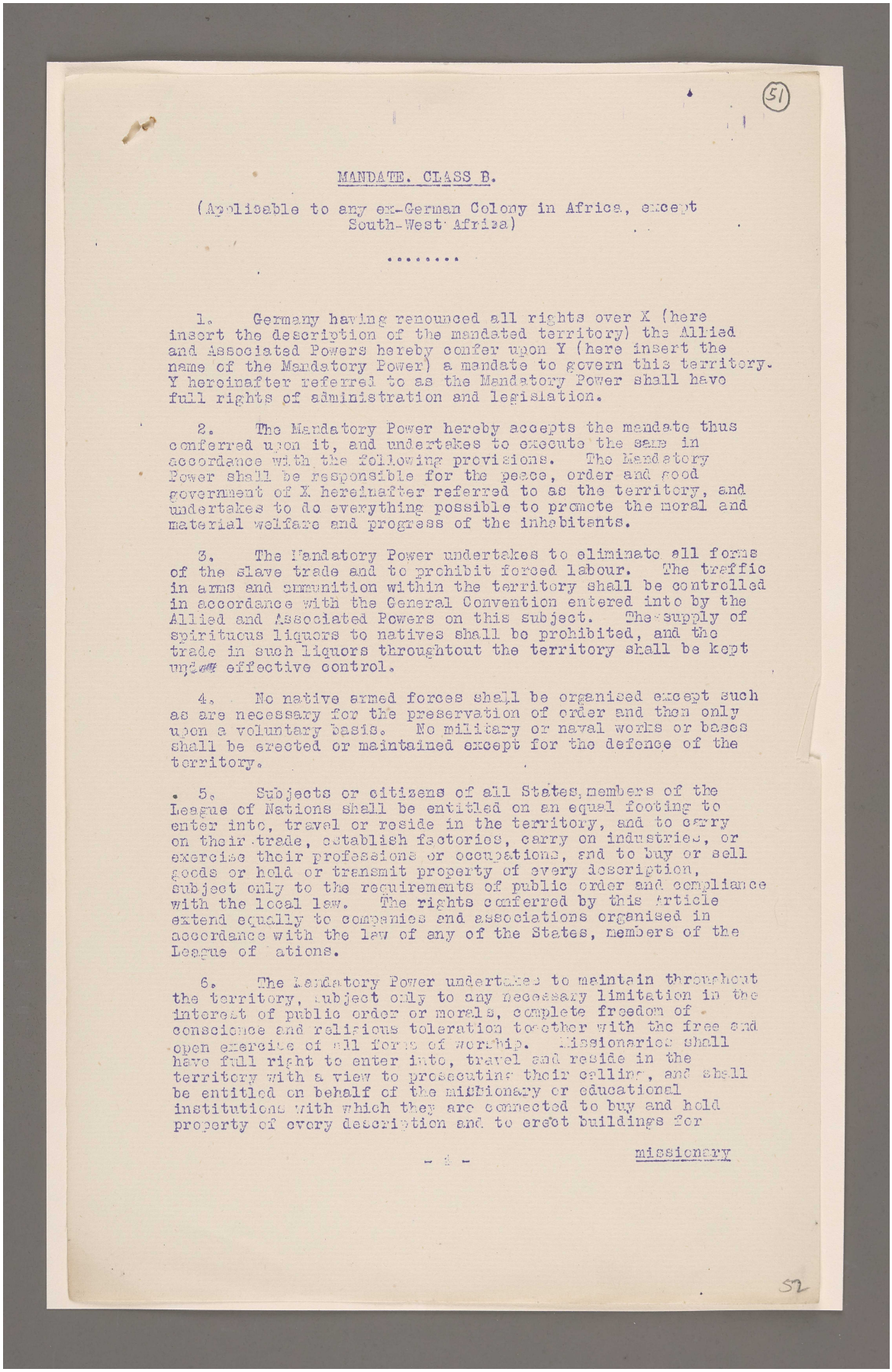

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MANDATE. CLASS B.

(Applicable to any ex-German Colony in Africa, except South-West Africa)

.....

1. Germany having renounced all rights over X (here insert the description of the mandated territory) the Allied and Associated Powers hereby confer upon Y (here insert the name of the Mandatory Power) a mandate to govern this territory. Y hereinafter referred to as the Mandatory Power shall have full rights of administration and legislation.

2. The Mandatory Power hereby accepts the mandate thus conferred upon it, and undertakes to execute the same in accordance with the following provisions. The Mandatory Power shall be responsible for the peace, order and good government of X hereinafter referred to as the territory, and undertakes to do everything possible to promote the moral and material welfare and progress of the inhabitants.

3. The Mandatory Power undertakes to eliminate all forms of the slave trade and to prohibit forced labour. The traffic in arms and ammunition within the territory shall be controlled in accordance with the General Convention entered into by the Allied and Associated Powers on this subject. The supply of spirituous liquors to natives shall be prohibited, and the trade in such liquors throughtout the territory shall be kept under effective control.

4. No native armed forces shall be organised except such as are necessary for the preservation of order and then only upon a voluntary basis. No military or naval works or bases shall be erected or maintained except for the defence of the territory.

5. Subjects or citizens of all States, members of the League of Nations shall be entitled on an equal footing to enter into, travel or reside in the territory, and to carry on their trade, establish factories, carry on industries, or exercise their professions or occupations, and to buy or sell goods or hold or transmit property of every description, subject only to the requirements of public order and compliance with the local law. The rights conferred by this Article extend equally to companies and associations organised in accordance with the law of any of the States, members of the League of Nations.

6. The Mandatory Power undertakes to maintain throughout the territory, subject only to any necessary limitation in the interest of public order or morals, complete freedom of conscience and religious toleration together with the free and open exercise of all forms of worship. Missionaries shall have full right to enter into, travel and reside in the territory with a view to prosecuting their calling, and shall be entitled on behalf of the missionary or educational institutions with which they are connected to buy and hold property of every description and to erect buildings for

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missionary

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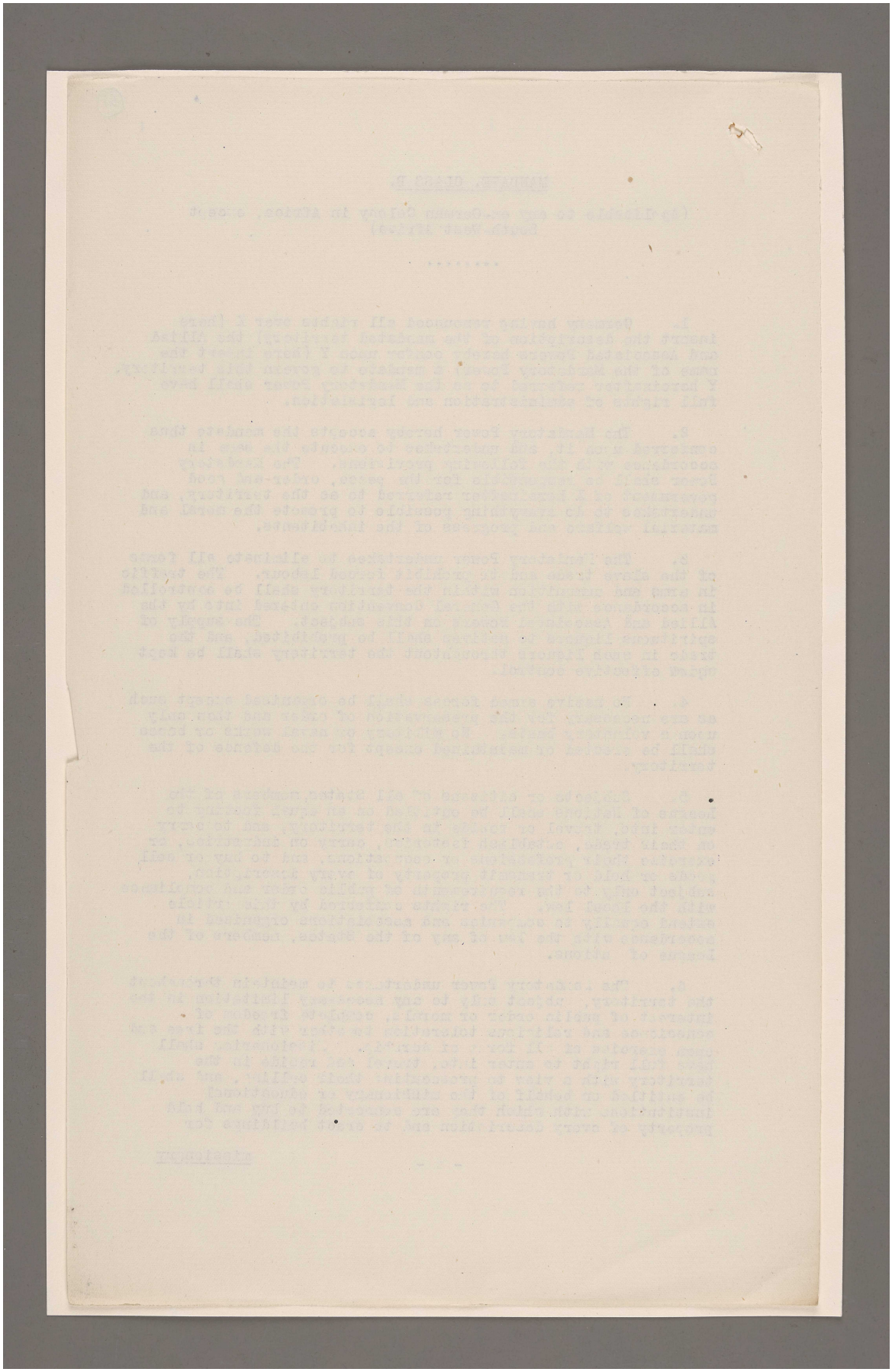

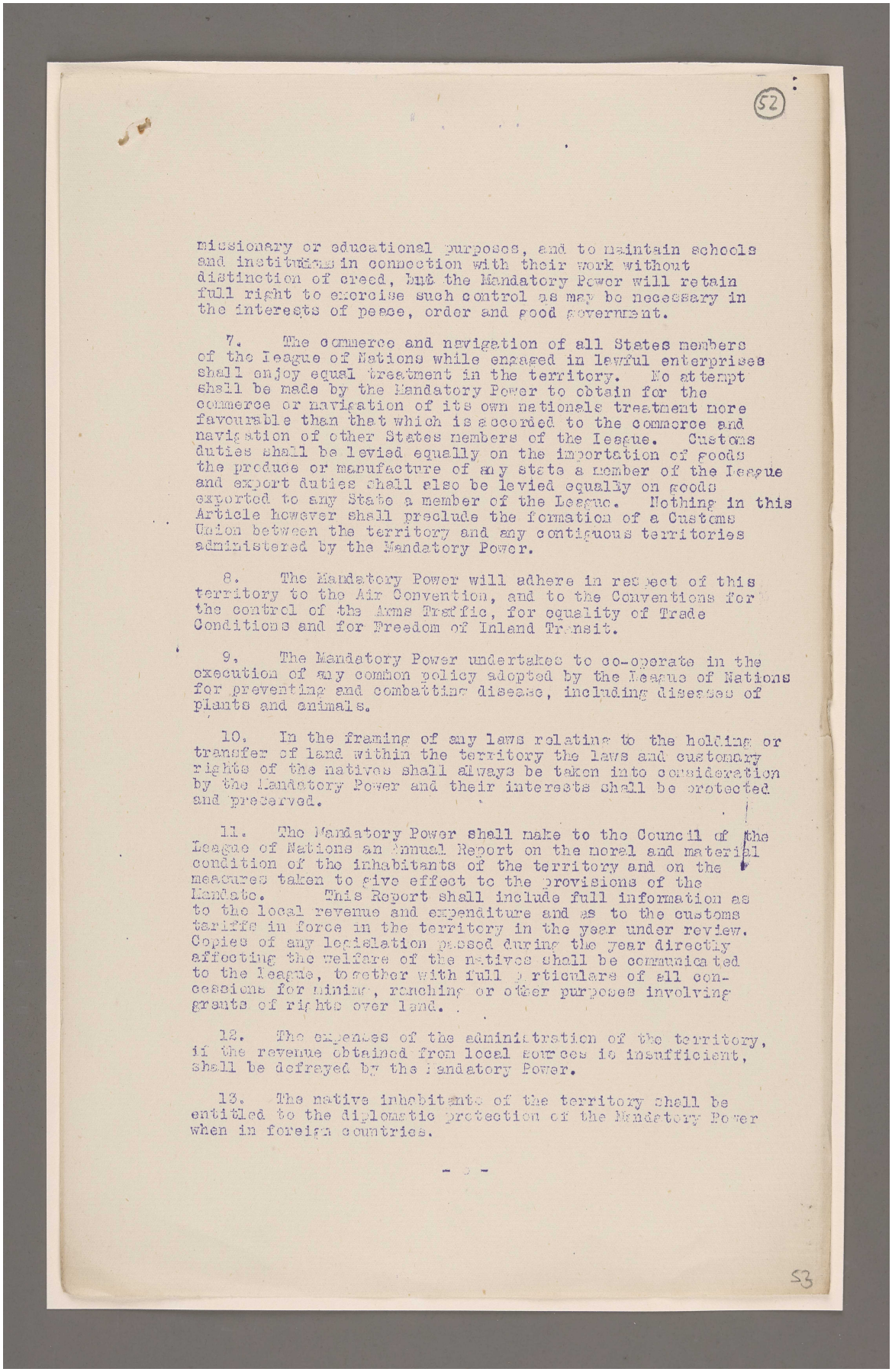

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missionary or educational purposes, and to maintain schools and institutions in connection with their work without distinction of creed, but the Mandatory Power will retain full right to exercise such control as may be necessary in the interests of peace, order and good government.

7. The commerce and navigation of all States members of the League of Nations while engaged in lawful enterprises shall enjoy equal treatment in the territory. No attempt shall be made by the Mandatory Power to obtain for the commerce or navigation of its own nationals treatment more favourable than that which is accorded to the commerce and navigation of other States members of the League. Customs duties shall be levied equally on the importation of goods the produce or manufacture of any state a member of the League and export duties shall also be levied equally on goods exported to any State a member of the League. Nothing in this Article however shall preclude the formation of a Customs Union between the territory and any contiguous territories administered by the Mandatory Power.

8. The Mandatory Power will adhere in respect of this territory to the Air Convention, and to the Conventions for the control of the Arms Traffic, for equality of Trade Conditions and for Freedom of Inland Transit.

9. The Mandatory Power undertakes to co-operate in the execution of any common policy adopted by the League of Nations for preventing and combatting disease, including diseases of plants and animals.

10. In the framing of any laws relating to the holding or transfer of land within the territory the laws and customary rights of the natives shall always be taken into consideration by the Mandatory Power and their interests shall be protected and preserved.

11. The Mandatory Power shall make to the Council of the League of Nations an Annual Report on the moral and material condition of the inhabitants of the territory and on the measures taken to give effect to the provisions of the Mandate. This Report shall include full information as to the local revenue and expenditure and as to the customs tariffs in force in the territory in the year under review. Copies of any legislation passed during the year directly affecting the welfare of the natives shall be communicated to the League, together with full particulars of all concessions for mining, ranching or other purposes involving grants of rights over land.

12. The expenses of the administration of the territory, if the revenue obtained from local sources is insufficient, shall be defrayed by the Mandatory Power.

13. The native inhabitants of the territory shall be entitled to the diplomatic protection of the Mandatory Power when in foreign countries.

- 2 -

53

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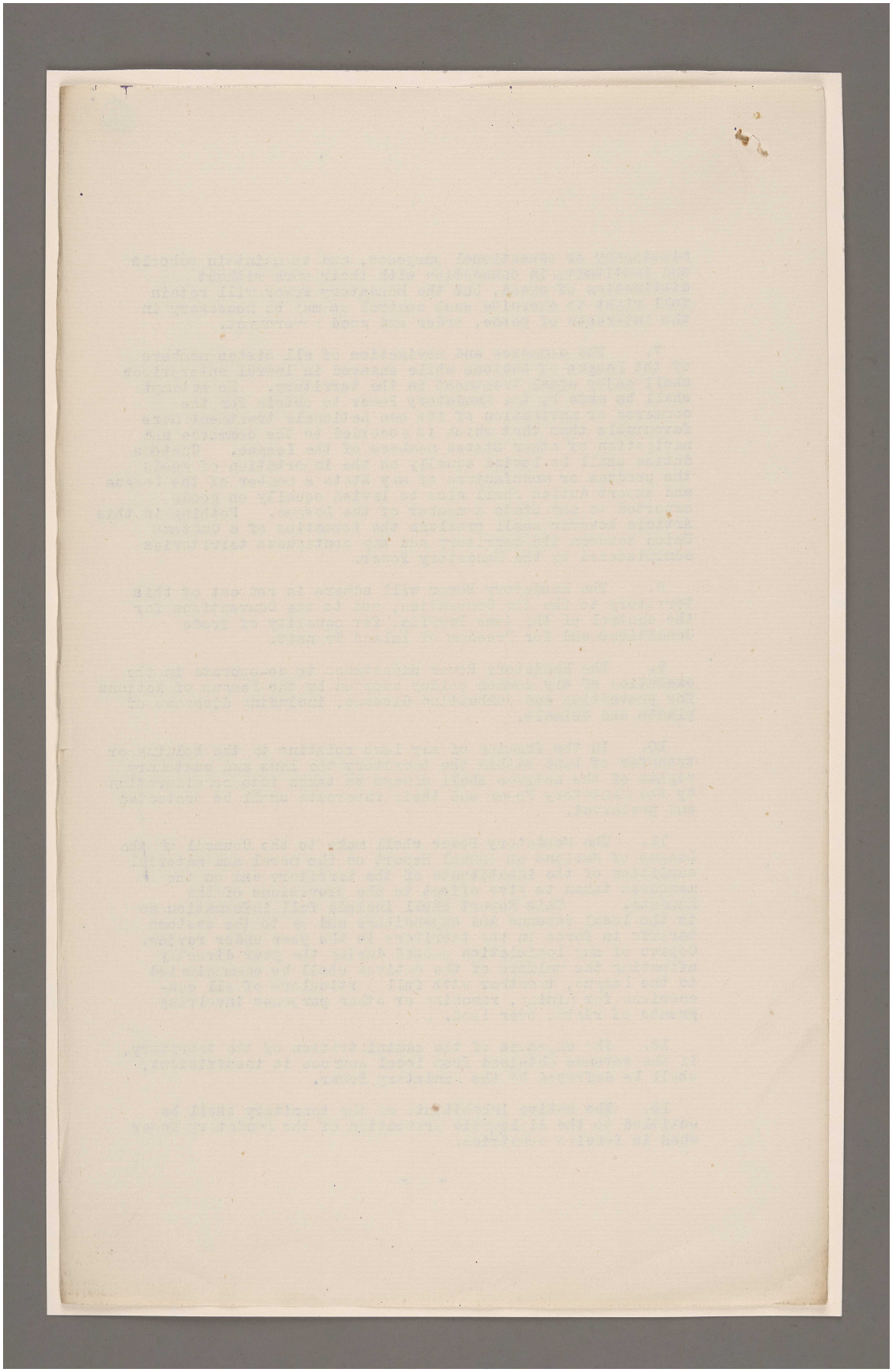

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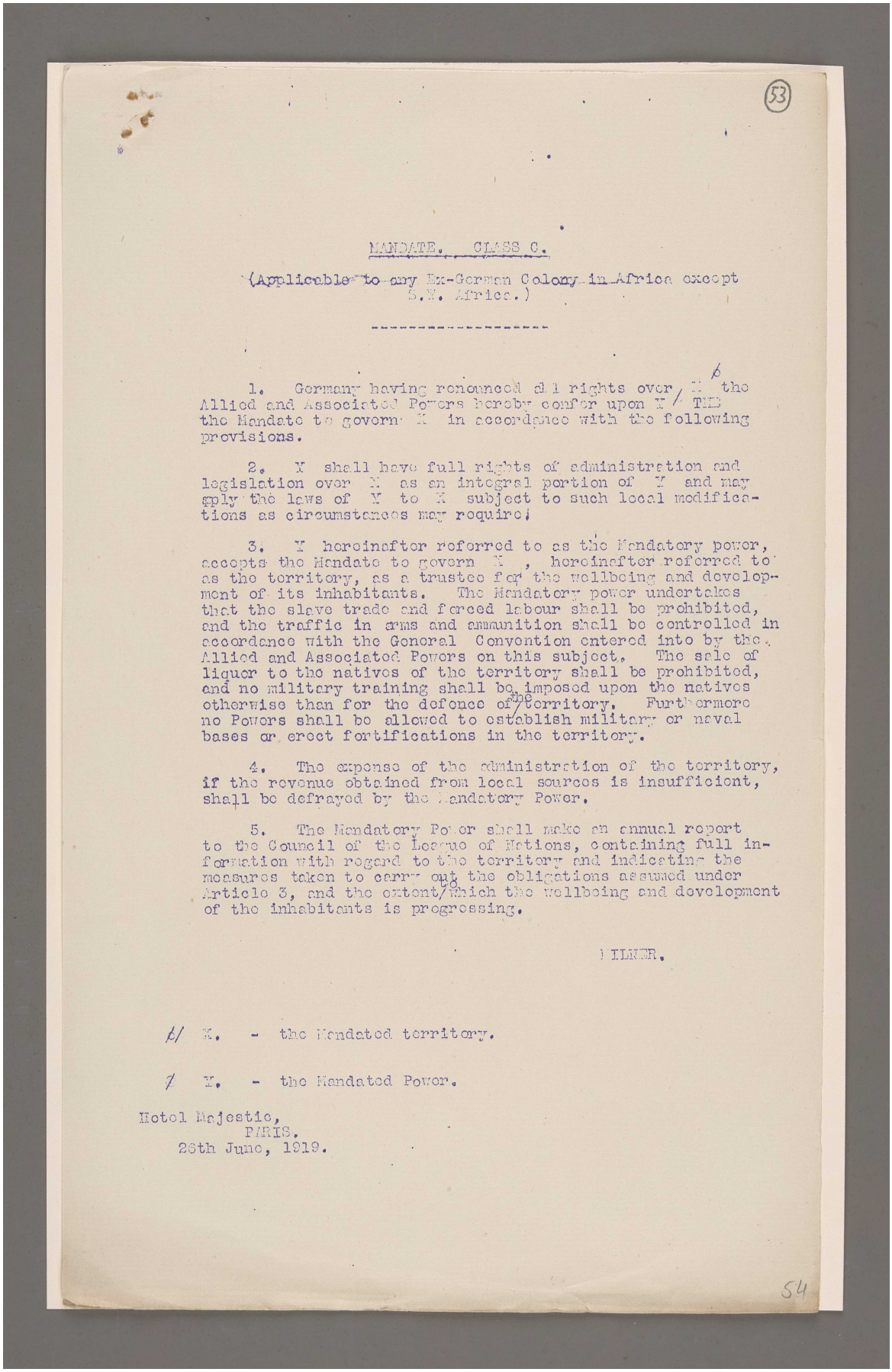

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MANDATE. CLASS C.

(Applicable to any Ex-German Colony in Africa except S.W. Africa.)

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1. Germany having renounced all rights over X/ the Allied and Associated Powers hereby confer upon Y/ THE the Mandate to govern X in accordance with the following provisions.

2. Y shall have full rights of administration and legislation over X as an integral portion of Y and may apply the laws of Y to X subject to such local modifications as circumstances may require.

3. Y hereinafter referred to as the Mandatory power, accepts the Mandate to govern X, hereinafter referred to as the territory, as a trustee for the wellbeing and development of its inhabitants. The Mandatory power undertakes that the slave trade and forced labour shall be prohibited, and the traffic in arms and ammunition shall be controlled in accordance with the General Convention entered into by the Allied and Associated Powers on this subject. The sale of liquor to the natives of the territory shall be prohibited, and no military training shall be imposed upon the natives otherwise than for the defence of the territory. Furthermore no Powers shall be allowed to establish military or naval bases or erect fortifications in the territory.

4. The expense of the administration of the territory, if the revenue obtained from local sources is insufficient, shall be defrayed by the Mandatory Power.

5. The Mandatory Power shall make an annual report to the Council of the League of Nations, containing full information with regard to the territory and indicating the measures taken to carry out the obligations assumed under Article 3, and the extent to which the wellbeing and development of the inhabitants is progressing.

HILNER.

X/ X. - the Mandated territory.

Y/ Y. - the Mandated Power.

Hotel Majestic,
PARIS.
28th June, 1919.

54

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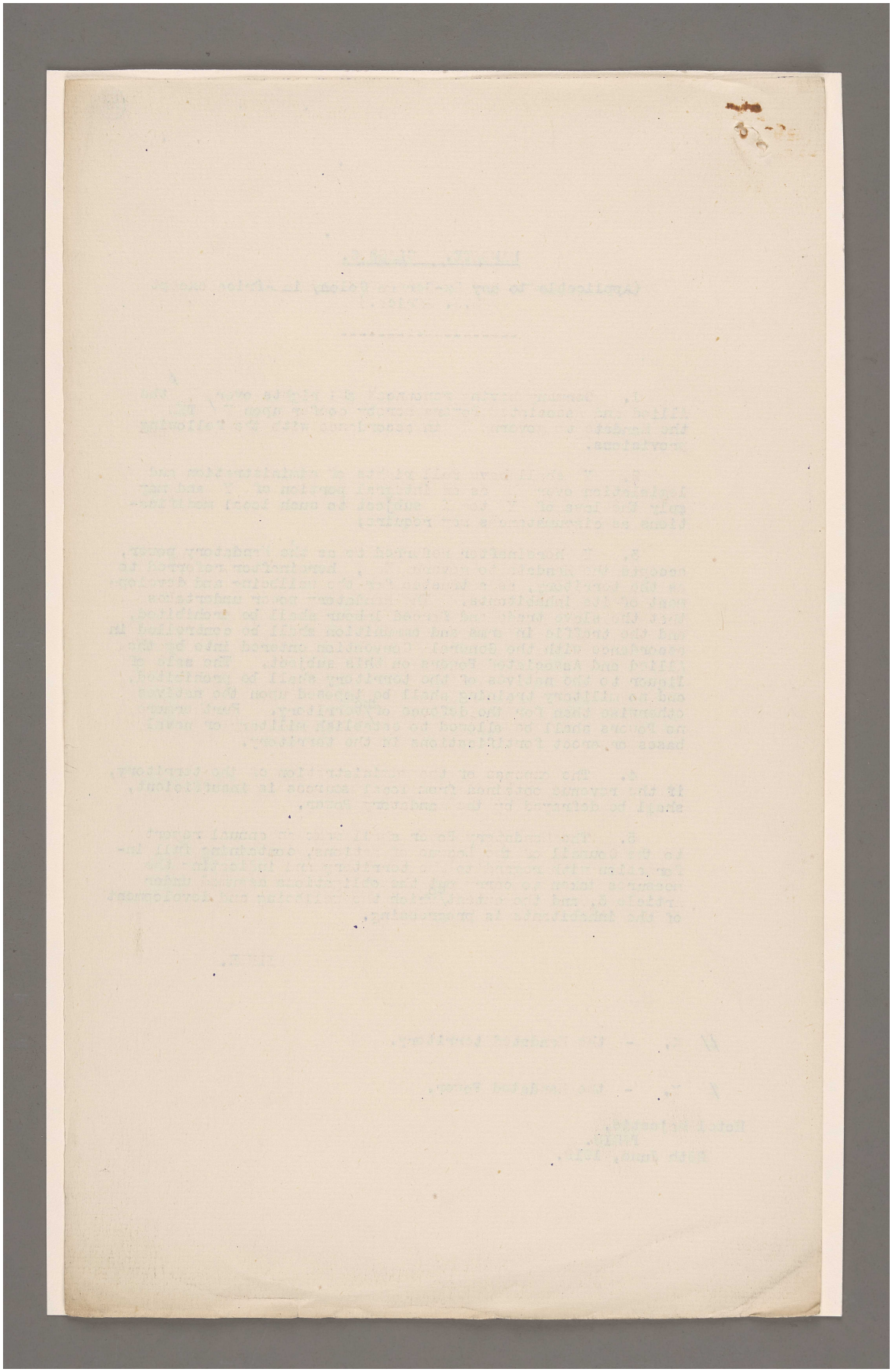

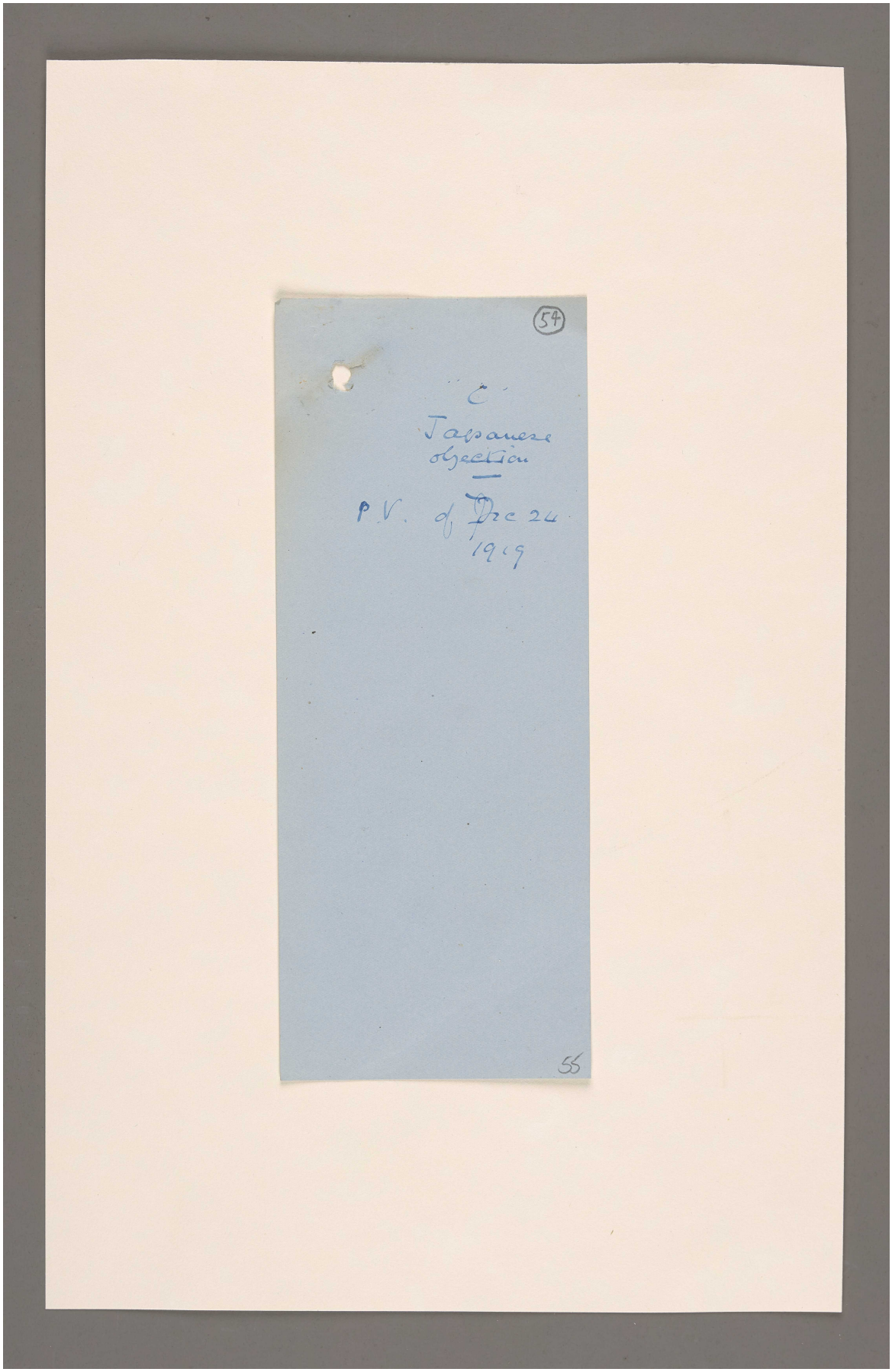

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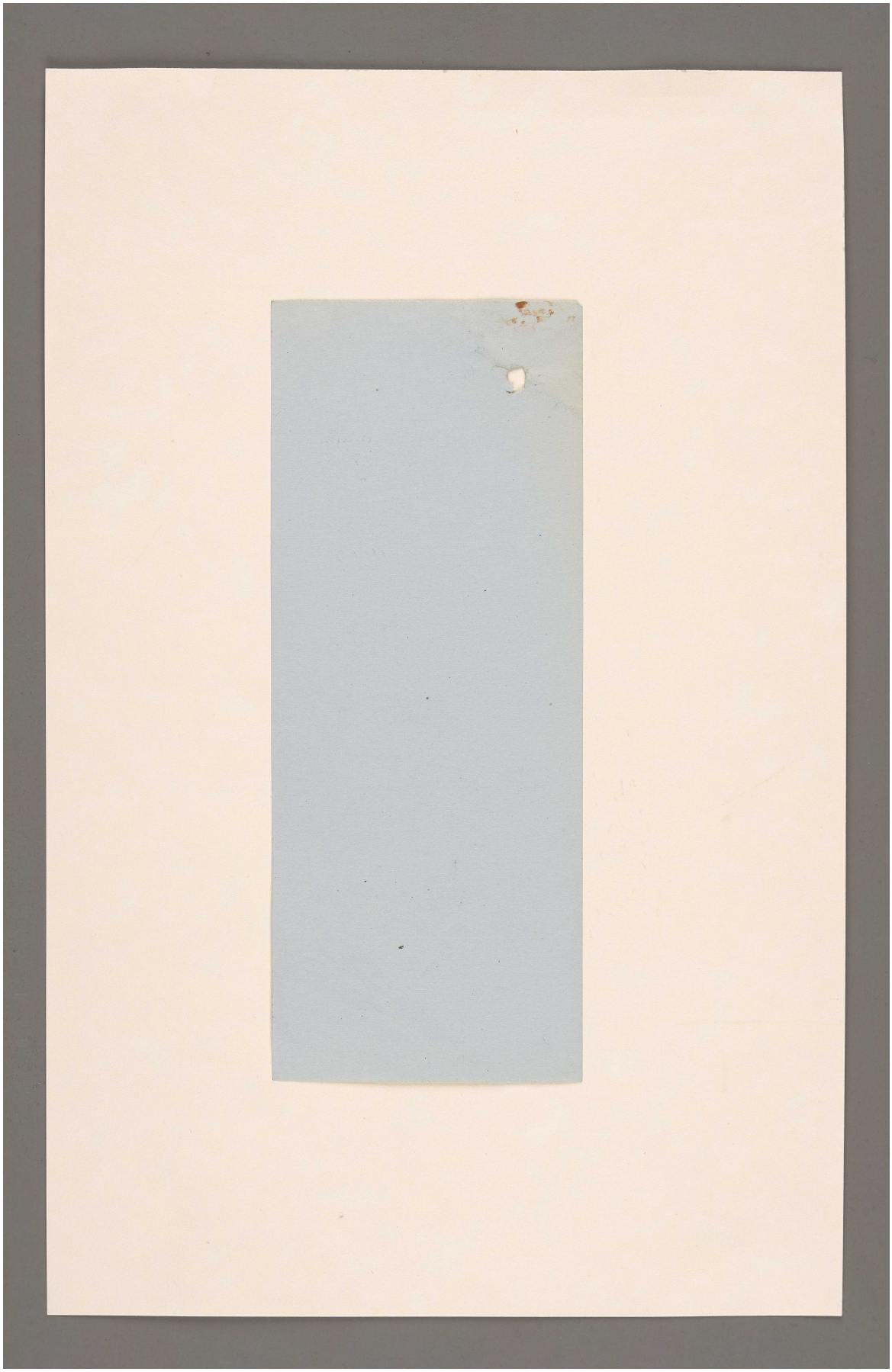

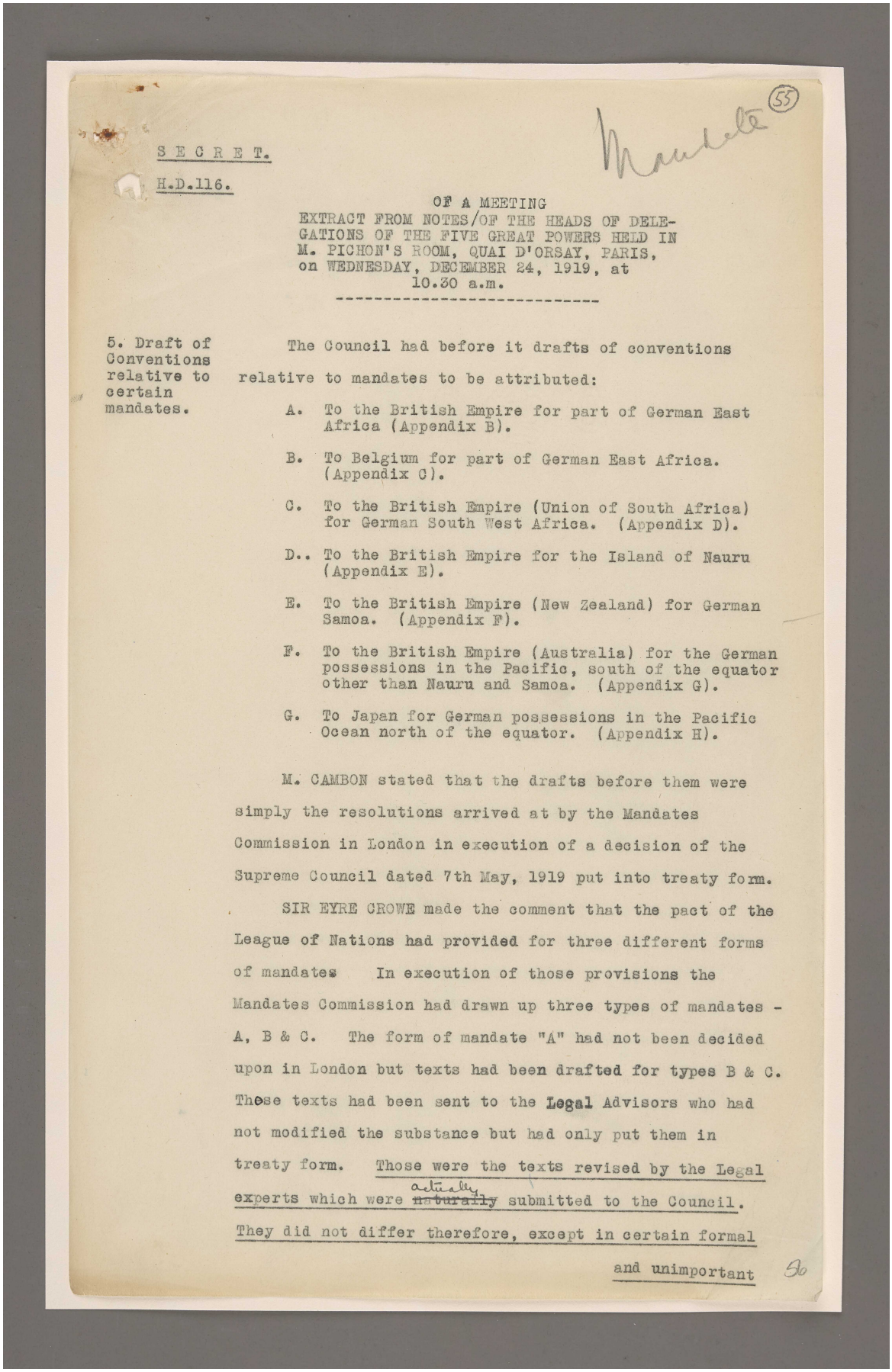

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H.D.116.

Mandate 55

OF A MEETING
EXTRACT FROM NOTES/OF THE HEADS OF DELE-
GATIONS OF THE FIVE GREAT POWERS HELD IN
M. PICHON'S ROOM, QUAI D'ORSAY, PARIS,
on WEDNESDAY, DECEMBER 24, 1919, at
10.30 a.m.

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5. Draft of Conventions relative to certain mandates.

The Council had before it drafts of conventions relative to mandates to be attributed:

A. To the British Empire for part of German East Africa (Appendix B).

B. To Belgium for part of German East Africa. (Appendix C).

C. To the British Empire (Union of South Africa) for German South West Africa. (Appendix D).

D.. To the British Empire for the Island of Nauru (Appendix E).

E. To the British Empire (New Zealand) for German Samoa. (Appendix F).

F. To the British Empire (Australia) for the German possessions in the Pacific, south of the equator other than Nauru and Samoa. (Appendix G).

G. To Japan for German possessions in the Pacific Ocean north of the equator. (Appendix H).

M. CAMBON stated that the drafts before them were simply the resolutions arrived at by the Mandates Commission in London in execution of a decision of the Supreme Council dated 7th May, 1919 put into treaty form.

SIR EYRE CROWE made the comment that the pact of the League of Nations had provided for three different forms of mandates In execution of those provisions the Mandates Commission had drawn up three types of mandates - A, B & C. The form of mandate "A" had not been decided upon in London but texts had been drafted for types B & C. These texts had been sent to the Legal Advisors who had not modified the substance but had only put them in treaty form. Those were the texts revised by the Legal experts which were ~~naturally~~ actually submitted to the Council. They did not differ therefore, except in certain formal and unimportant

56

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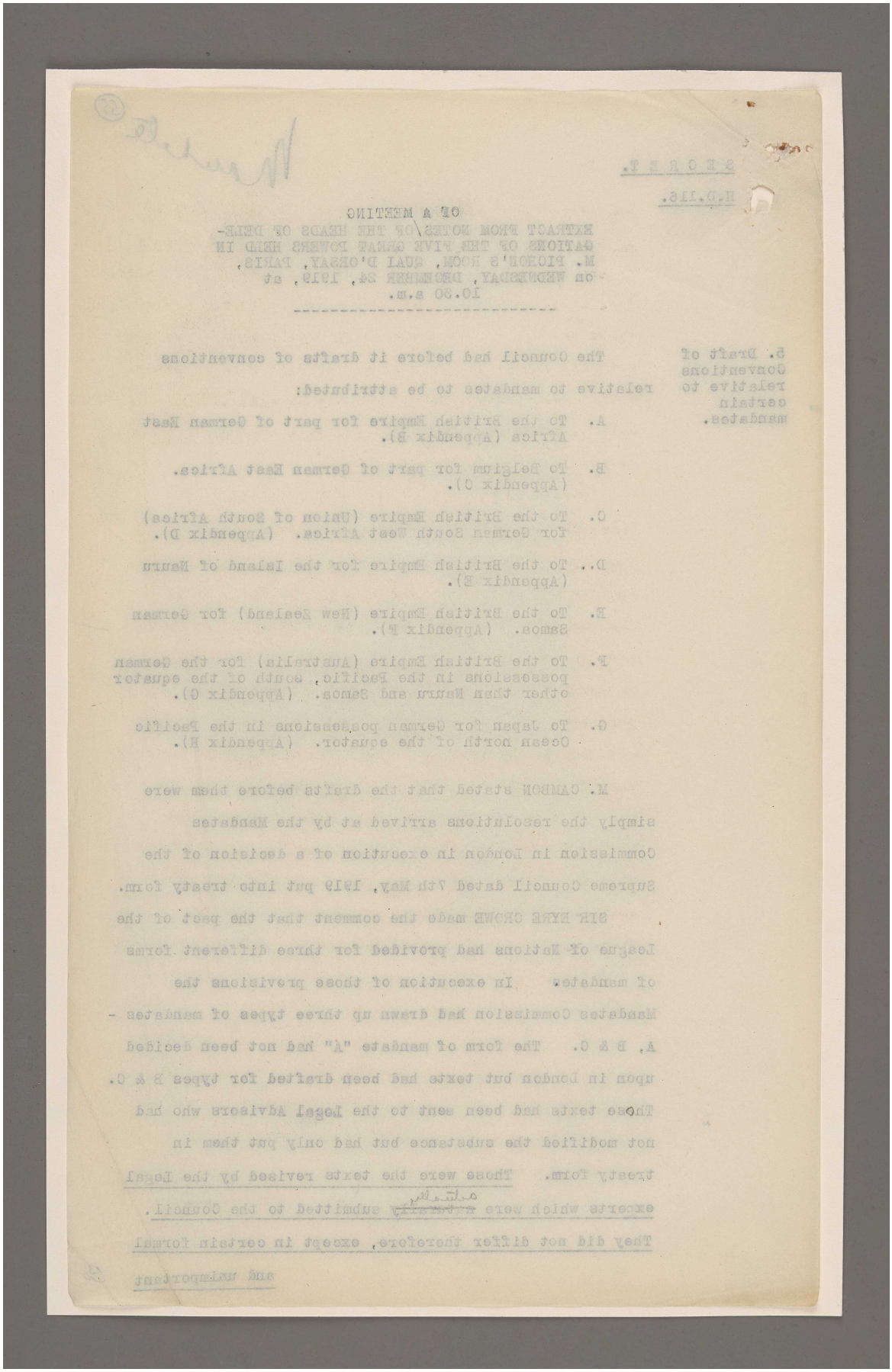

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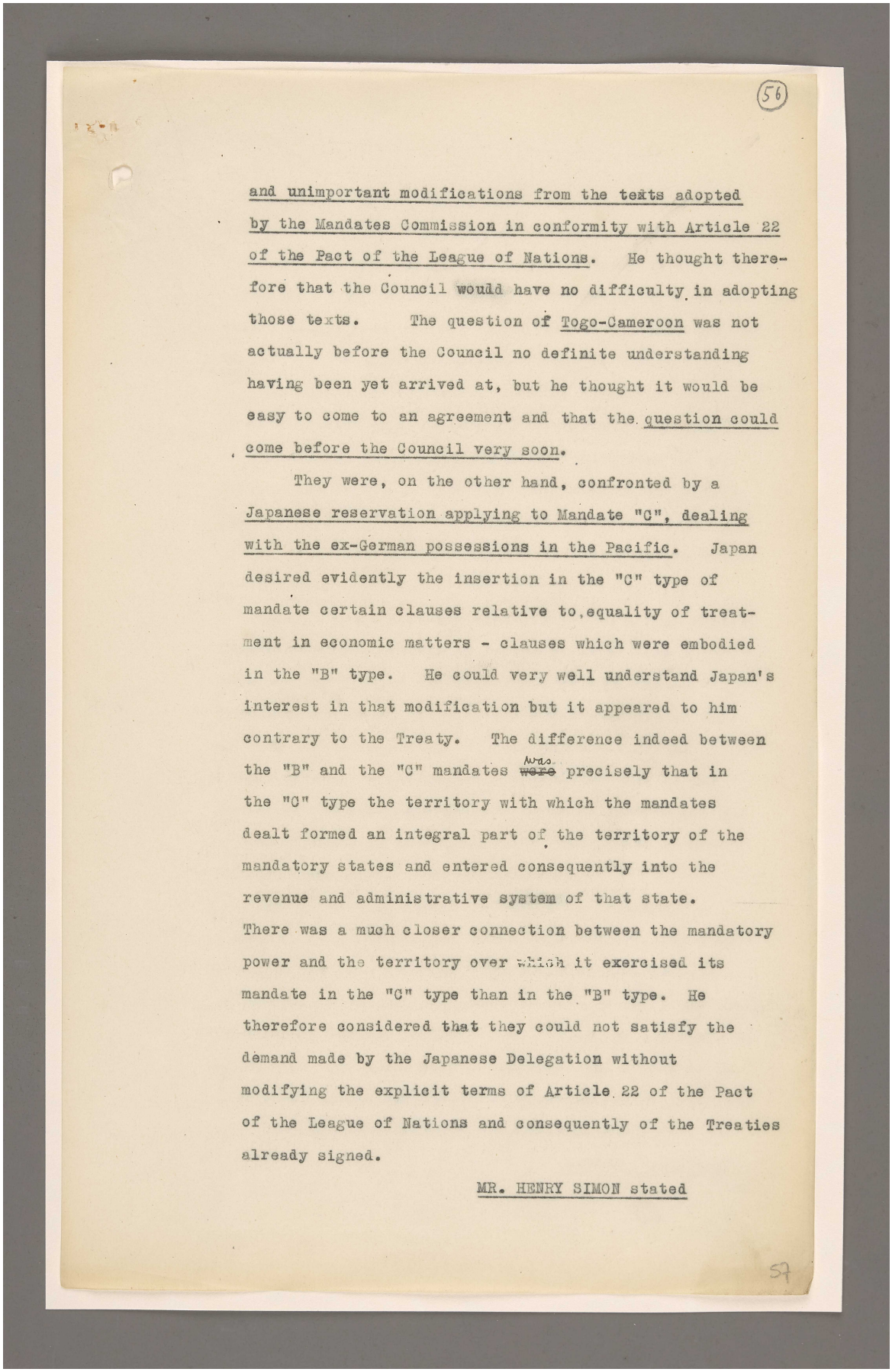

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and unimportant modifications from the texts adopted by the Mandates Commission in conformity with Article 22 of the Pact of the League of Nations. He thought therefore that the Council would have no difficulty in adopting those texts. The question of Togo-Cameroon was not actually before the Council no definite understanding having been yet arrived at, but he thought it would be easy to come to an agreement and that the question could come before the Council very soon.

They were, on the other hand, confronted by a Japanese reservation applying to Mandate "C", dealing with the ex-German possessions in the Pacific. Japan desired evidently the insertion in the "C" type of mandate certain clauses relative to equality of treatment in economic matters - clauses which were embodied in the "B" type. He could very well understand Japan's interest in that modification but it appeared to him contrary to the Treaty. The difference indeed between the "B" and the "C" mandates ~~were~~ was precisely that in the "C" type the territory with which the mandates dealt formed an integral part of the territory of the mandatory states and entered consequently into the revenue and administrative system of that state. There was a much closer connection between the mandatory power and the territory over which it exercised its mandate in the "C" type than in the "B" type. He therefore considered that they could not satisfy the demand made by the Japanese Delegation without modifying the explicit terms of Article 22 of the Pact of the League of Nations and consequently of the Treaties already signed.

MR. HENRY SIMON stated

57

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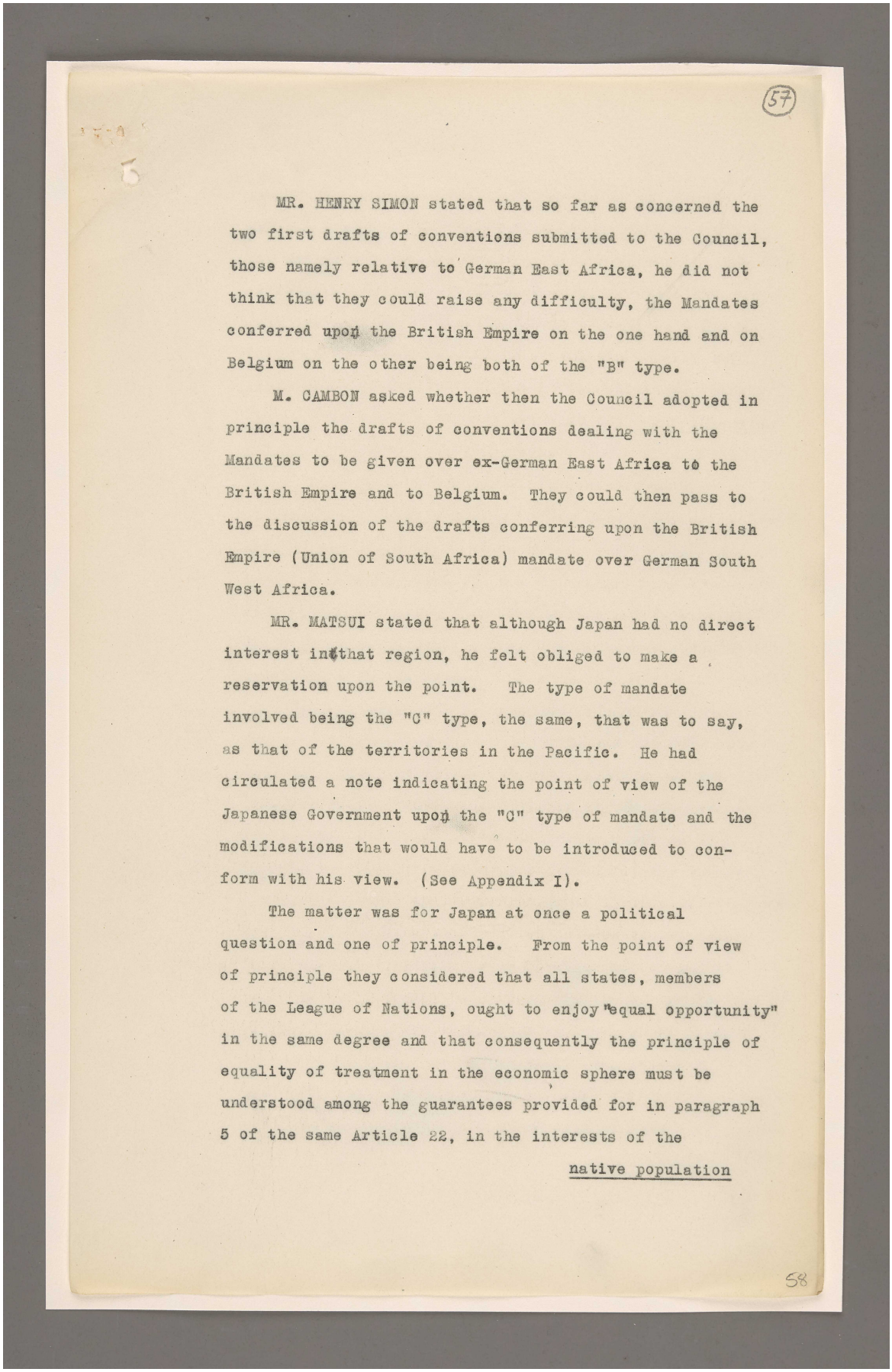

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MR. HENRY SIMON stated that so far as concerned the two first drafts of conventions submitted to the Council, those namely relative to German East Africa, he did not think that they could raise any difficulty, the Mandates conferred upon the British Empire on the one hand and on Belgium on the other being both of the "B" type.

M. CAMBON asked whether then the Council adopted in principle the drafts of conventions dealing with the Mandates to be given over ex-German East Africa to the British Empire and to Belgium. They could then pass to the discussion of the drafts conferring upon the British Empire (Union of South Africa) mandate over German South West Africa.

MR. MATSUI stated that although Japan had no direct interest in that region, he felt obliged to make a reservation upon the point. The type of mandate involved being the "C" type, the same, that was to say, as that of the territories in the Pacific. He had circulated a note indicating the point of view of the Japanese Government upon the "C" type of mandate and the modifications that would have to be introduced to conform with his view. (See Appendix I).

The matter was for Japan at once a political question and one of principle. From the point of view of principle they considered that all states, members of the League of Nations, ought to enjoy "equal opportunity" in the same degree and that consequently the principle of equality of treatment in the economic sphere must be understood among the guarantees provided for in paragraph 5 of the same Article 22, in the interests of the

native population

58

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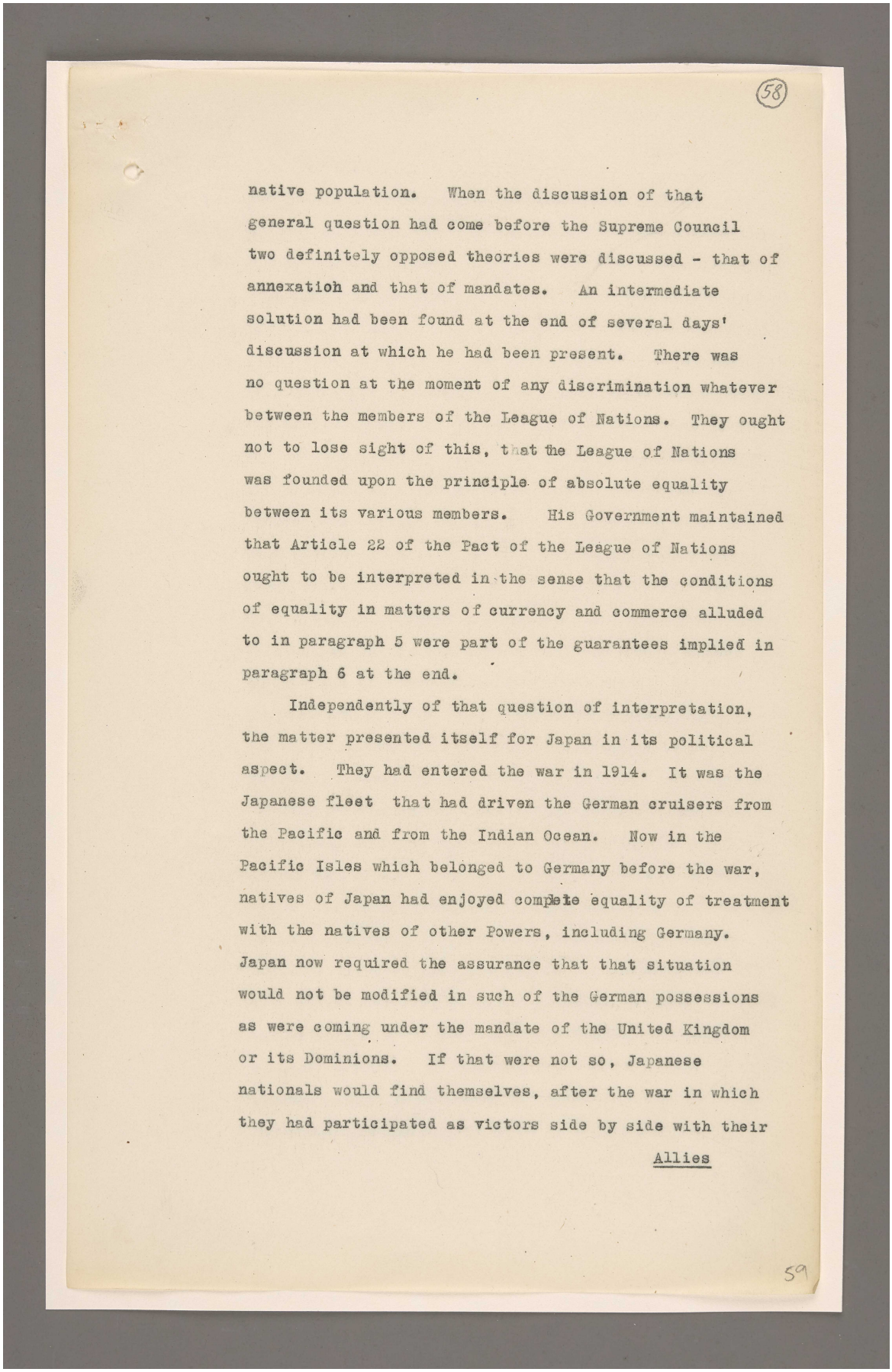

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native population. When the discussion of that general question had come before the Supreme Council two definitely opposed theories were discussed - that of annexation and that of mandates. An intermediate solution had been found at the end of several days' discussion at which he had been present. There was no question at the moment of any discrimination whatever between the members of the League of Nations. They ought not to lose sight of this, that the League of Nations was founded upon the principle of absolute equality between its various members. His Government maintained that Article 22 of the Pact of the League of Nations ought to be interpreted in the sense that the conditions of equality in matters of currency and commerce alluded to in paragraph 5 were part of the guarantees implied in paragraph 6 at the end.

Independently of that question of interpretation, the matter presented itself for Japan in its political aspect. They had entered the war in 1914. It was the Japanese fleet that had driven the German cruisers from the Pacific and from the Indian Ocean. Now in the Pacific Isles which belonged to Germany before the war, natives of Japan had enjoyed complete equality of treatment with the natives of other Powers, including Germany. Japan now required the assurance that that situation would not be modified in such of the German possessions as were coming under the mandate of the United Kingdom or its Dominions. If that were not so, Japanese nationals would find themselves, after the war in which they had participated as victors side by side with their

Allies

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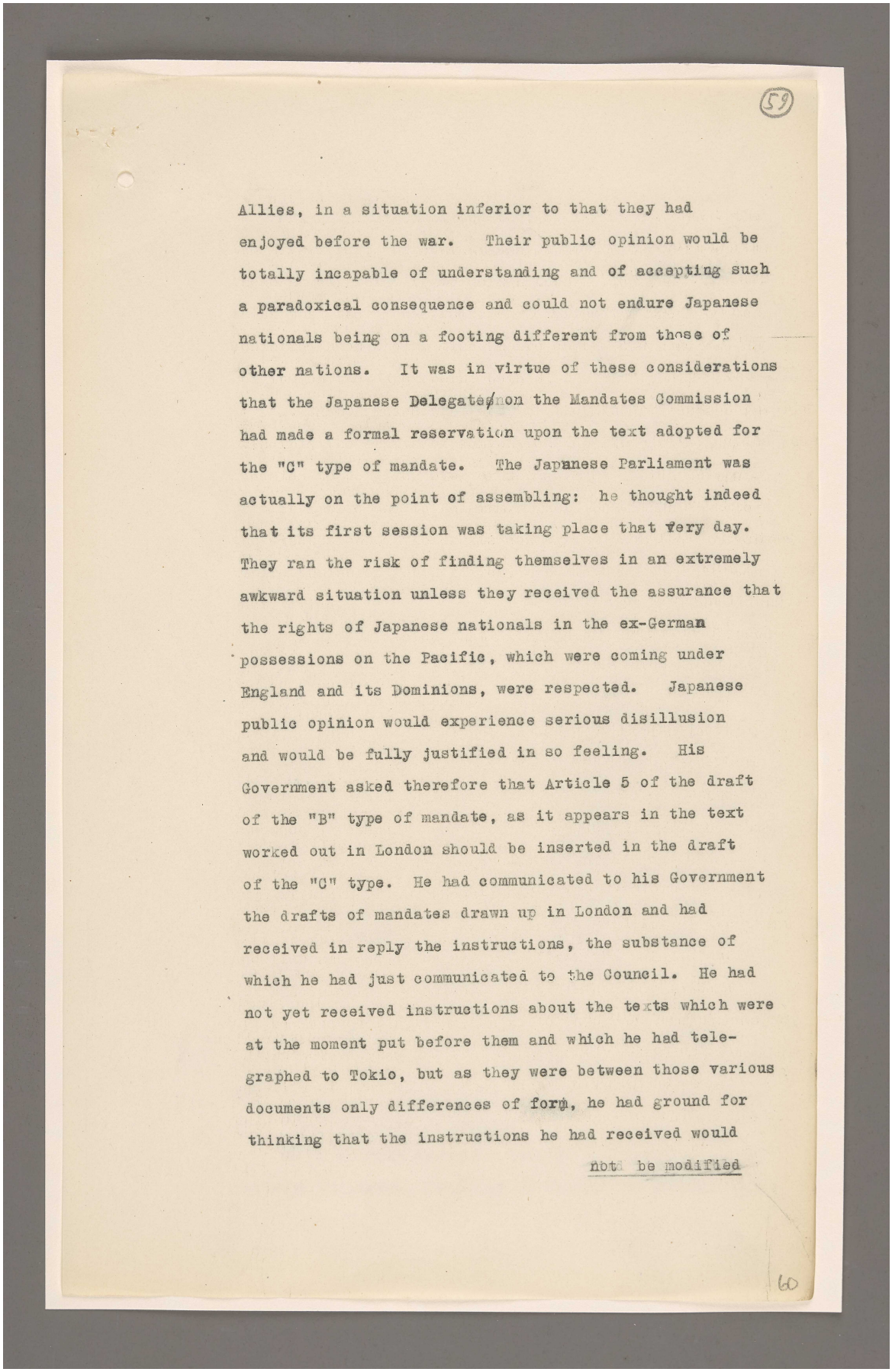

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Allies, in a situation inferior to that they had enjoyed before the war. Their public opinion would be totally incapable of understanding and of accepting such a paradoxical consequence and could not endure Japanese nationals being on a footing different from those of other nations. It was in virtue of these considerations that the Japanese Delegate on the Mandates Commission had made a formal reservation upon the text adopted for the "C" type of mandate. The Japanese Parliament was actually on the point of assembling: he thought indeed that its first session was taking place that very day. They ran the risk of finding themselves in an extremely awkward situation unless they received the assurance that the rights of Japanese nationals in the ex-German possessions on the Pacific, which were coming under England and its Dominions, were respected. Japanese public opinion would experience serious disillusion and would be fully justified in so feeling. His Government asked therefore that Article 5 of the draft of the "B" type of mandate, as it appears in the text worked out in London should be inserted in the draft of the "C" type. He had communicated to his Government the drafts of mandates drawn up in London and had received in reply the instructions, the substance of which he had just communicated to the Council. He had not yet received instructions about the texts which were at the moment put before them and which he had telegraphed to Tokio, but as they were between those various documents only differences of form, he had ground for thinking that the instructions he had received would not be modified

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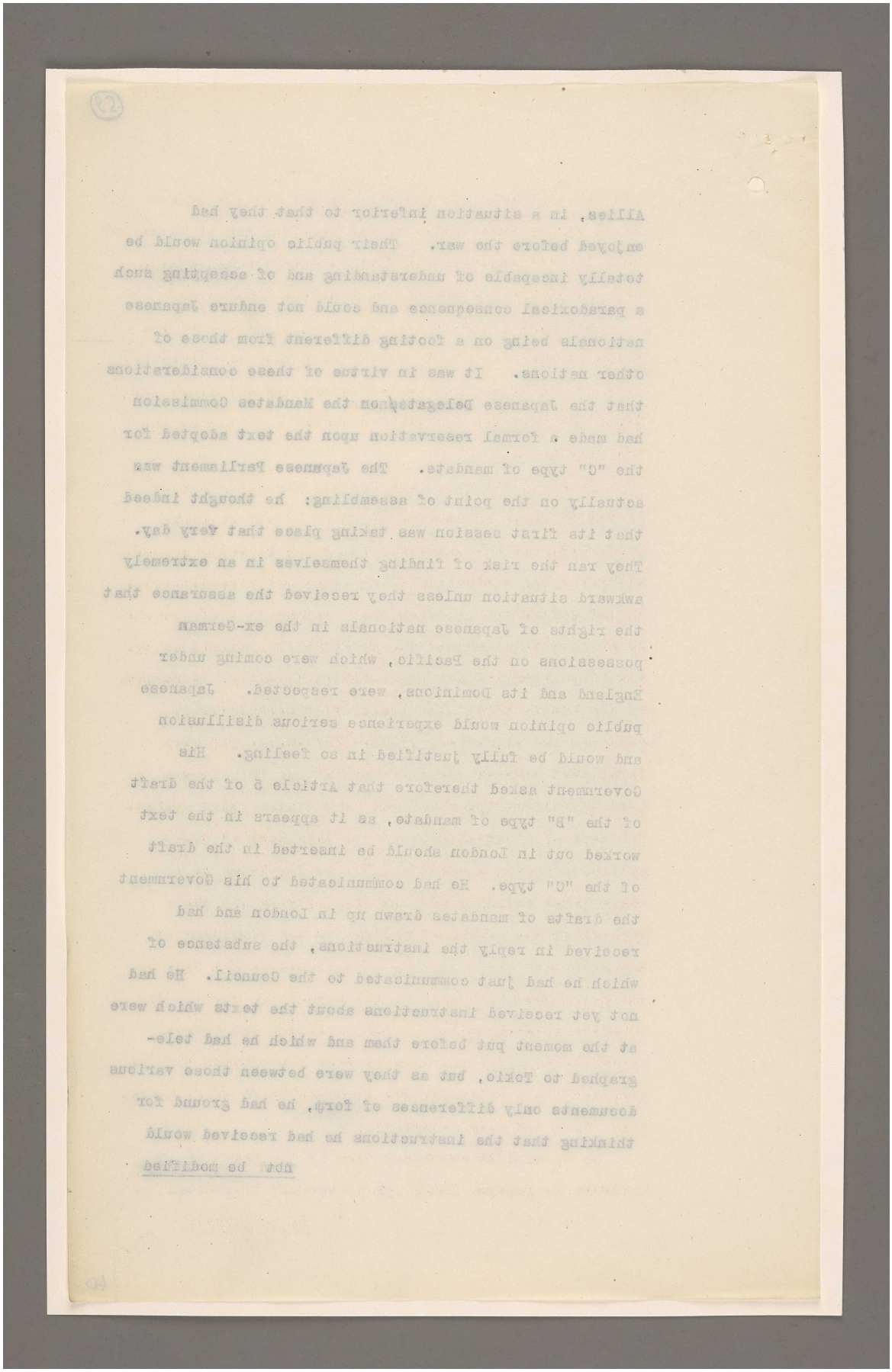

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not be modified. In any case he was for the moment bound by the instructions he had received and he hoped that his colleagues would find it possible to satisfy the legitimate demands of the Japanese Government.

SIR EYRE CROWE pointed out that Article 5 of the draft of mandate "B", to which Mr. Matsui had referred, bore in the text which he had before him and which the Legal Advisors had revised the number 8. But it was the same text.

He could not very well see how the modification to the "C" type of mandate demanded by the Japanese Government could be made without going directly against Article 22 of the Treaty which Japan had accepted since it had signed and ratified it. Paragraph 6 of Article 22 deliberately omitted the words which appeared at the end of paragraph 5 and which tended to ensure to members of the League of Nations equality of conditions in currency and commerce. If that difference had been formulated between the Mandates "B" and "C", it was done intentionally, since the territories under mandate "C" were an integral part of the territory of the mandatory Power, a state of affairs involving as a consequence equality of treatment between all the members of the League of Nations on the territory of the mandatory Power itself. It seemed to him that by the very ~~fixxx~~ fact that it had signed the Treaty, the Japanese Government had already accepted the general principle of discrimination between the mandate "B" and mandate "C", a principle the suppression of which it was that Japan was then demanding.

M. DE MARTINO explained that in the question of mandates in general Italy had no special interests.

He recognised

61

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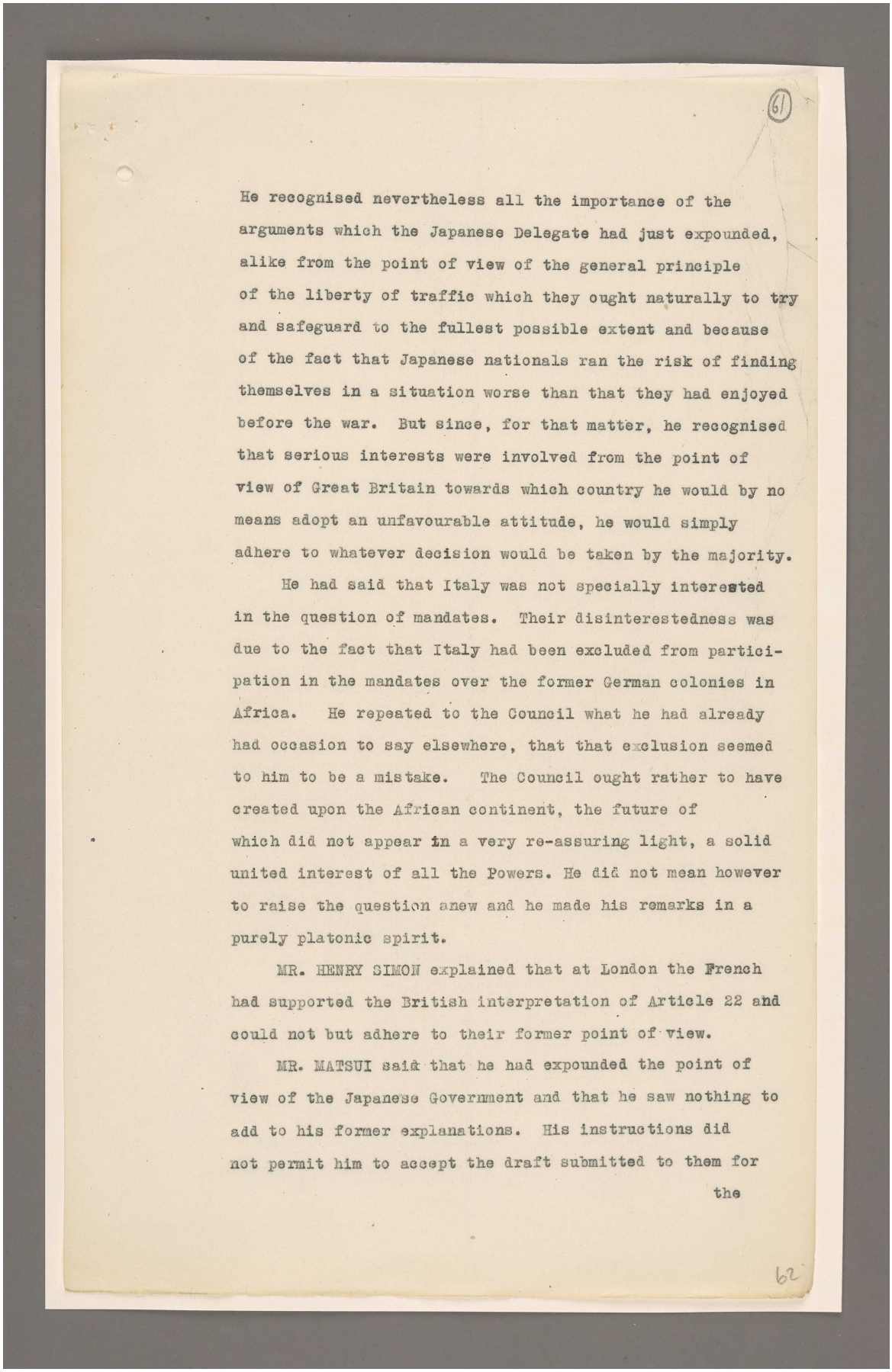

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He recognised nevertheless all the importance of the arguments which the Japanese Delegate had just expounded, alike from the point of view of the general principle of the liberty of traffic which they ought naturally to try and safeguard to the fullest possible extent and because of the fact that Japanese nationals ran the risk of finding themselves in a situation worse than that they had enjoyed before the war. But since, for that matter, he recognised that serious interests were involved from the point of view of Great Britain towards which country he would by no means adopt an unfavourable attitude, he would simply adhere to whatever decision would be taken by the majority.

He had said that Italy was not specially interested in the question of mandates. Their disinterestedness was due to the fact that Italy had been excluded from participation in the mandates over the former German colonies in Africa. He repeated to the Council what he had already had occasion to say elsewhere, that that exclusion seemed to him to be a mistake. The Council ought rather to have created upon the African continent, the future of which did not appear in a very re-assuring light, a solid united interest of all the Powers. He did not mean however to raise the question anew and he made his remarks in a purely platonic spirit.

MR. HENRY SIMON explained that at London the French had supported the British interpretation of Article 22 and could not but adhere to their former point of view.

MR. MATSUI said that he had expounded the point of view of the Japanese Government and that he saw nothing to add to his former explanations. His instructions did not permit him to accept the draft submitted to them for

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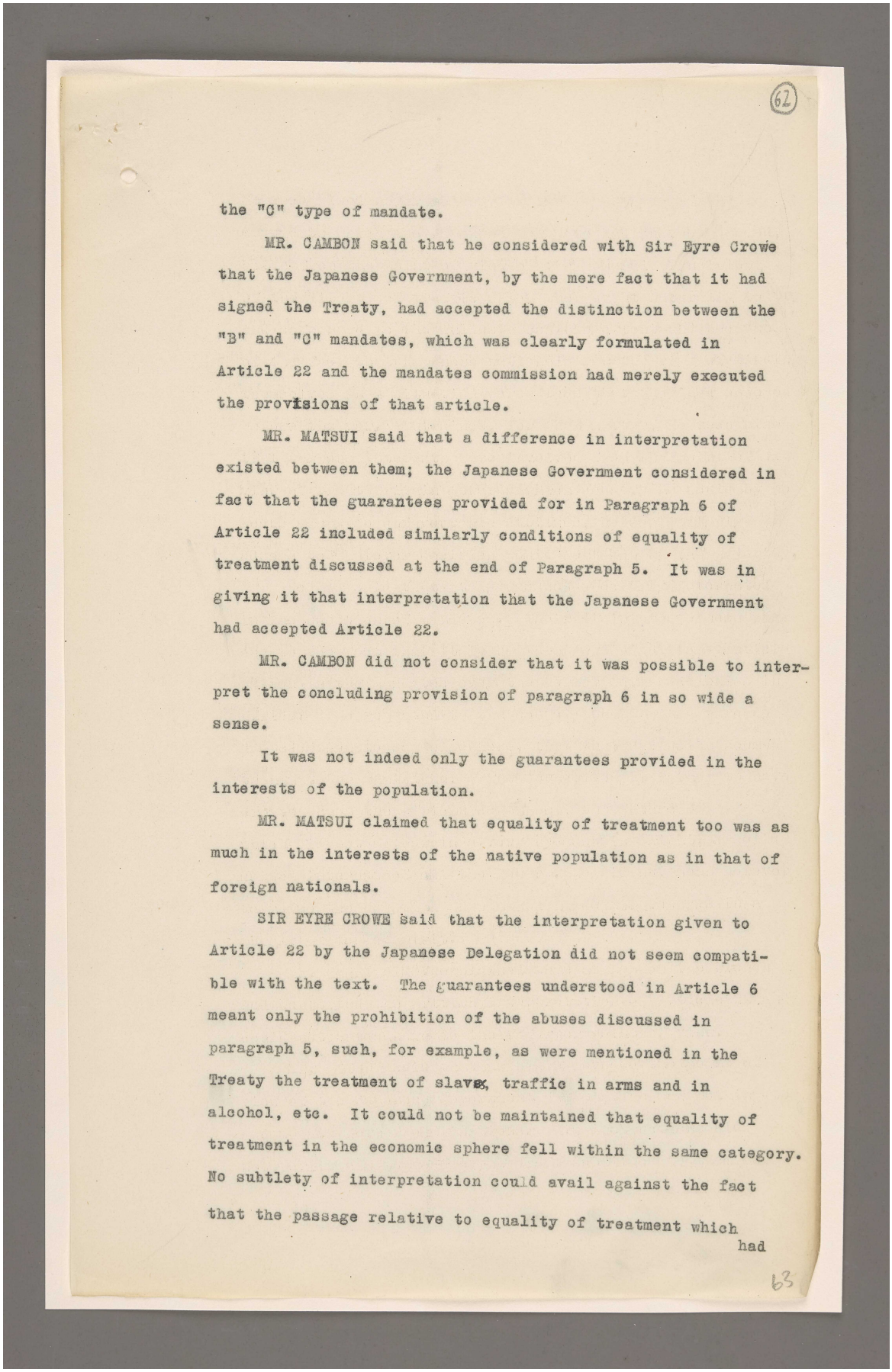

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the "C" type of mandate.

MR. CAMBON said that he considered with Sir Eyre Crowe that the Japanese Government, by the mere fact that it had signed the Treaty, had accepted the distinction between the "B" and "C" mandates, which was clearly formulated in Article 22 and the mandates commission had merely executed the provisions of that article.

MR. MATSUI said that a difference in interpretation existed between them; the Japanese Government considered in fact that the guarantees provided for in Paragraph 6 of Article 22 included similarly conditions of equality of treatment discussed at the end of Paragraph 5. It was in giving it that interpretation that the Japanese Government had accepted Article 22.

MR. CAMBON did not consider that it was possible to interpret the concluding provision of paragraph 6 in so wide a sense.

It was not indeed only the guarantees provided in the interests of the population.

MR. MATSUI claimed that equality of treatment too was as much in the interests of the native population as in that of foreign nationals.

SIR EYRE CROWE said that the interpretation given to Article 22 by the Japanese Delegation did not seem compatible with the text. The guarantees understood in Article 6 meant only the prohibition of the abuses discussed in paragraph 5, such, for example, as were mentioned in the Treaty the treatment of slaves, traffic in arms and in alcohol, etc. It could not be maintained that equality of treatment in the economic sphere fell within the same category. No subtlety of interpretation could avail against the fact that the passage relative to equality of treatment which had

63

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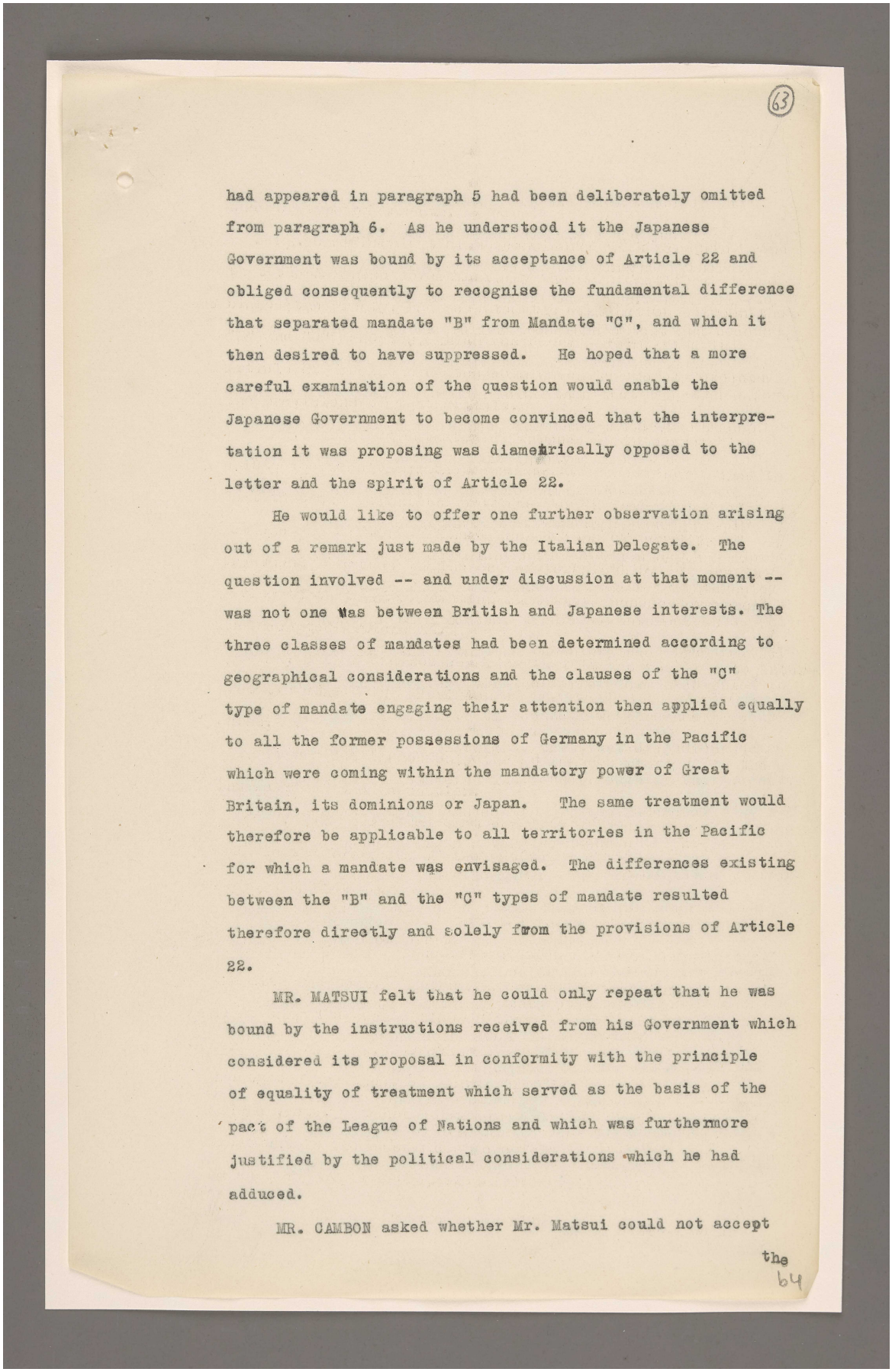

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had appeared in paragraph 5 had been deliberately omitted from paragraph 6. As he understood it the Japanese Government was bound by its acceptance of Article 22 and obliged consequently to recognise the fundamental difference that separated mandate "B" from Mandate "C", and which it then desired to have suppressed. He hoped that a more careful examination of the question would enable the Japanese Government to become convinced that the interpretation it was proposing was diametrically opposed to the letter and the spirit of Article 22.

He would like to offer one further observation arising out of a remark just made by the Italian Delegate. The question involved -- and under discussion at that moment -- was not one was between British and Japanese interests. The three classes of mandates had been determined according to geographical considerations and the clauses of the "C" type of mandate engaging their attention then applied equally to all the former possessions of Germany in the Pacific which were coming within the mandatory power of Great Britain, its dominions or Japan. The same treatment would therefore be applicable to all territories in the Pacific for which a mandate was envisaged. The differences existing between the "B" and the "C" types of mandate resulted therefore directly and solely from the provisions of Article 22.

MR. MATSUI felt that he could only repeat that he was bound by the instructions received from his Government which considered its proposal in conformity with the principle of equality of treatment which served as the basis of the pact of the League of Nations and which was furthermore justified by the political considerations which he had adduced.

MR. CAMBON asked whether Mr. Matsui could not accept

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draft before the Council under the reserve of gaining the approval of the Japanese Government. The other members of the Council appeared indeed unanimous for the adoption of the British interpretation of Article 22.

MR. MATSUI maintained that as he had already said he had asked for instructions when he sent to Tokio the drafts of the mandates prepared in London. He had so far received no instructions regarding the texts before them, but it was very unlikely that he would receive different instructions since between the former and the new texts there appeared to be more unimportant differences of form.

SIR EYRE CROWE suggested that Mr.Matsui might not perhaps consider it necessary to maintain the reservation he had formulated in so far as concerned the mandate of the Union of South Africa over German South West Africa. He had himself said, indeed, that Japan had no direct interests in that zone. If Mr. Matsui would agree to confine his reservation to the territories of the Pacific, the Council would be in a position at the very least to settle that day the question of South West Africa.

He would also very earnestly urge the Japanese Delegate to make known to Tokio that the interpretation given by the Japanese Government did not appear to any of the other Delegations compatible with the text of the Treaty. He hoped that Mr.Matsui would gain acceptance for the arguments that had been put forward by the Council and would be good enough to recommend to his Government the adoption of the drafts they were discussing.

MR. CAMBON emphasised that they ought not to forget the need there was of arriving at a solution. Sir Eyre Crowe's proposal seemed to him acceptable so far as concerned German South West Africa and he would be glad if

65

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Mr. Matsui would kindly let his Government know thatin the opinion of the other Powers represented on the Supreme Council Japan was already committed on that question by the fact that it had signed the Treaty.

MR. MATSUI said he would sent to Tokio an account of that discussion and would ask for new instructions. For the moment he was bound by the instructions he had received already. He would further like the Council to consider how important for Japan was the question of principle involved therein. Japanese public opinion would be quite unable to understand why their nationals should be in a more unfavourable situation after, than they had been in before the war, the more so as Japanese Squadrons had driven the German fleets from the waters of the Pacific.

As to the suggestions made by Sir Eyre Crowe and supported by M.Cambon on the subject of German South West Africa he regretted that he could not associate himself with it. German South West Africa fell as a matter of fact under the type of mandate "C" and he was consequently unable to withdraw a reservation bearing upon the very principle of that type of mandate.

SIR EYRE CROWE wished in no way to deny the force of Mr. Matsui's argument, but he could only repeat that in his belief Japan had already accepted the provisions which it was then actually asking to have modified.

MR. MATSUI said that their acceptation ought to be understood in the sense that equality of treatment was for them part of the guarantees provided for in paragraph 6 of Article 22.

SIR EYRE CROWE maintained that that paragraph concerned only guarantees provided for in the interests of the native population, namely, liberty of conscience and of religion, prohibition of commerce in arms and in alcohol and other provisions of the same nature.

MR. MATSUI

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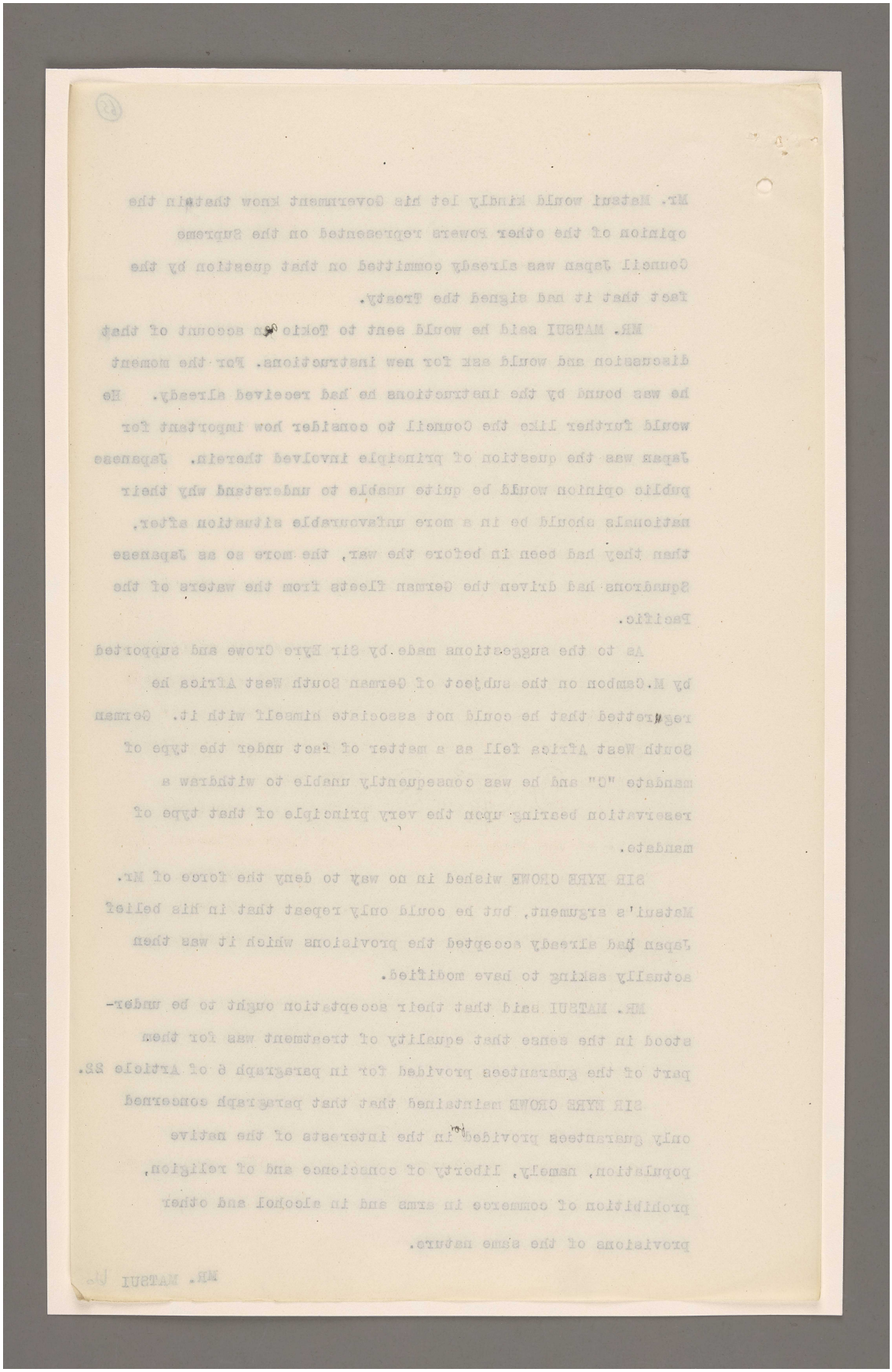

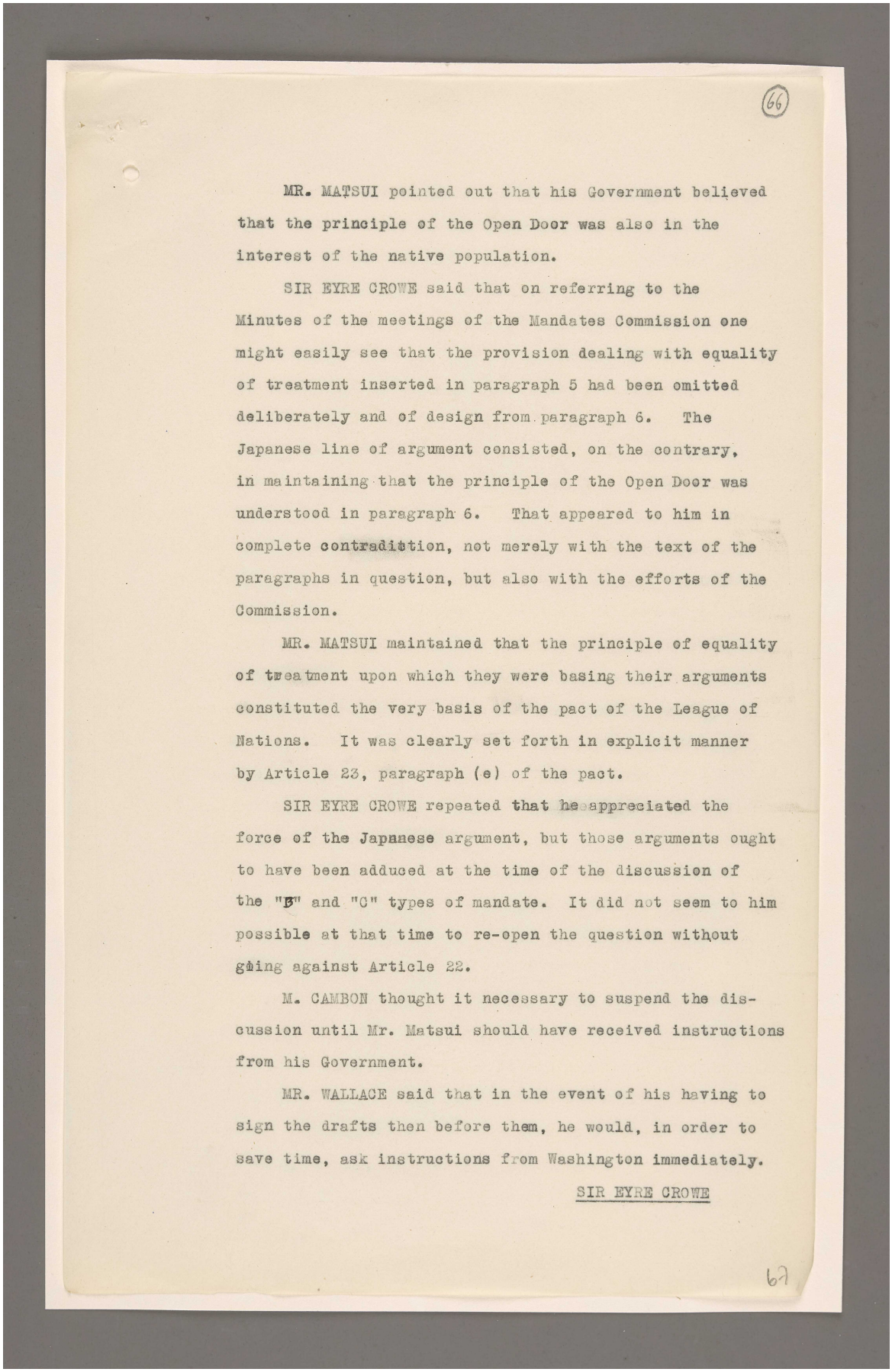

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MR. MATSUI pointed out that his Government believed that the principle of the Open Door was also in the interest of the native population.

SIR EYRE CROWE said that on referring to the Minutes of the meetings of the Mandates Commission one might easily see that the provision dealing with equality of treatment inserted in paragraph 5 had been omitted deliberately and of design from paragraph 6. The Japanese line of argument consisted, on the contrary, in maintaining that the principle of the Open Door was understood in paragraph 6. That appeared to him in complete contradiction, not merely with the text of the paragraphs in question, but also with the efforts of the Commission.

MR. MATSUI maintained that the principle of equality of treatment upon which they were basing their arguments constituted the very basis of the pact of the League of Nations. It was clearly set forth in explicit manner by Article 23, paragraph (e) of the pact.

SIR EYRE CROWE repeated that he appreciated the force of the Japanese argument, but those arguments ought to have been adduced at the time of the discussion of the "B" and "C" types of mandate. It did not seem to him possible at that time to re-open the question without going against Article 22.

M. CAMBON thought it necessary to suspend the discussion until Mr. Matsui should have received instructions from his Government.

MR. WALLACE said that in the event of his having to sign the drafts then before them, he would, in order to save time, ask instructions from Washington immediately.

SIR EYRE CROWE

67

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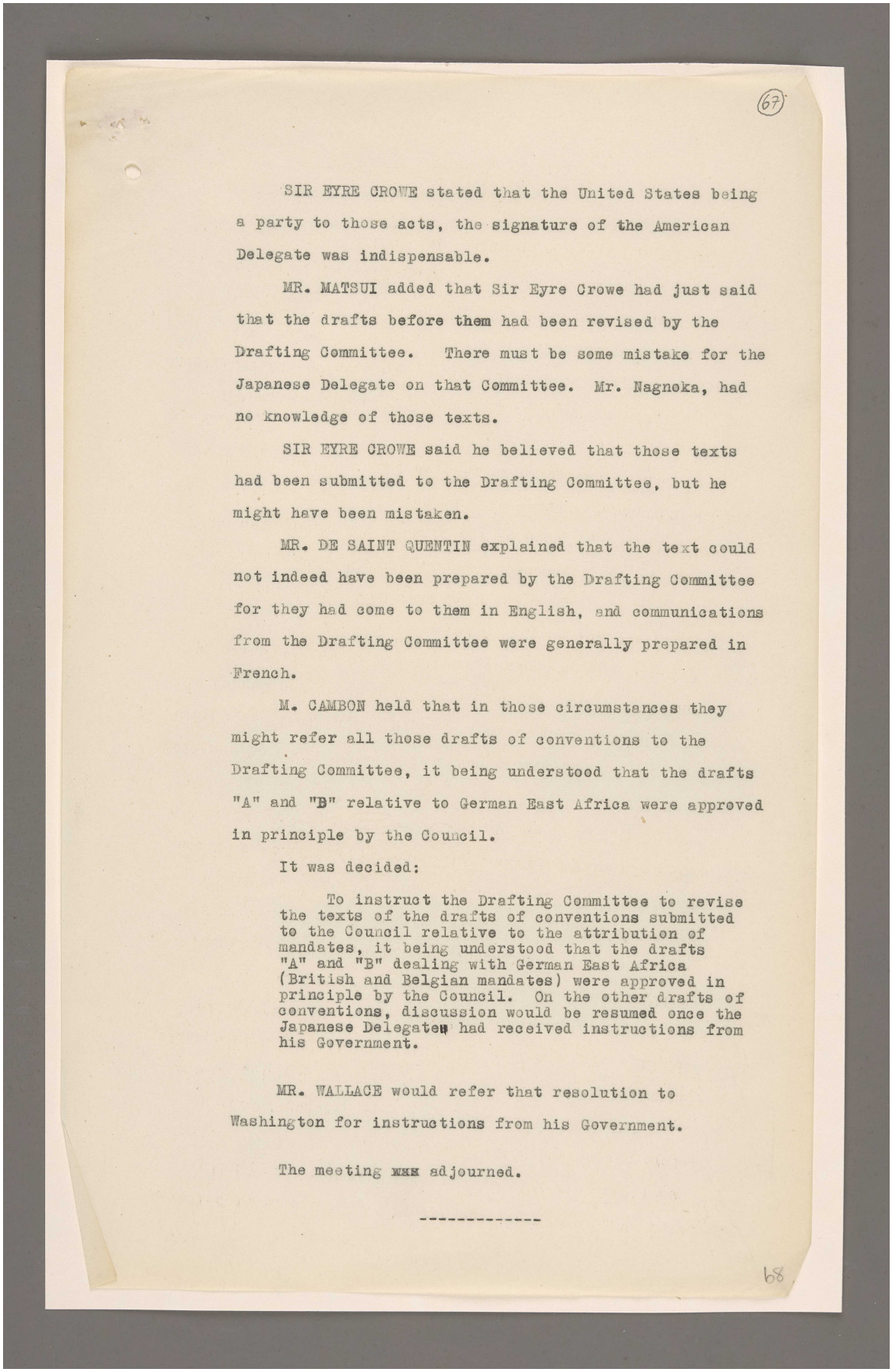

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SIR EYRE CROWE stated that the United States being a party to those acts, the signature of the American Delegate was indispensable.

MR. MATSUI added that Sir Eyre Crowe had just said that the drafts before them had been revised by the Drafting Committee. There must be some mistake for the Japanese Delegate on that Committee. Mr. Nagaoka, had no knowledge of those texts.

SIR EYRE CROWE said he believed that those texts had been submitted to the Drafting Committee, but he might have been mistaken.

MR. DE SAINT QUENTIN explained that the text could not indeed have been prepared by the Drafting Committee for they had come to them in English, and communications from the Drafting Committee were generally prepared in French.

M. CAMBON held that in those circumstances they might refer all those drafts of conventions to the Drafting Committee, it being understood that the drafts "A" and "B" relative to German East Africa were approved in principle by the Council.

It was decided:

To instruct the Drafting Committee to revise the texts of the drafts of conventions submitted to the Council relative to the attribution of mandates, it being understood that the drafts "A" and "B" dealing with German East Africa (British and Belgian mandates) were approved in principle by the Council. On the other drafts of conventions, discussion would be resumed once the Japanese Delegate had received instructions from his Government.

MR. WALLACE would refer that resolution to Washington for instructions from his Government.

The meeting was adjourned.

68

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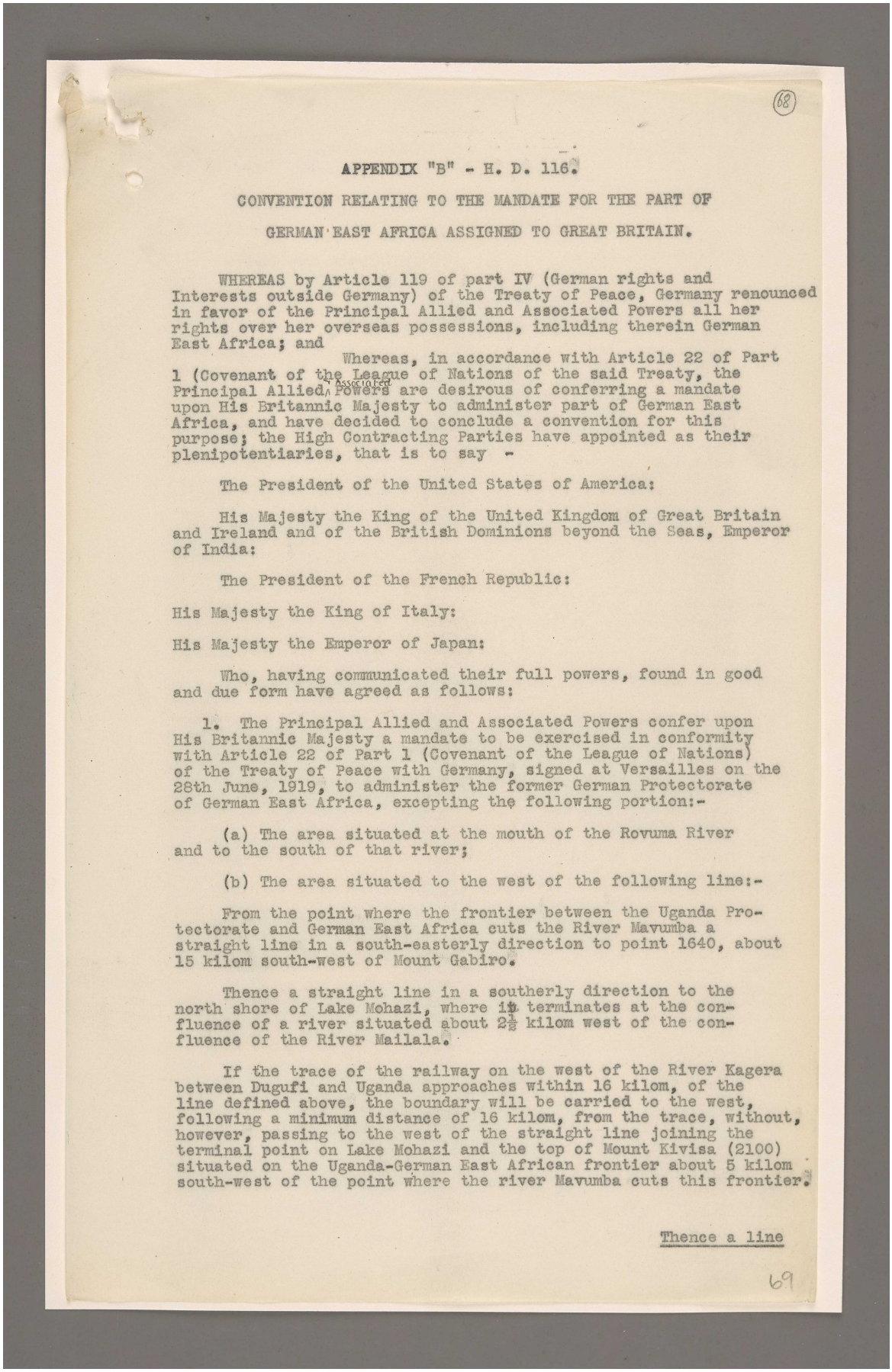

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APPENDIX "B" - H. D. 116.

CONVENTION RELATING TO THE MANDATE FOR THE PART OF GERMAN EAST AFRICA ASSIGNED TO GREAT BRITAIN.

WHEREAS by Article 119 of part IV (German rights and Interests outside Germany) of the Treaty of Peace, Germany renounced in favor of the Principal Allied and Associated Powers all her rights over her overseas possessions, including therein German East Africa; and

Whereas, in accordance with Article 22 of Part 1 (Covenant of the League of Nations of the said Treaty, the Principal Allied and Associated Powers are desirous of conferring a mandate upon His Britannic Majesty to administer part of German East Africa, and have decided to conclude a convention for this purpose; the High Contracting Parties have appointed as their plenipotentiaries, that is to say -

The President of the United States of America:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The President of the French Republic:

His Majesty the King of Italy:

His Majesty the Emperor of Japan:

Who, having communicated their full powers, found in good and due form have agreed as follows:

1. The Principal Allied and Associated Powers confer upon His Britannic Majesty a mandate to be exercised in conformity with Article 22 of Part 1 (Covenant of the League of Nations) of the Treaty of Peace with Germany, signed at Versailles on the 28th June, 1919, to administer the former German Protectorate of German East Africa, excepting the following portion:-

(a) The area situated at the mouth of the Rovuma River and to the south of that river;

(b) The area situated to the west of the following line:-

From the point where the frontier between the Uganda Protectorate and German East Africa cuts the River Mavumba a straight line in a south-easterly direction to point 1640, about 15 kilom south-west of Mount Gabiro.

Thence a straight line in a southerly direction to the north shore of Lake Mohazi, where it terminates at the confluence of a river situated about 2½ kilom west of the confluence of the River Mailala.

If the trace of the railway on the west of the River Kagera between Dugufi and Uganda approaches within 16 kilom, of the line defined above, the boundary will be carried to the west, following a minimum distance of 16 kilom, from the trace, without, however, passing to the west of the straight line joining the terminal point on Lake Mohazi and the top of Mount Kivisa (2100) situated on the Uganda-German East African frontier about 5 kilom south-west of the point where the river Mavumba cuts this frontier.

Thence a line

69

Thence a line south-eastwards to meet the southern shore of Lake Mohazi.

Thence the watershed between the Taruka and the Ukarange and continuing southwards to the north-eastern end of Lake Mugesera.

Thence the Median Line of this lake and continuing southwards across Lake Saake to meet the Kagera.

Thence the course of the Kagera downstream to meet the western Boundary of the Bugufi

Thence this boundary to its junction with the eastern boundary of Urundi.

Thence the eastern and southern boundary of Urundi to Lake Tanganyika.

2. Boundary Commissioners shall be appointed by the British Empire to trace on the spot the line described above. In case any dispute should arise in connection with the work of these Boundary Commissioners, the question shall be referred to the Council of the League of Nations, whose decision shall be final. The report by the Commissioners on the boundary delimited, together with copies of the necessary maps annexed thereto and signed by the Commissioners, shall be made in triplicate; one copy shall be deposited in the Archives of the League of Nations, one shall be kept by the Government of His Britannic Majesty, and one by the Government of His Majesty the King of the Belgians.

3. His Britannic Majesty, hereinafter called the Mandatory Power, accepts the mandate thus conferred upon him, and will execute the same on behalf of the League of Nations and in accordance with the following provisions.

4. The Mandatory Power shall be responsible for the peace, order and good government of the Territory, and undertakes to promote to the utmost the material and moral well-being and the social progress of its inhabitants. The Mandatory Power shall have full powers of legislation and administration.

5. The Mandatory Power undertakes not to establish any military or naval bases, not to erect any fortifications, and not to organise any native military force in the Territory except for local police purposes and for the defense of the Territory.

6. The Mandatory Power undertakes -

(I) To provide for the eventual emancipation of all slaves, and for as speedy an elimination of domestic and other slavery as social conditions will allow.

(II) To suppress all forms of slave trade.

(III) To prohibit all forms of forced or compulsory labor except for essential public works and services, and then only in return for adequate remuneration.

(IV) To protect the natives from fraud and force by the careful supervision of labor contracts and the recruiting of labor.

(V) To exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

7. The Mandatory Power undertakes that in the framing of laws relating to the holding of transference of land he will take into consideration native laws and customs and will respect the rights and safeguard the interests of the native population.

No native land may be transferred, except between natives,

without/

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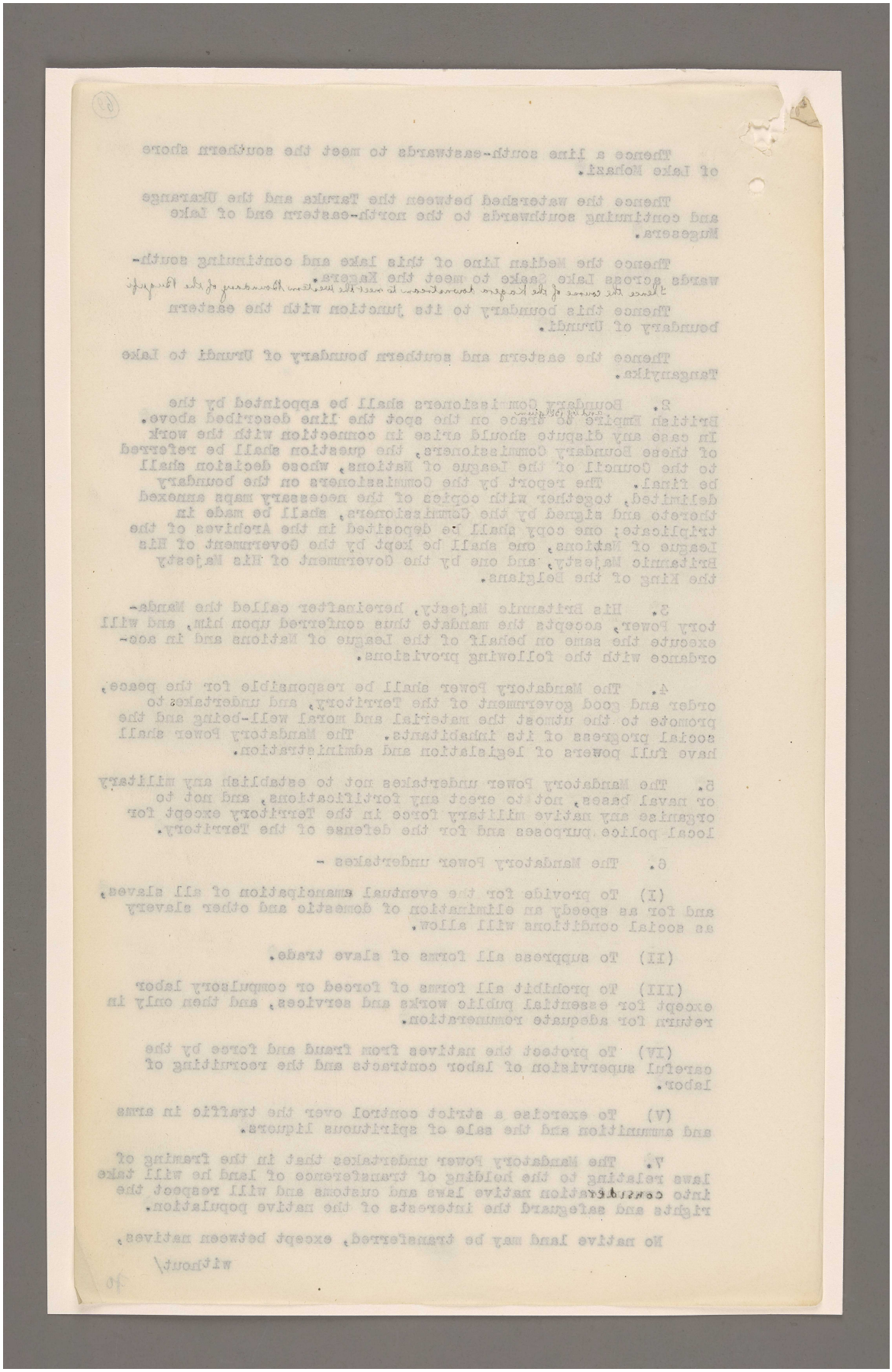

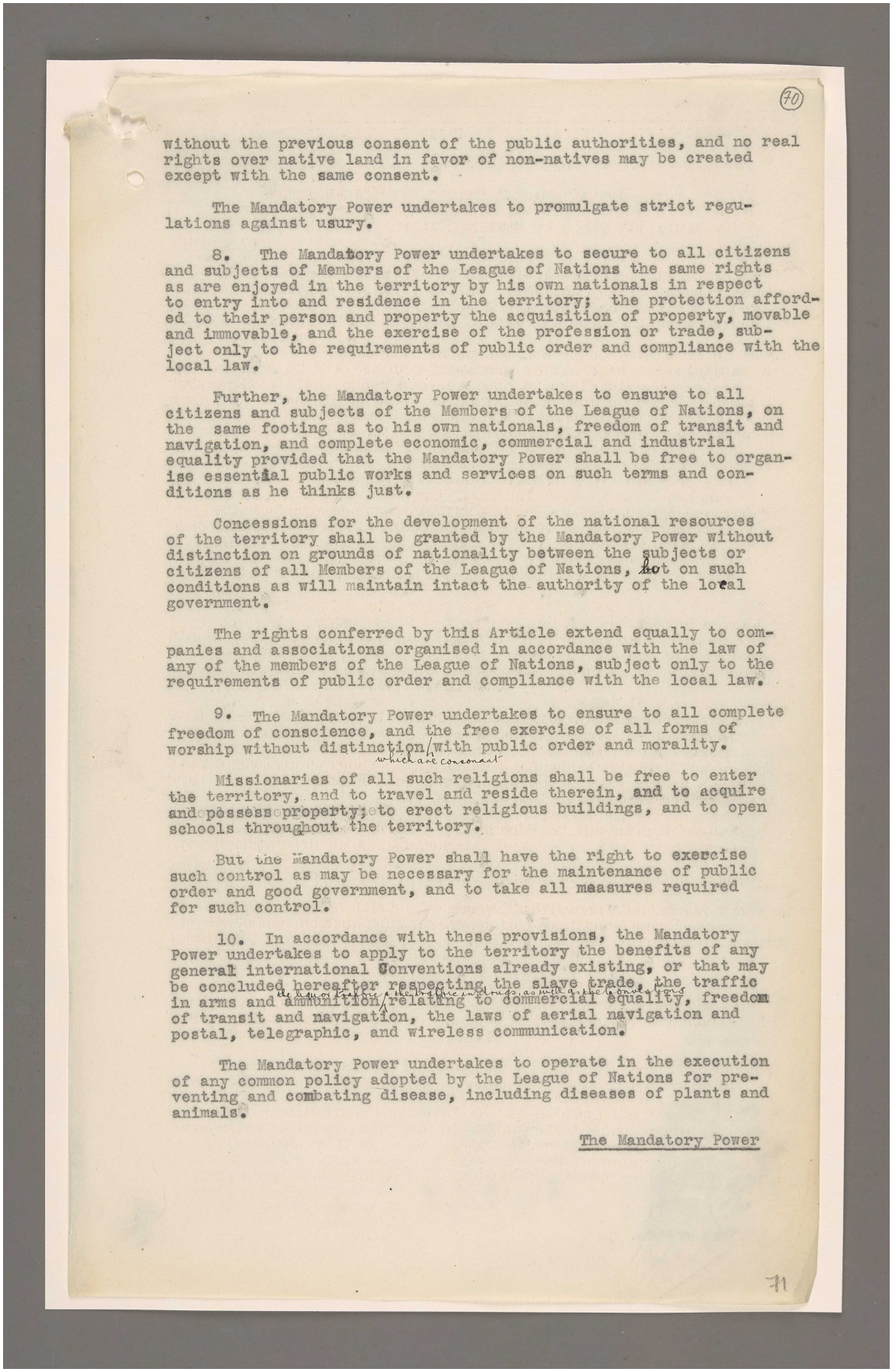

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without the previous consent of the public authorities, and no real rights over native land in favor of non-natives may be created except with the same consent.

The Mandatory Power undertakes to promulgate strict regulations against usury.

8. The Mandatory Power undertakes to secure to all citizens and subjects of Members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect to entry into and residence in the territory; the protection afforded to their person and property the acquisition of property, movable and immovable, and the exercise of the profession or trade, subject only to the requirements of public order and compliance with the local law.

Further, the Mandatory Power undertakes to ensure to all citizens and subjects of the Members of the League of Nations, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality provided that the Mandatory Power shall be free to organise essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the national resources of the territory shall be granted by the Mandatory Power without distinction on grounds of nationality between the subjects or citizens of all Members of the League of Nations, but on such conditions as will maintain intact the authority of the local government.

The rights conferred by this Article extend equally to companies and associations organised in accordance with the law of any of the members of the League of Nations, subject only to the requirements of public order and compliance with the local law.

9. The Mandatory Power undertakes to ensure to all complete freedom of conscience, and the free exercise of all forms of worship without distinction, which are consonant with public order and morality.

Missionaries of all such religions shall be free to enter the territory, and to travel and reside therein, and to acquire and possess property, to erect religious buildings, and to open schools throughout the territory.

But the Mandatory Power shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

10. In accordance with these provisions, the Mandatory Power undertakes to apply to the territory the benefits of any general international Conventions already existing, or that may be concluded hereafter respecting the slave trade, the traffic in arms and ammunition, relating to commercial equality, freedom of transit and navigation, the laws of aerial navigation and postal, telegraphic, and wireless communication.

The Mandatory Power undertakes to operate in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

The Mandatory Power

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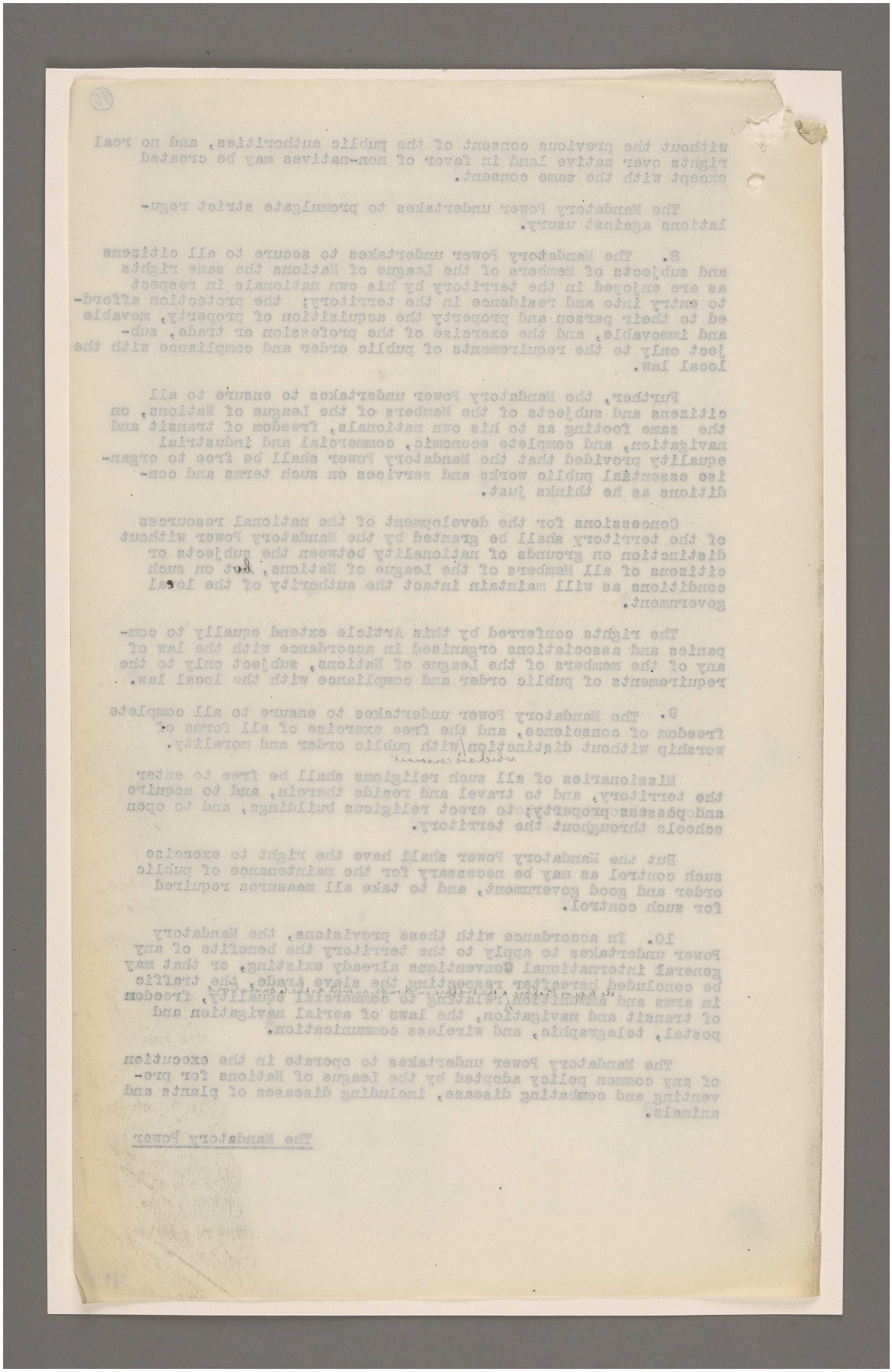

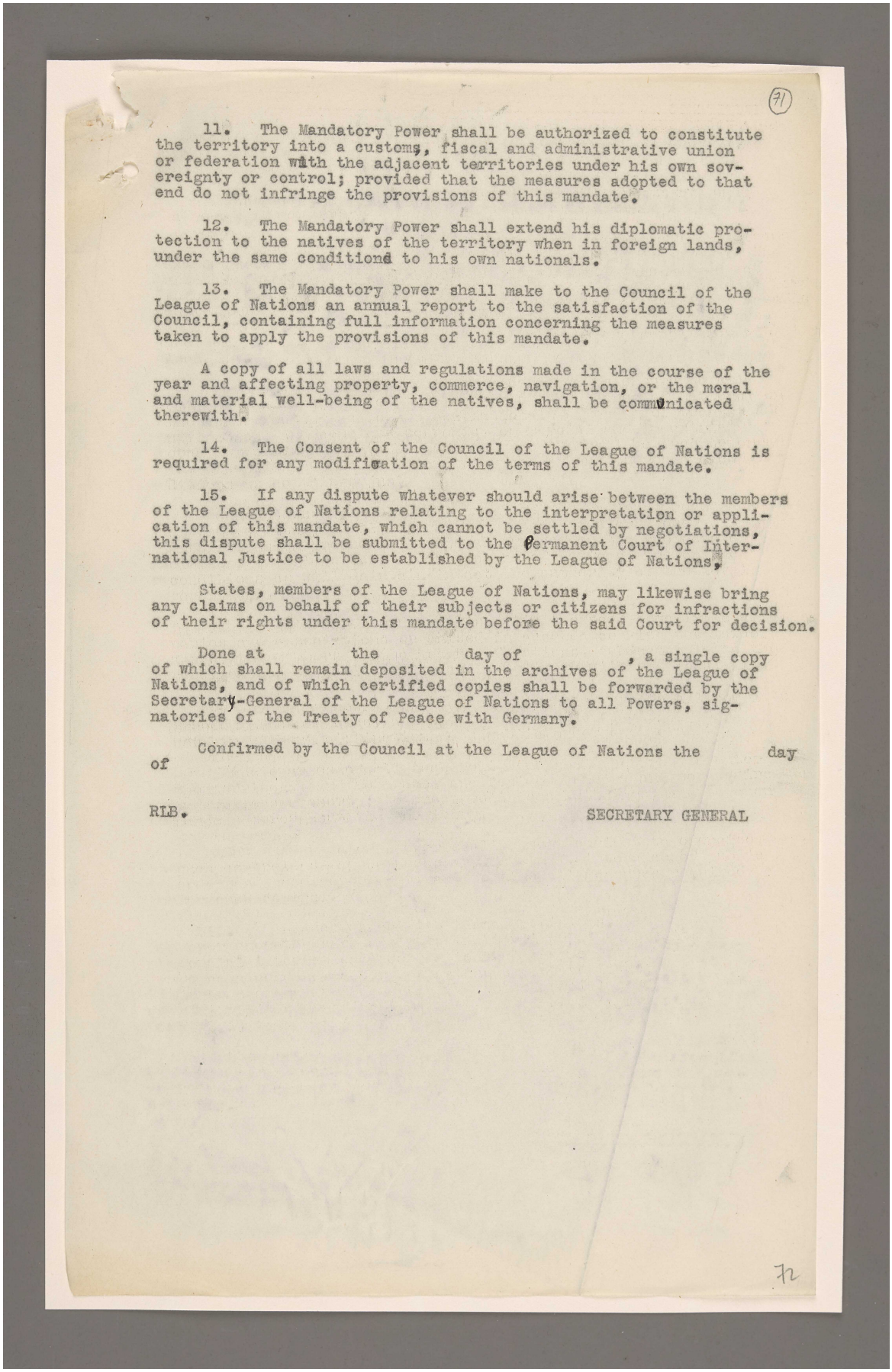

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11. The Mandatory Power shall be authorized to constitute the territory into a customs, fiscal and administrative union or federation with the adjacent territories under his own sovereignty or control; provided that the measures adopted to that end do not infringe the provisions of this mandate.

12. The Mandatory Power shall extend his diplomatic protection to the natives of the territory when in foreign lands, under the same conditions to his own nationals.

13. The Mandatory Power shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information concerning the measures taken to apply the provisions of this mandate.

A copy of all laws and regulations made in the course of the year and affecting property, commerce, navigation, or the moral and material well-being of the natives, shall be communicated therewith.

14. The Consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

15. If any dispute whatever should arise between the members of the League of Nations relating to the interpretation or application of this mandate, which cannot be settled by negotiations, this dispute shall be submitted to the Permanent Court of International Justice to be established by the League of Nations.

States, members of the League of Nations, may likewise bring any claims on behalf of their subjects or citizens for infractions of their rights under this mandate before the said Court for decision.

Done at the day of , a single copy of which shall remain deposited in the archives of the League of Nations, and of which certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers, signatories of the Treaty of Peace with Germany.

Confirmed by the Council at the League of Nations the day of

RLB. SECRETARY GENERAL

72

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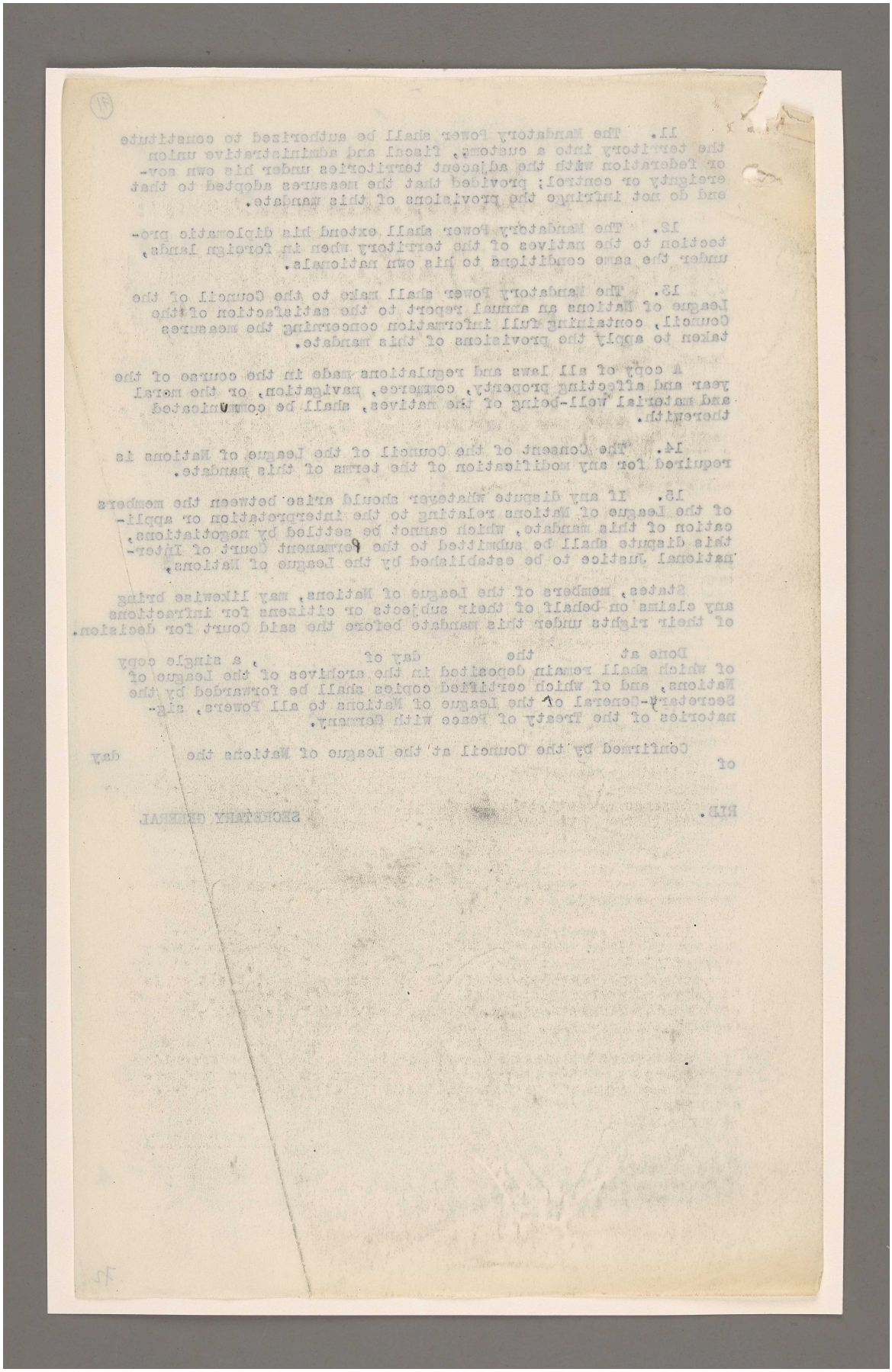

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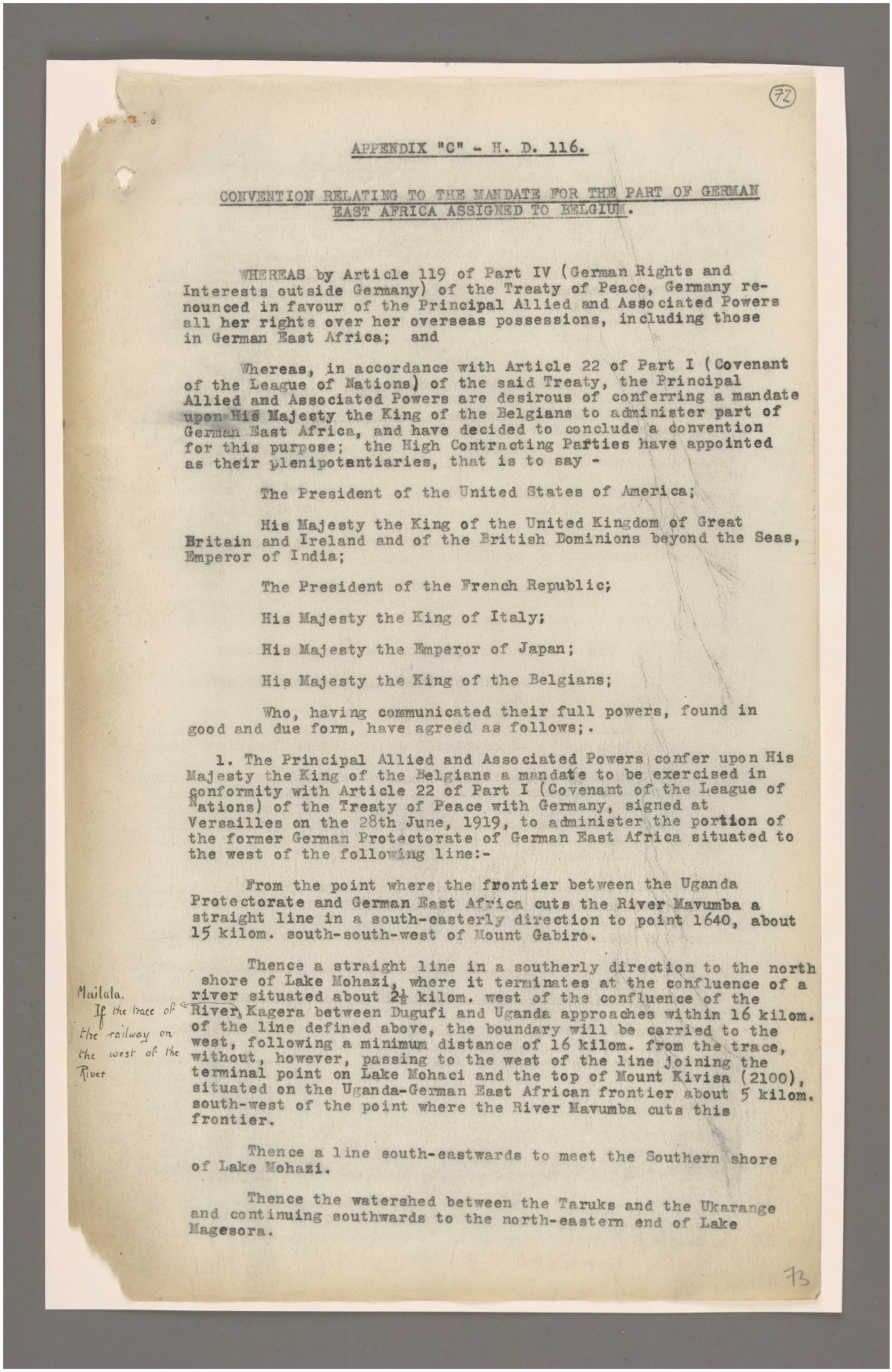

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APPENDIX "C" - H. D. 116.

CONVENTION RELATING TO THE MANDATE FOR THE PART OF GERMAN EAST AFRICA ASSIGNED TO BELGIUM.

WHEREAS by Article 119 of Part IV (German Rights and Interests outside Germany) of the Treaty of Peace, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her overseas possessions, including those in German East Africa; and

Whereas, in accordance with Article 22 of Part I (Covenant of the League of Nations) of the said Treaty, the Principal Allied and Associated Powers are desirous of conferring a mandate upon His Majesty the King of the Belgians to administer part of German East Africa, and have decided to conclude a convention for this purpose; the High Contracting Parties have appointed as their plenipotentiaries, that is to say -

The President of the United States of America;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India;

The President of the French Republic;

His Majesty the King of Italy;

His Majesty the Emperor of Japan;

His Majesty the King of the Belgians;

Who, having communicated their full powers, found in good and due form, have agreed as follows;.

1. The Principal Allied and Associated Powers confer upon His Majesty the King of the Belgians a mandate to be exercised in conformity with Article 22 of Part I (Covenant of the League of Nations) of the Treaty of Peace with Germany, signed at Versailles on the 28th June, 1919, to administer the portion of the former German Protectorate of German East Africa situated to the west of the following line:-

From the point where the frontier between the Uganda Protectorate and German East Africa cuts the River Mavumba a straight line in a south-easterly direction to point 1640, about 15 kilom. south-south-west of Mount Gabiro.

Thence a straight line in a southerly direction to the north shore of Lake Mohazi, where it terminates at the confluence of a river situated about 2½ kilom. west of the confluence of the River Kagera between Dugufi and Uganda approaches within 16 kilom. of the line defined above, the boundary will be carried to the west, following a minimum distance of 16 kilom. from the trace, without, however, passing to the west of the line joining the terminal point on Lake Mohaci and the top of Mount Kivisa (2100), situated on the Uganda-German East African frontier about 5 kilom. south-west of the point where the River Mavumba cuts this frontier.

Mailala. If the trace of the railway on the west of the River

Thence a line south-eastwards to meet the Southern shore of Lake Mohazi.

Thence the watershed between the Taruks and the Ukarange and continuing southwards to the north-eastern end of Lake Magesora.

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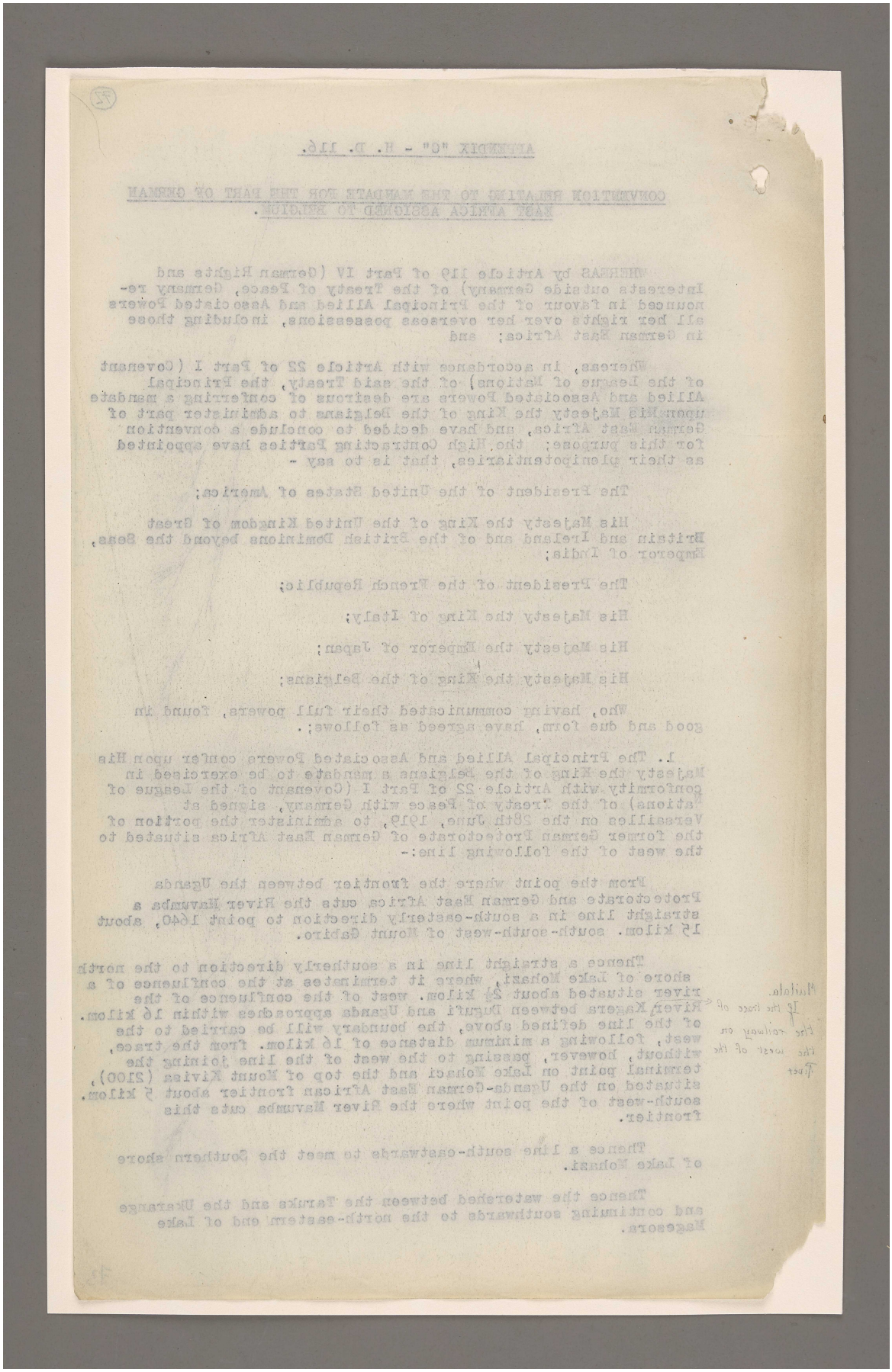

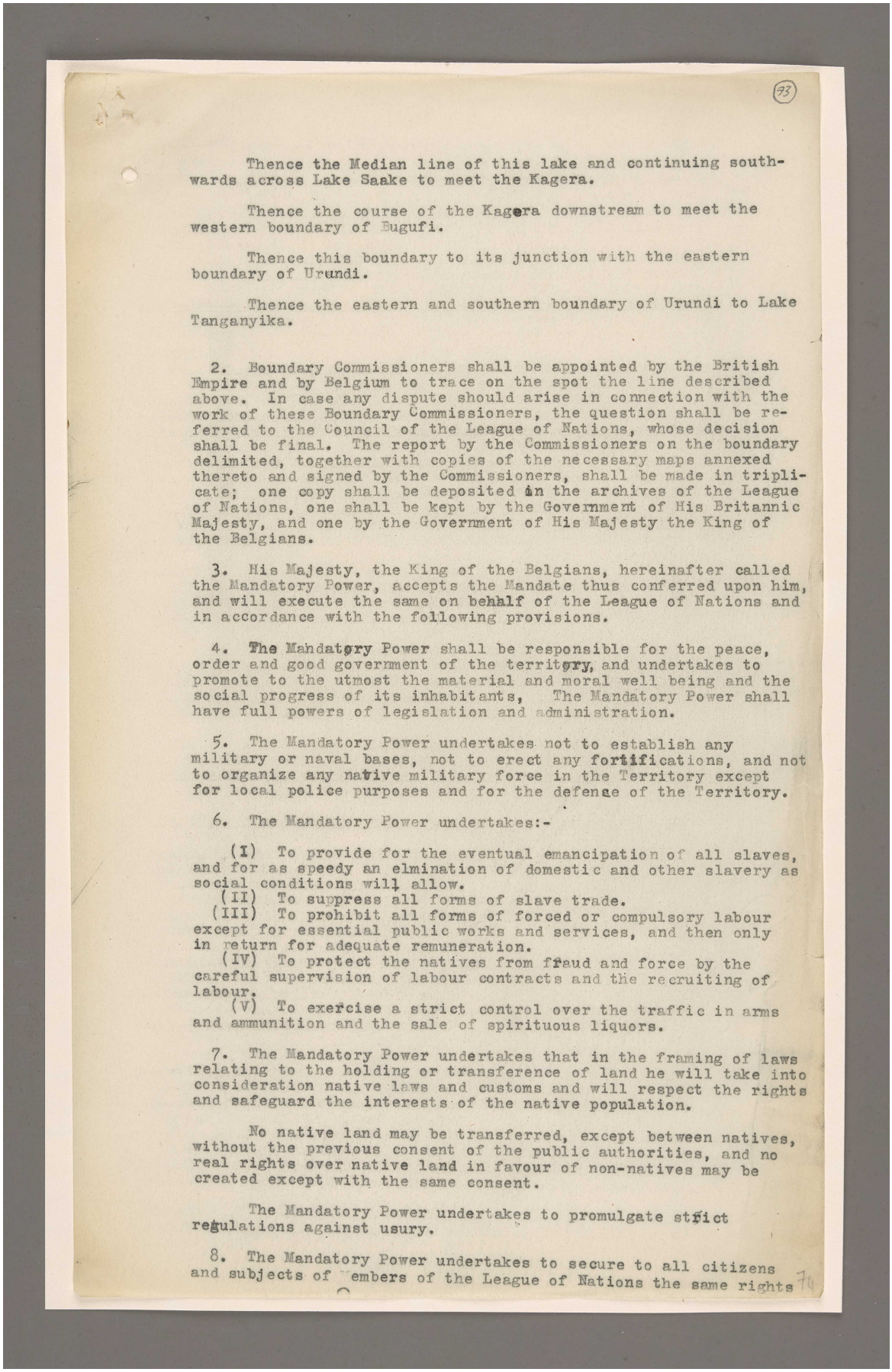

(73)

Thence the Median line of this lake and continuing southwards across Lake Saake to meet the Kagera.

Thence the course of the Kagera downstream to meet the western boundary of Bugufi.

Thence this boundary to its junction with the eastern boundary of Urundi.

Thence the eastern and southern boundary of Urundi to Lake Tanganyika.

2. Boundary Commissioners shall be appointed by the British Empire and by Belgium to trace on the spot the line described above. In case any dispute should arise in connection with the work of these Boundary Commissioners, the question shall be referred to the Council of the League of Nations, whose decision shall be final. The report by the Commissioners on the boundary delimited, together with copies of the necessary maps annexed thereto and signed by the Commissioners, shall be made in triplicate; one copy shall be deposited in the archives of the League of Nations, one shall be kept by the Government of His Britannic Majesty, and one by the Government of His Majesty the King of the Belgians.

3. His Majesty, the King of the Belgians, hereinafter called the Mandatory Power, accepts the Mandate thus conferred upon him, and will execute the same on behalf of the League of Nations and in accordance with the following provisions.

4. The Mandatory Power shall be responsible for the peace, order and good government of the territory, and undertakes to promote to the utmost the material and moral well being and the social progress of its inhabitants, The Mandatory Power shall have full powers of legislation and administration.

5. The Mandatory Power undertakes not to establish any military or naval bases, not to erect any fortifications, and not to organize any native military force in the Territory except for local police purposes and for the defence of the Territory.

6. The Mandatory Power undertakes:-

(I) To provide for the eventual emancipation of all slaves, and for as speedy an elmination of domestic and other slavery as social conditions will allow.
(II) To suppress all forms of slave trade.
(III) To prohibit all forms of forced or compulsory labour except for essential public works and services, and then only in return for adequate remuneration.
(IV) To protect the natives from fraud and force by the careful supervision of labour contracts and the recruiting of labour.
(V) To exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

7. The Mandatory Power undertakes that in the framing of laws relating to the holding or transference of land he will take into consideration native laws and customs and will respect the rights and safeguard the interests of the native population.

No native land may be transferred, except between natives, without the previous consent of the public authorities, and no real rights over native land in favour of non-natives may be created except with the same consent.

The Mandatory Power undertakes to promulgate strict regulations against usury.

8. The Mandatory Power undertakes to secure to all citizens and subjects of embers of the League of Nations the same rights

74

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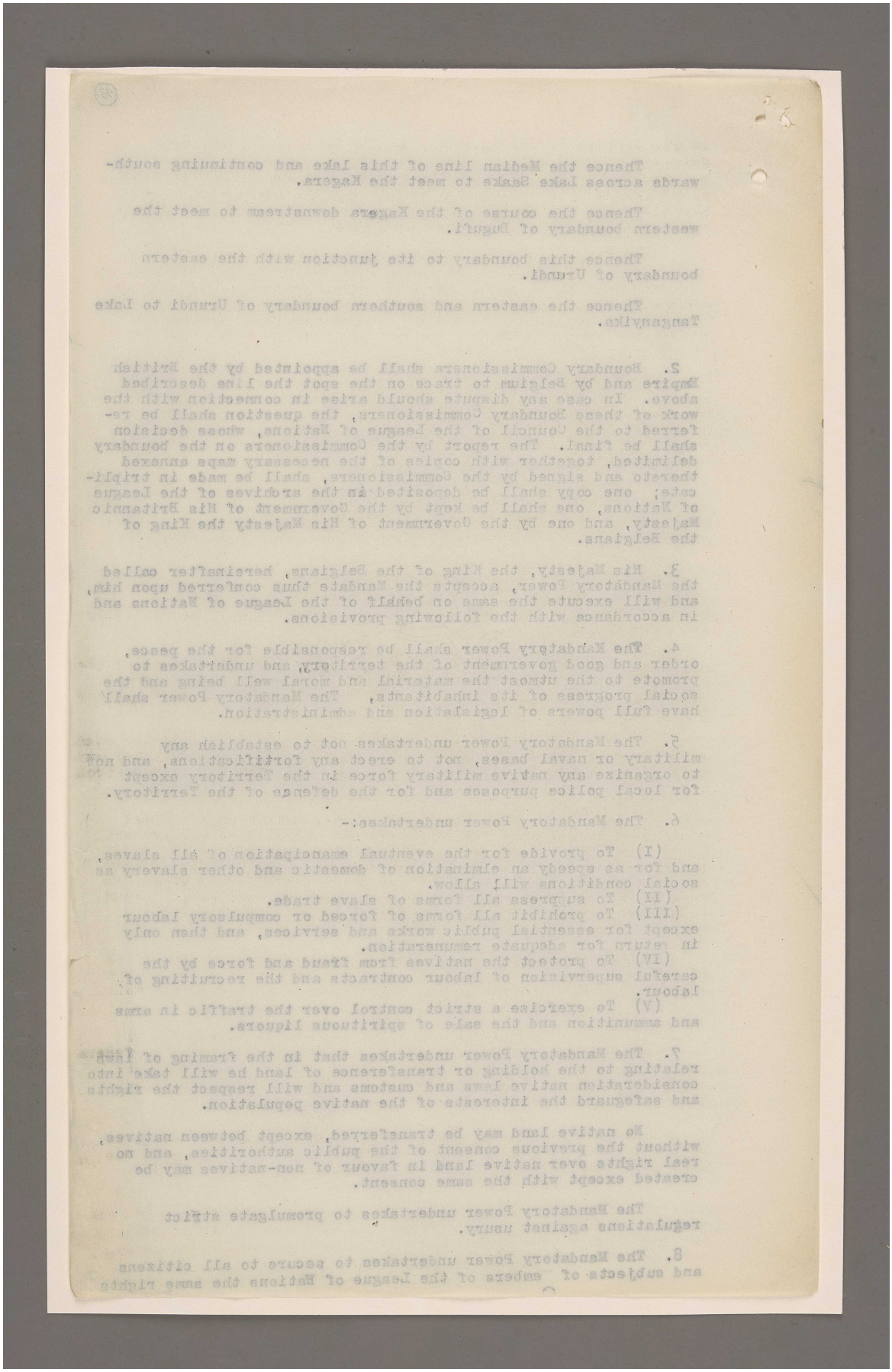

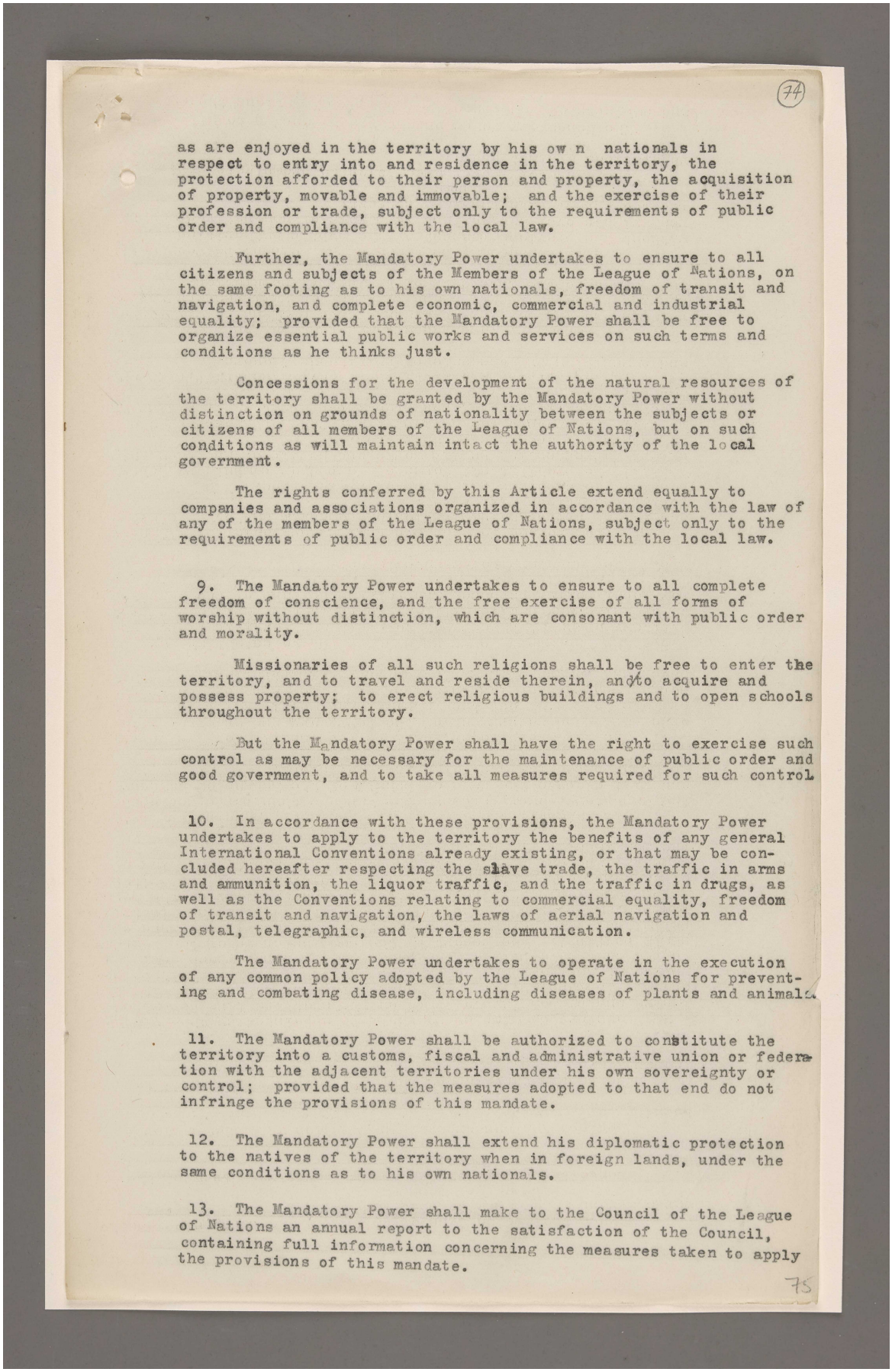

(74)

as are enjoyed in the territory by his own nationals in respect to entry into and residence in the territory, the protection afforded to their person and property, the acquisition of property, movable and immovable; and the exercise of their profession or trade, subject only to the requirements of public order and compliance with the local law.

Further, the Mandatory Power undertakes to ensure to all citizens and subjects of the Members of the League of Nations, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality; provided that the Mandatory Power shall be free to organize essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the Mandatory Power without distinction on grounds of nationality between the subjects or citizens of all members of the League of Nations, but on such conditions as will maintain intact the authority of the local government.

The rights conferred by this Article extend equally to companies and associations organized in accordance with the law of any of the members of the League of Nations, subject only to the requirements of public order and compliance with the local law.

9. The Mandatory Power undertakes to ensure to all complete freedom of conscience, and the free exercise of all forms of worship without distinction, which are consonant with public order and morality.

Missionaries of all such religions shall be free to enter the territory, and to travel and reside therein, and to acquire and possess property; to erect religious buildings and to open schools throughout the territory.

But the Mandatory Power shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

10. In accordance with these provisions, the Mandatory Power undertakes to apply to the territory the benefits of any general International Conventions already existing, or that may be concluded hereafter respecting the slave trade, the traffic in arms and ammunition, the liquor traffic, and the traffic in drugs, as well as the Conventions relating to commercial equality, freedom of transit and navigation, the laws of aerial navigation and postal, telegraphic, and wireless communication.

The Mandatory Power undertakes to operate in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

11. The Mandatory Power shall be authorized to constitute the territory into a customs, fiscal and administrative union or federation with the adjacent territories under his own sovereignty or control; provided that the measures adopted to that end do not infringe the provisions of this mandate.

12. The Mandatory Power shall extend his diplomatic protection to the natives of the territory when in foreign lands, under the same conditions as to his own nationals.

13. The Mandatory Power shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information concerning the measures taken to apply the provisions of this mandate.

75

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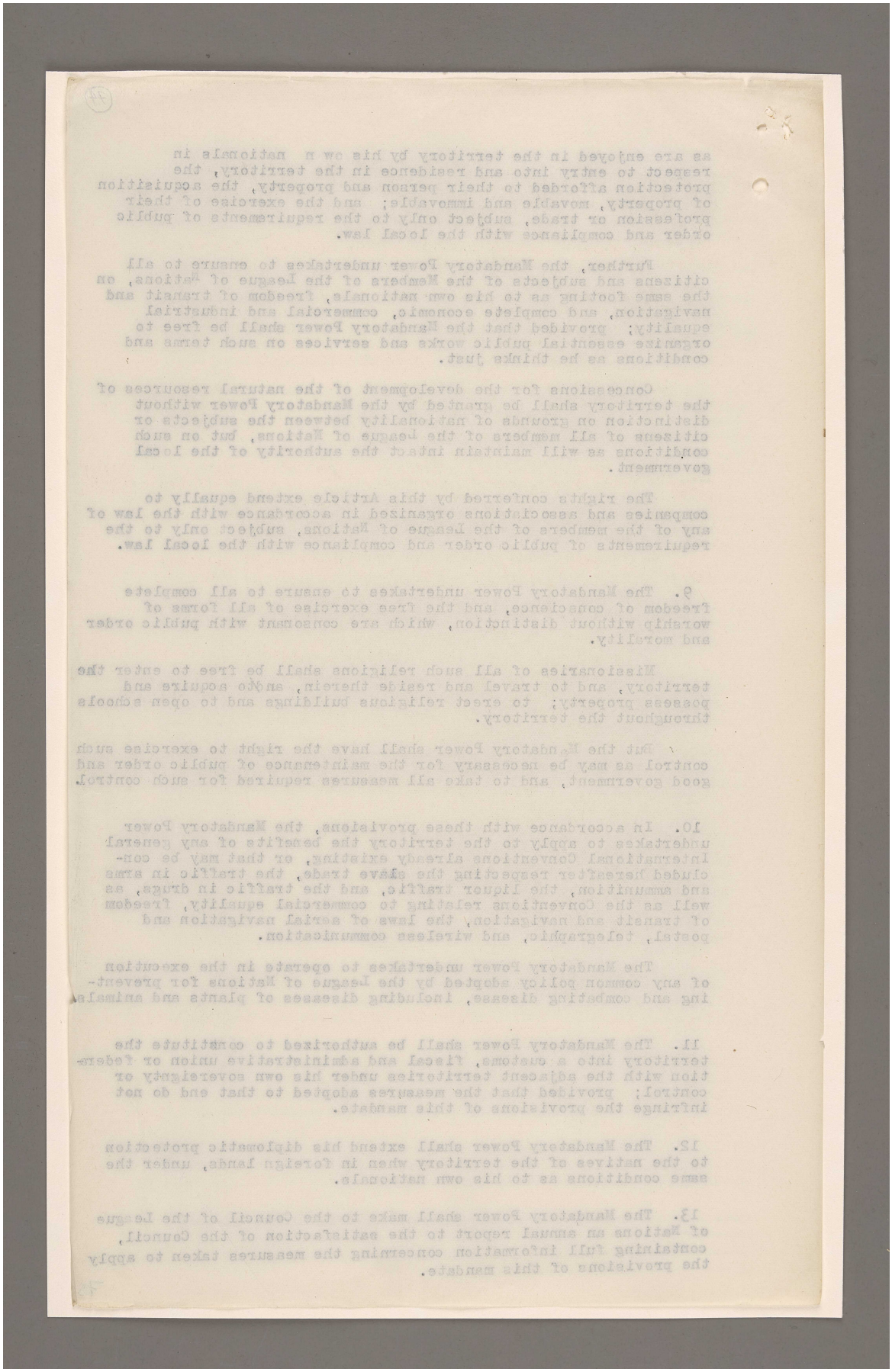

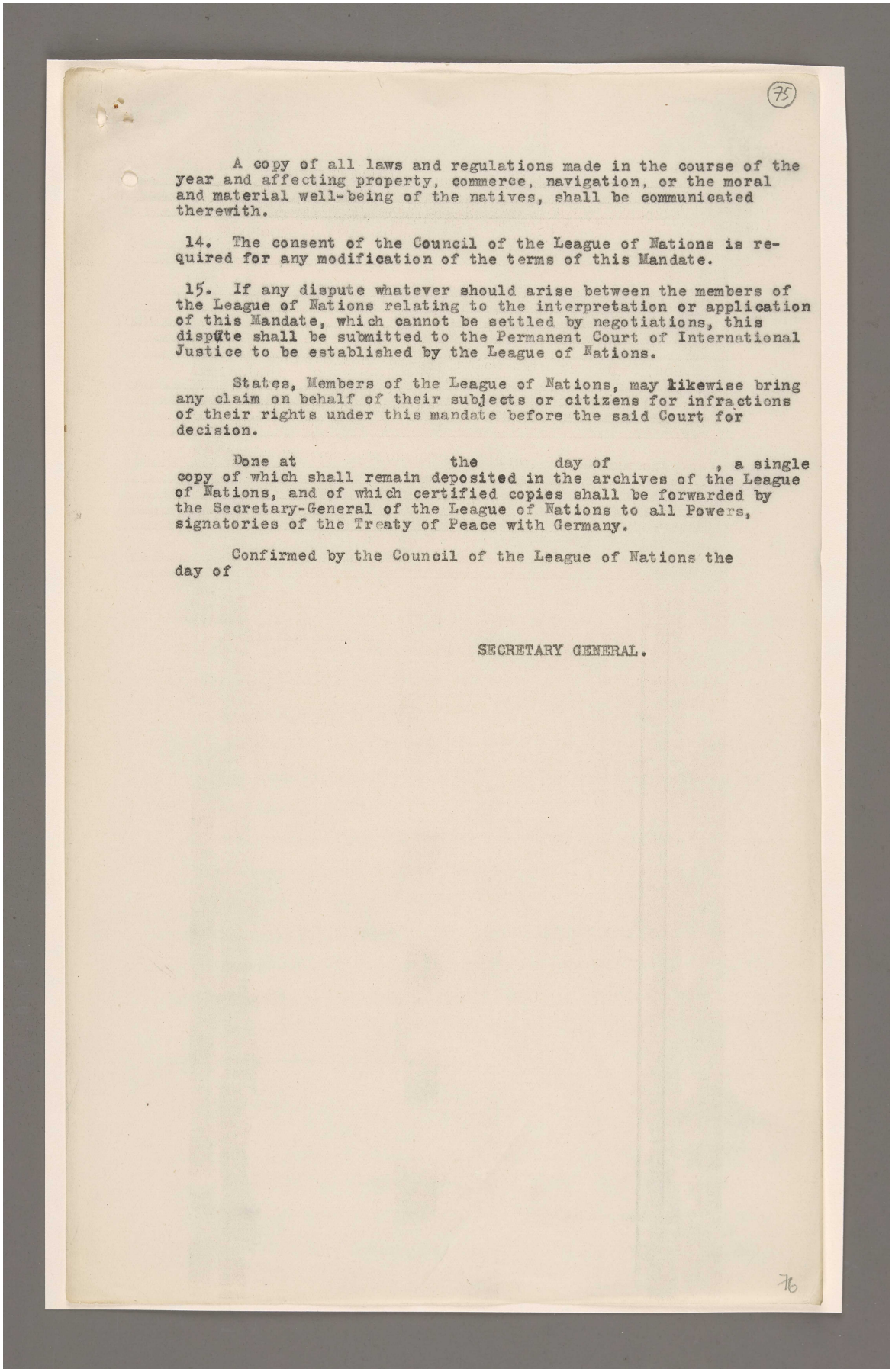

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A copy of all laws and regulations made in the course of the year and affecting property, commerce, navigation, or the moral and material well-being of the natives, shall be communicated therewith.

14. The consent of the Council of the League of Nations is required for any modification of the terms of this Mandate.

15. If any dispute whatever should arise between the members of the League of Nations relating to the interpretation or application of this Mandate, which cannot be settled by negotiations, this dispute shall be submitted to the Permanent Court of International Justice to be established by the League of Nations.

States, Members of the League of Nations, may likewise bring any claim on behalf of their subjects or citizens for infractions of their rights under this mandate before the said Court for decision.

Done at the day of , a single copy of which shall remain deposited in the archives of the League of Nations, and of which certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers, signatories of the Treaty of Peace with Germany.

Confirmed by the Council of the League of Nations the day of

SECRETARY GENERAL.

76

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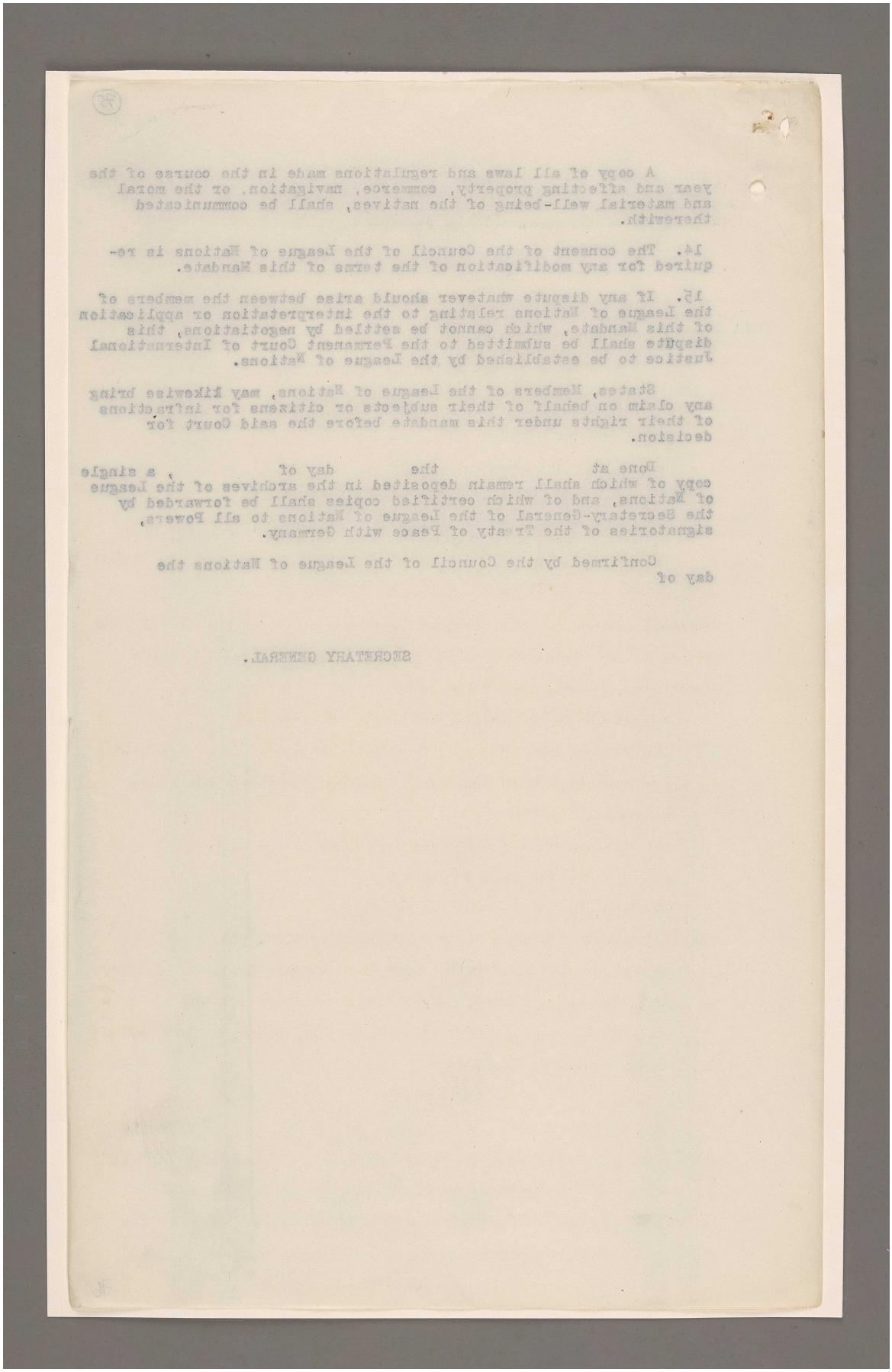

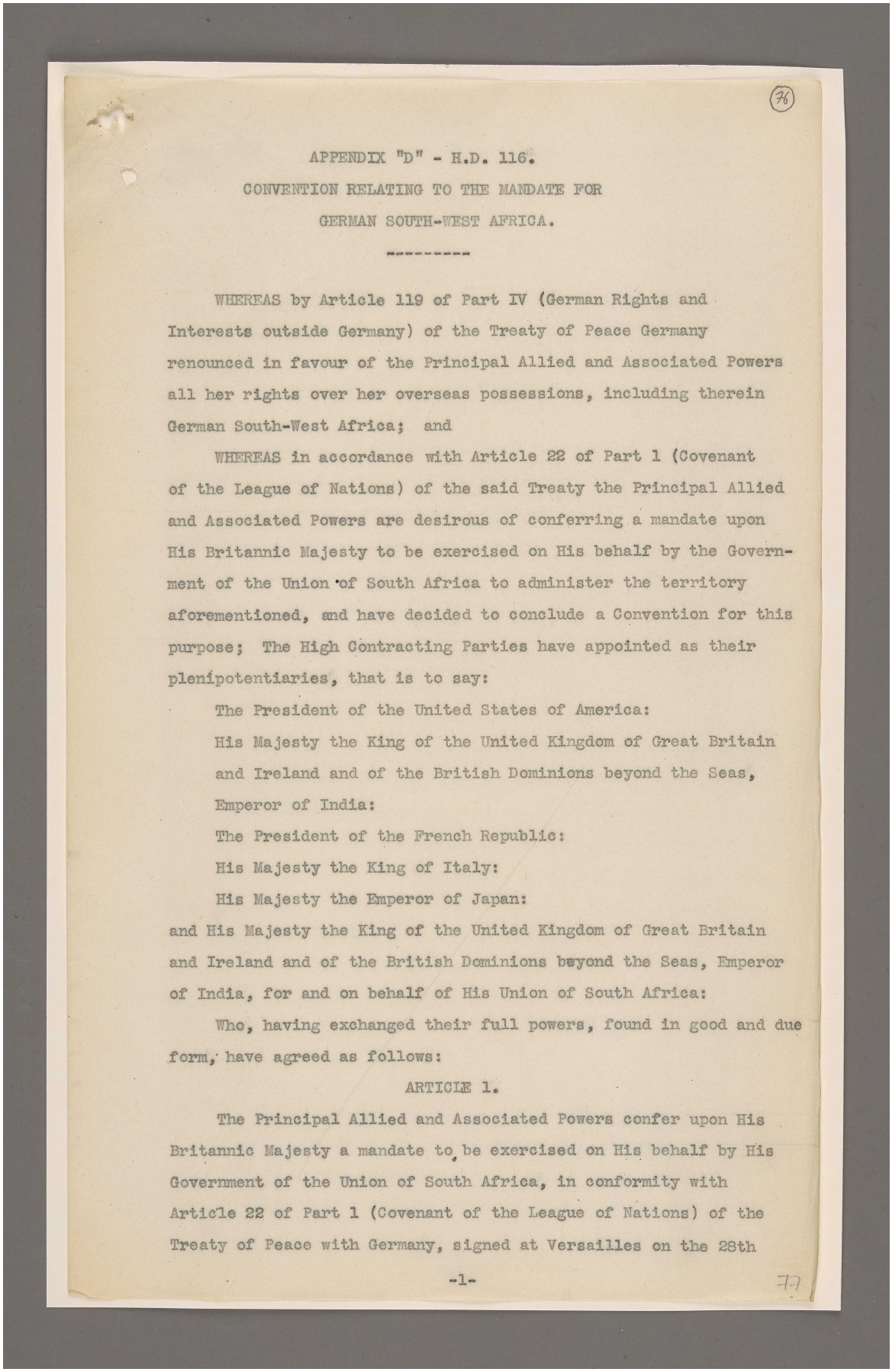

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APPENDIX "D" - H.D. 116.

CONVENTION RELATING TO THE MANDATE FOR GERMAN SOUTH-WEST AFRICA.

WHEREAS by Article 119 of Part IV (German Rights and Interests outside Germany) of the Treaty of Peace Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her overseas possessions, including therein German South-West Africa; and

WHEREAS in accordance with Article 22 of Part 1 (Covenant of the League of Nations) of the said Treaty the Principal Allied and Associated Powers are desirous of conferring a mandate upon His Britannic Majesty to be exercised on His behalf by the Government of the Union of South Africa to administer the territory aforementioned, and have decided to conclude a Convention for this purpose; The High Contracting Parties have appointed as their plenipotentiaries, that is to say:

The President of the United States of America:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The President of the French Republic:

His Majesty the King of Italy:

His Majesty the Emperor of Japan:

and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, for and on behalf of His Union of South Africa:

Who, having exchanged their full powers, found in good and due form, have agreed as follows:

ARTICLE 1.

The Principal Allied and Associated Powers confer upon His Britannic Majesty a mandate to be exercised on His behalf by His Government of the Union of South Africa, in conformity with Article 22 of Part 1 (Covenant of the League of Nations) of the Treaty of Peace with Germany, signed at Versailles on the 28th

-1-

77

المرجع: Mss Eur F112/287 حق النشر: غير معروف
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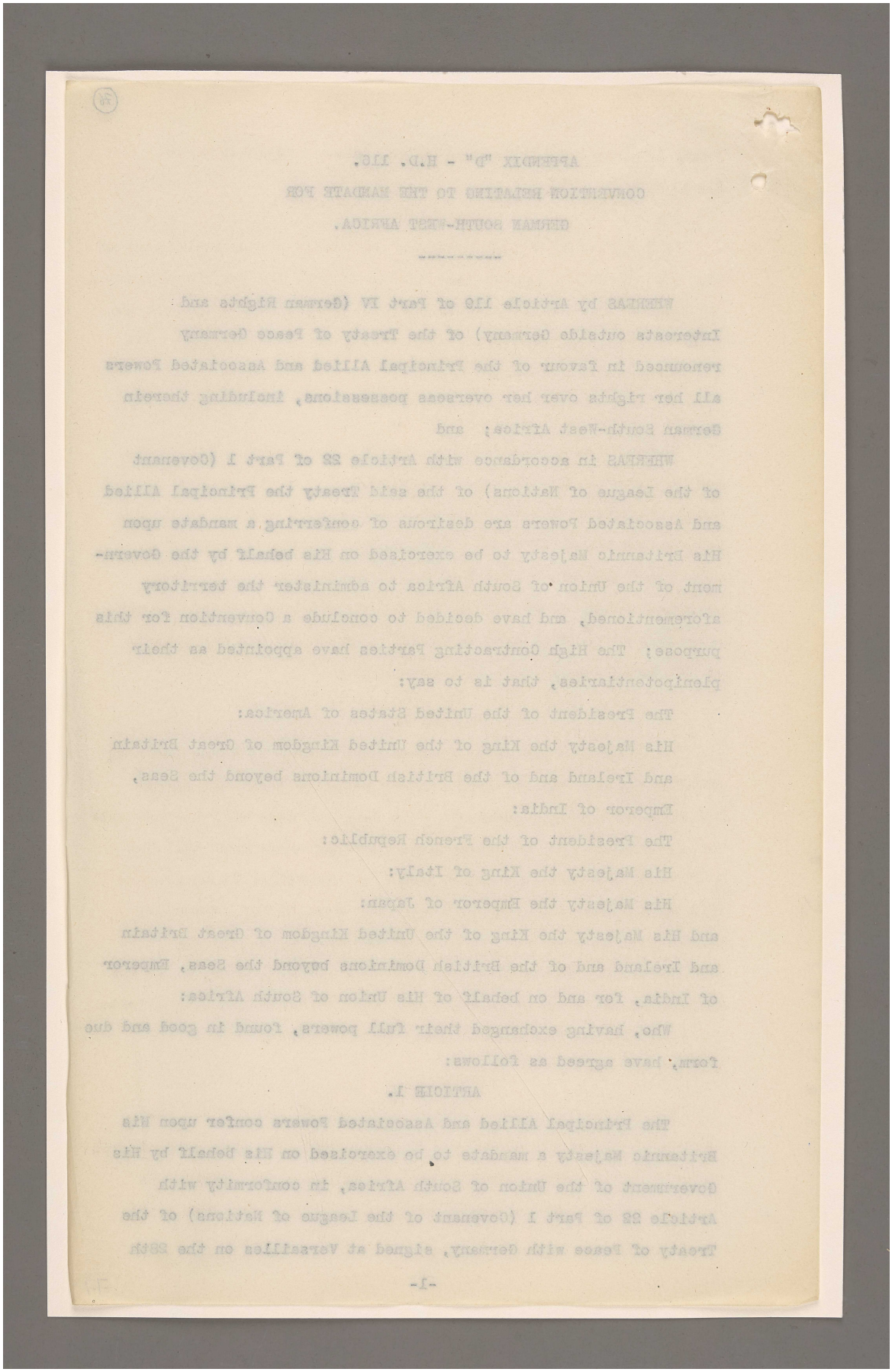

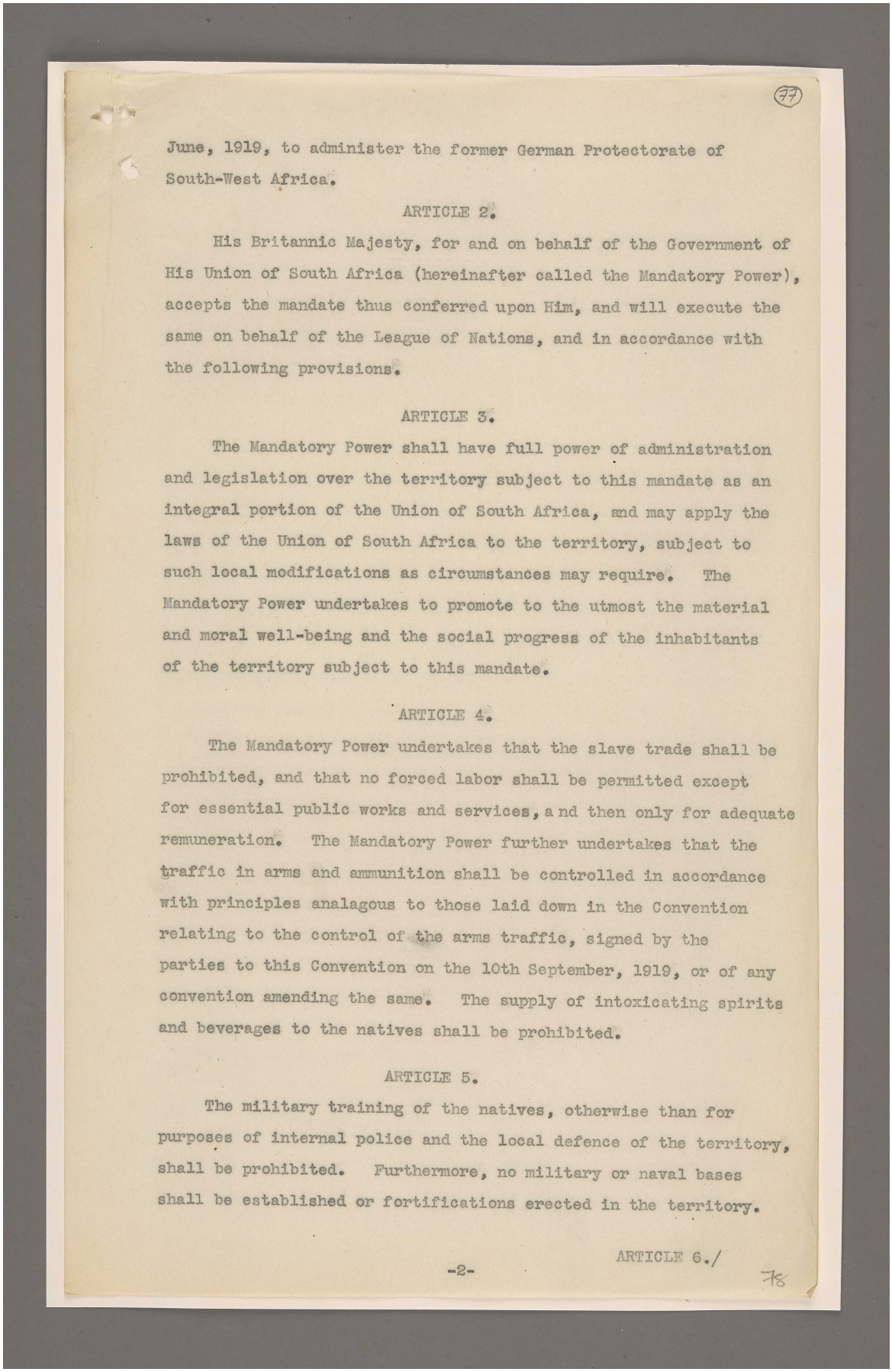

(77)

June, 1919, to administer the former German Protectorate of South-West Africa.

ARTICLE 2.

His Britannic Majesty, for and on behalf of the Government of His Union of South Africa (hereinafter called the Mandatory Power), accepts the mandate thus conferred upon Him, and will execute the same on behalf of the League of Nations, and in accordance with the following provisions.

ARTICLE 3.

The Mandatory Power shall have full power of administration and legislation over the territory subject to this mandate as an integral portion of the Union of South Africa, and may apply the laws of the Union of South Africa to the territory, subject to such local modifications as circumstances may require. The Mandatory Power undertakes to promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to this mandate.

ARTICLE 4.

The Mandatory Power undertakes that the slave trade shall be prohibited, and that no forced labor shall be permitted except for essential public works and services, and then only for adequate remuneration. The Mandatory Power further undertakes that the traffic in arms and ammunition shall be controlled in accordance with principles analagous to those laid down in the Convention relating to the control of the arms traffic, signed by the parties to this Convention on the 10th September, 1919, or of any convention amending the same. The supply of intoxicating spirits and beverages to the natives shall be prohibited.

ARTICLE 5.

The military training of the natives, otherwise than for purposes of internal police and the local defence of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

-2- ARTICLE 6./

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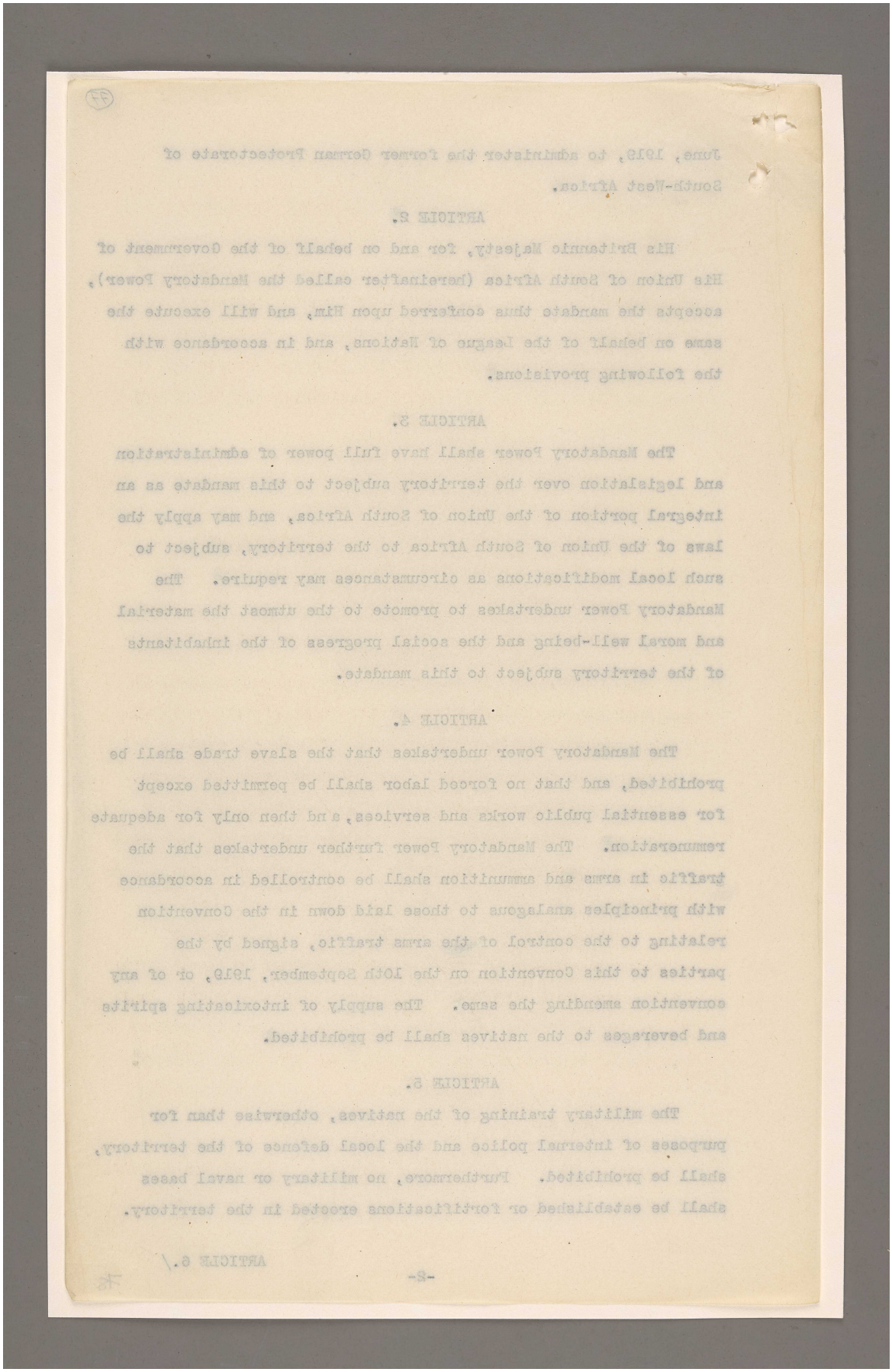

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(78)

ARTICLE 6.

Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory Power guarantees in the territory freedom of conscience and the free exercise of all forms of worship, and undertakes to allow all missionaries, the subjects or citizens of any member of the League of Nations, to enter into, travel and reside, in the territory for the purpose of prosecuting their calling.

ARTICLE 7.

The Mandatory Power shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the obligations assumed under Articles 3, 4, 5 and 6.

ARTICLE 8.

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate. If any dispute whatever should arise between the members of the League of Nations relating to the interpretation or the application of these provisions which cannot be settled by negotiation, this dispute shall be submitted to the Permanent Court of International Justice to be established by the League of Nations.

Done at the day of a single copy of which shall remain deposited in the archives of the League of Nations, and of which certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers Signatories of the Treaty of Peace with Germany.

Confirmed by the Council of the League of Nations the day of

SECRETARY-GENERAL.

-3-

79

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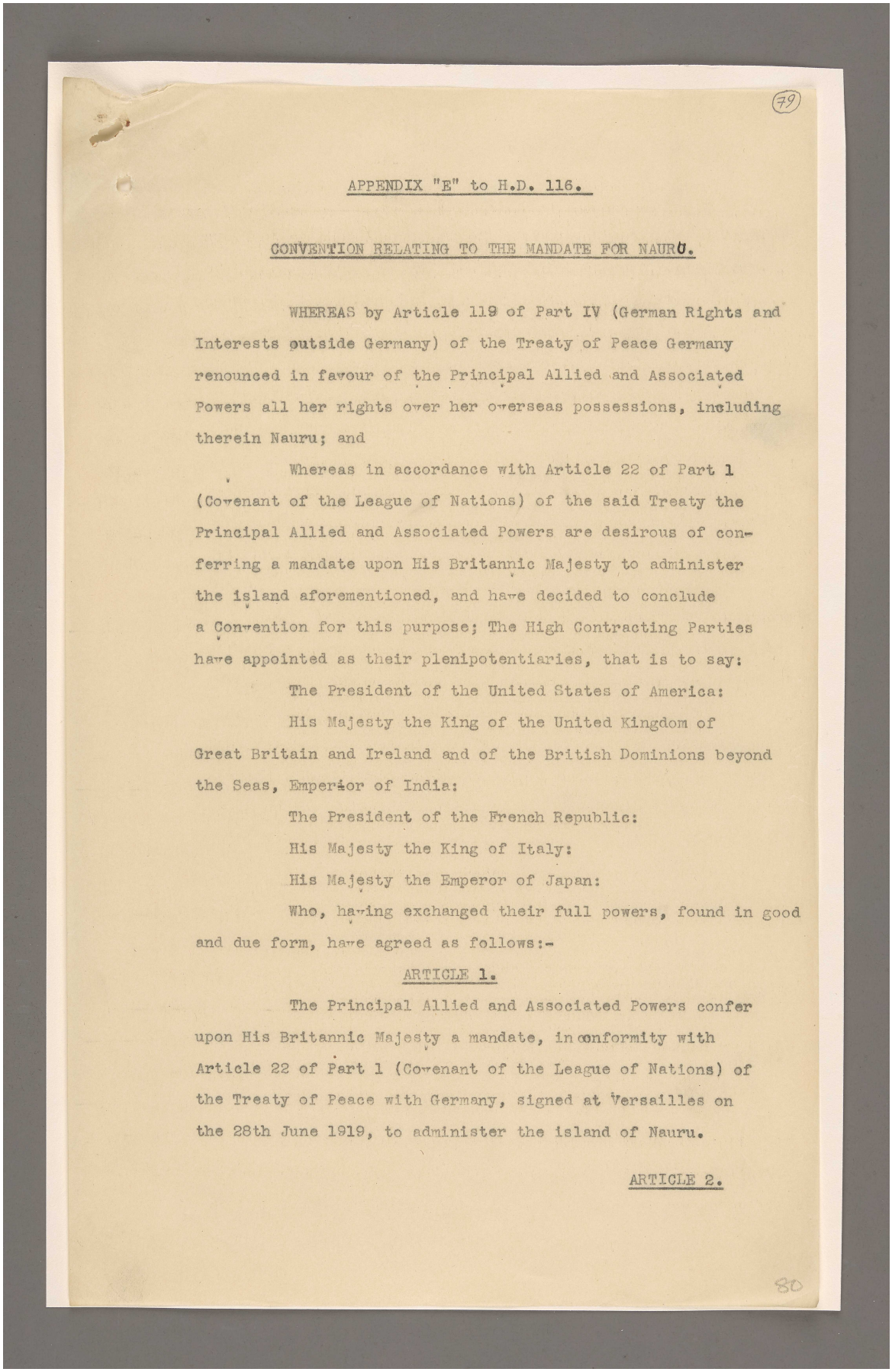

79

APPENDIX "E" to H.D. 116.

CONVENTION RELATING TO THE MANDATE FOR NAURU.

WHEREAS by Article 119 of Part IV (German Rights and Interests outside Germany) of the Treaty of Peace Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her overseas possessions, including therein Nauru; and

Whereas in accordance with Article 22 of Part 1 (Covenant of the League of Nations) of the said Treaty the Principal Allied and Associated Powers are desirous of conferring a mandate upon His Britannic Majesty to administer the island aforementioned, and have decided to conclude a Convention for this purpose; The High Contracting Parties have appointed as their plenipotentiaries, that is to say:

The President of the United States of America:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperior of India:

The President of the French Republic:

His Majesty the King of Italy:

His Majesty the Emperor of Japan:

Who, having exchanged their full powers, found in good and due form, have agreed as follows:-

ARTICLE 1.

The Principal Allied and Associated Powers confer upon His Britannic Majesty a mandate, in conformity with Article 22 of Part 1 (Covenant of the League of Nations) of the Treaty of Peace with Germany, signed at Versailles on the 28th June 1919, to administer the island of Nauru.

ARTICLE 2.

80

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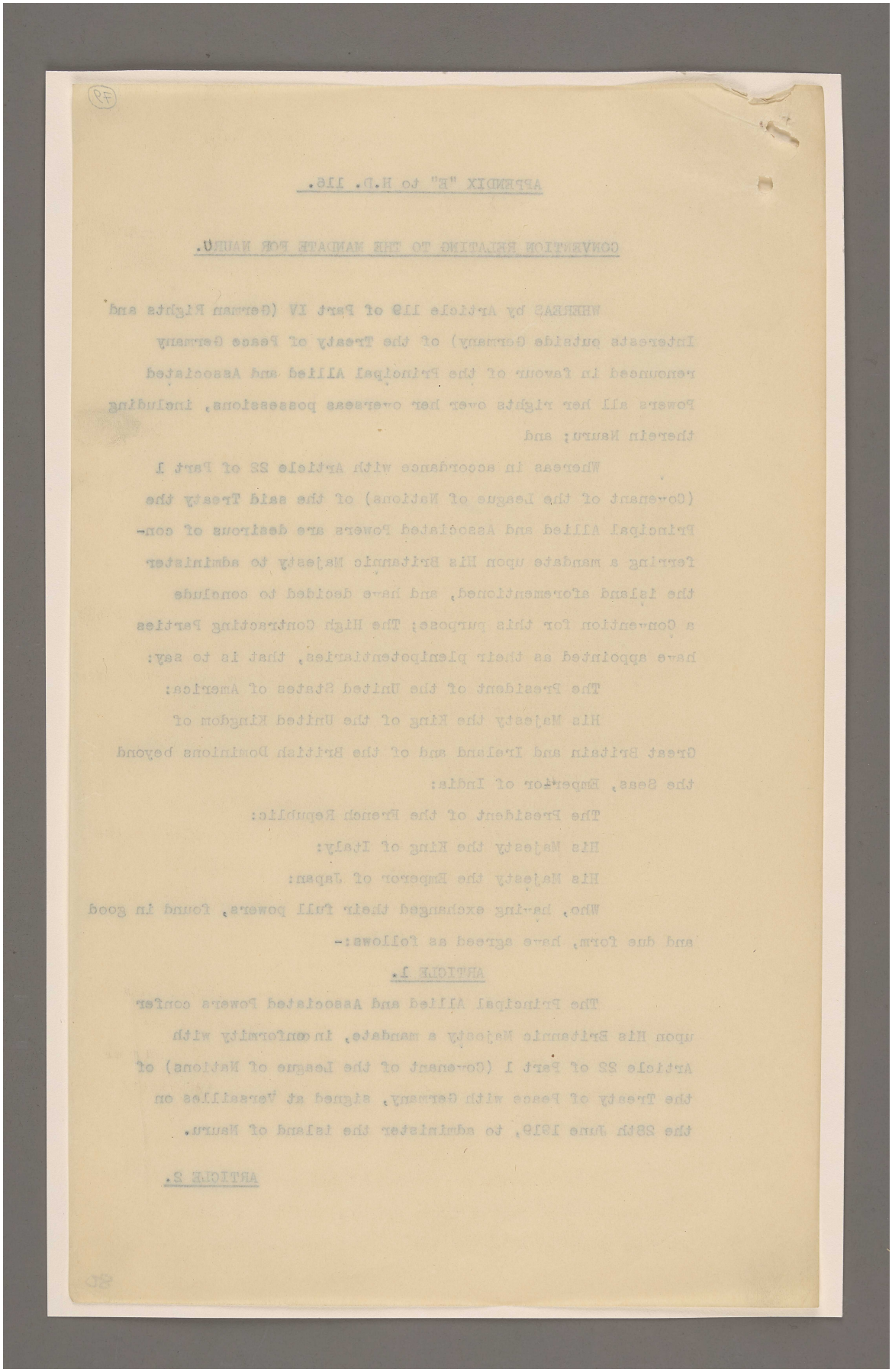

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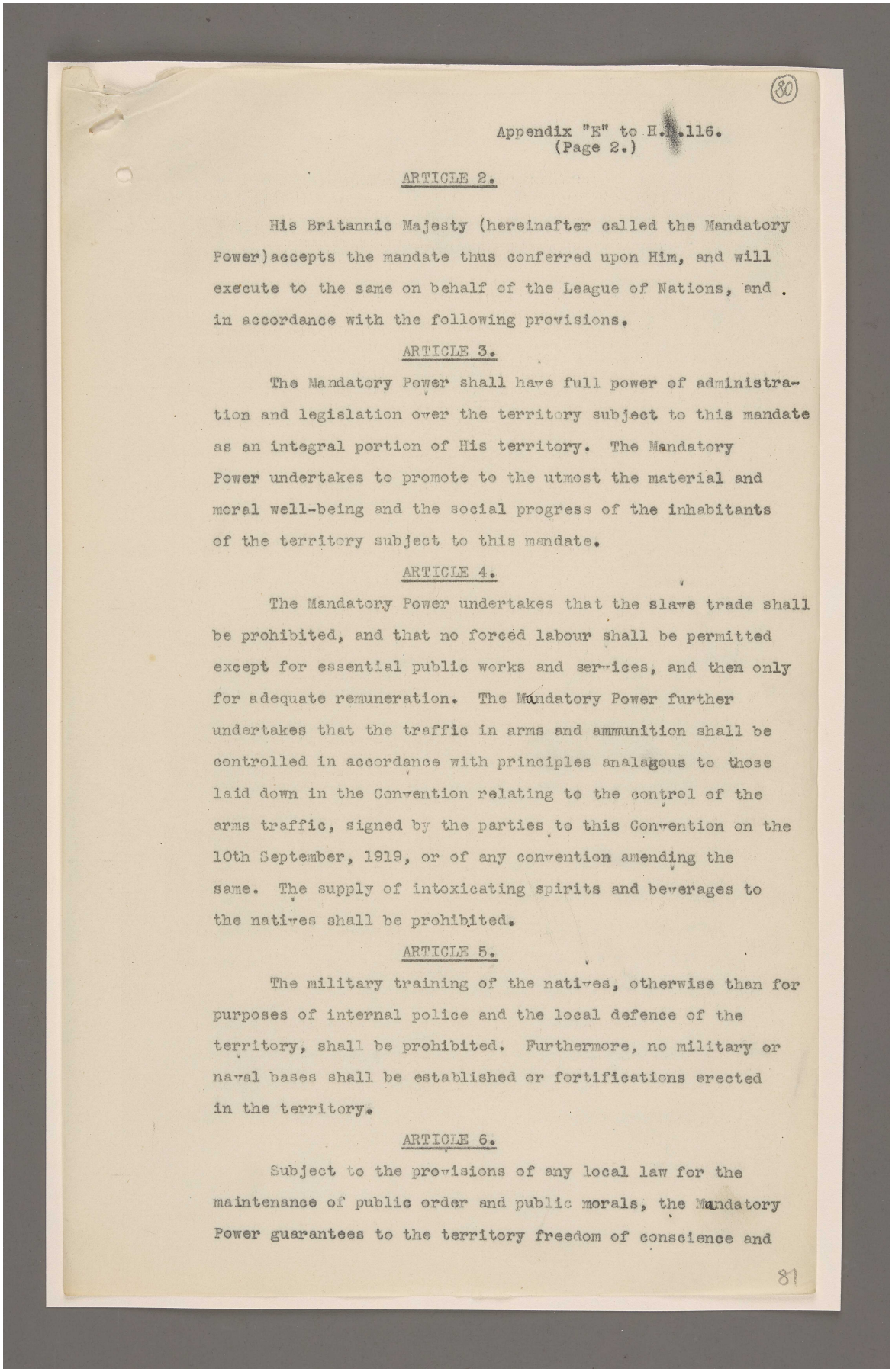

(80)

Appendix "E" to H.[illegible].116.
(Page 2.)

ARTICLE 2.

His Britannic Majesty (hereinafter called the Mandatory Power) accepts the mandate thus conferred upon Him, and will execute to the same on behalf of the League of Nations, and in accordance with the following provisions.

ARTICLE 3.

The Mandatory Power shall have full power of administration and legislation over the territory subject to this mandate as an integral portion of His territory. The Mandatory Power undertakes to promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to this mandate.

ARTICLE 4.

The Mandatory Power undertakes that the slave trade shall be prohibited, and that no forced labour shall be permitted except for essential public works and services, and then only for adequate remuneration. The Mandatory Power further undertakes that the traffic in arms and ammunition shall be controlled in accordance with principles analagous to those laid down in the Convention relating to the control of the arms traffic, signed by the parties to this Convention on the 10th September, 1919, or of any convention amending the same. The supply of intoxicating spirits and beverages to the natives shall be prohibited.

ARTICLE 5.

The military training of the natives, otherwise than for purposes of internal police and the local defence of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

ARTICLE 6.

Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory Power guarantees to the territory freedom of conscience and

81

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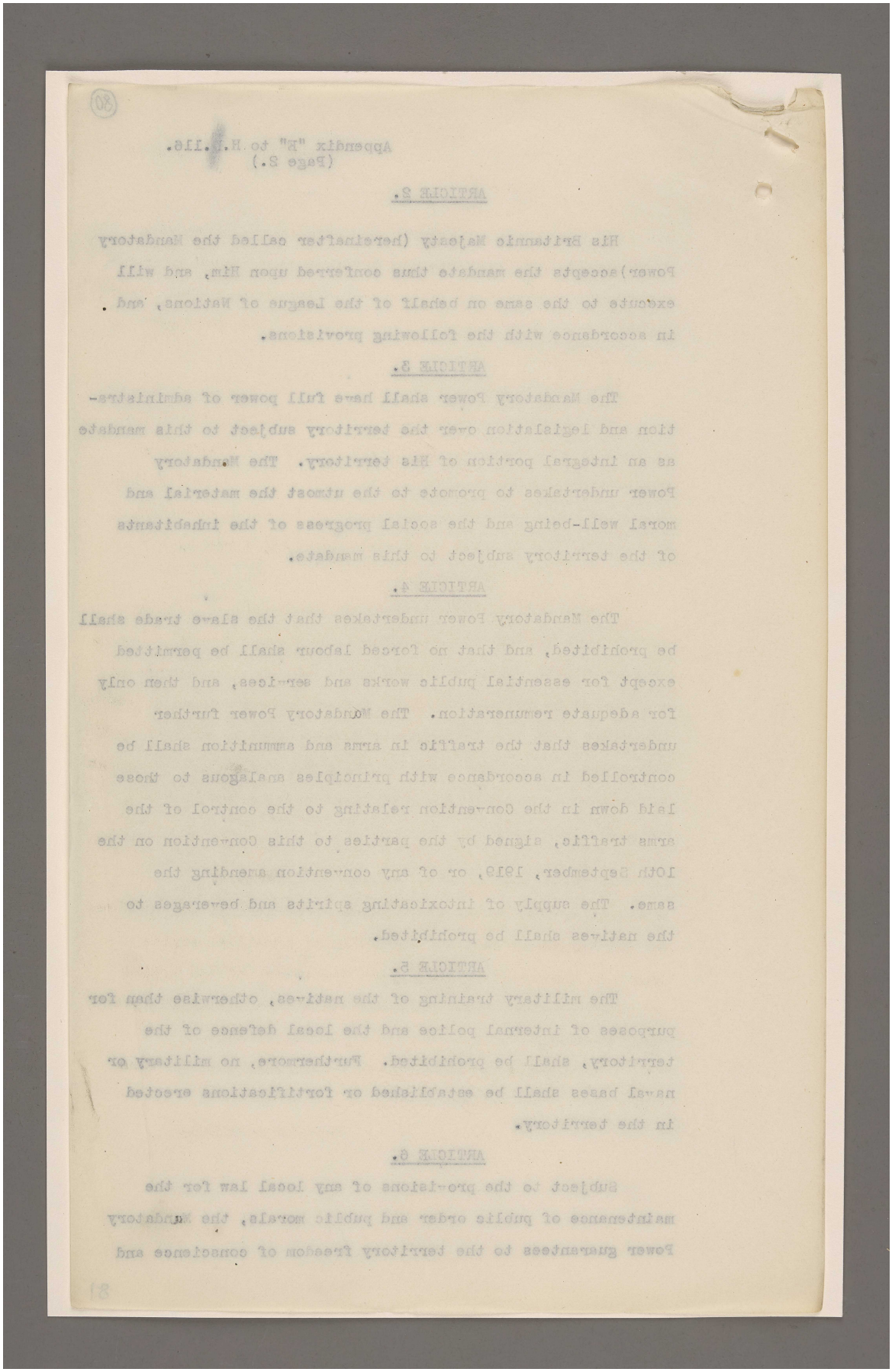

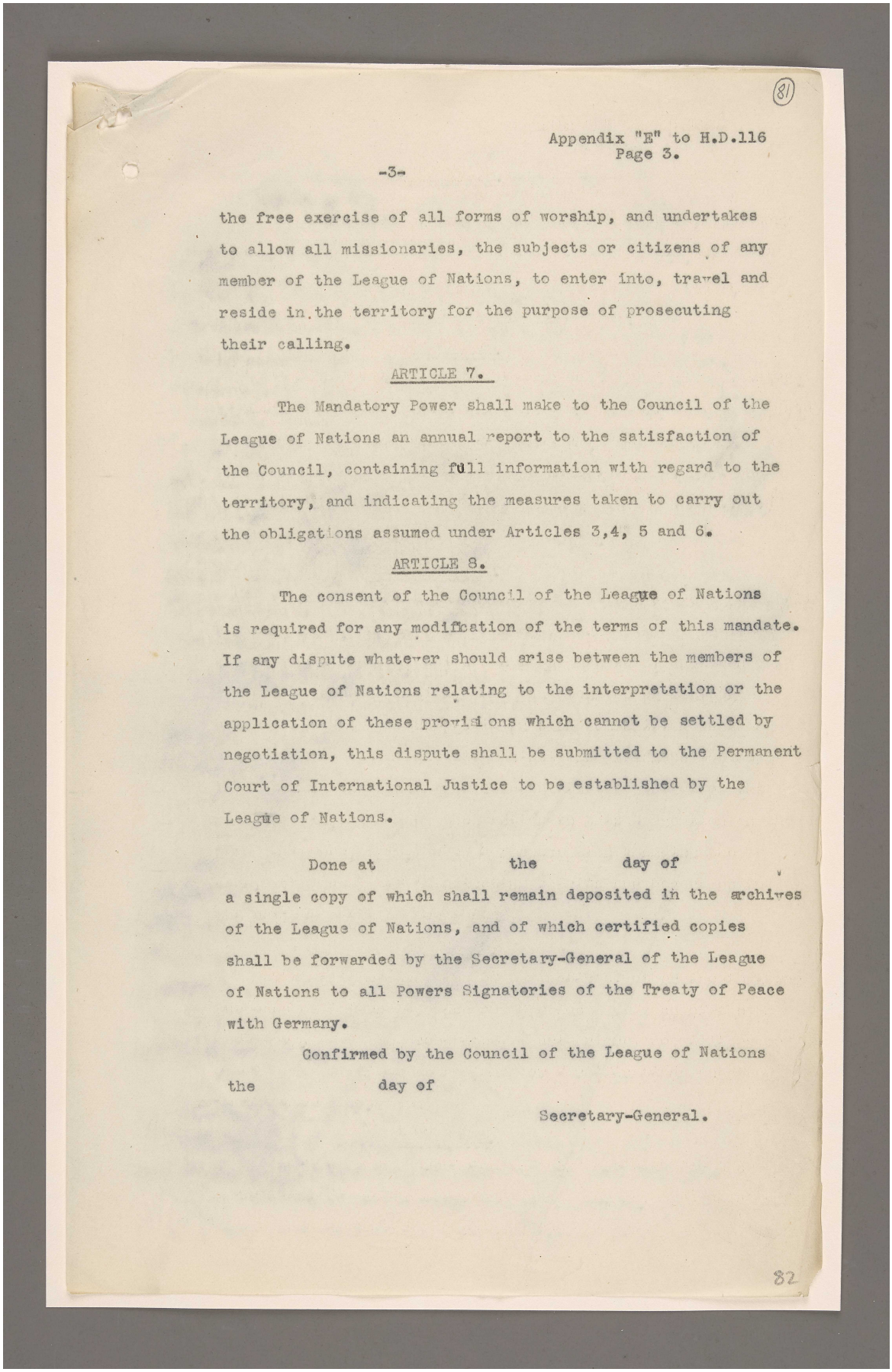

(81)

Appendix "E" to H.D.116
Page 3.

-3-

the free exercise of all forms of worship, and undertakes to allow all missionaries, the subjects or citizens of any member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.

ARTICLE 7.

The Mandatory Power shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the obligations assumed under Articles 3,4, 5 and 6.

ARTICLE 8.

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate. If any dispute whatever should arise between the members of the League of Nations relating to the interpretation or the application of these provisions which cannot be settled by negotiation, this dispute shall be submitted to the Permanent Court of International Justice to be established by the League of Nations.

Done at the day of a single copy of which shall remain deposited in the archives of the League of Nations, and of which certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers Signatories of the Treaty of Peace with Germany.

Confirmed by the Council of the League of Nations the day of

Secretary-General.

82

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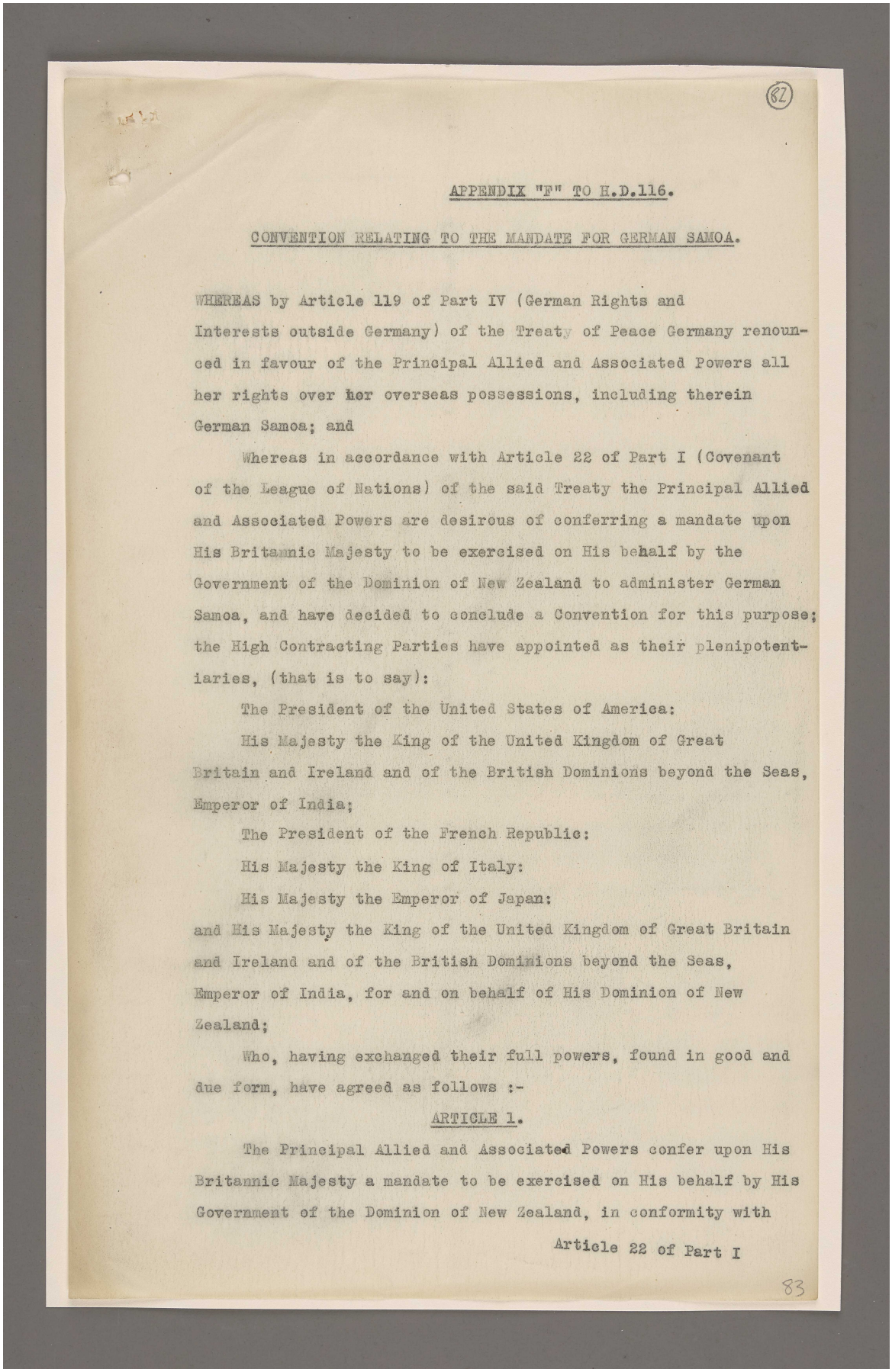

(82)

APPENDIX "F" TO H.D.116.

CONVENTION RELATING TO THE MANDATE FOR GERMAN SAMOA.

WHEREAS by Article 119 of Part IV (German Rights and Interests outside Germany) of the Treaty of Peace Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her overseas possessions, including therein German Samoa; and

Whereas in accordance with Article 22 of Part I (Covenant of the League of Nations) of the said Treaty the Principal Allied and Associated Powers are desirous of conferring a mandate upon His Britannic Majesty to be exercised on His behalf by the Government of the Dominion of New Zealand to administer German Samoa, and have decided to conclude a Convention for this purpose; the High Contracting Parties have appointed as their plenipotentiaries, (that is to say):

The President of the United States of America:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India;

The President of the French Republic:

His Majesty the King of Italy:

His Majesty the Emperor of Japan:

and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, for and on behalf of His Dominion of New Zealand;

Who, having exchanged their full powers, found in good and due form, have agreed as follows :-

ARTICLE 1.

The Principal Allied and Associated Powers confer upon His Britannic Majesty a mandate to be exercised on His behalf by His Government of the Dominion of New Zealand, in conformity with

Article 22 of Part I

83

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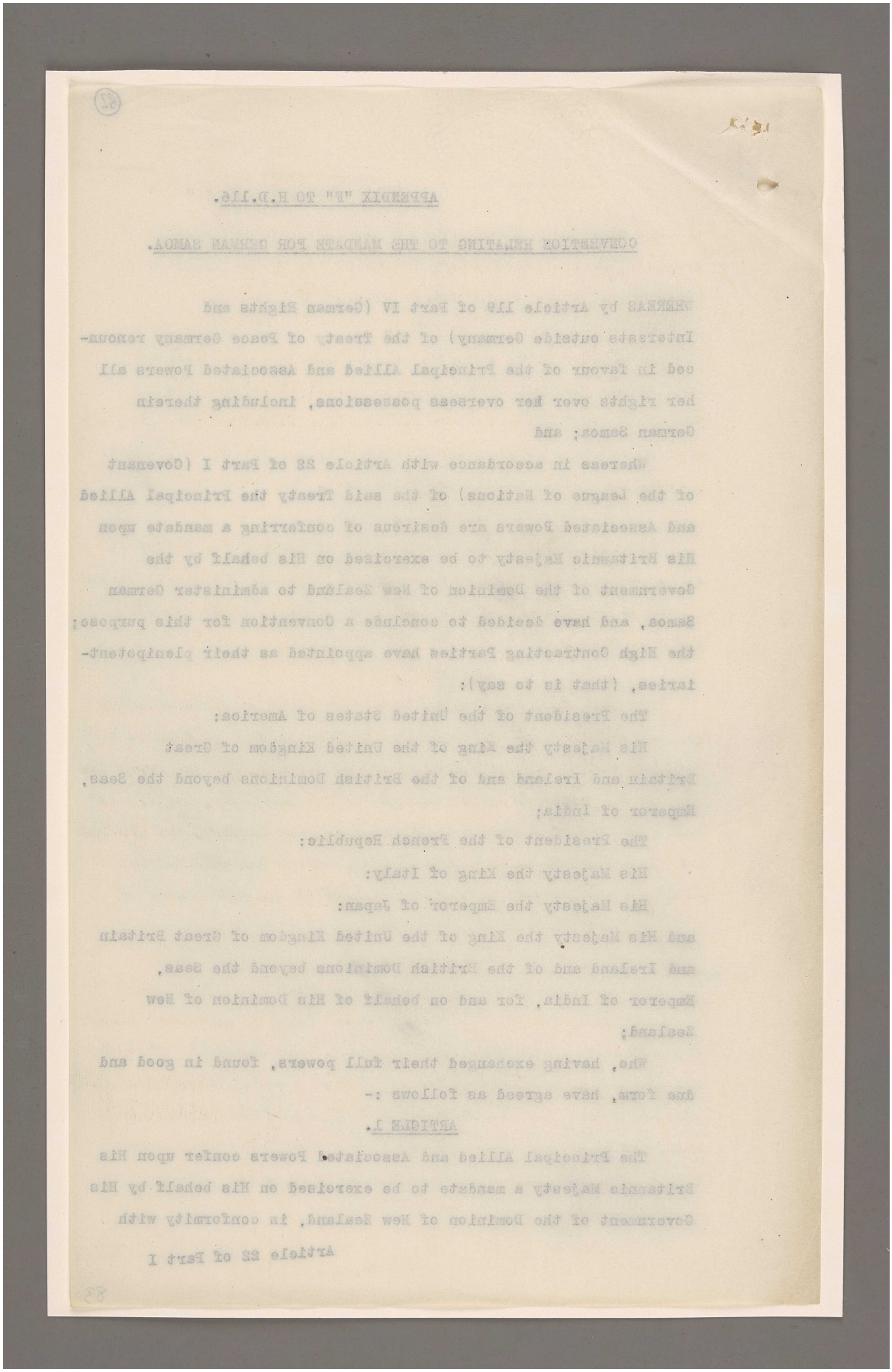

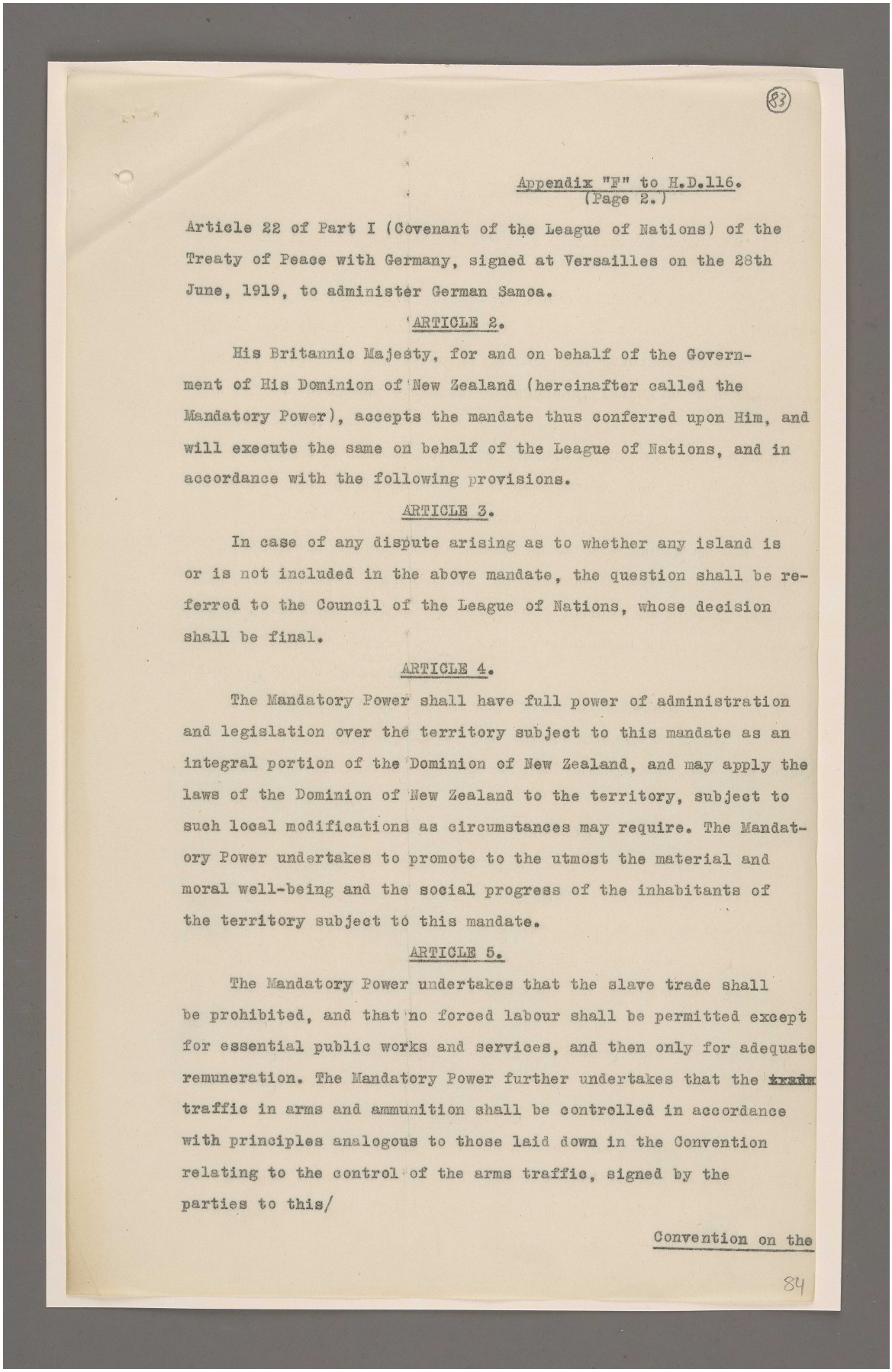

(83)

Appendix "F" to H.D.116.
(Page 2.)

Article 22 of Part I (Covenant of the League of Nations) of the Treaty of Peace with Germany, signed at Versailles on the 28th June, 1919, to administer German Samoa.

ARTICLE 2.

His Britannic Majesty, for and on behalf of the Government of His Dominion of New Zealand (hereinafter called the Mandatory Power), accepts the mandate thus conferred upon Him, and will execute the same on behalf of the League of Nations, and in accordance with the following provisions.

ARTICLE 3.

In case of any dispute arising as to whether any island is or is not included in the above mandate, the question shall be referred to the Council of the League of Nations, whose decision shall be final.

ARTICLE 4.

The Mandatory Power shall have full power of administration and legislation over the territory subject to this mandate as an integral portion of the Dominion of New Zealand, and may apply the laws of the Dominion of New Zealand to the territory, subject to such local modifications as circumstances may require. The Mandatory Power undertakes to promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to this mandate.

ARTICLE 5.

The Mandatory Power undertakes that the slave trade shall be prohibited, and that no forced labour shall be permitted except for essential public works and services, and then only for adequate remuneration. The Mandatory Power further undertakes that the ~~traffic~~ traffic in arms and ammunition shall be controlled in accordance with principles analogous to those laid down in the Convention relating to the control of the arms traffic, signed by the parties to this/

Convention on the

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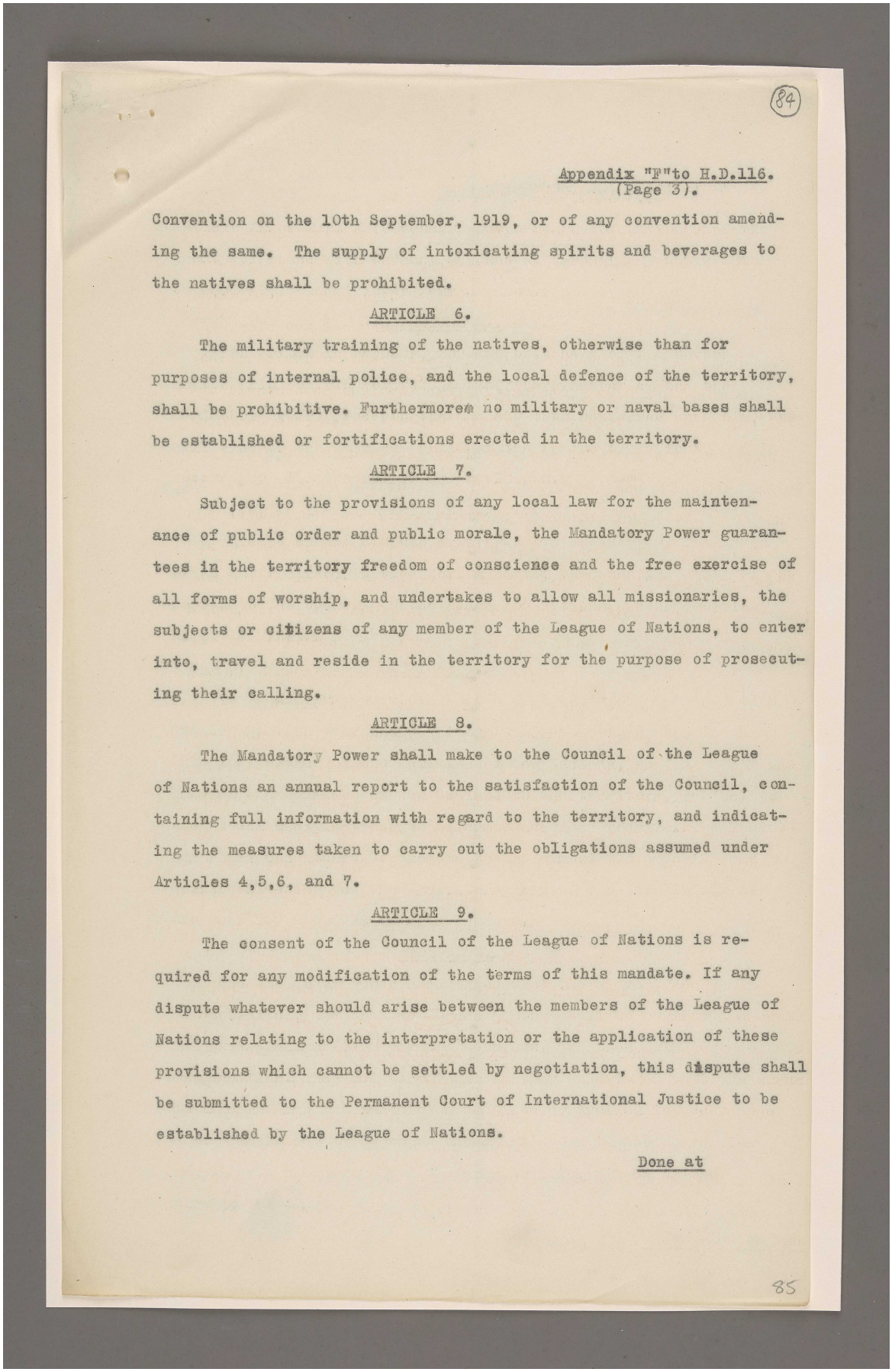

(84)

Convention on the 10th September, 1919, or of any convention amending the same. The supply of intoxicating spirits and beverages to the natives shall be prohibited.

ARTICLE 6.

The military training of the natives, otherwise than for purposes of internal police, and the local defence of the territory, shall be prohibitive. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

ARTICLE 7.

Subject to the provisions of any local law for the maintenance of public order and public morale, the Mandatory Power guarantees in the territory freedom of conscience and the free exercise of all forms of worship, and undertakes to allow all missionaries, the subjects or citizens of any member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.

ARTICLE 8.

The Mandatory Power shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the obligations assumed under Articles 4,5,6, and 7.

ARTICLE 9.

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate. If any dispute whatever should arise between the members of the League of Nations relating to the interpretation or the application of these provisions which cannot be settled by negotiation, this dispute shall be submitted to the Permanent Court of International Justice to be established by the League of Nations.

Done at

85

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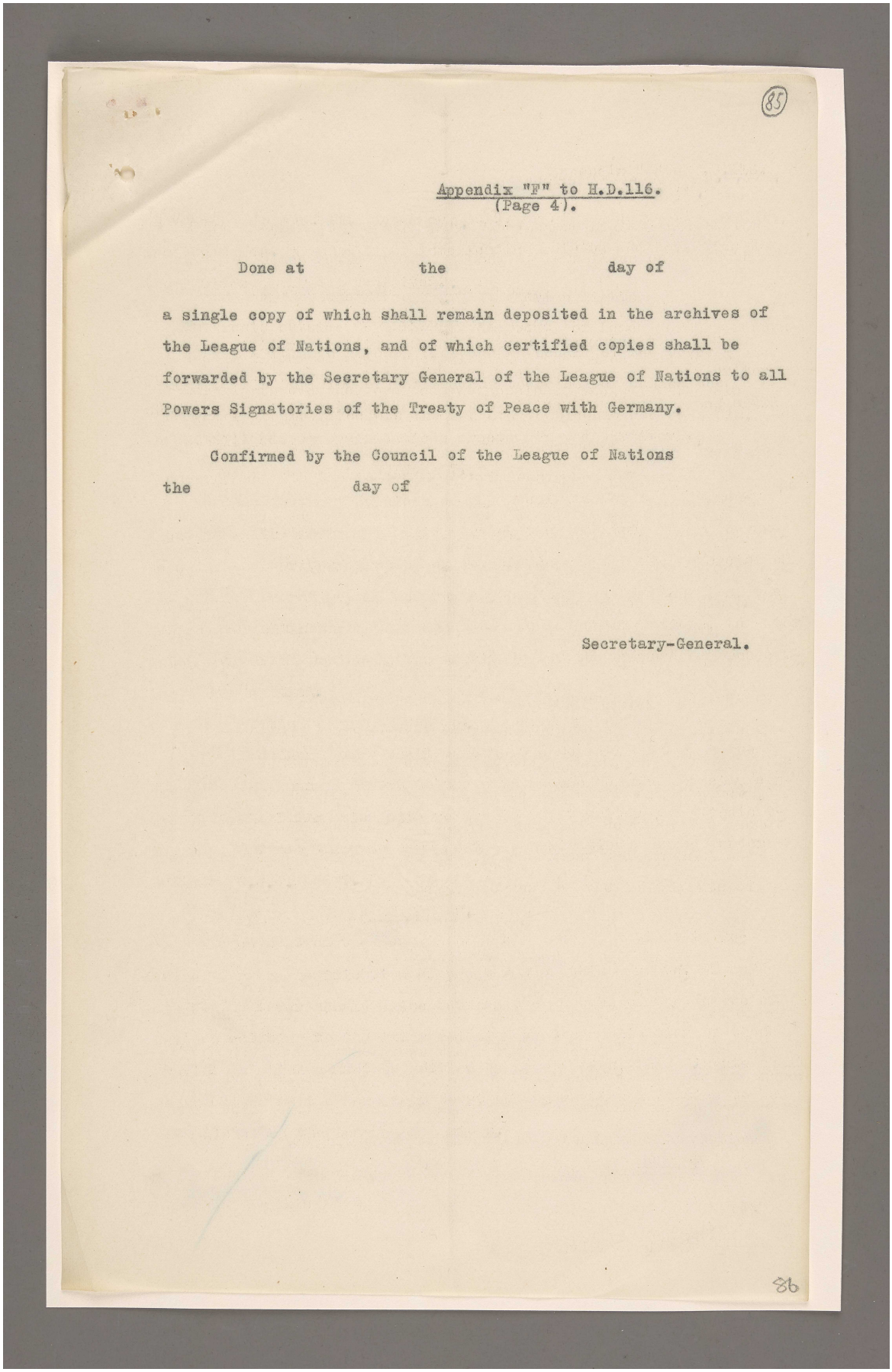

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Appendix "F" to H.D.116.
(Page 4).

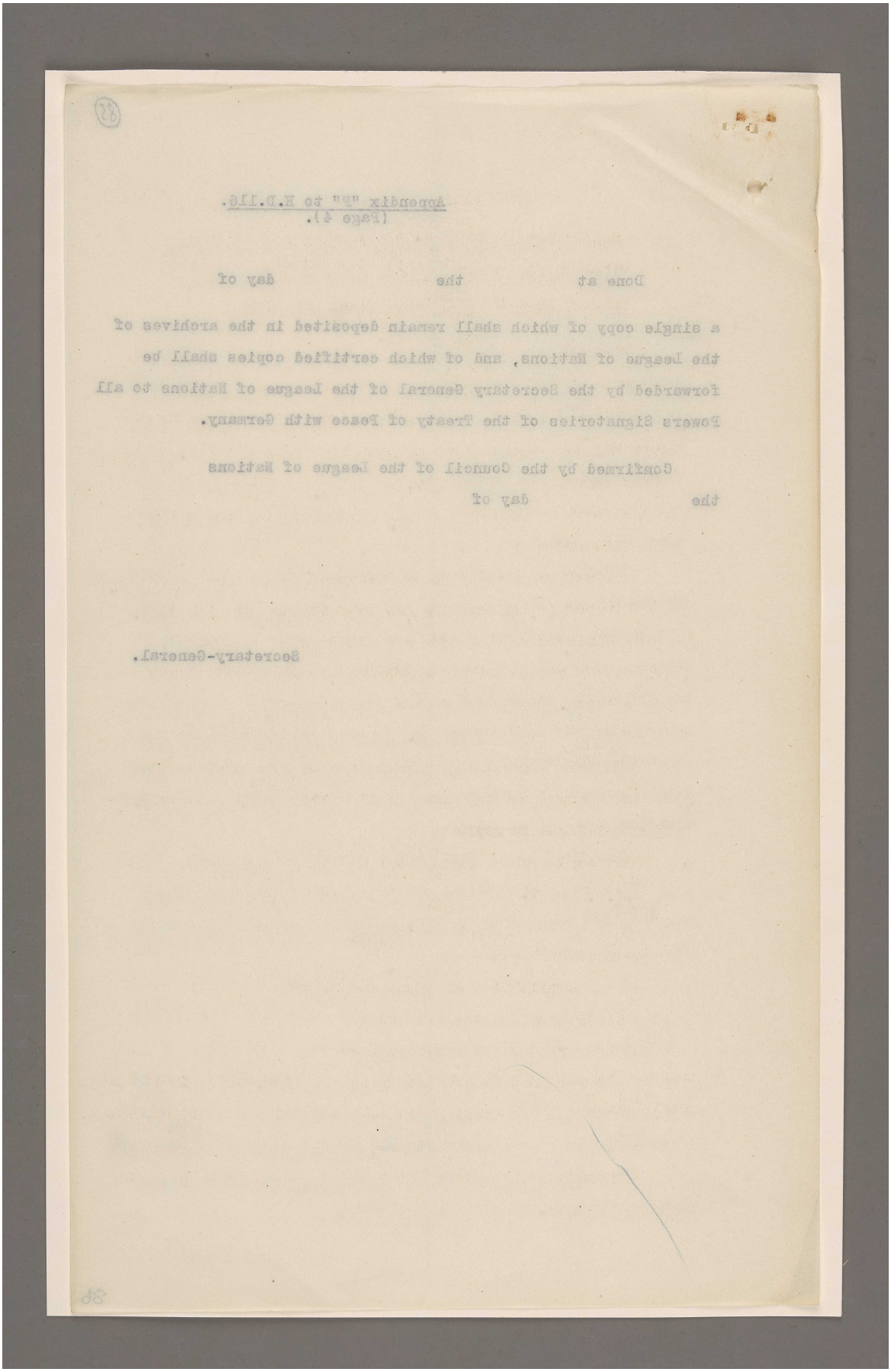
Done at the day of

a single copy of which shall remain deposited in the archives of the League of Nations, and of which certified copies shall be forwarded by the Secretary General of the League of Nations to all Powers Signatories of the Treaty of Peace with Germany.

Confirmed by the Council of the League of Nations
the day of

Secretary-General.

86



Appendix "F" to H.D.116.
(Page 4).

Done at the day of

a single copy of which shall remain deposited in the archives of the League of Nations, and of which certified copies shall be forwarded by the Secretary General of the League of Nations to all Powers Signatories of the Treaty of Peace with Germany.

Confirmed by the Council of the League of Nations the day of

Secretary-General.

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(86)

APPENDIX "G" to H.D.116.

CONVENTION RELATING TO THE MANDATE FOR THE GERMAN POSSESSIONS IN THE PACIFIC OCEAN SITUATED SOUTH OF THE EQUATOR OTHER THAN SAMOA AND NAURU.

WHEREAS by Article 119 of Part IV (German Rights and Interests outside Germany) of the Treaty of Peace Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her overseas possessions, including therein German New Guinea and the groups of islands in the Pacific Ocean lying south of the equator other than German Samoa and Nauru; and

WHEREAS in accordance with Article 22 of Part 1 (Covenant of the League of Nations) of the said Treaty the Principal Allied and Associated Powers are desirous of conferring a mandate upon His Britannic Majesty to be exercised on his behalf by the Government of the Commonwealth of Australia to administer the territories and islands aforementioned, and have decided to conclude a Convention for this purpose: The High Contracting Parties have appointed as their plenipotentiaries, that is to say:-

The President of the United States of America:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The President of the French Republic:

His Majesty the King of Italy:

His Majesty the Emperor of Japan:

and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, for and on behalf of His Commonwealth of Australia:

Who, having exchanged their full powers, found in good and due form, have agreed as follows:-

ARTICLE 1./

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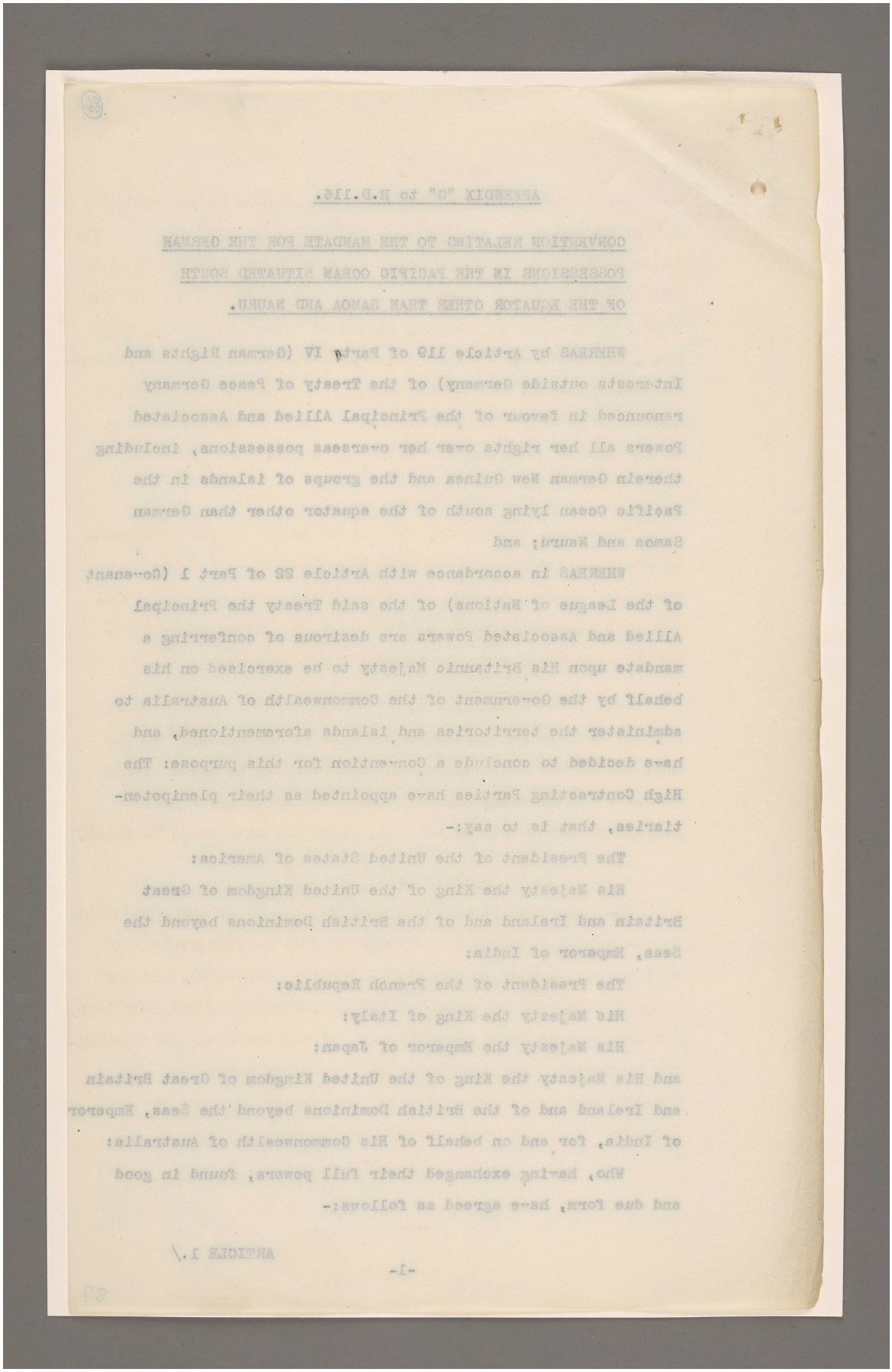

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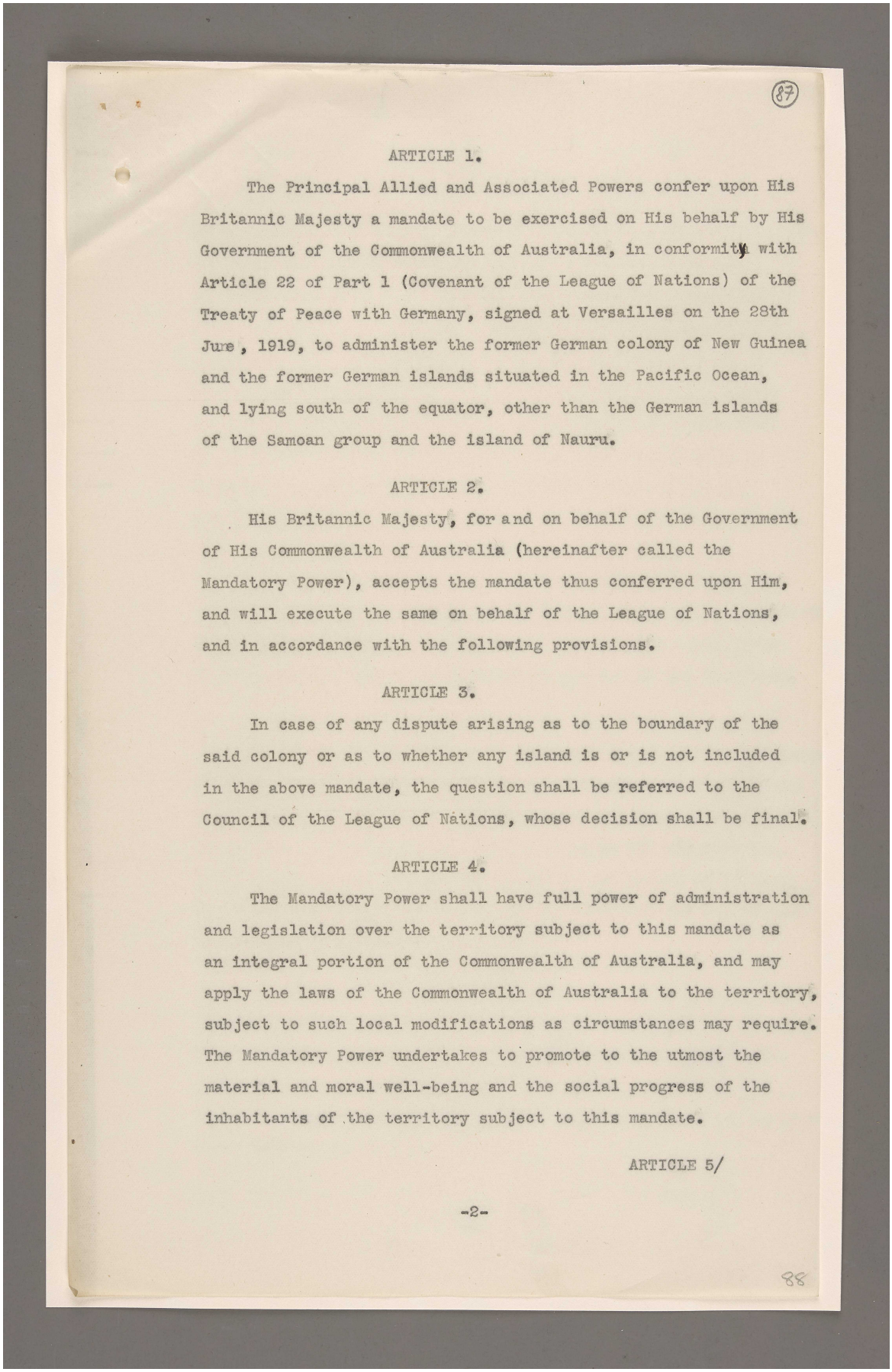

(87)

ARTICLE 1.

The Principal Allied and Associated Powers confer upon His Britannic Majesty a mandate to be exercised on His behalf by His Government of the Commonwealth of Australia, in conformity with Article 22 of Part 1 (Covenant of the League of Nations) of the Treaty of Peace with Germany, signed at Versailles on the 28th June, 1919, to administer the former German colony of New Guinea and the former German islands situated in the Pacific Ocean, and lying south of the equator, other than the German islands of the Samoan group and the island of Nauru.

ARTICLE 2.

His Britannic Majesty, for and on behalf of the Government of His Commonwealth of Australia (hereinafter called the Mandatory Power), accepts the mandate thus conferred upon Him, and will execute the same on behalf of the League of Nations, and in accordance with the following provisions.

ARTICLE 3.

In case of any dispute arising as to the boundary of the said colony or as to whether any island is or is not included in the above mandate, the question shall be referred to the Council of the League of Nations, whose decision shall be final.

ARTICLE 4.

The Mandatory Power shall have full power of administration and legislation over the territory subject to this mandate as an integral portion of the Commonwealth of Australia, and may apply the laws of the Commonwealth of Australia to the territory, subject to such local modifications as circumstances may require. The Mandatory Power undertakes to promote to the utmost the material and moral well-being and the social progress of the inhabitants of the territory subject to this mandate.

ARTICLE 5/

-2-

88

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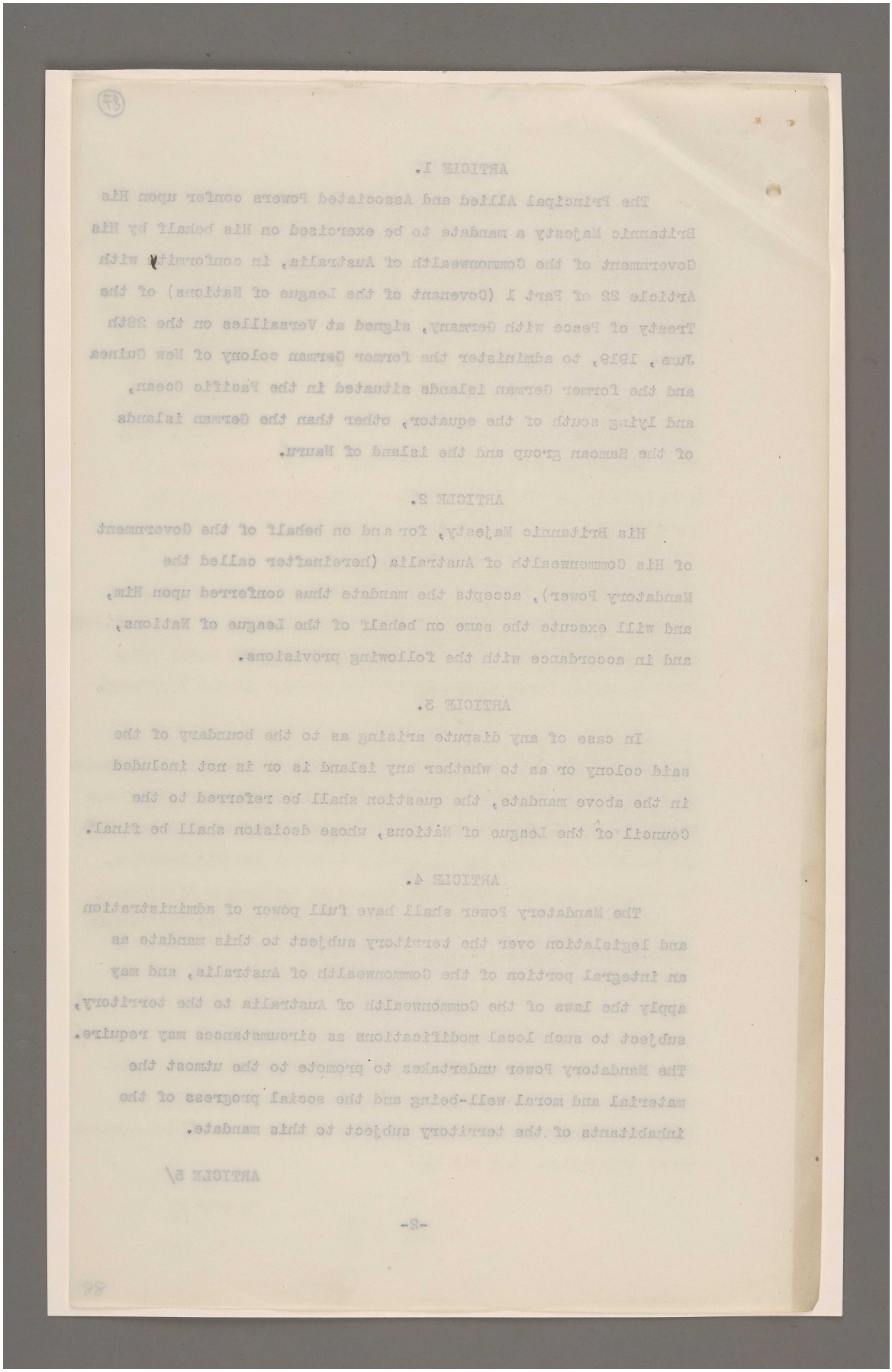

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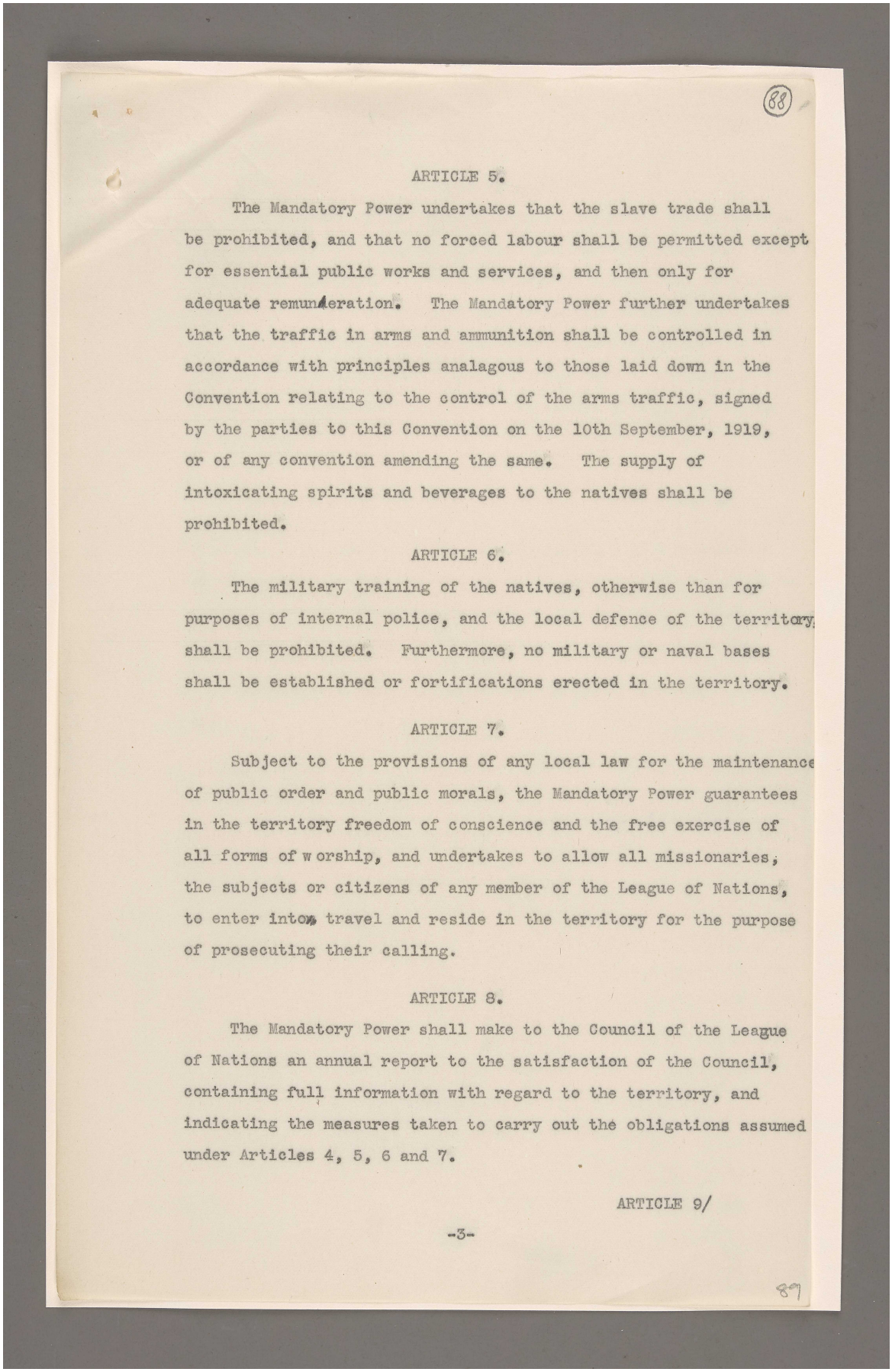

(88)

ARTICLE 5.

The Mandatory Power undertakes that the slave trade shall be prohibited, and that no forced labour shall be permitted except for essential public works and services, and then only for adequate remuneration. The Mandatory Power further undertakes that the traffic in arms and ammunition shall be controlled in accordance with principles analagous to those laid down in the Convention relating to the control of the arms traffic, signed by the parties to this Convention on the 10th September, 1919, or of any convention amending the same. The supply of intoxicating spirits and beverages to the natives shall be prohibited.

ARTICLE 6.

The military training of the natives, otherwise than for purposes of internal police, and the local defence of the territory, shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory.

ARTICLE 7.

Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory Power guarantees in the territory freedom of conscience and the free exercise of all forms of worship, and undertakes to allow all missionaries, the subjects or citizens of any member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling.

ARTICLE 8.

The Mandatory Power shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information with regard to the territory, and indicating the measures taken to carry out the obligations assumed under Articles 4, 5, 6 and 7.

ARTICLE 9/

-3-

89

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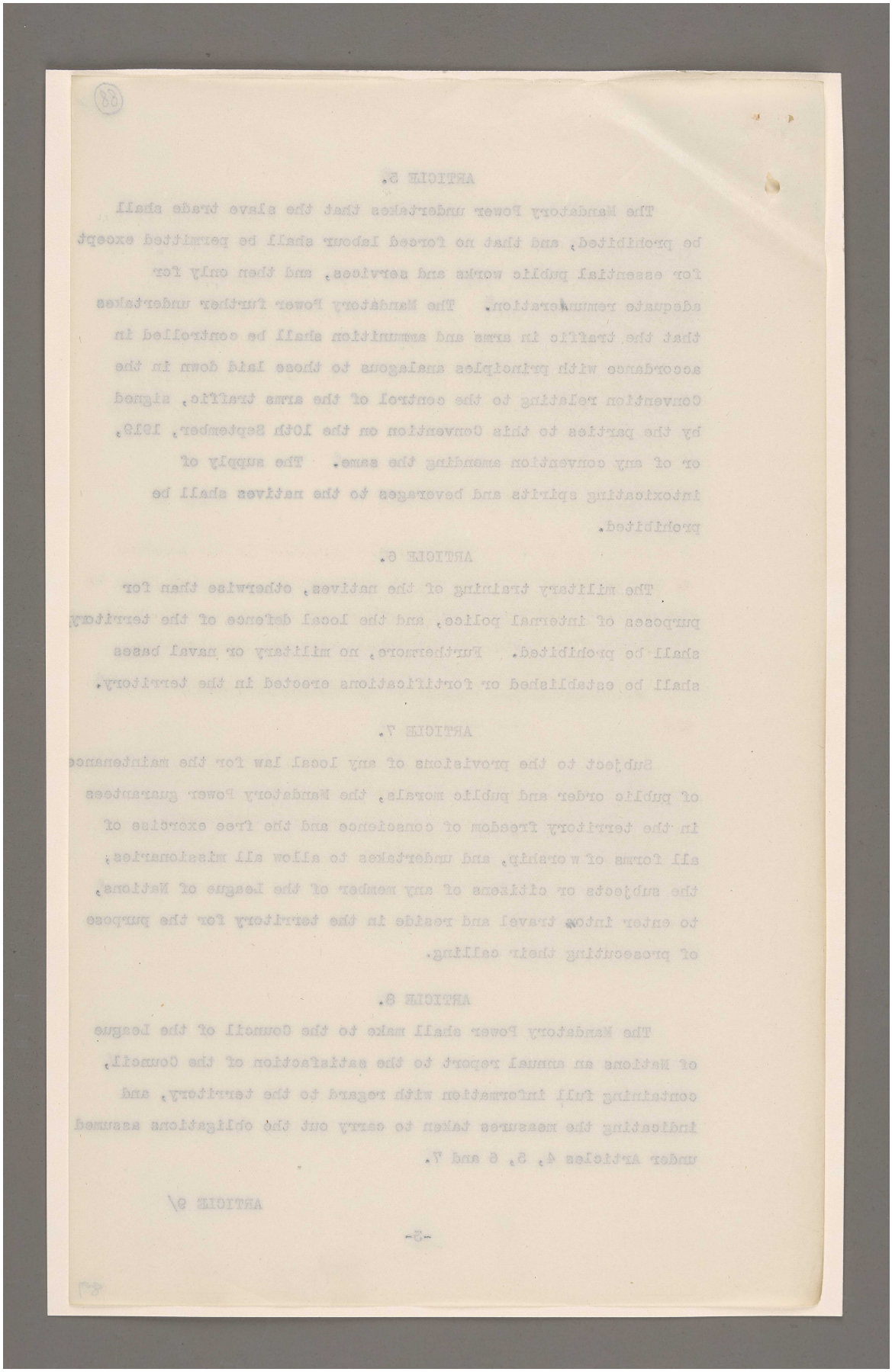

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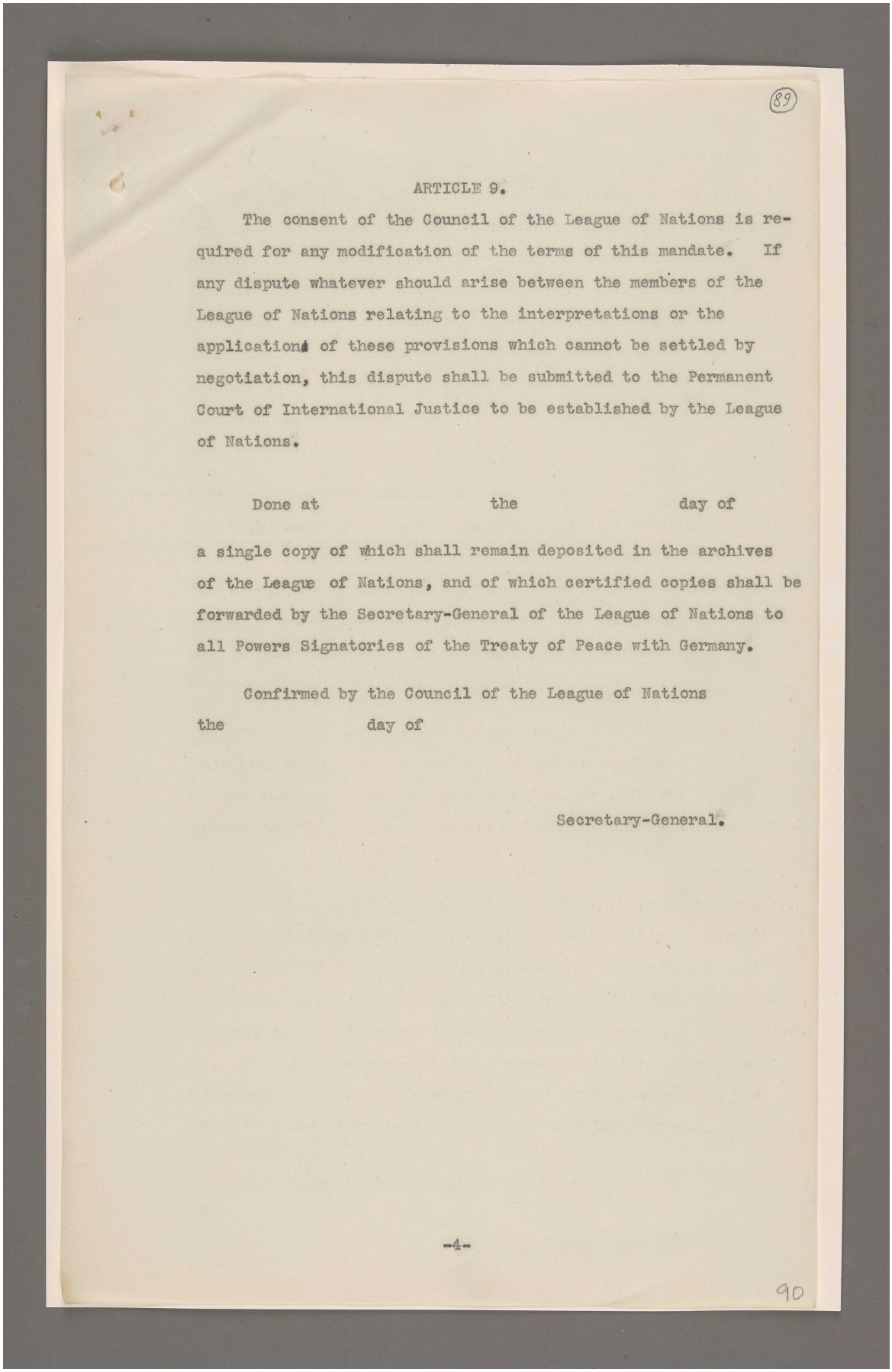

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ARTICLE 9.

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate. If any dispute whatever should arise between the members of the League of Nations relating to the interpretations or the applications of these provisions which cannot be settled by negotiation, this dispute shall be submitted to the Permanent Court of International Justice to be established by the League of Nations.

Done at the day of

a single copy of which shall remain deposited in the archives of the League of Nations, and of which certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers Signatories of the Treaty of Peace with Germany.

Confirmed by the Council of the League of Nations the day of

Secretary-General.

-4-

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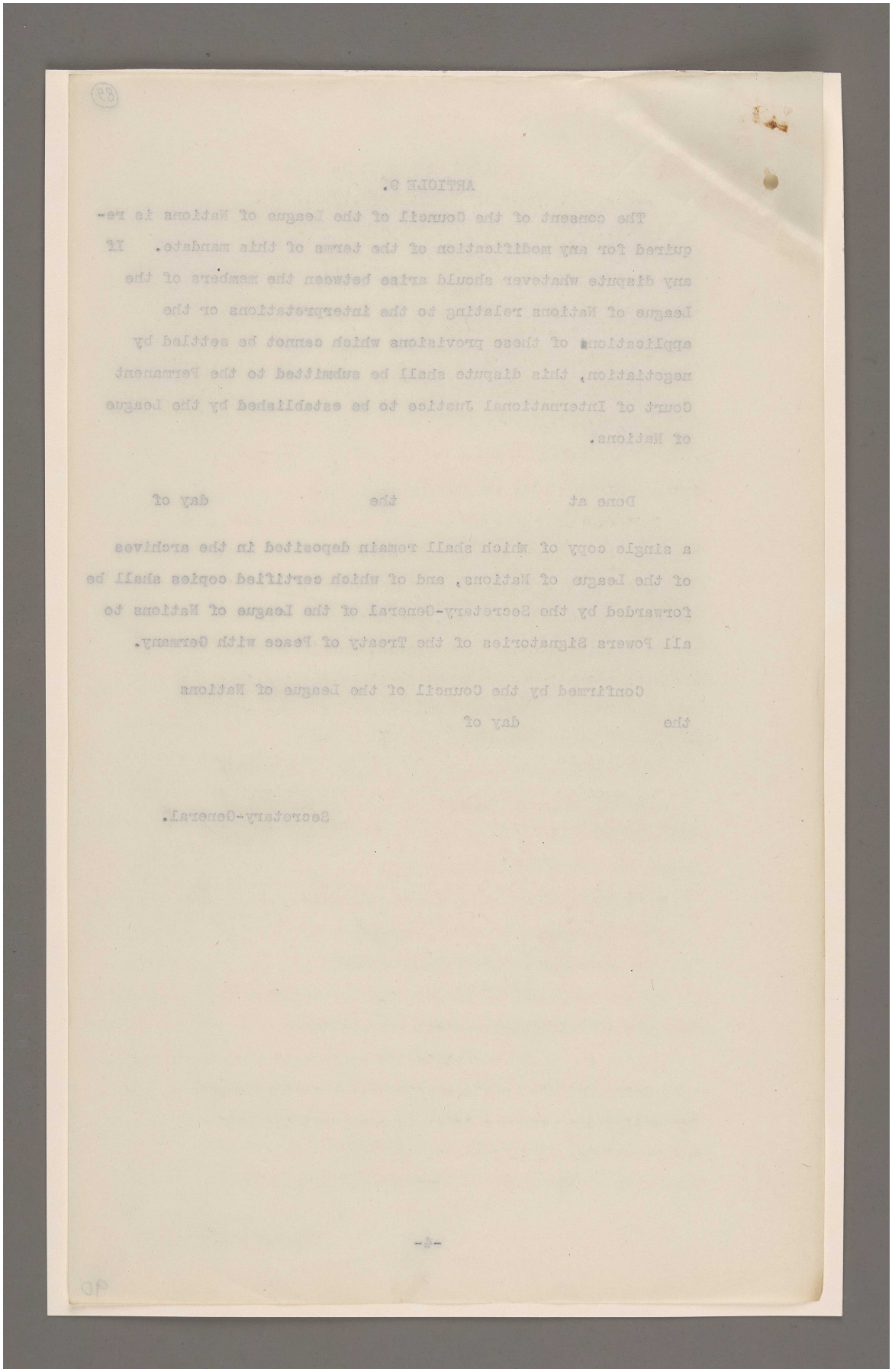

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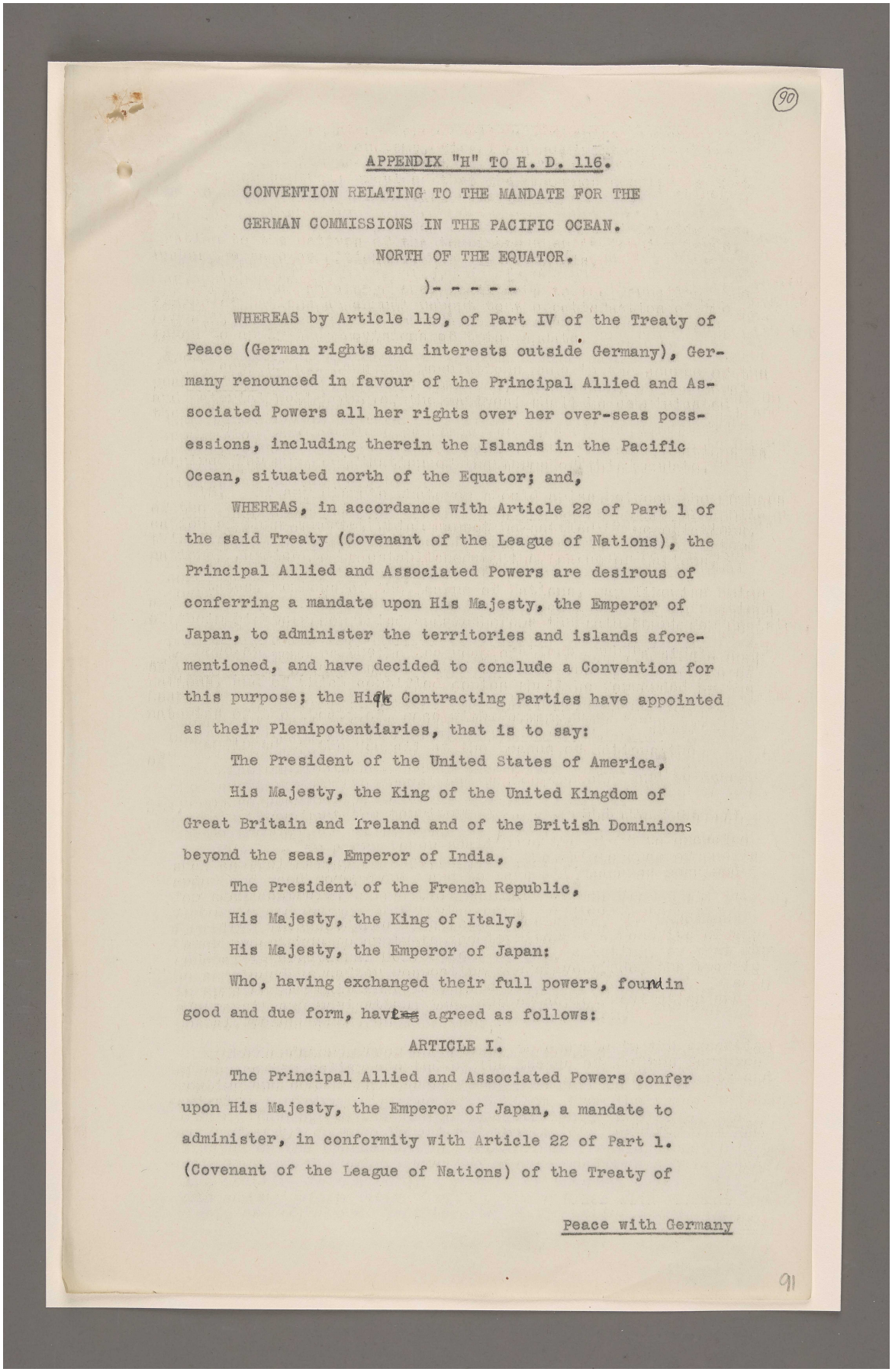

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APPENDIX "H" TO H. D. 116.

CONVENTION RELATING TO THE MANDATE FOR THE GERMAN COMMISSIONS IN THE PACIFIC OCEAN. NORTH OF THE EQUATOR.

)- - - - -

WHEREAS by Article 119, of Part IV of the Treaty of Peace (German rights and interests outside Germany), Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her over-seas possessions, including therein the Islands in the Pacific Ocean, situated north of the Equator; and,

WHEREAS, in accordance with Article 22 of Part 1 of the said Treaty (Covenant of the League of Nations), the Principal Allied and Associated Powers are desirous of conferring a mandate upon His Majesty, the Emperor of Japan, to administer the territories and islands aforementioned, and have decided to conclude a Convention for this purpose; the High Contracting Parties have appointed as their Plenipotentiaries, that is to say:

The President of the United States of America,

His Majesty, the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the seas, Emperor of India,

The President of the French Republic,

His Majesty, the King of Italy,

His Majesty, the Emperor of Japan:

Who, having exchanged their full powers, found in good and due form, have agreed as follows:

ARTICLE I.

The Principal Allied and Associated Powers confer upon His Majesty, the Emperor of Japan, a mandate to administer, in conformity with Article 22 of Part 1. (Covenant of the League of Nations) of the Treaty of

Peace with Germany

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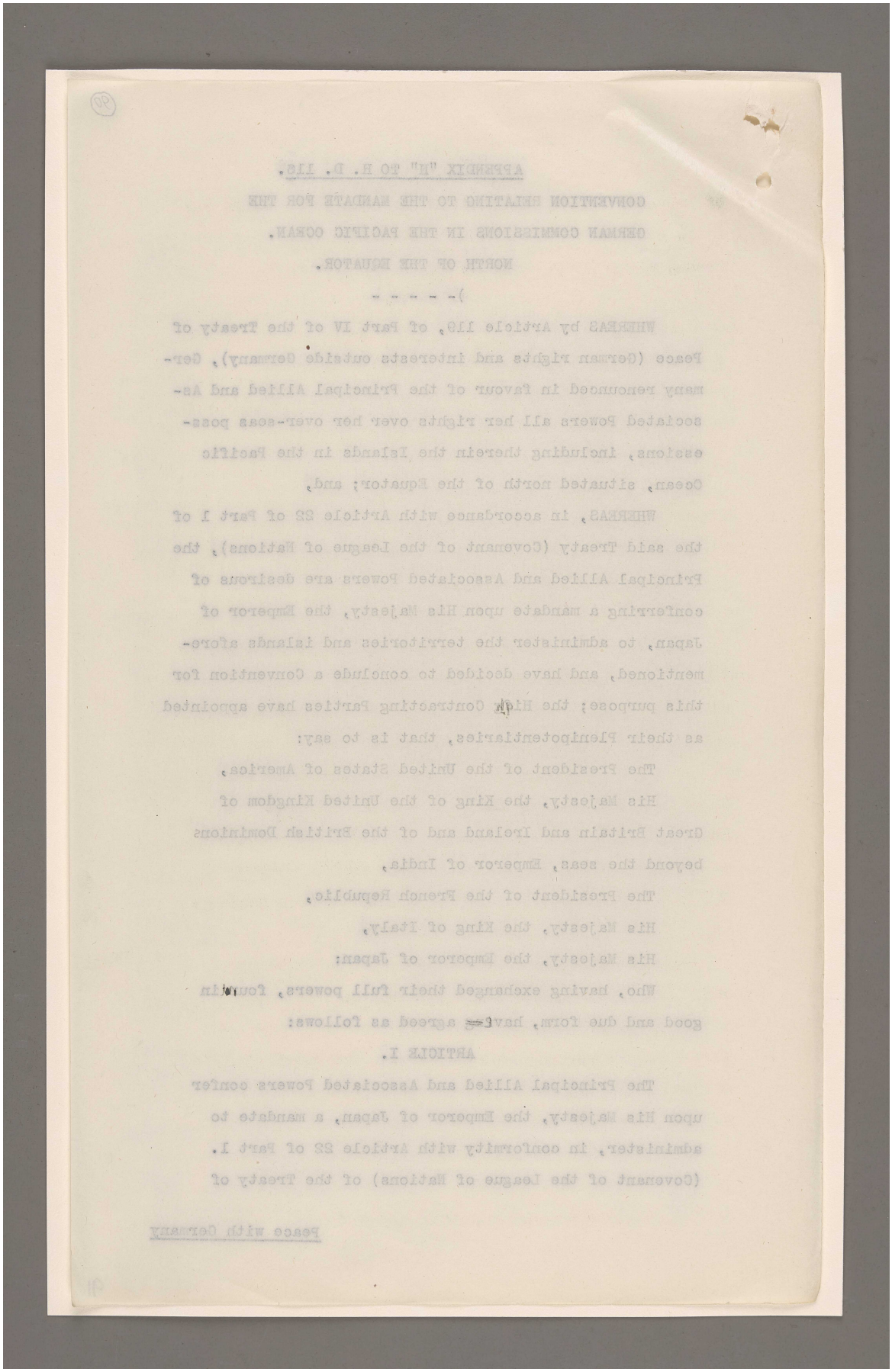

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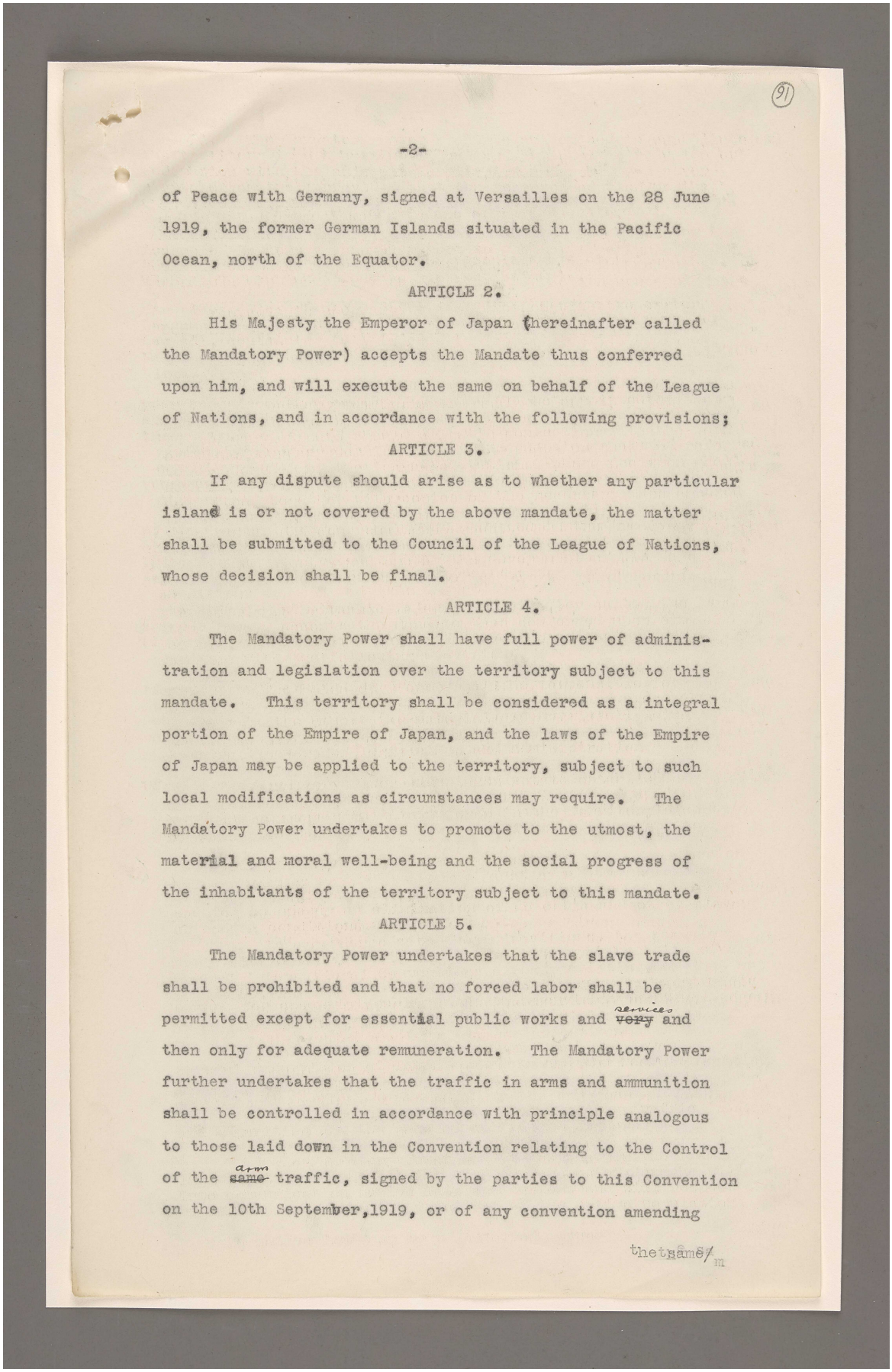

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-2-

of Peace with Germany, signed at Versailles on the 28 June 1919, the former German Islands situated in the Pacific Ocean, north of the Equator.

ARTICLE 2.

His Majesty the Emperor of Japan (hereinafter called the Mandatory Power) accepts the Mandate thus conferred upon him, and will execute the same on behalf of the League of Nations, and in accordance with the following provisions;

ARTICLE 3.

If any dispute should arise as to whether any particular island is or not covered by the above mandate, the matter shall be submitted to the Council of the League of Nations, whose decision shall be final.

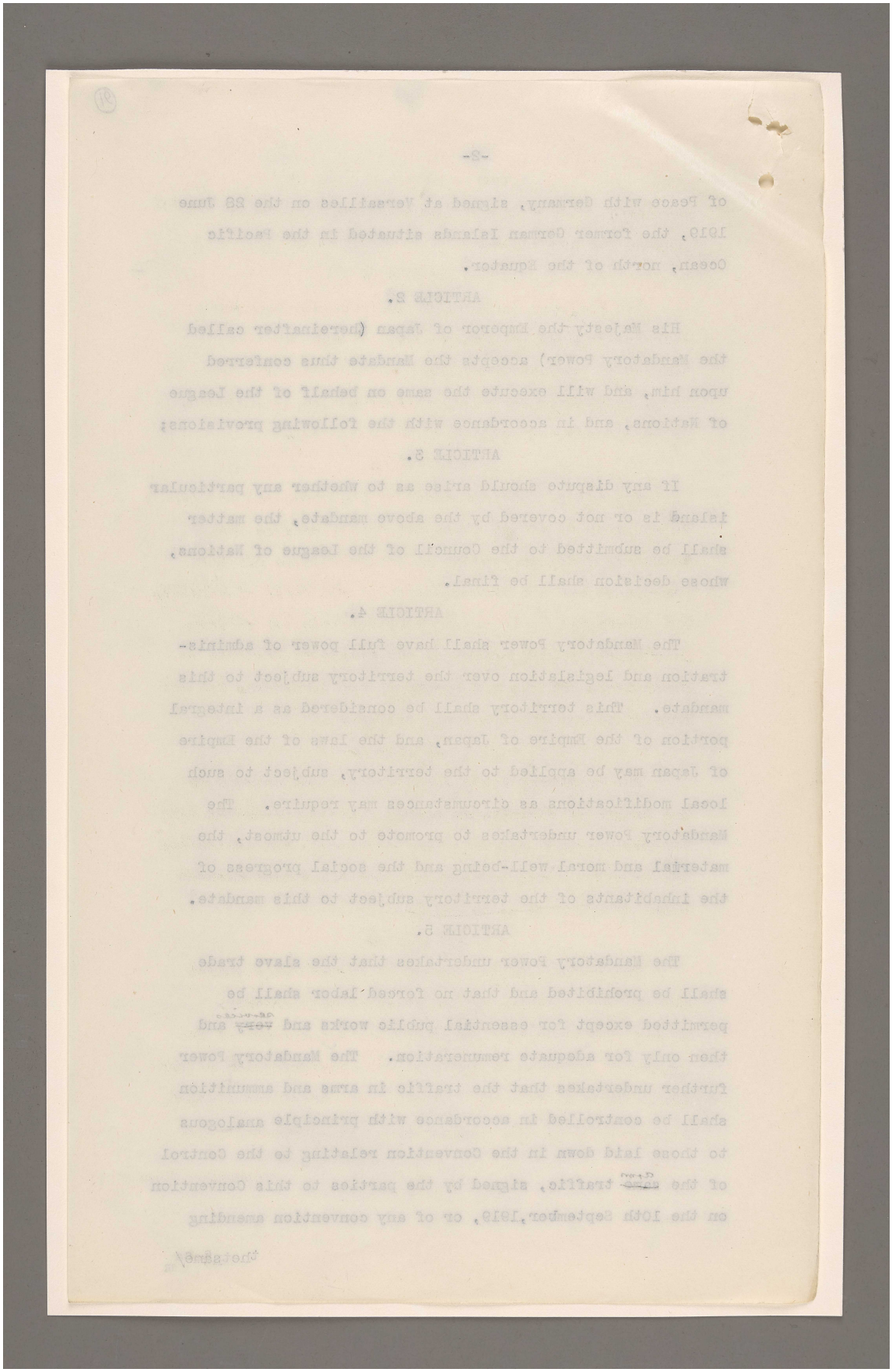
ARTICLE 4.

The Mandatory Power shall have full power of administration and legislation over the territory subject to this mandate. This territory shall be considered as a integral portion of the Empire of Japan, and the laws of the Empire of Japan may be applied to the territory, subject to such local modifications as circumstances may require. The Mandatory Power undertakes to promote to the utmost, the material and moral well-being and the social progress of the inhabitants of the territory subject to this mandate.

ARTICLE 5.

The Mandatory Power undertakes that the slave trade shall be prohibited and that no forced labor shall be permitted except for essential public works and ~~very~~ services and then only for adequate remuneration. The Mandatory Power further undertakes that the traffic in arms and ammunition shall be controlled in accordance with principle analogous to those laid down in the Convention relating to the Control of the ~~same~~ arm traffic, signed by the parties to this Convention on the 10th September, 1919, or of any convention amending

the same/m



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the same. The supply of intoxicating spirits and beverages to the natives shall be prohibited.

ARTICLE 6.

The military training of the natives, otherwise than for purposes of internal police and the local defence of the territory shall be prohibited, Furthermore, no military or naval bases shall be established, or fortifications erected in the territory.

ARTICLE 7.

Subject to the provisions of any local law for the maintenance of public order and public morals, the Mandatory Power guarantees in the territory, freedom of conscience and the free exercise of all forms of worship, and undertakes to allow all missionaries, the subjects or citizens of any member of the League of Nations, to enter into, travel, and reside in the territory, for the purpose of prosecuting their calling.

ARTICLE 8.

The Mandatory Power shall make to the Council of the League of Nations, an annual report, containing full information with regard to the territory, and indicating the measures taken to carry out the obligation assumed under Articles 4, 5, 6, and 7.

ARTICLE 9.

The consent of the League of Nations is required for any modification of the terms of this mandate.
If any dispute should arise between the members of the League of Nations, relating to the interpretation or the application of these provisions which cannot be settled by negotiation, this dispute shall be submitted to the

Permanent Court/

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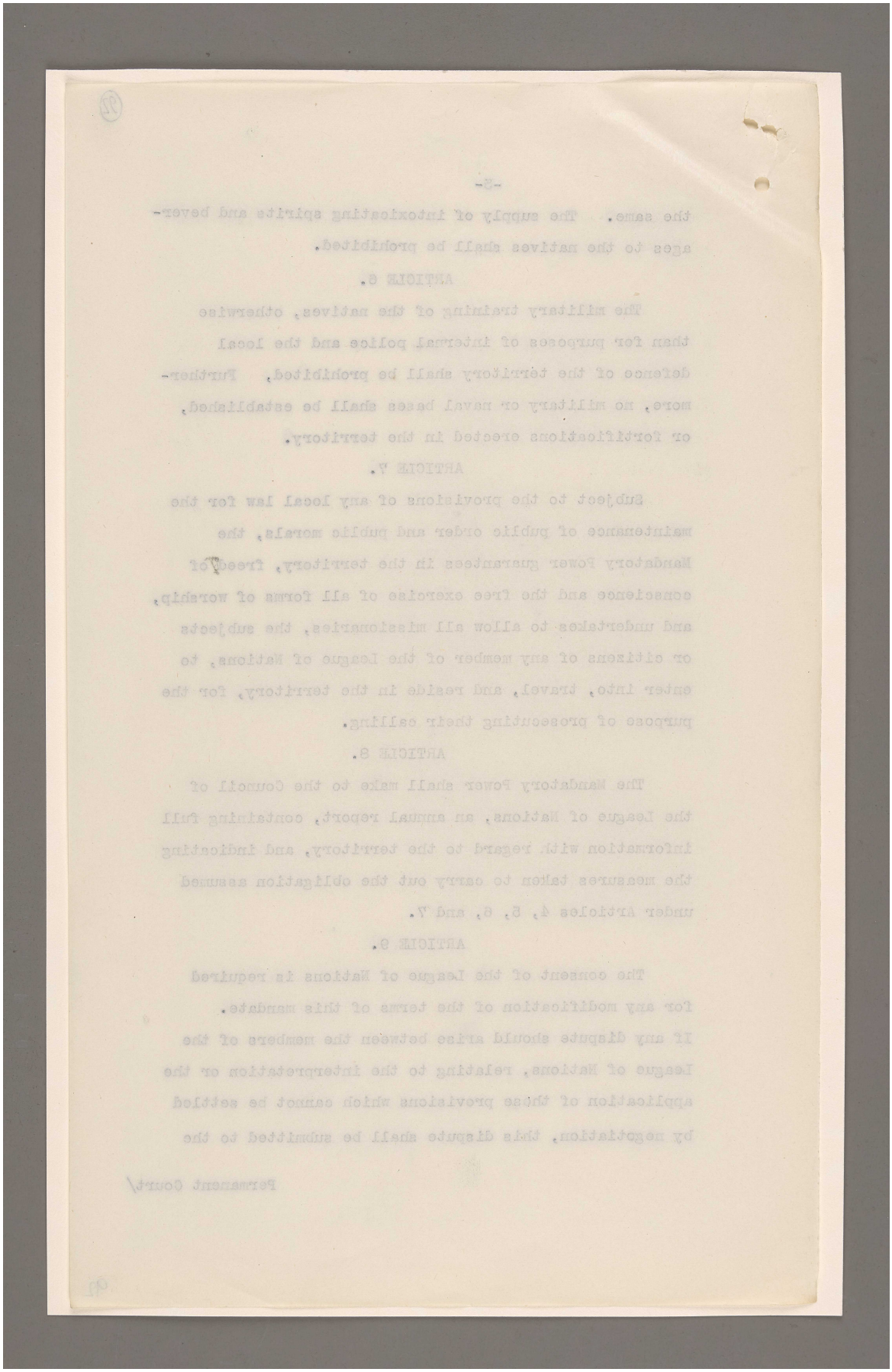

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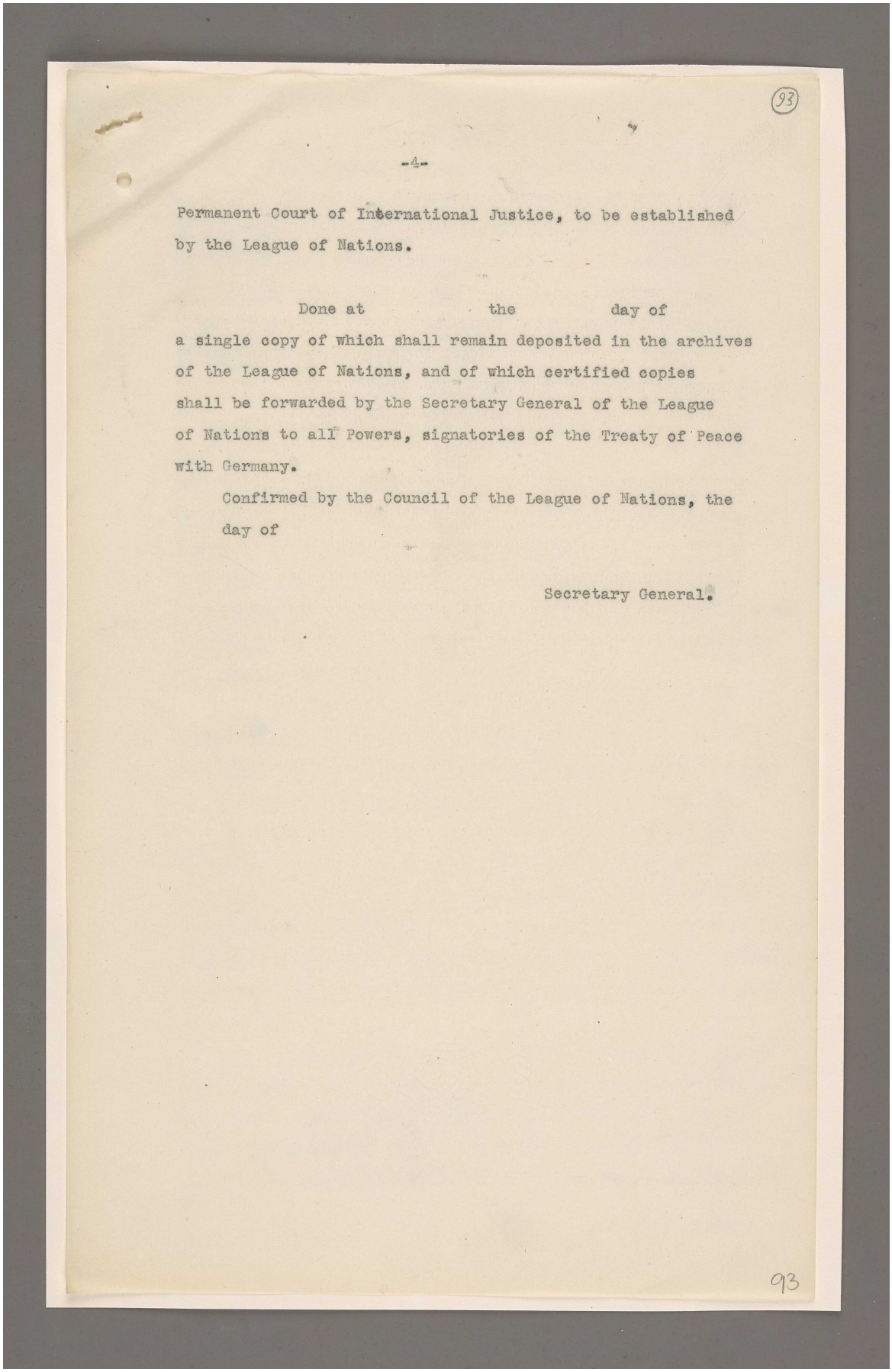

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-4-

Permanent Court of International Justice, to be established by the League of Nations.

Done at the day of a single copy of which shall remain deposited in the archives of the League of Nations, and of which certified copies shall be forwarded by the Secretary General of the League of Nations to all Powers, signatories of the Treaty of Peace with Germany.

Confirmed by the Council of the League of Nations, the day of

Secretary General.

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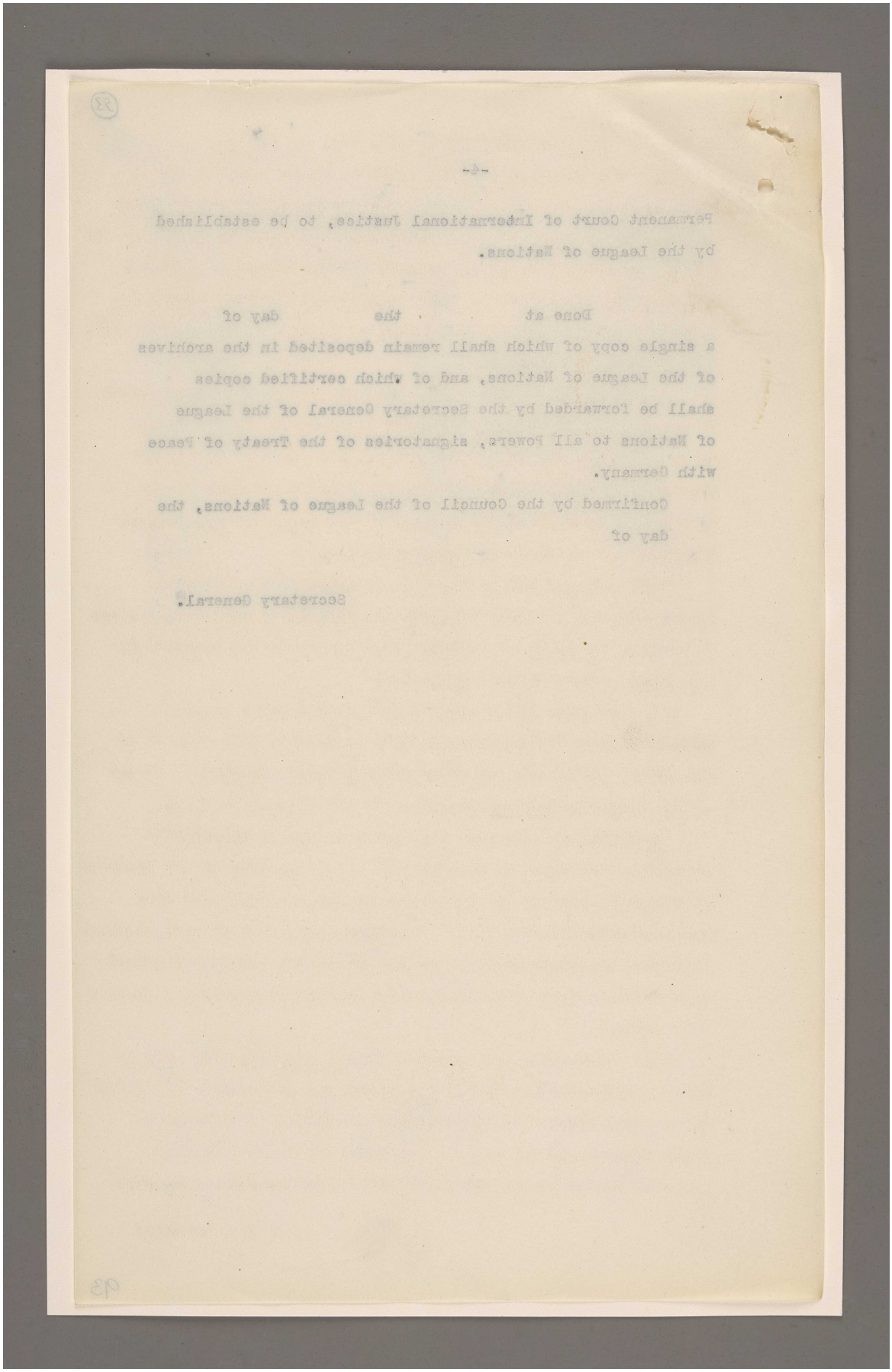

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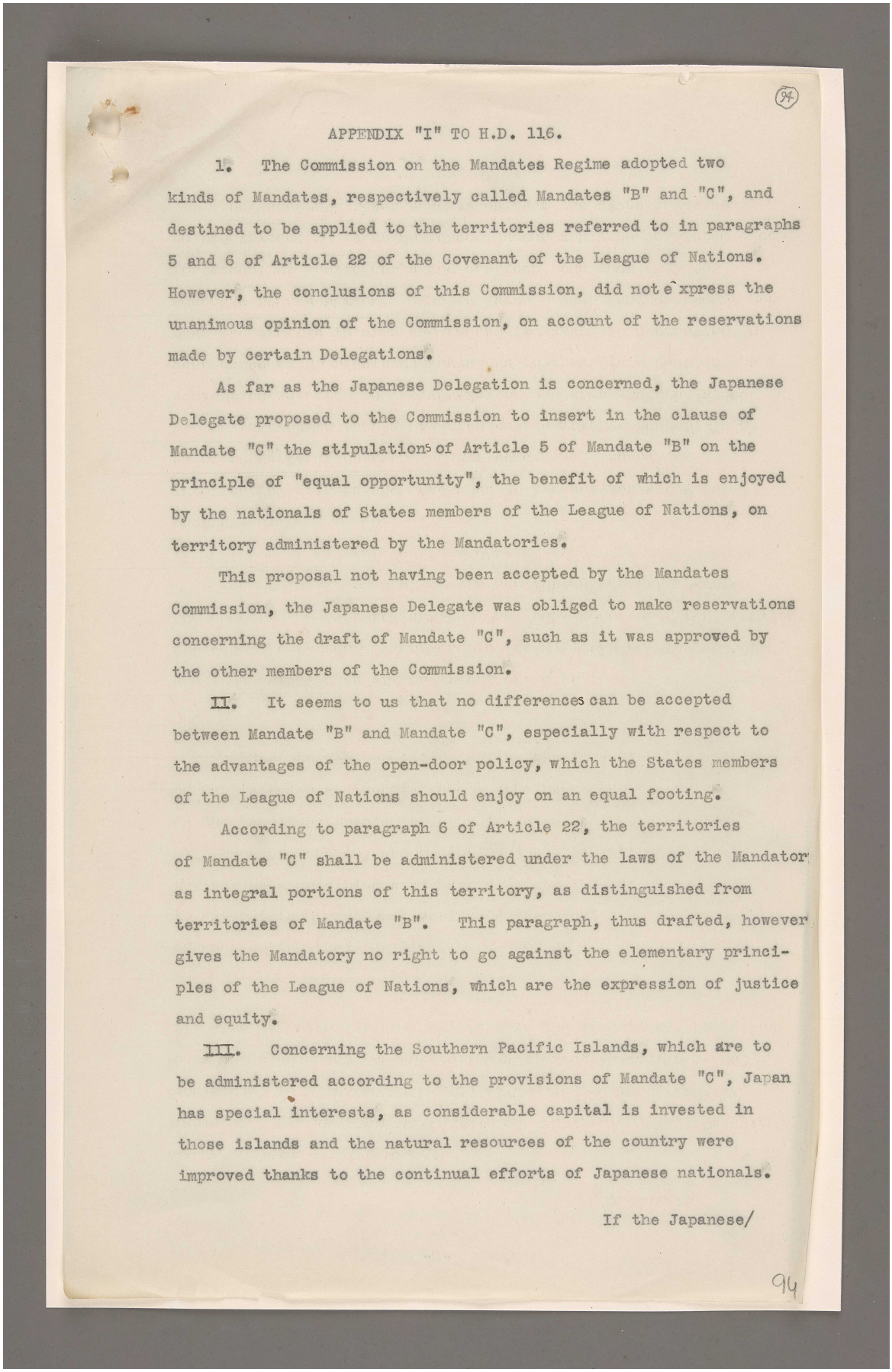

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APPENDIX "I" TO H.D. 116.

I. The Commission on the Mandates Regime adopted two kinds of Mandates, respectively called Mandates "B" and "C", and destined to be applied to the territories referred to in paragraphs 5 and 6 of Article 22 of the Covenant of the League of Nations. However, the conclusions of this Commission, did not express the unanimous opinion of the Commission, on account of the reservations made by certain Delegations.

As far as the Japanese Delegation is concerned, the Japanese Delegate proposed to the Commission to insert in the clause of Mandate "C" the stipulations of Article 5 of Mandate "B" on the principle of "equal opportunity", the benefit of which is enjoyed by the nationals of States members of the League of Nations, on territory administered by the Mandatories.

This proposal not having been accepted by the Mandates Commission, the Japanese Delegate was obliged to make reservations concerning the draft of Mandate "C", such as it was approved by the other members of the Commission.

II. It seems to us that no differences can be accepted between Mandate "B" and Mandate "C", especially with respect to the advantages of the open-door policy, which the States members of the League of Nations should enjoy on an equal footing.

According to paragraph 6 of Article 22, the territories of Mandate "C" shall be administered under the laws of the Mandator as integral portions of this territory, as distinguished from territories of Mandate "B". This paragraph, thus drafted, however gives the Mandatory no right to go against the elementary principles of the League of Nations, which are the expression of justice and equity.

III. Concerning the Southern Pacific Islands, which are to be administered according to the provisions of Mandate "C", Japan has special interests, as considerable capital is invested in those islands and the natural resources of the country were improved thanks to the continual efforts of Japanese nationals.

If the Japanese/

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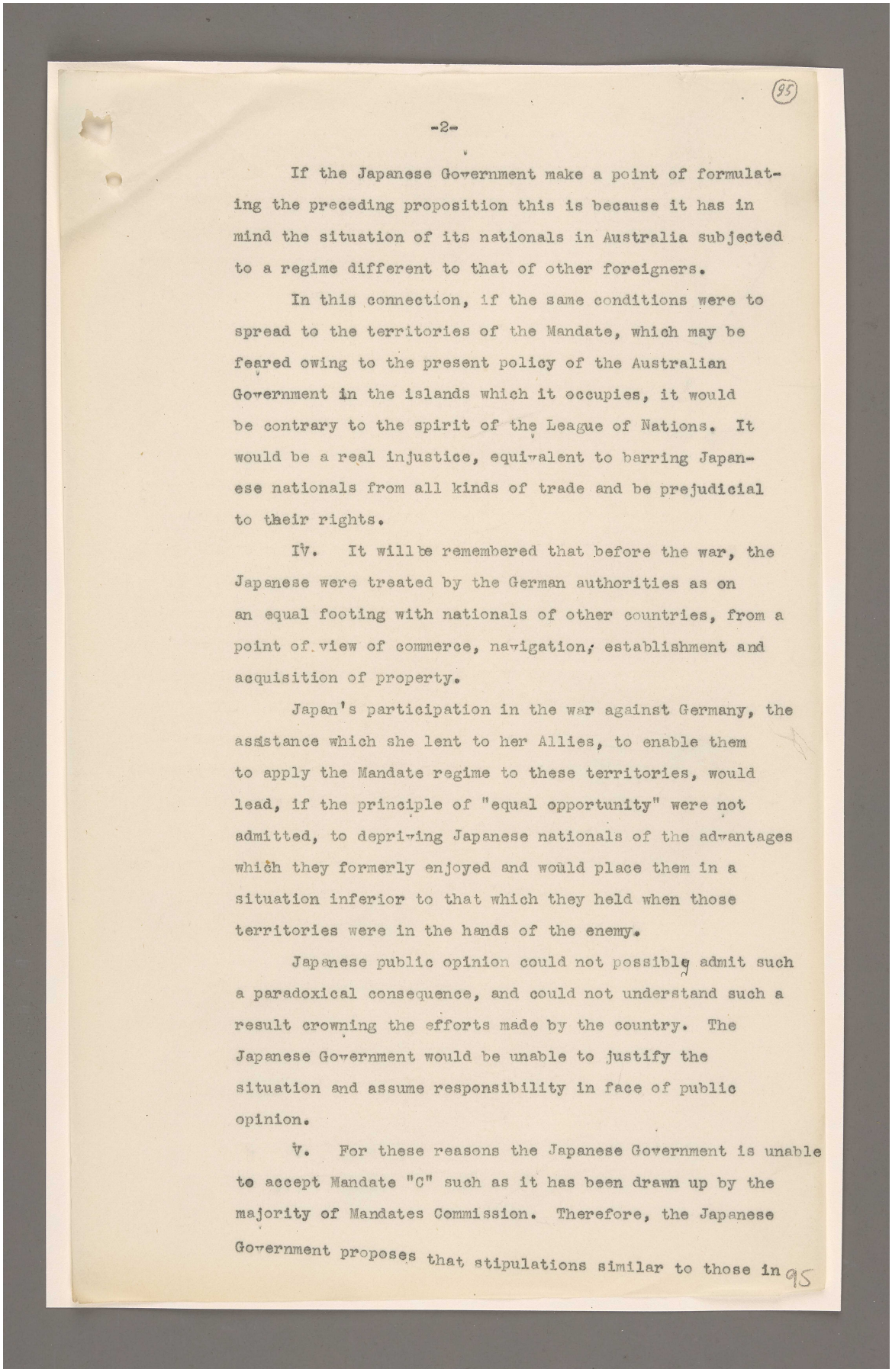

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If the Japanese Government make a point of formulating the preceding proposition this is because it has in mind the situation of its nationals in Australia subjected to a regime different to that of other foreigners.

In this connection, if the same conditions were to spread to the territories of the Mandate, which may be feared owing to the present policy of the Australian Government in the islands which it occupies, it would be contrary to the spirit of the League of Nations. It would be a real injustice, equivalent to barring Japanese nationals from all kinds of trade and be prejudicial to their rights.

IV. It will be remembered that before the war, the Japanese were treated by the German authorities as on an equal footing with nationals of other countries, from a point of view of commerce, navigation, establishment and acquisition of property.

Japan's participation in the war against Germany, the assistance which she lent to her Allies, to enable them to apply the Mandate regime to these territories, would lead, if the principle of "equal opportunity" were not admitted, to depriving Japanese nationals of the advantages which they formerly enjoyed and would place them in a situation inferior to that which they held when those territories were in the hands of the enemy.

Japanese public opinion could not possibly admit such a paradoxical consequence, and could not understand such a result crowning the efforts made by the country. The Japanese Government would be unable to justify the situation and assume responsibility in face of public opinion.

V. For these reasons the Japanese Government is unable to accept Mandate "C" such as it has been drawn up by the majority of Mandates Commission. Therefore, the Japanese Government proposes that stipulations similar to those in

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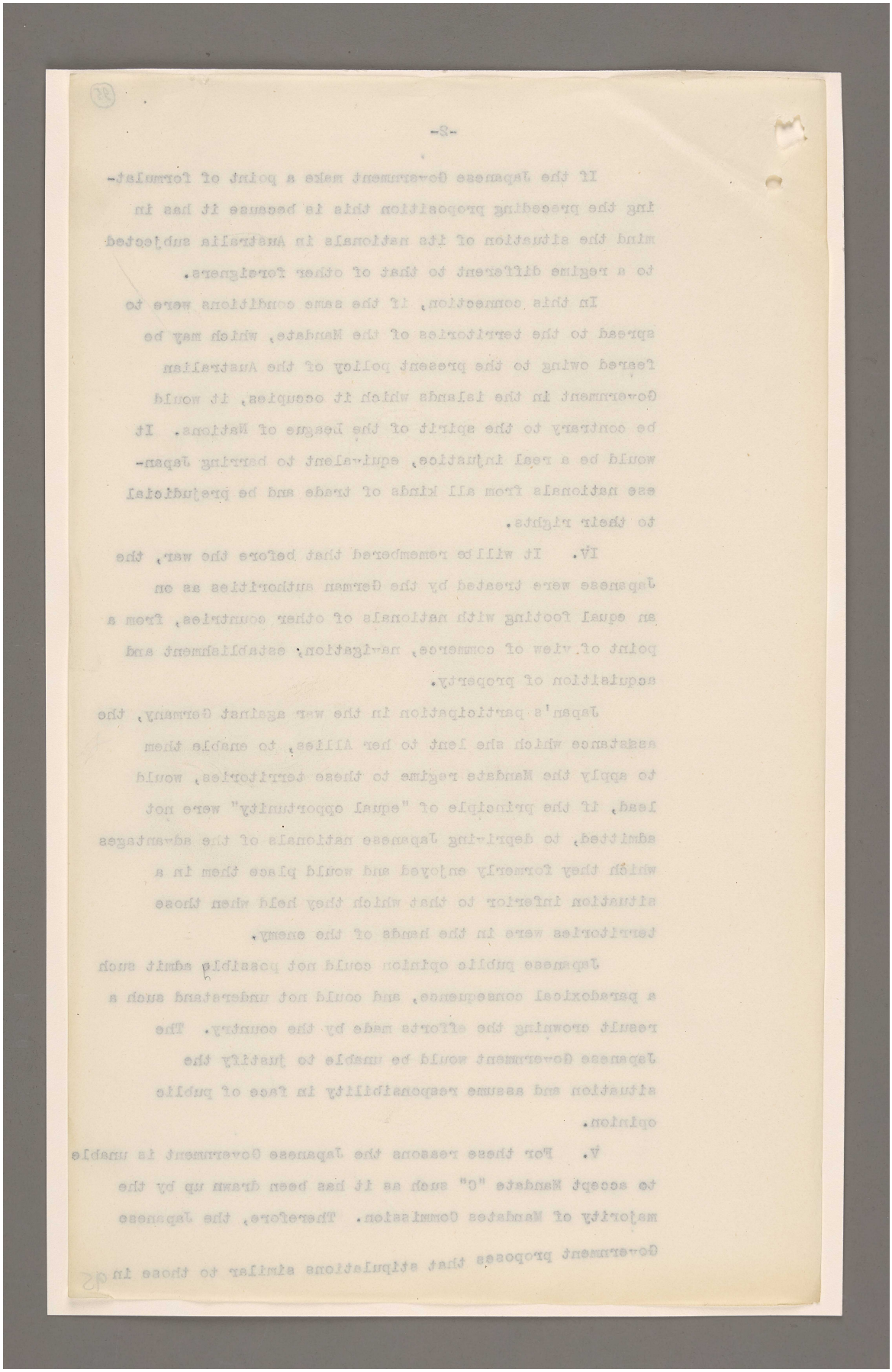

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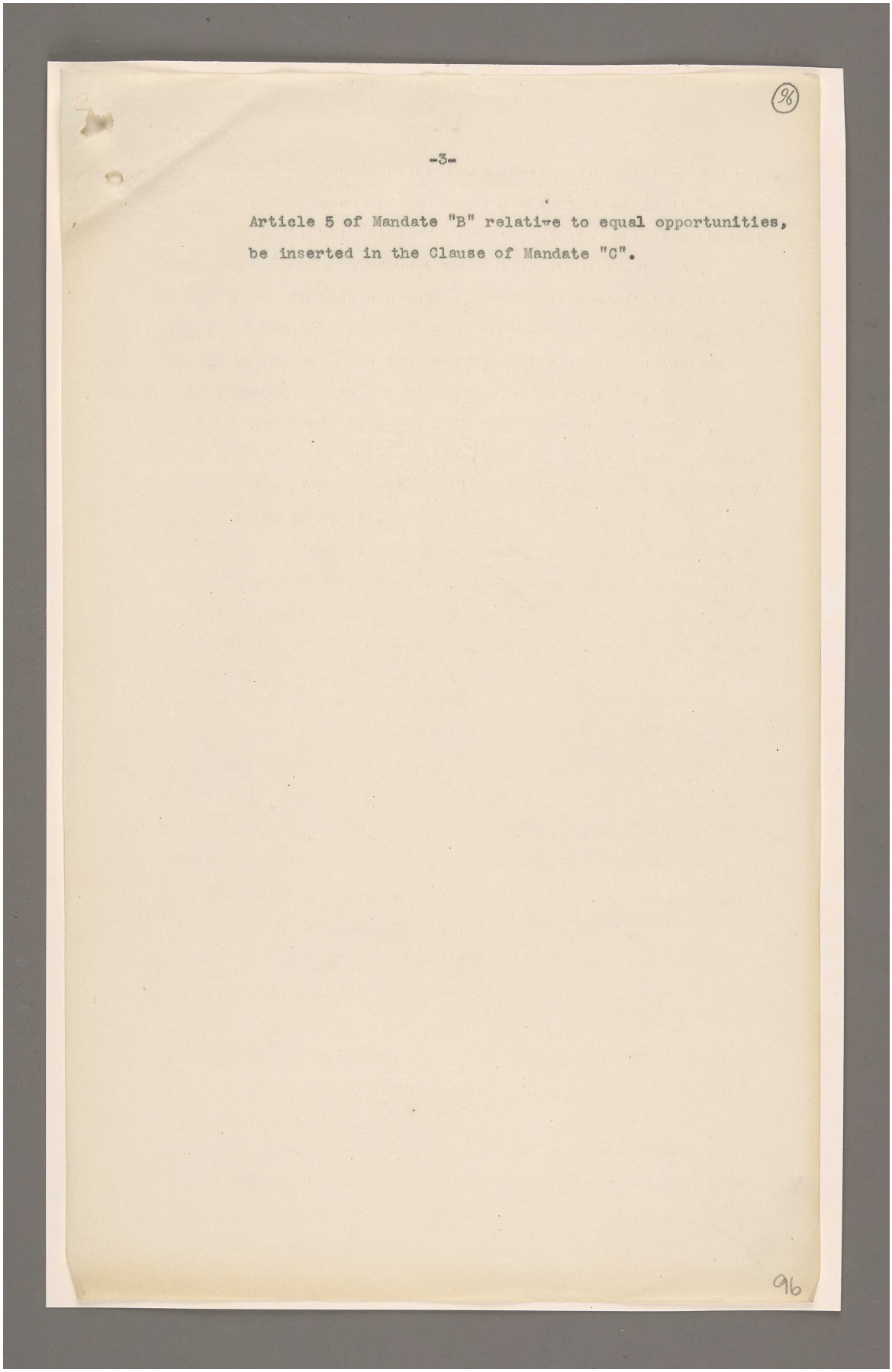

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Article 5 of Mandate "B" relative to equal opportunities,
be inserted in the Clause of Mandate "C".

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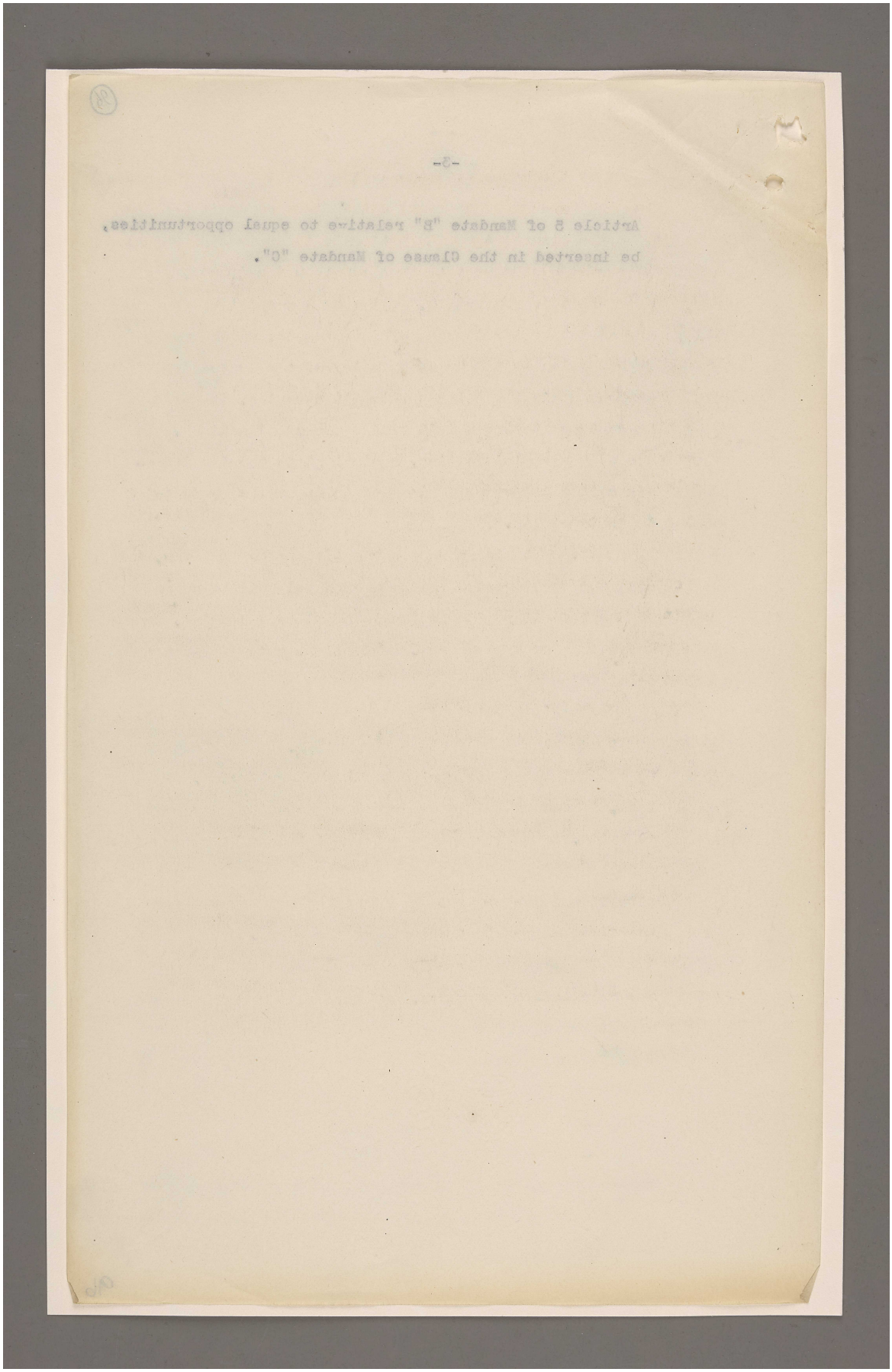

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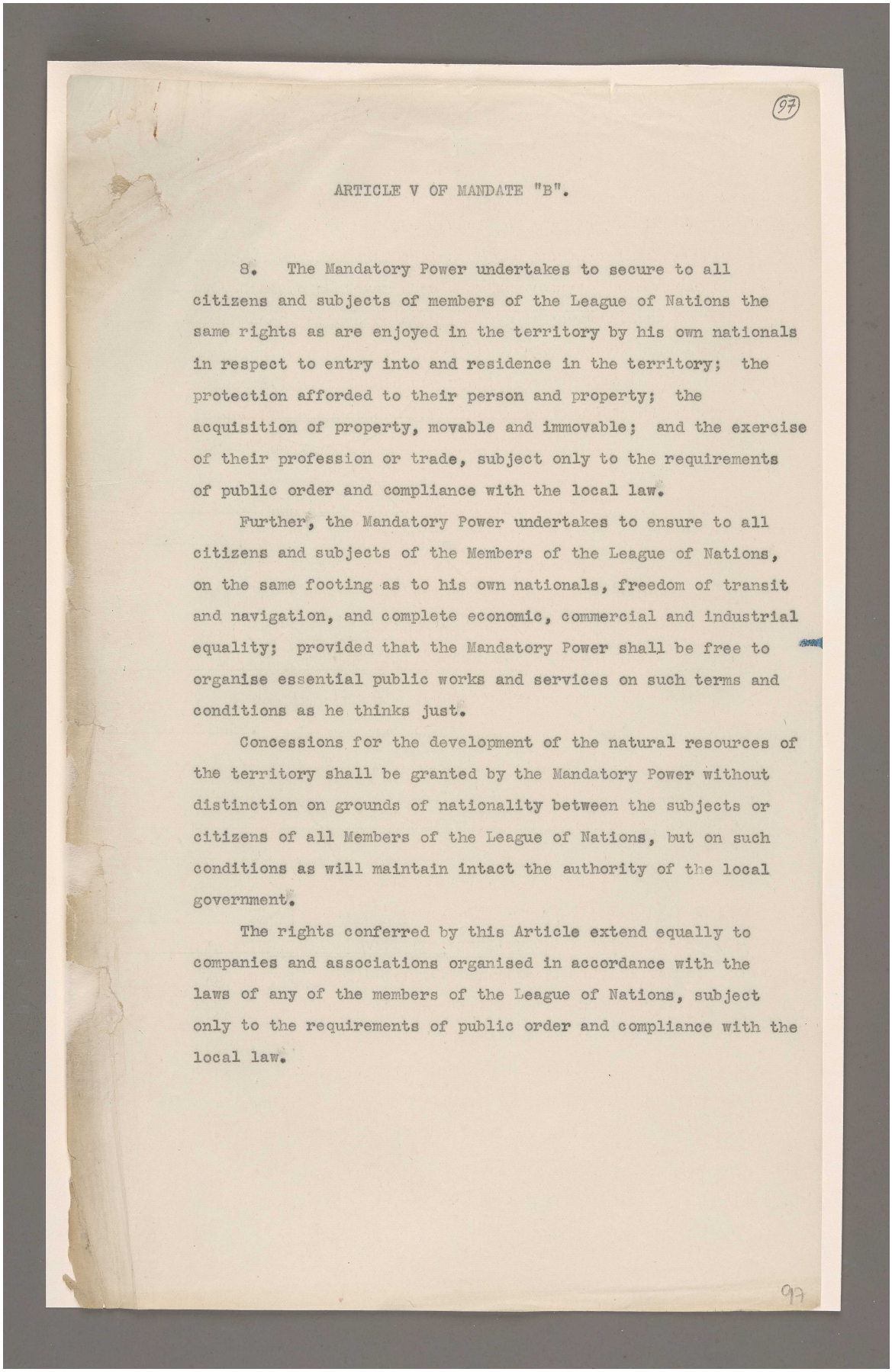

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ARTICLE V OF MANDATE "B".

8. The Mandatory Power undertakes to secure to all citizens and subjects of members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect to entry into and residence in the territory; the protection afforded to their person and property; the acquisition of property, movable and immovable; and the exercise of their profession or trade, subject only to the requirements of public order and compliance with the local law.

Further, the Mandatory Power undertakes to ensure to all citizens and subjects of the Members of the League of Nations, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality; provided that the Mandatory Power shall be free to organise essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the Mandatory Power without distinction on grounds of nationality between the subjects or citizens of all Members of the League of Nations, but on such conditions as will maintain intact the authority of the local government.

The rights conferred by this Article extend equally to companies and associations organised in accordance with the laws of any of the members of the League of Nations, subject only to the requirements of public order and compliance with the local law.

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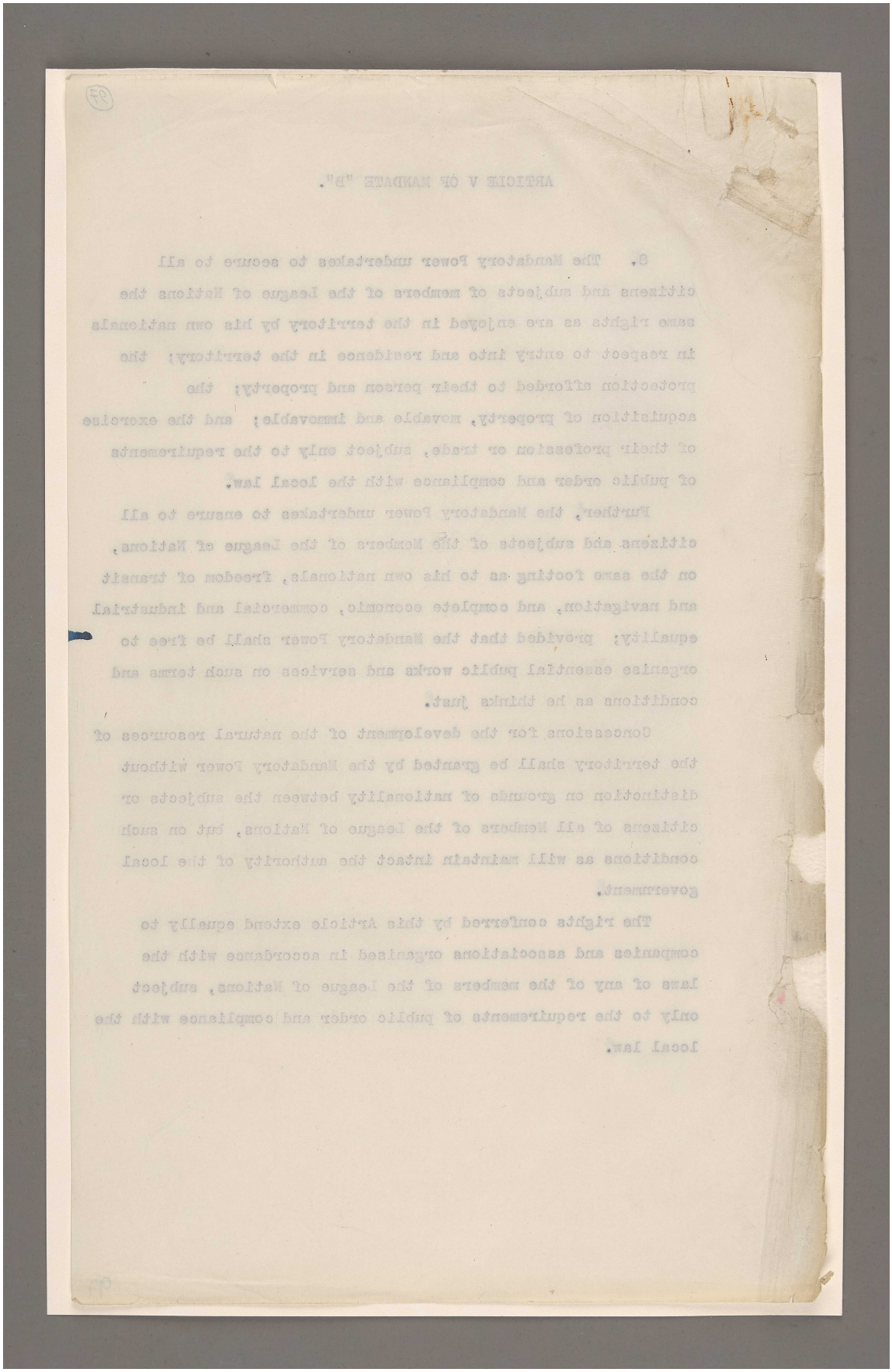

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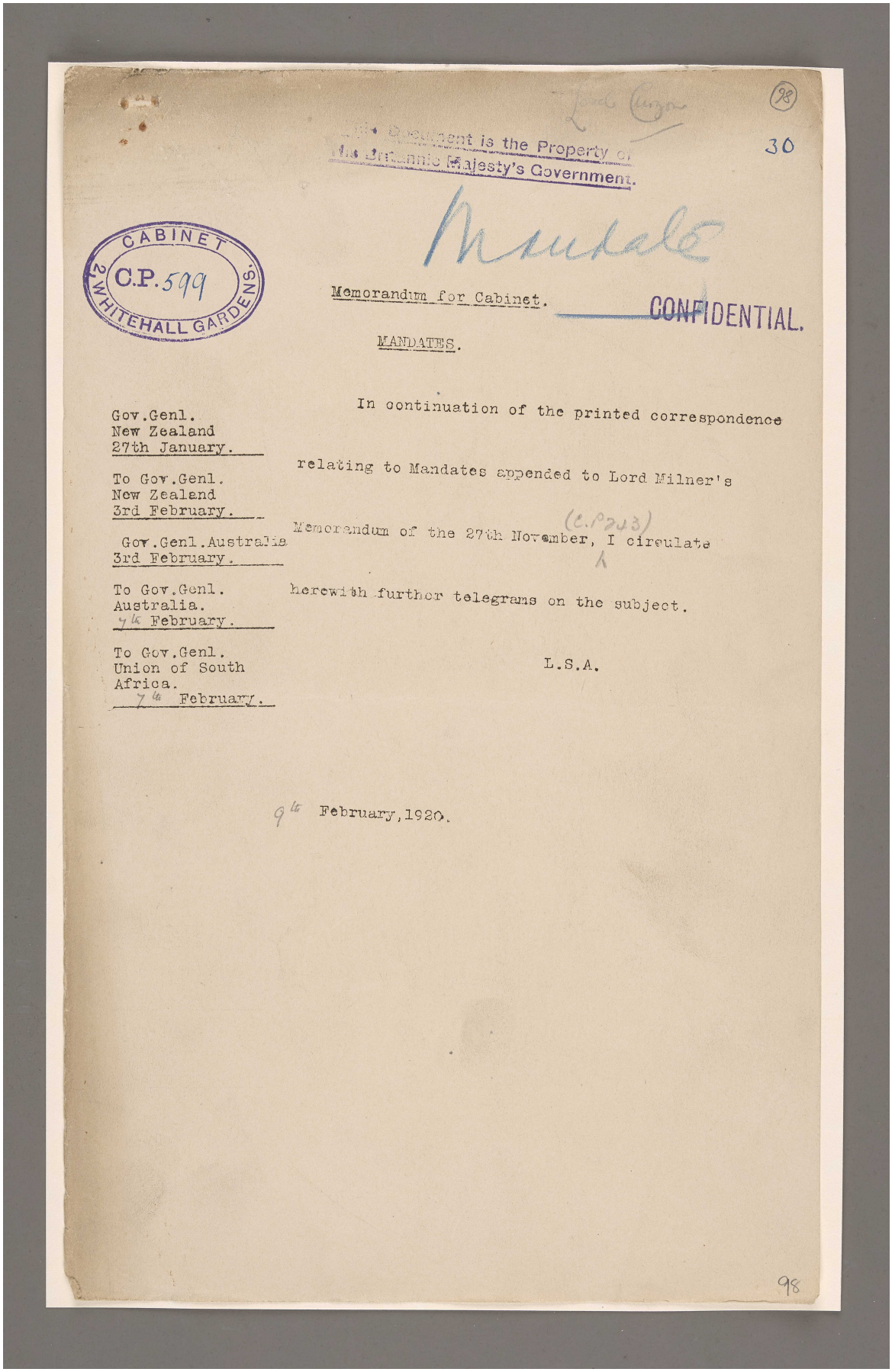

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C.P. 599
2 WHITEHALL GARDENS.

Memorandum for Cabinet. CONFIDENTIAL.

MANDATES.

In continuation of the printed correspondence relating to Mandates appended to Lord Milner's Memorandum of the 27th November, (C.P.243) I circulate herewith further telegrams on the subject.

L.S.A.

9th February, 1920.

Gov.Genl.
New Zealand
27th January.

To Gov.Genl.
New Zealand
3rd February.

Gov.Genl.Australia
3rd February.

To Gov.Genl.
Australia.
7th February.

To Gov.Genl.
Union of South
Africa.
7th February.

98

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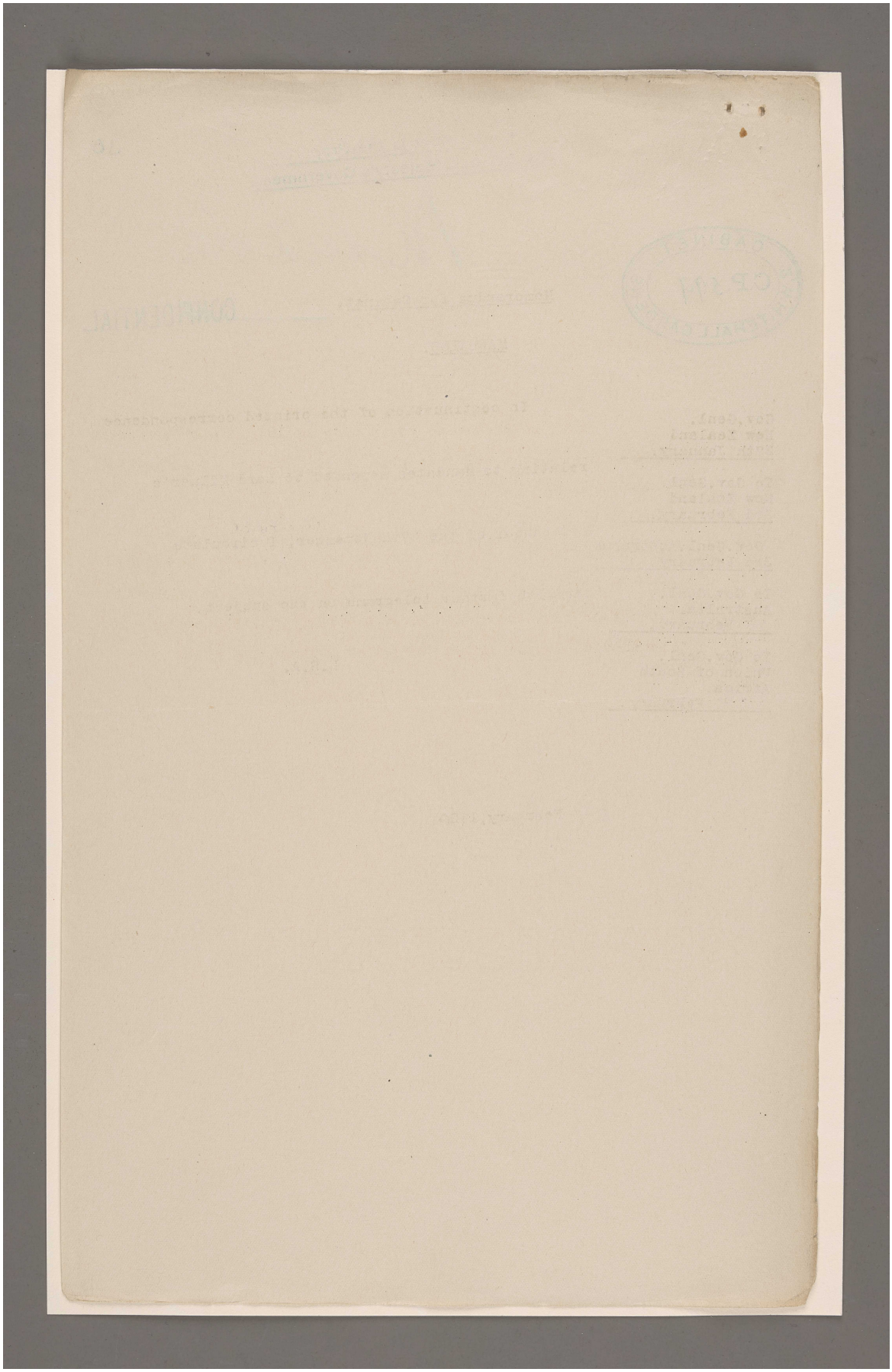

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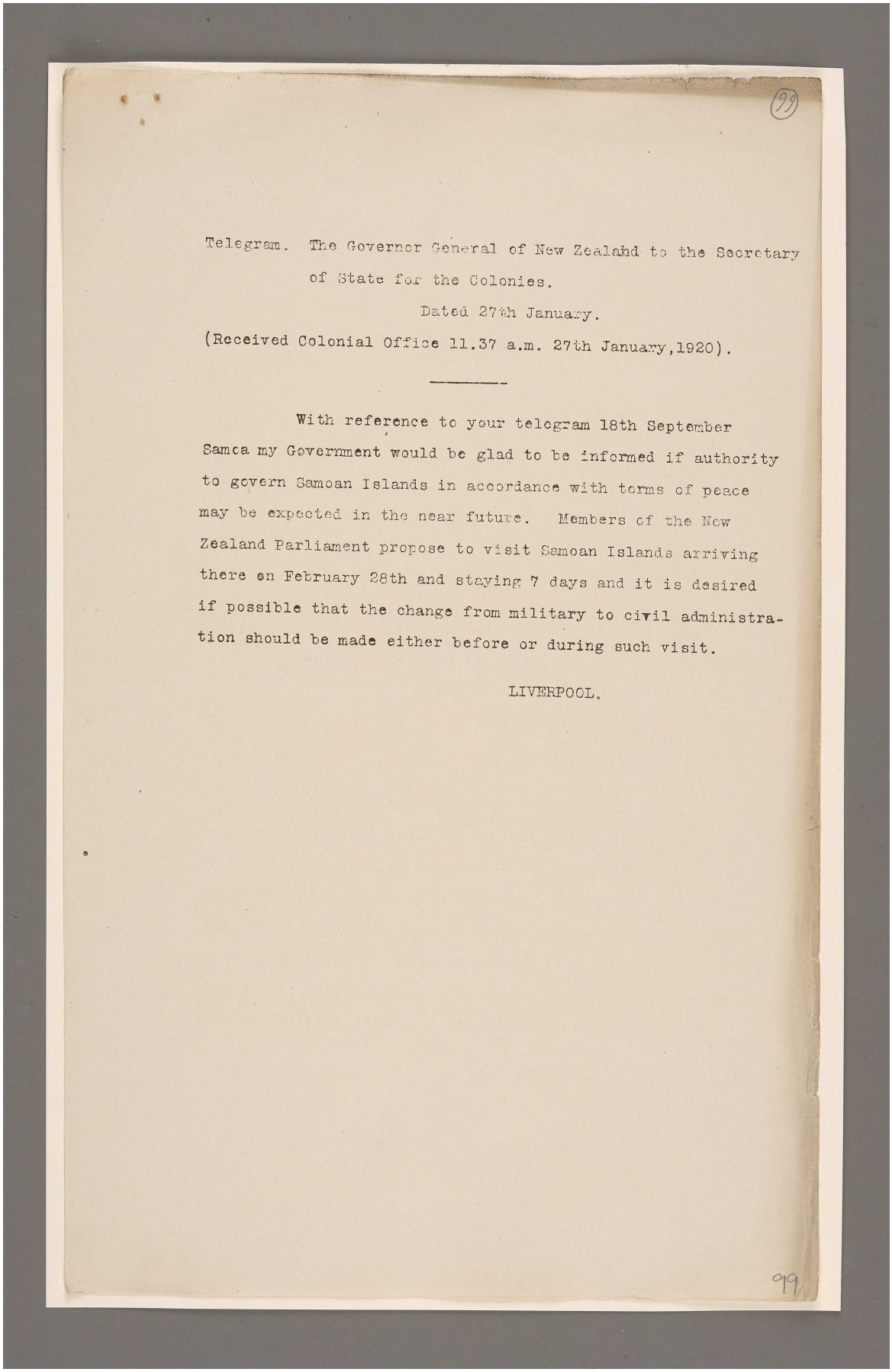

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Telegram. The Governor General of New Zealand to the Secretary of State for the Colonies.

Dated 27th January.

(Received Colonial Office 11.37 a.m. 27th January,1920).

With reference to your telegram 18th September Samoa my Government would be glad to be informed if authority to govern Samoan Islands in accordance with terms of peace may be expected in the near future. Members of the New Zealand Parliament propose to visit Samoan Islands arriving there on February 28th and staying 7 days and it is desired if possible that the change from military to civil administration should be made either before or during such visit.

LIVERPOOL.

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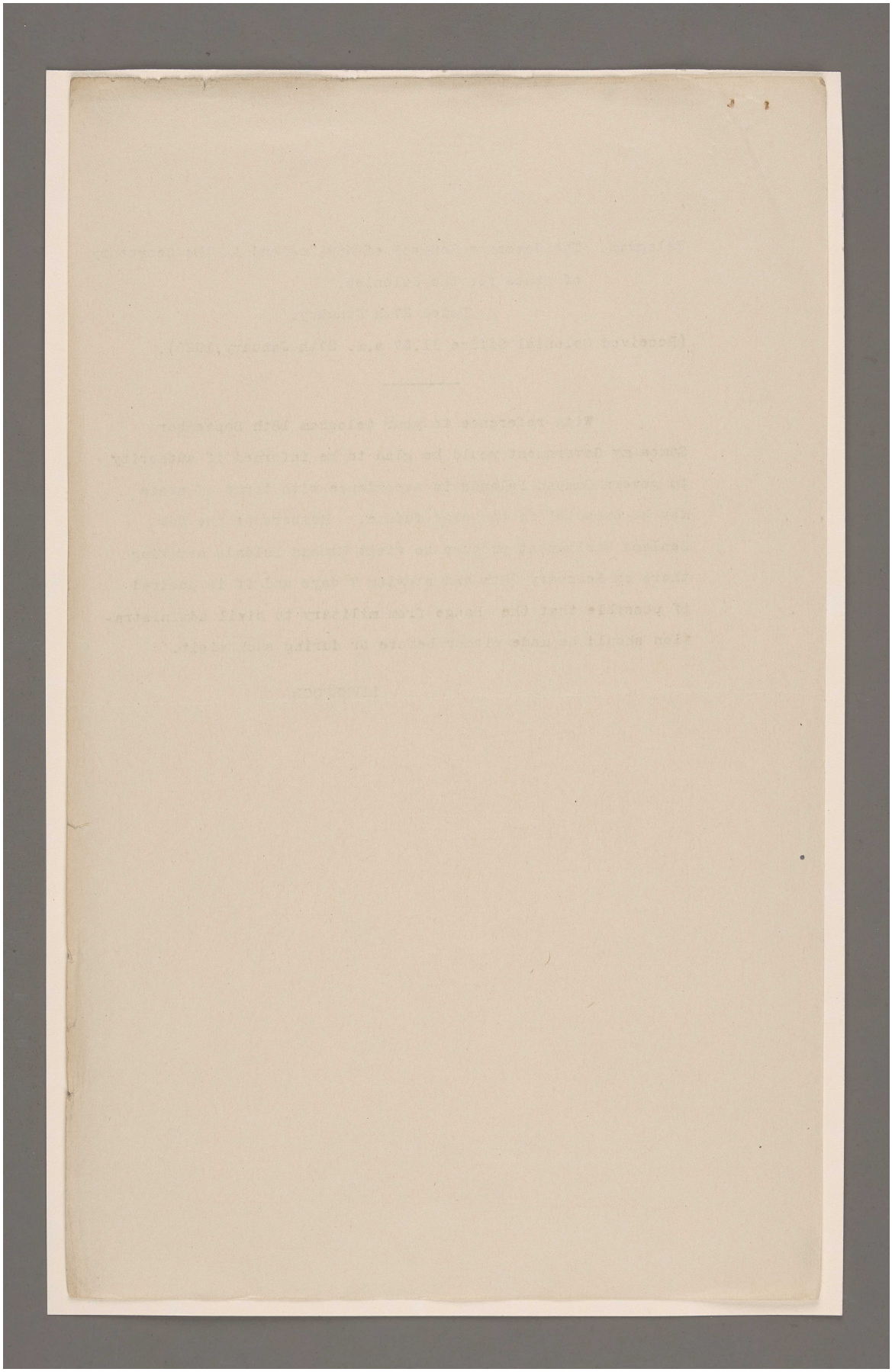

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PARAPHRASE TELEGRAM from the Secretary of State for the Colonies to the Governor General of New Zealand.

Sent 9.40 p.m. 3rd February, 1920.

With reference to your telegram 27th January Samoa. General Smuts has in connection with Mandate for South West Africa strongly urged the view that signature of Peace Treaty by the King's Dominion Ministers and conferment of Mandates by League of Nations or great Powers on Dominions marks new departure in constitutional position in Empire. He objects to the proposed procedure by Order in Council under Foreign Jurisdiction Act, maintaining that the King is concerned not in his British Government but in his Dominion Government and that any Act purporting to confer jurisdiction over Mandated territories like South West Africa or Samoa should emanate from His Majesty in his Dominion Government.

Accordingly I have reconsidered the whole question in consultation with Law Officers of Crown who have advised to following effect. No formal Act or Instrument such as the proposed Order in Council on part of His Majesty is necessary to enable the Union of South Africa or other Dominion concerned to make provision for execution of Mandate but Parliament of Dominion concerned is competent to make such provision and derives its authority from the Treaty and Mandate. His Majesty's assent is shown sufficiently (1) by execution of Treaty to which His Majesty in his Dominion of Union of South Africa or other Dominion concerned is a party and (2) by the conferring of the Mandate. General Smuts is anxious for uniformity in procedure as regards Mandates to three Dominions concerned and I agree that uniformity is desirable if possible but

should

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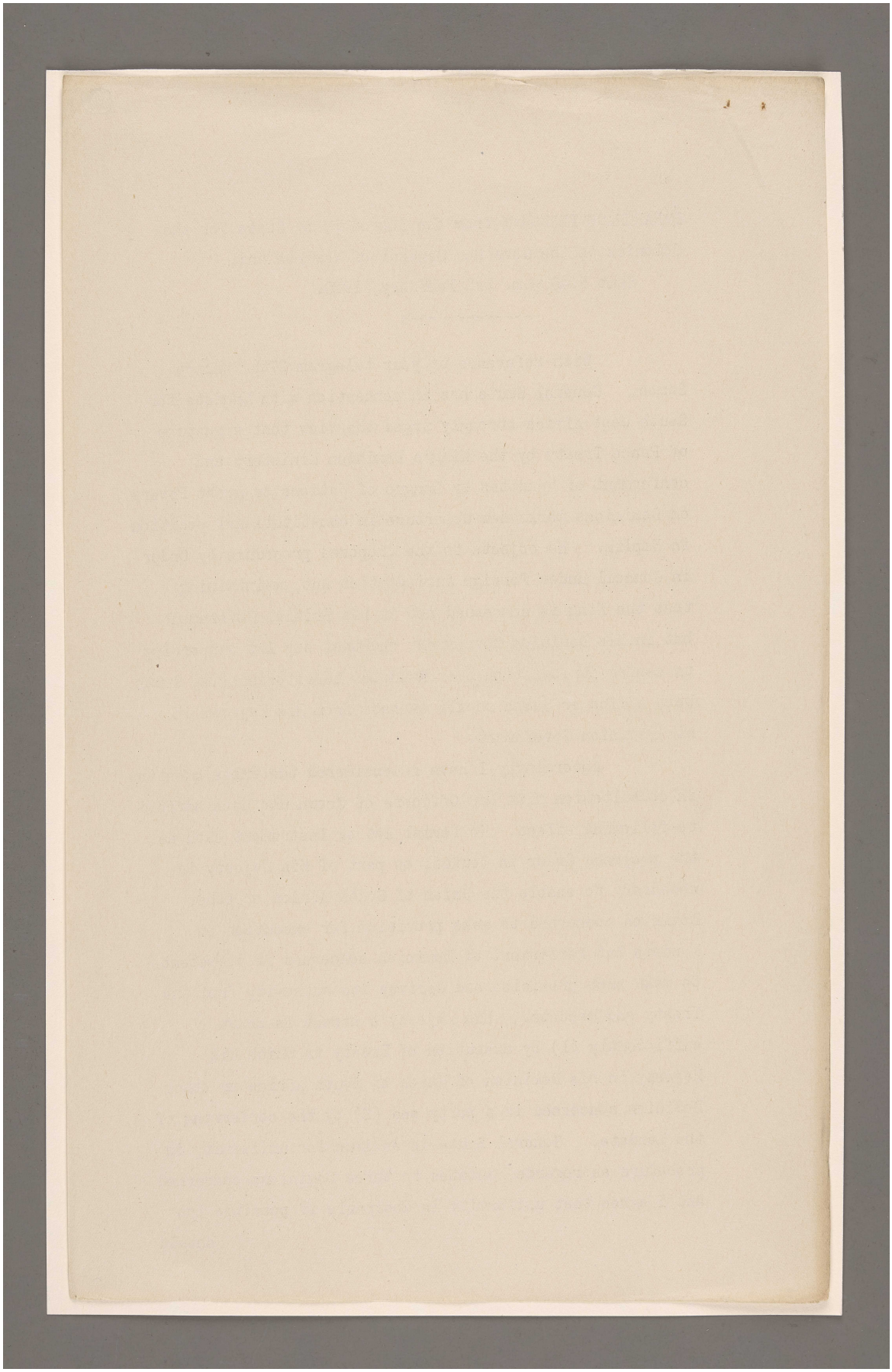

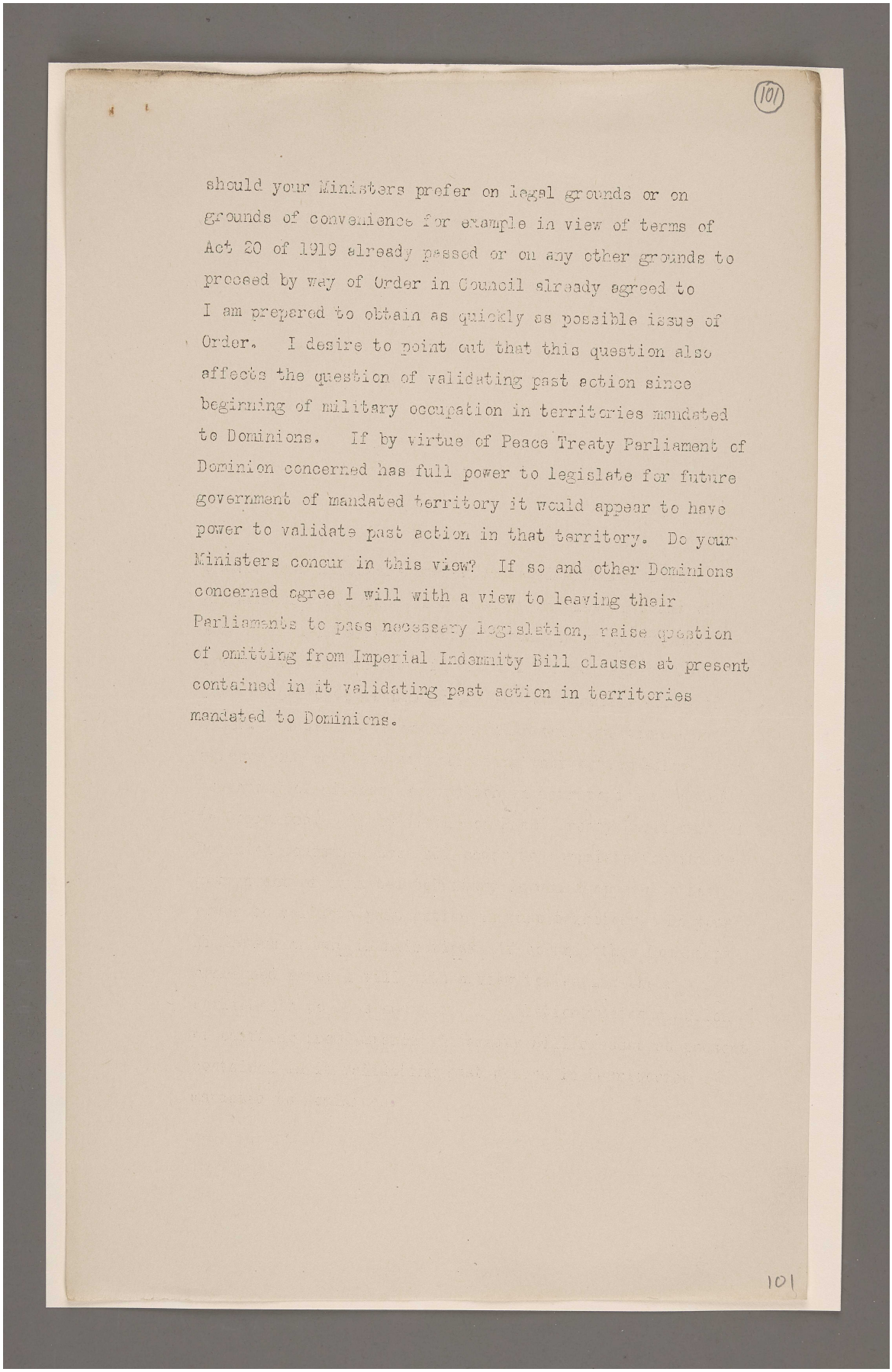

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should your Ministers prefer on legal grounds or on grounds of convenience for example in view of terms of Act 20 of 1919 already passed or on any other grounds to proceed by way of Order in Council already agreed to I am prepared to obtain as quickly as possible issue of Order. I desire to point out that this question also affects the question of validating past action since beginning of military occupation in territories mandated to Dominions. If by virtue of Peace Treaty Parliament of Dominion concerned has full power to legislate for future government of mandated territory it would appear to have power to validate past action in that territory. Do your Ministers concur in this view? If so and other Dominions concerned agree I will with a view to leaving their Parliaments to pass necessary legislation, raise question of omitting from Imperial Indemnity Bill clauses at present contained in it validating past action in territories mandated to Dominions.

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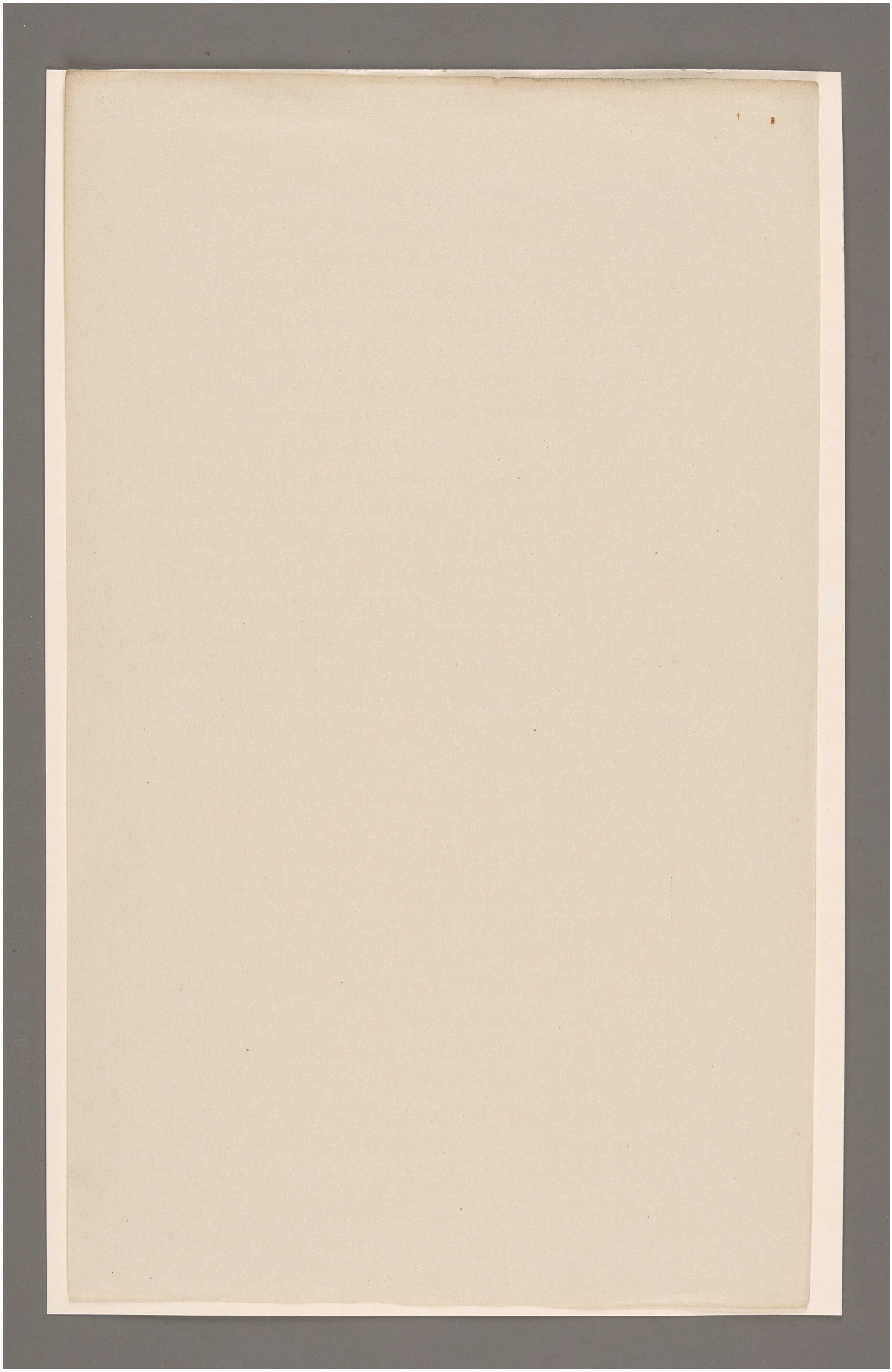

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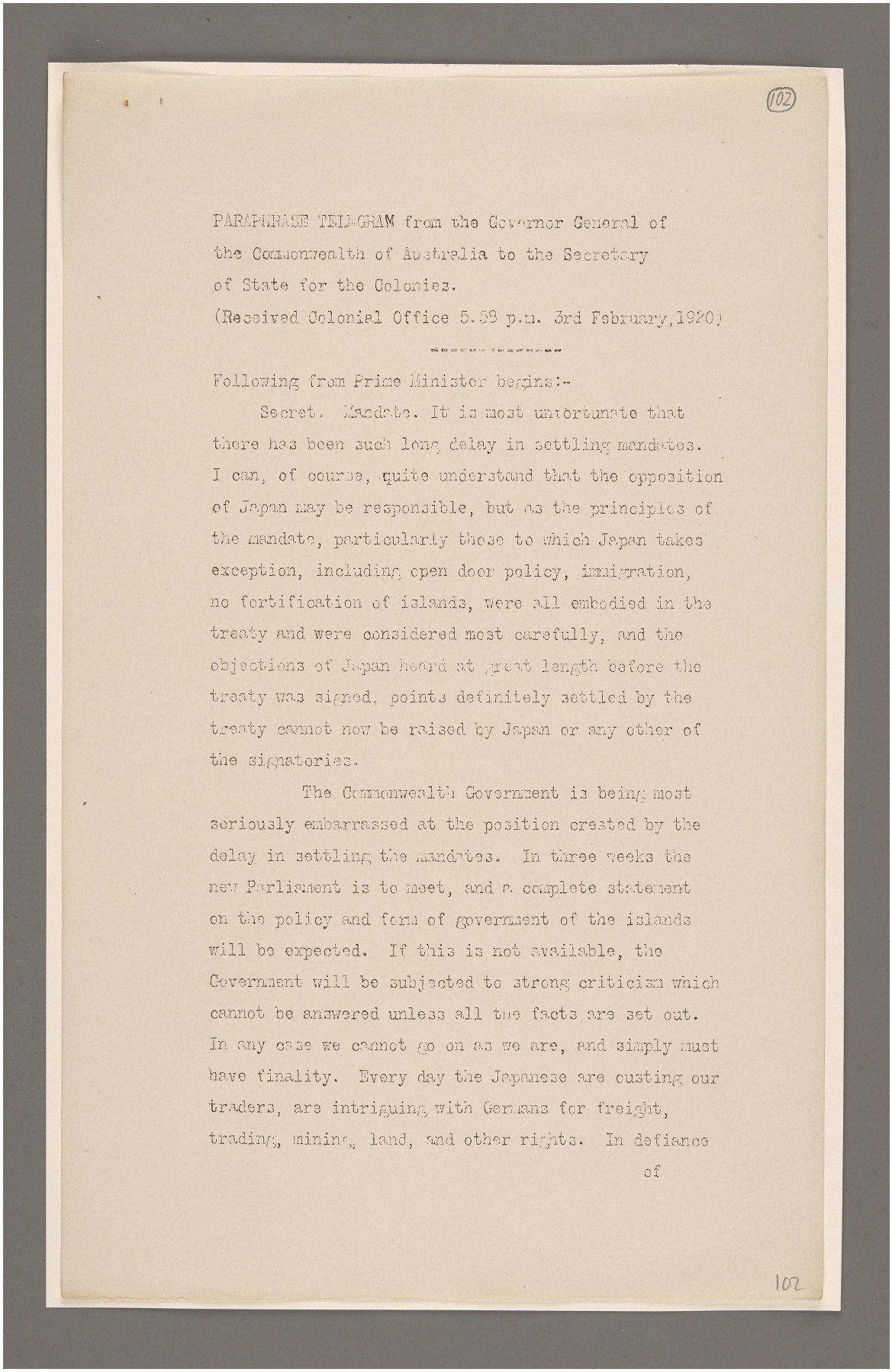

(102)

PARAPHRASE TELEGRAM from the Governor General of the Commonwealth of Australia to the Secretary of State for the Colonies.

(Received Colonial Office 5.58 p.m. 3rd February, 1920)

Following from Prime Minister begins:-

Secret. Mandate. It is most unfortunate that there has been such long delay in settling mandates. I can, of course, quite understand that the opposition of Japan may be responsible, but as the principles of the mandate, particularly those to which Japan takes exception, including open door policy, immigration, no fortification of islands, were all embodied in the treaty and were considered most carefully, and the objections of Japan heard at great length before the treaty was signed, points definitely settled by the treaty cannot now be raised by Japan or any other of the signatories.

The Commonwealth Government is being most seriously embarrassed at the position created by the delay in settling the mandates. In three weeks the new Parliament is to meet, and a complete statement on the policy and form of government of the islands will be expected. If this is not available, the Government will be subjected to strong criticism which cannot be answered unless all the facts are set out. In any case we cannot go on as we are, and simply must have finality. Every day the Japanese are ousting our traders, are intriguing with Germans for freight, trading, mining, land, and other rights. In defiance

of

102

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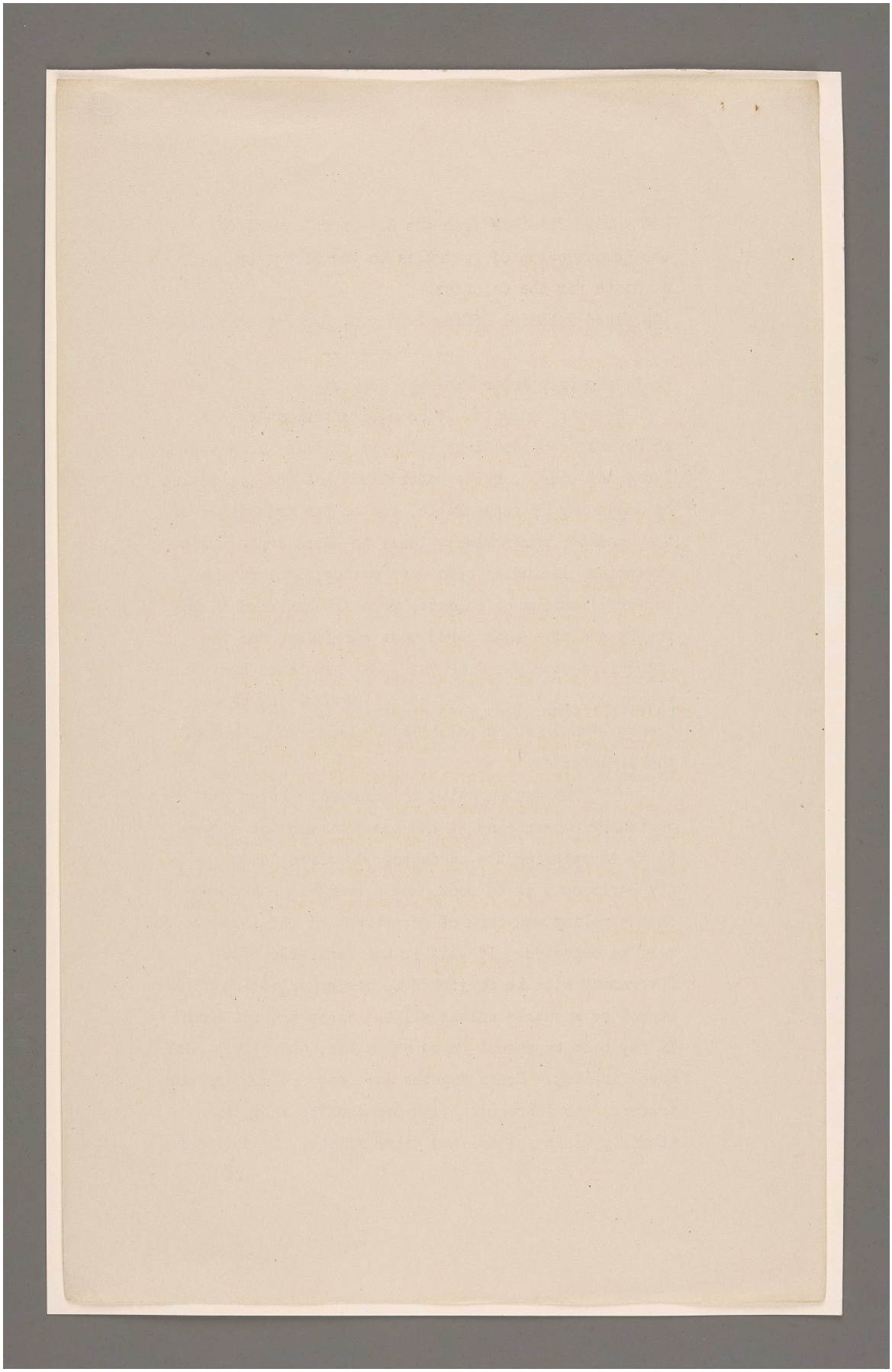

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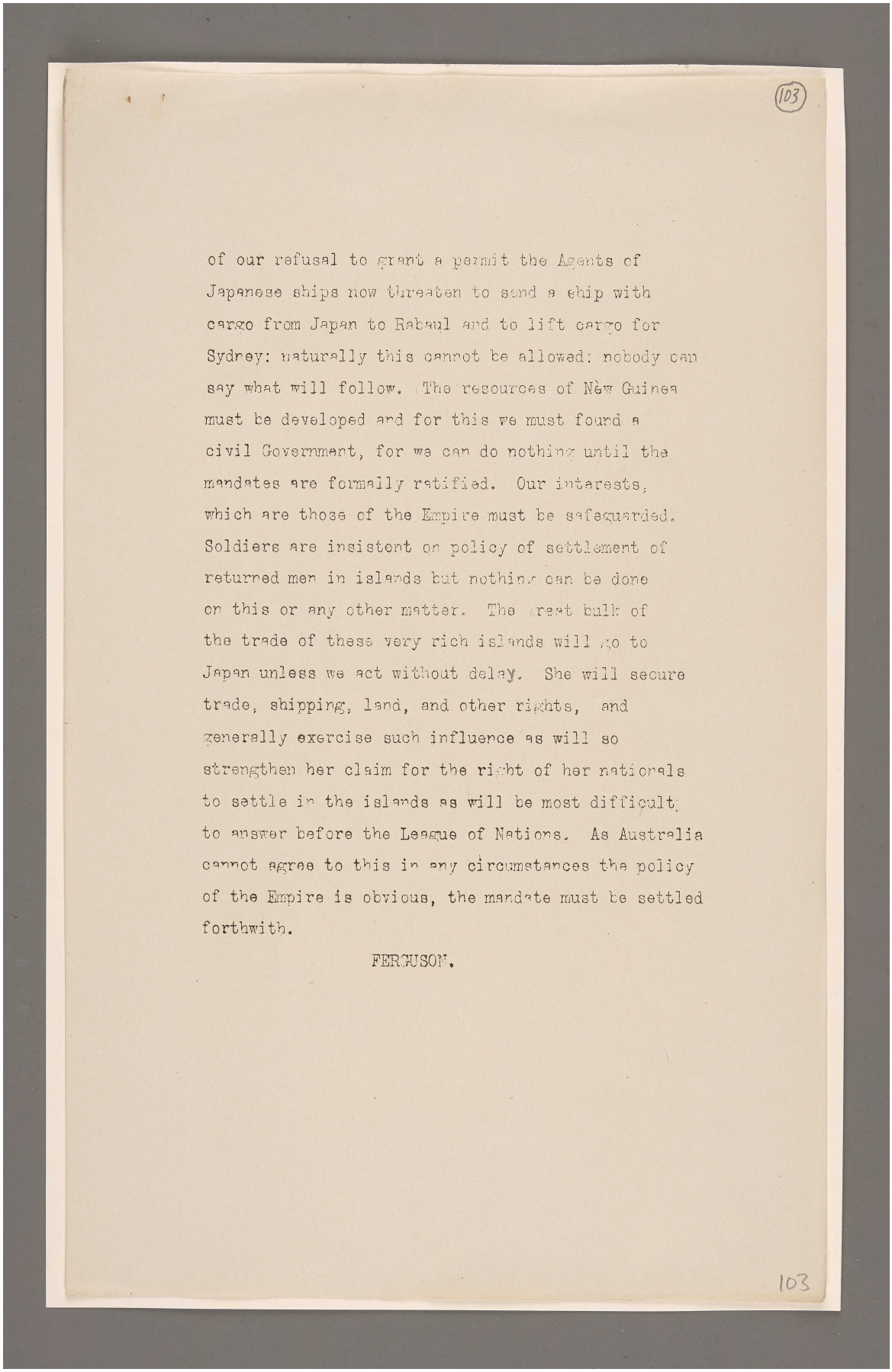

(103)

of our refusal to grant a permit the Agents of Japanese ships now threaten to send a ship with cargo from Japan to Rabaul and to lift cargo for Sydney: naturally this cannot be allowed: nobody can say what will follow. The resources of New Guinea must be developed and for this we must found a civil Government, for we can do nothing until the mandates are formally ratified. Our interests, which are those of the Empire must be safeguarded. Soldiers are insistent on policy of settlement of returned men in islands but nothing can be done on this or any other matter. The great bulk of the trade of these very rich islands will go to Japan unless we act without delay. She will secure trade, shipping, land, and other rights, and generally exercise such influence as will so strengthen her claim for the right of her nationals to settle in the islands as will be most difficult to answer before the League of Nations. As Australia cannot agree to this in any circumstances the policy of the Empire is obvious, the mandate must be settled forthwith.

FERGUSON.

103

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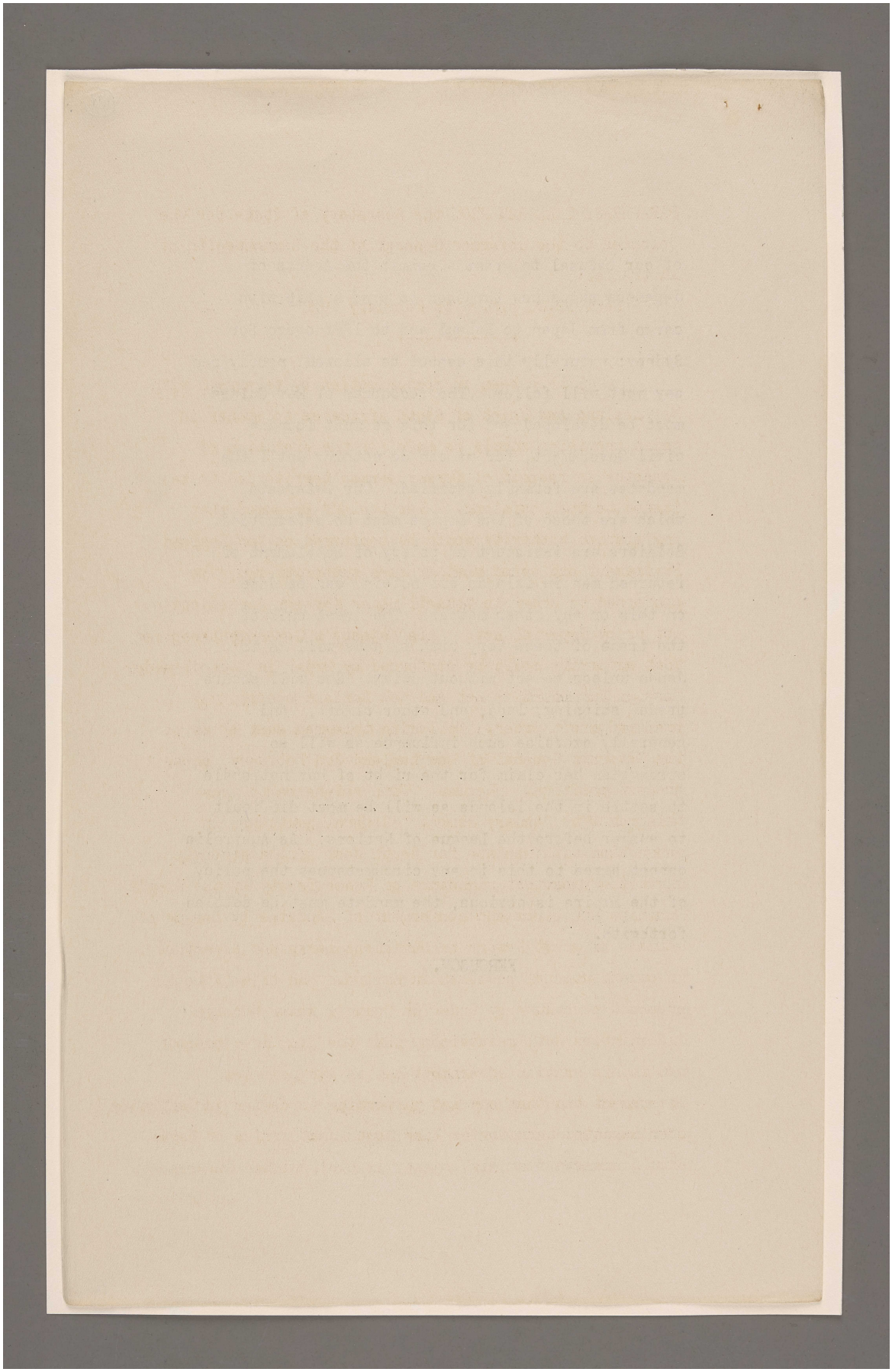

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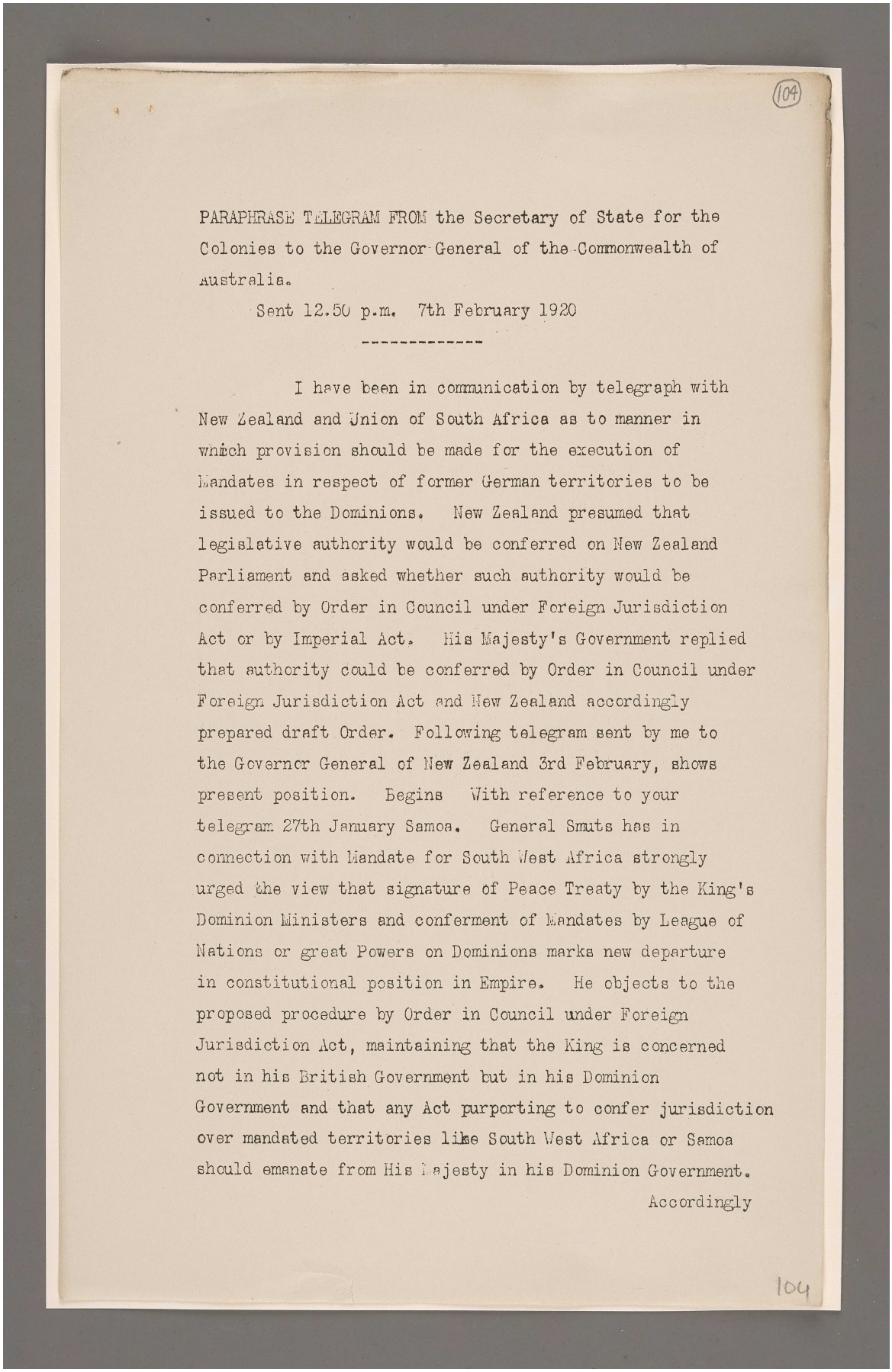

(104)

PARAPHRASE TELEGRAM FROM the Secretary of State for the Colonies to the Governor General of the Commonwealth of Australia.

Sent 12.50 p.m. 7th February 1920

I have been in communication by telegraph with New Zealand and Union of South Africa as to manner in which provision should be made for the execution of Mandates in respect of former German territories to be issued to the Dominions. New Zealand presumed that legislative authority would be conferred on New Zealand Parliament and asked whether such authority would be conferred by Order in Council under Foreign Jurisdiction Act or by Imperial Act. His Majesty's Government replied that authority could be conferred by Order in Council under Foreign Jurisdiction Act and New Zealand accordingly prepared draft Order. Following telegram sent by me to the Governor General of New Zealand 3rd February, shows present position. Begins With reference to your telegram 27th January Samoa. General Smuts has in connection with Mandate for South West Africa strongly urged the view that signature of Peace Treaty by the King's Dominion Ministers and conferment of Mandates by League of Nations or great Powers on Dominions marks new departure in constitutional position in Empire. He objects to the proposed procedure by Order in Council under Foreign Jurisdiction Act, maintaining that the King is concerned not in his British Government but in his Dominion Government and that any Act purporting to confer jurisdiction over mandated territories like South West Africa or Samoa should emanate from His Majesty in his Dominion Government.

Accordingly

104

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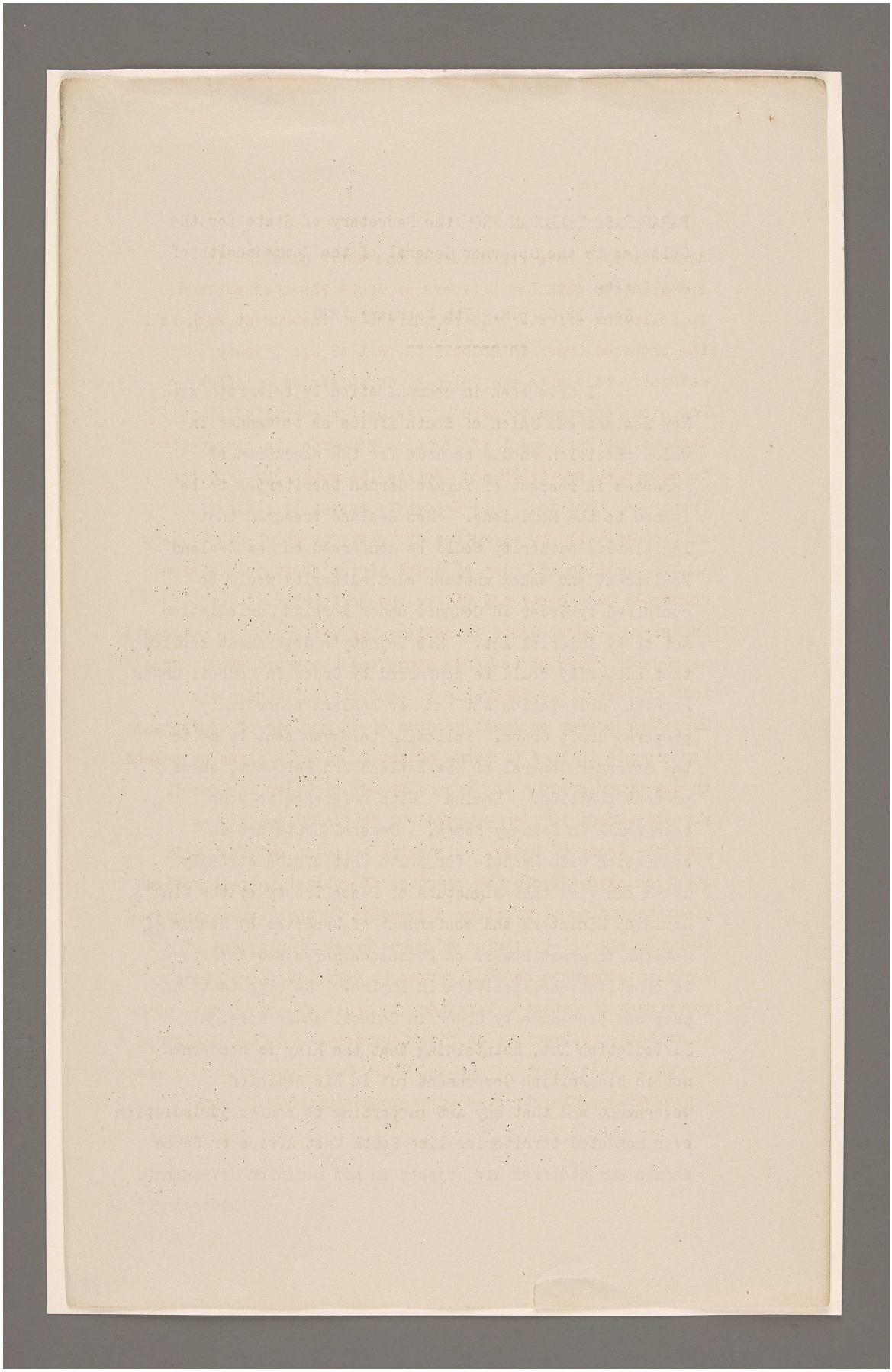

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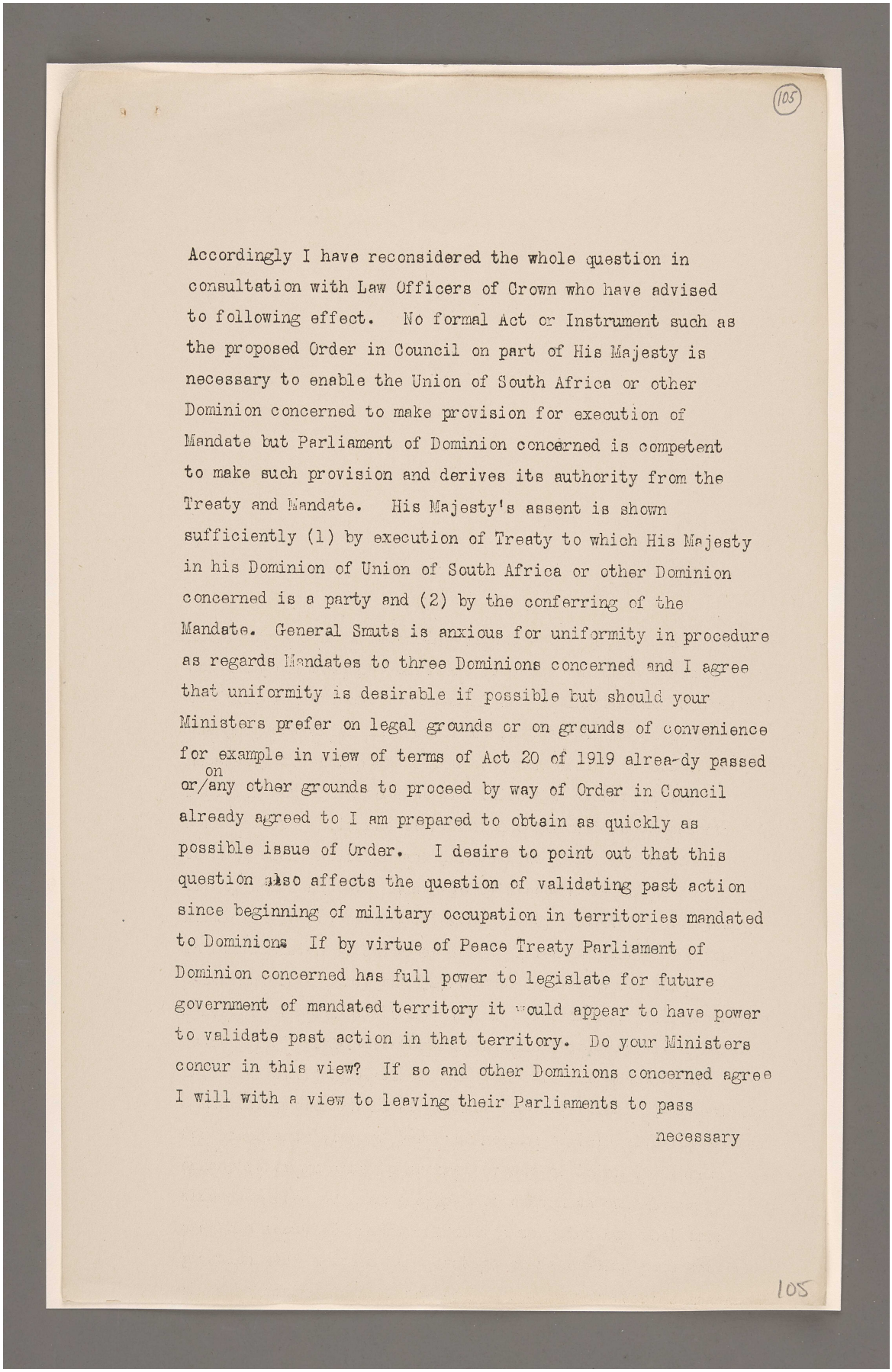

(105)

Accordingly I have reconsidered the whole question in consultation with Law Officers of Crown who have advised to following effect. No formal Act or Instrument such as the proposed Order in Council on part of His Majesty is necessary to enable the Union of South Africa or other Dominion concerned to make provision for execution of Mandate but Parliament of Dominion concerned is competent to make such provision and derives its authority from the Treaty and Mandate. His Majesty's assent is shown sufficiently (1) by execution of Treaty to which His Majesty in his Dominion of Union of South Africa or other Dominion concerned is a party and (2) by the conferring of the Mandate. General Smuts is anxious for uniformity in procedure as regards Mandates to three Dominions concerned and I agree that uniformity is desirable if possible but should your Ministers prefer on legal grounds or on grounds of convenience for example in view of terms of Act 20 of 1919 already passed or/on any other grounds to proceed by way of Order in Council already agreed to I am prepared to obtain as quickly as possible issue of Order. I desire to point out that this question also affects the question of validating past action since beginning of military occupation in territories mandated to Dominions If by virtue of Peace Treaty Parliament of Dominion concerned has full power to legislate for future government of mandated territory it would appear to have power to validate past action in that territory. Do your Ministers concur in this view? If so and other Dominions concerned agree I will with a view to leaving their Parliaments to pass necessary

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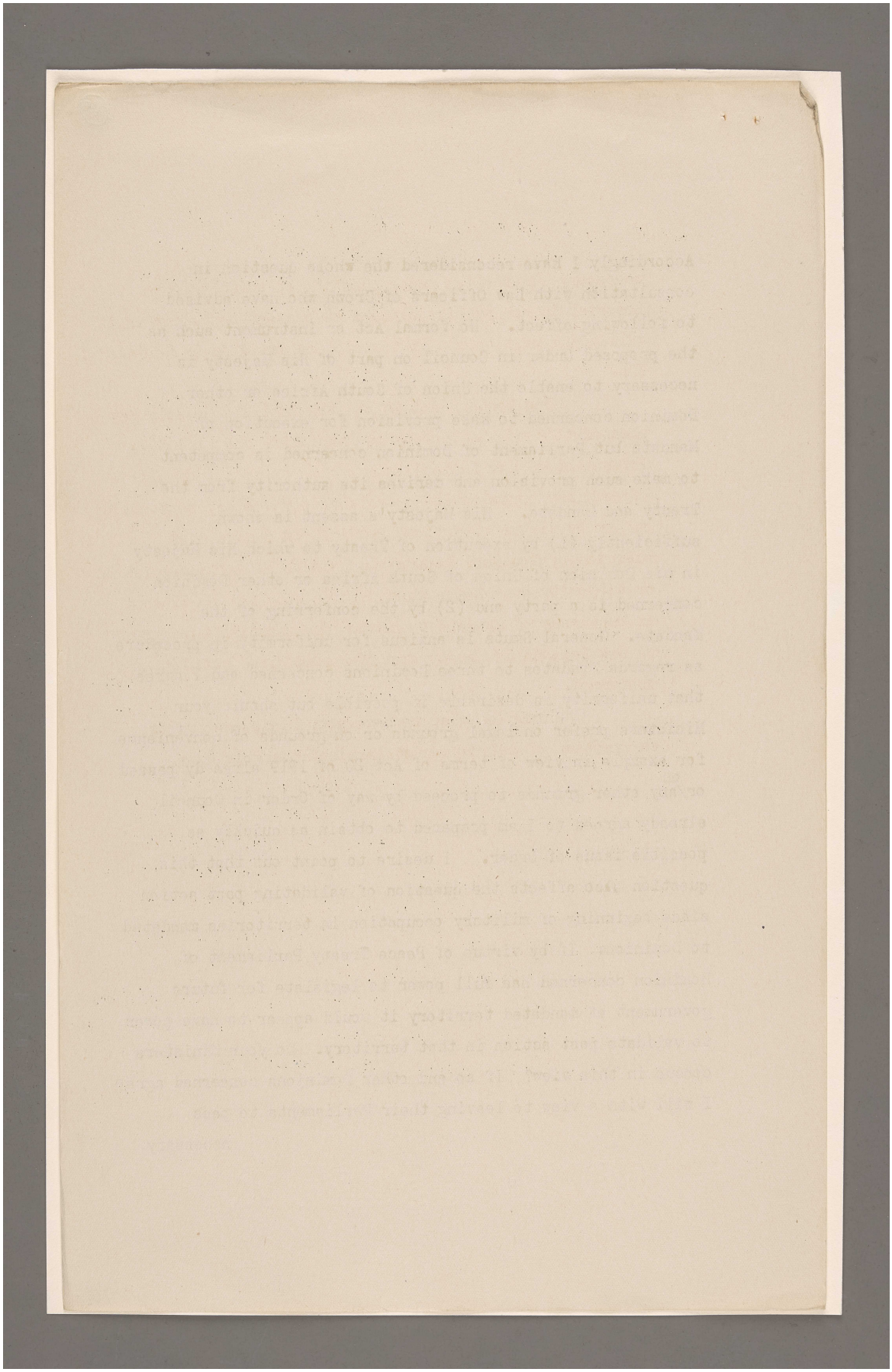

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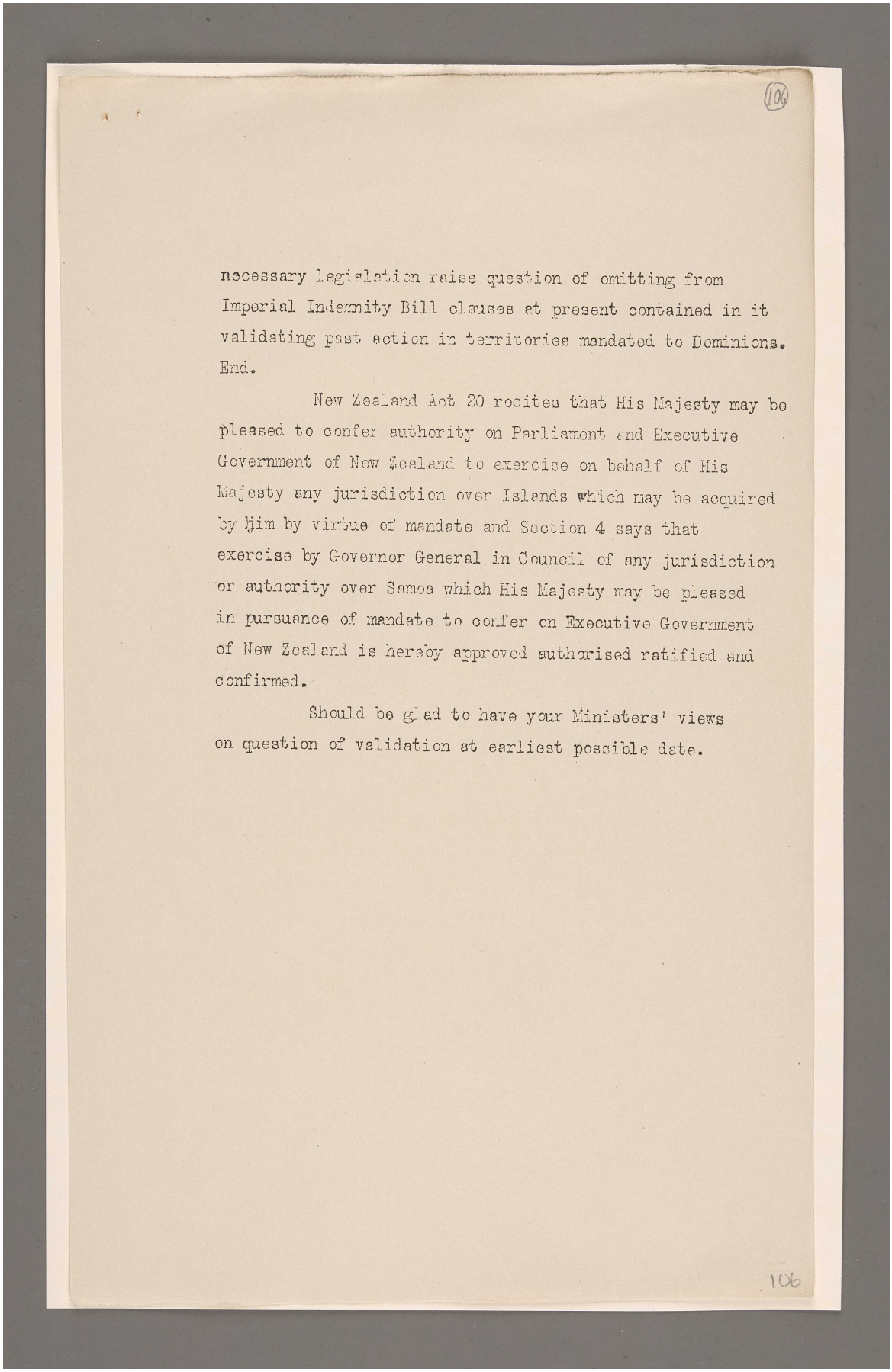

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necessary legislation raise question of omitting from Imperial Indemnity Bill clauses at present contained in it validating past action in territories mandated to Dominions. End.

New Zealand Act 20 recites that His Majesty may be pleased to confer authority on Parliament and Executive Government of New Zealand to exercise on behalf of His Majesty any jurisdiction over Islands which may be acquired by him by virtue of mandate and Section 4 says that exercise by Governor General in Council of any jurisdiction or authority over Samoa which His Majesty may be pleased in pursuance of mandate to confer on Executive Government of New Zealand is hereby approved authorised ratified and confirmed.

Should be glad to have your Ministers' views on question of validation at earliest possible date.

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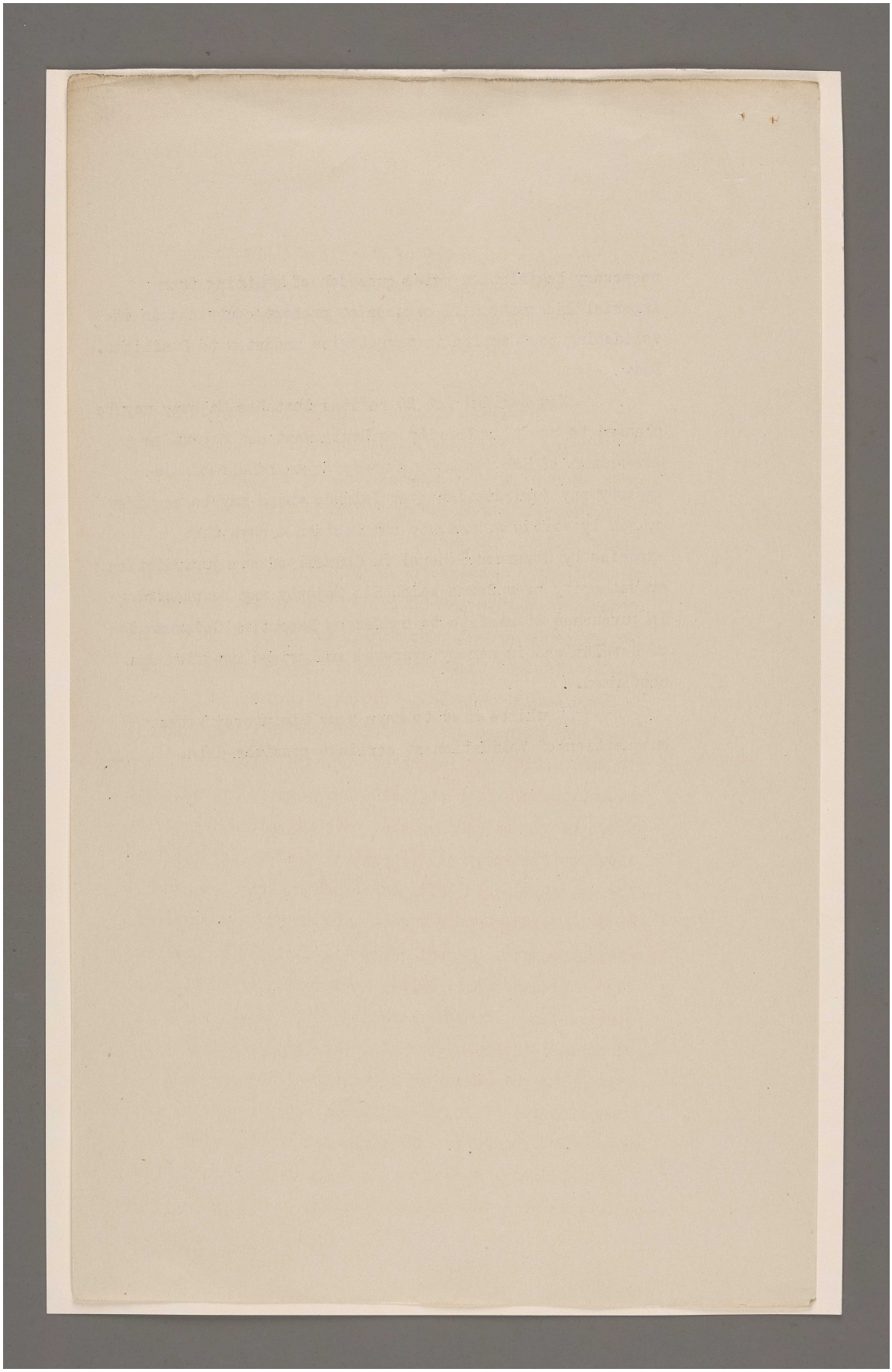

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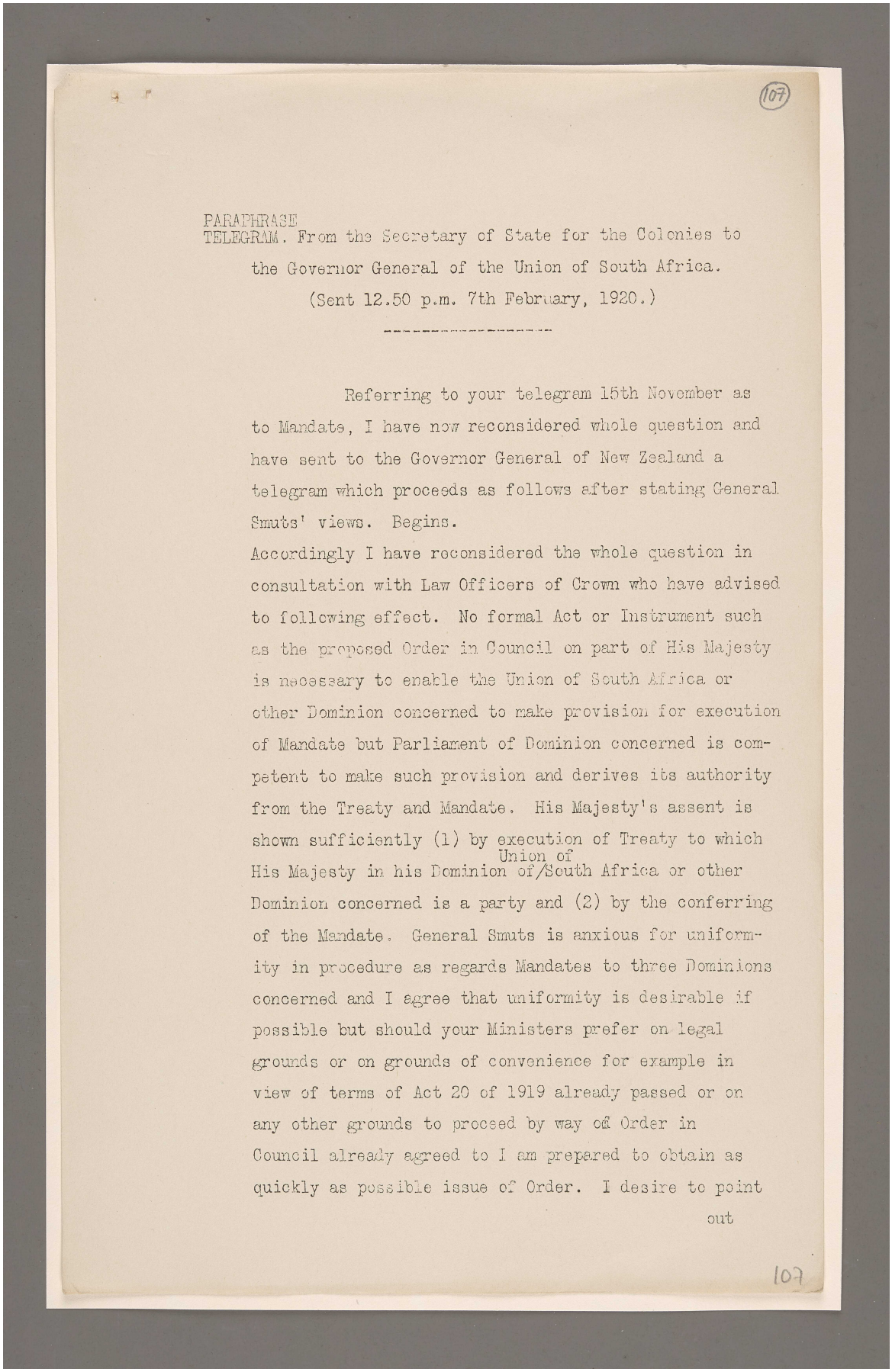

(107)

PARAPHRASE
TELEGRAM. From the Secretary of State for the Colonies to the Governor General of the Union of South Africa.
(Sent 12.50 p.m. 7th February, 1920.)

Referring to your telegram 15th November as to Mandate, I have now reconsidered whole question and have sent to the Governor General of New Zealand a telegram which proceeds as follows after stating General Smuts' views. Begins.

Accordingly I have reconsidered the whole question in consultation with Law Officers of Crown who have advised to following effect. No formal Act or Instrument such as the proposed Order in Council on part of His Majesty is necessary to enable the Union of South Africa or other Dominion concerned to make provision for execution of Mandate but Parliament of Dominion concerned is competent to make such provision and derives its authority from the Treaty and Mandate. His Majesty's assent is shown sufficiently (1) by execution of Treaty to which His Majesty in his Dominion of/Union of South Africa or other Dominion concerned is a party and (2) by the conferring of the Mandate. General Smuts is anxious for uniformity in procedure as regards Mandates to three Dominions concerned and I agree that uniformity is desirable if possible but should your Ministers prefer on legal grounds or on grounds of convenience for example in view of terms of Act 20 of 1919 already passed or on any other grounds to proceed by way of Order in Council already agreed to I am prepared to obtain as quickly as possible issue of Order. I desire to point out

107

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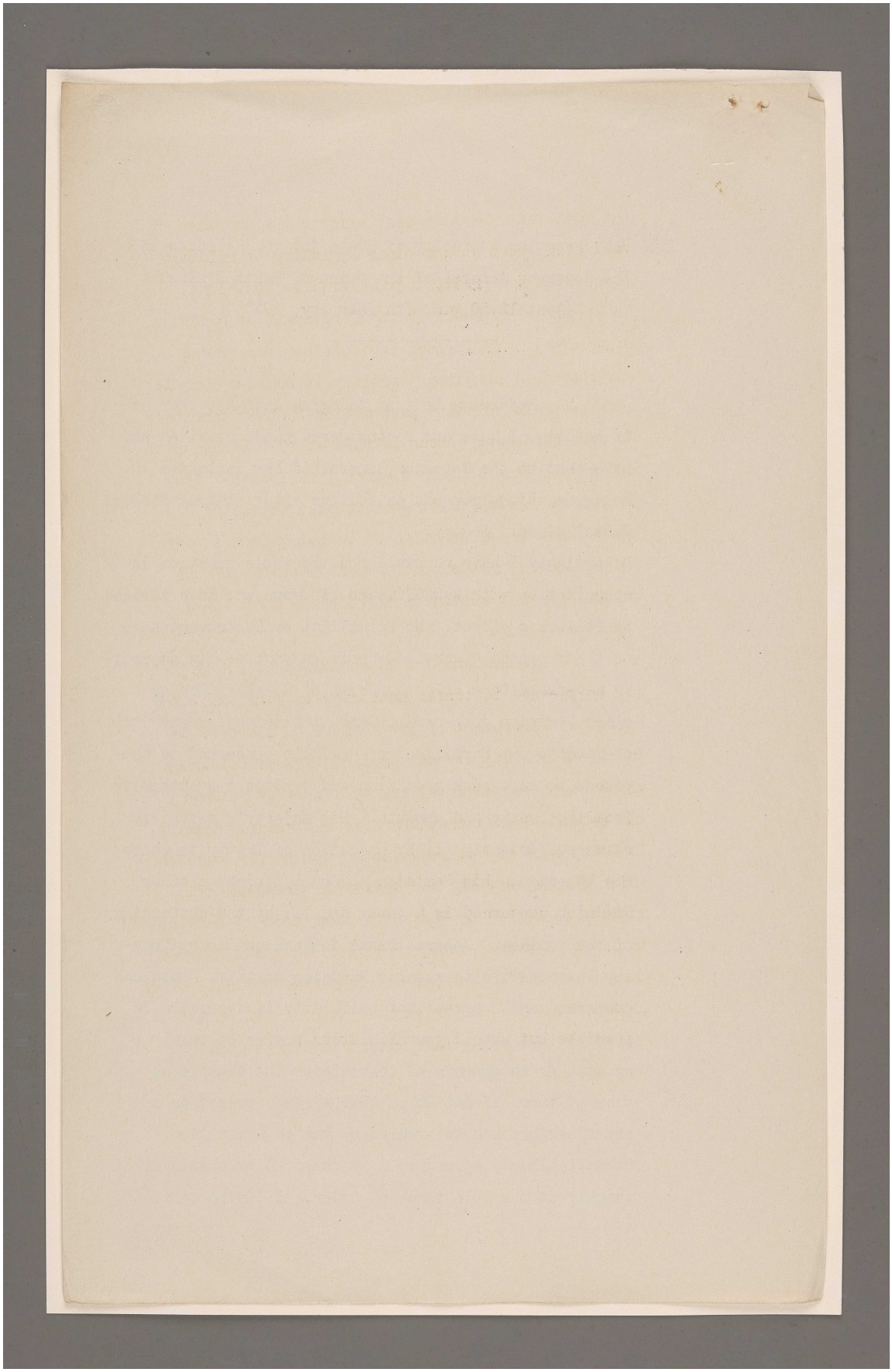

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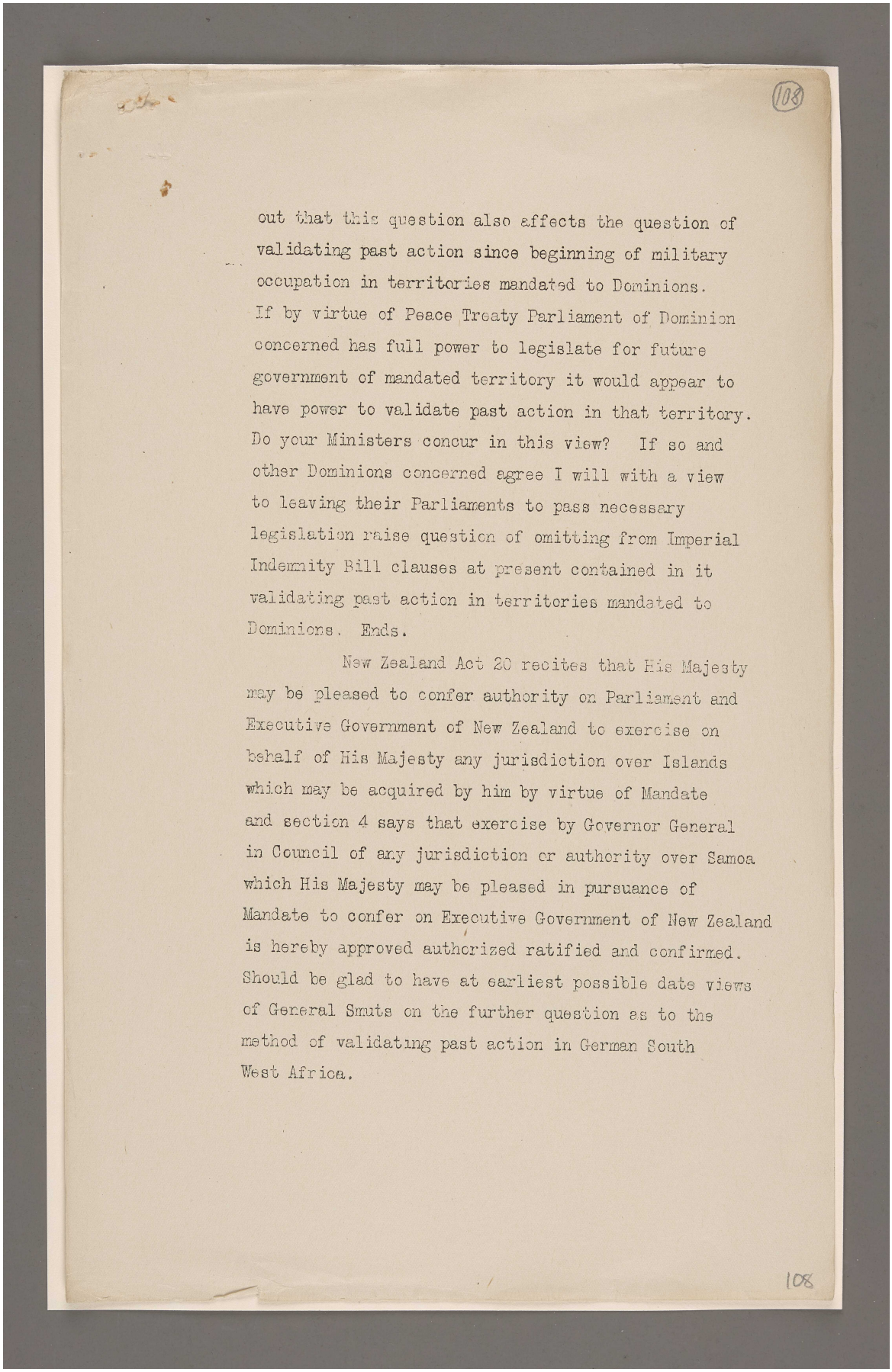

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out that this question also affects the question of validating past action since beginning of military occupation in territories mandated to Dominions. If by virtue of Peace Treaty Parliament of Dominion concerned has full power to legislate for future government of mandated territory it would appear to have power to validate past action in that territory. Do your Ministers concur in this view? If so and other Dominions concerned agree I will with a view to leaving their Parliaments to pass necessary legislation raise question of omitting from Imperial Indemnity Bill clauses at present contained in it validating past action in territories mandated to Dominions. Ends.

New Zealand Act 20 recites that His Majesty may be pleased to confer authority on Parliament and Executive Government of New Zealand to exercise on behalf of His Majesty any jurisdiction over Islands which may be acquired by him by virtue of Mandate and section 4 says that exercise by Governor General in Council of any jurisdiction or authority over Samoa which His Majesty may be pleased in pursuance of Mandate to confer on Executive Government of New Zealand is hereby approved authorized ratified and confirmed. Should be glad to have at earliest possible date views of General Smuts on the further question as to the method of validating past action in German South West Africa.

108

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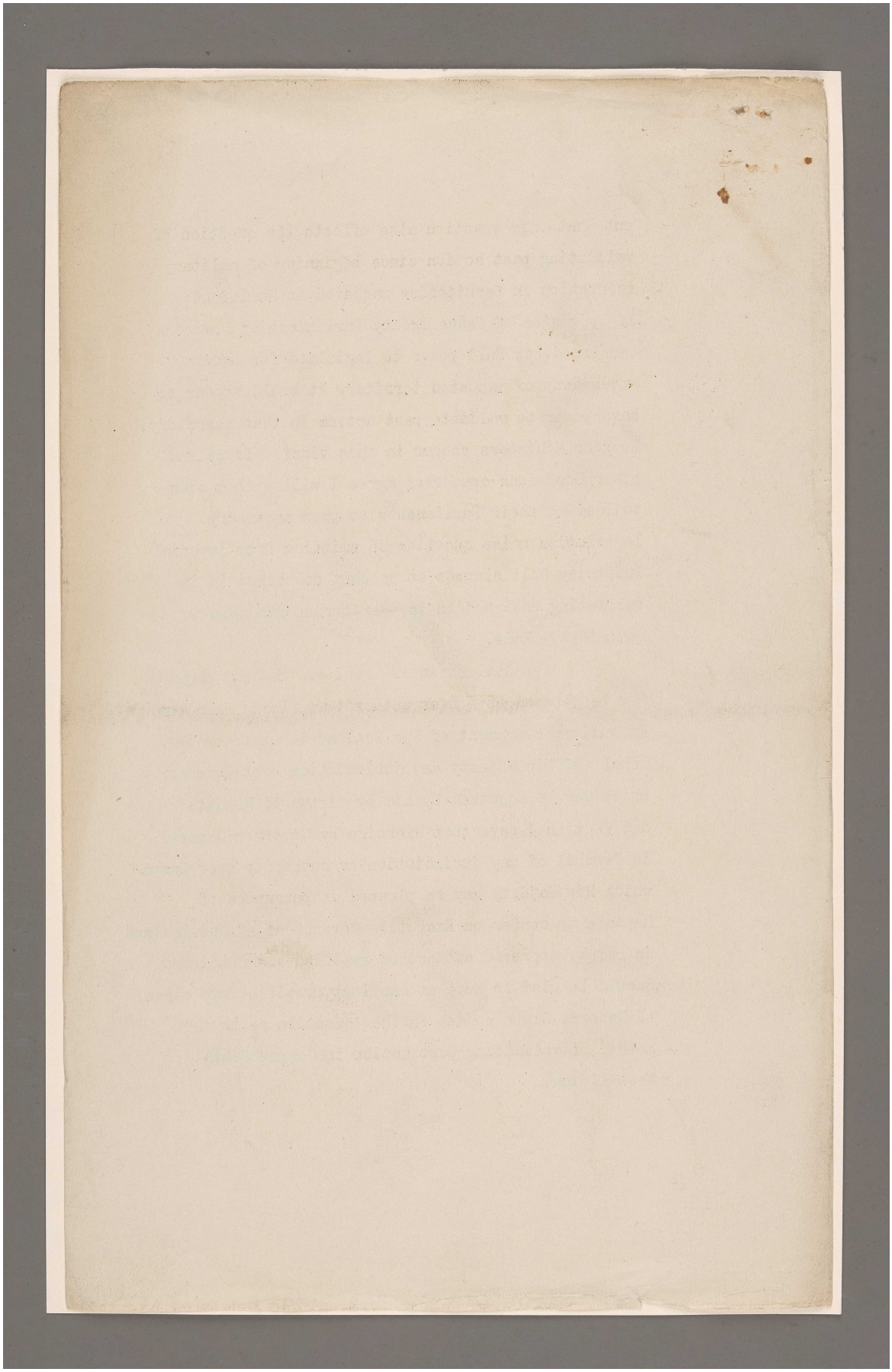

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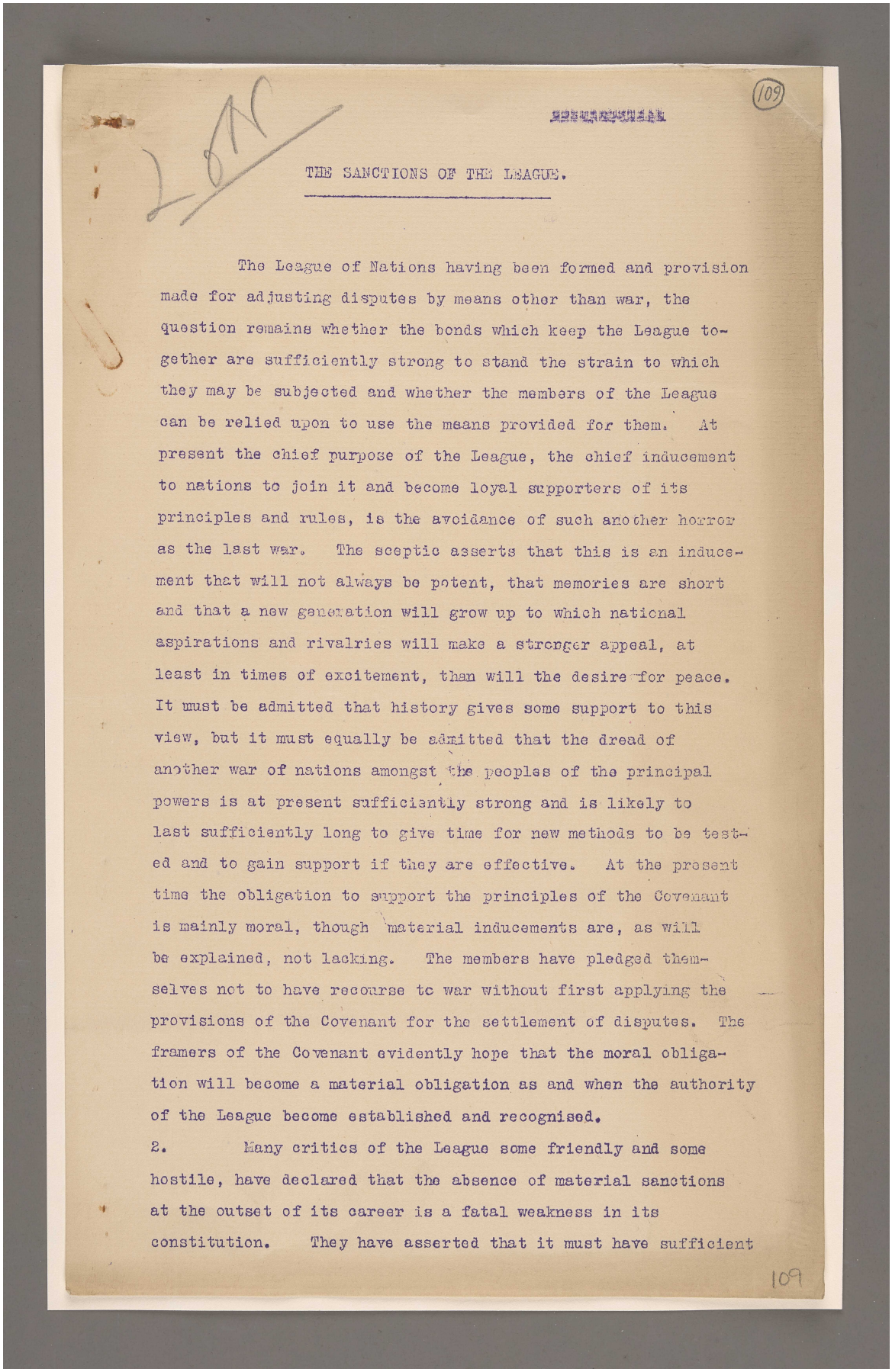

(109)

THE SANCTIONS OF THE LEAGUE.

The League of Nations having been formed and provision made for adjusting disputes by means other than war, the question remains whether the bonds which keep the League together are sufficiently strong to stand the strain to which they may be subjected and whether the members of the League can be relied upon to use the means provided for them. At present the chief purpose of the League, the chief inducement to nations to join it and become loyal supporters of its principles and rules, is the avoidance of such another horror as the last war. The sceptic asserts that this is an inducement that will not always be potent, that memories are short and that a new generation will grow up to which national aspirations and rivalries will make a stronger appeal, at least in times of excitement, than will the desire for peace. It must be admitted that history gives some support to this view, but it must equally be admitted that the dread of another war of nations amongst the peoples of the principal powers is at present sufficiently strong and is likely to last sufficiently long to give time for new methods to be tested and to gain support if they are effective. At the present time the obligation to support the principles of the Covenant is mainly moral, though material inducements are, as will be explained, not lacking. The members have pledged themselves not to have recourse to war without first applying the provisions of the Covenant for the settlement of disputes. The framers of the Covenant evidently hope that the moral obligation will become a material obligation as and when the authority of the League become established and recognised.

2. Many critics of the League some friendly and some hostile, have declared that the absence of material sanctions at the outset of its career is a fatal weakness in its constitution. They have asserted that it must have sufficient

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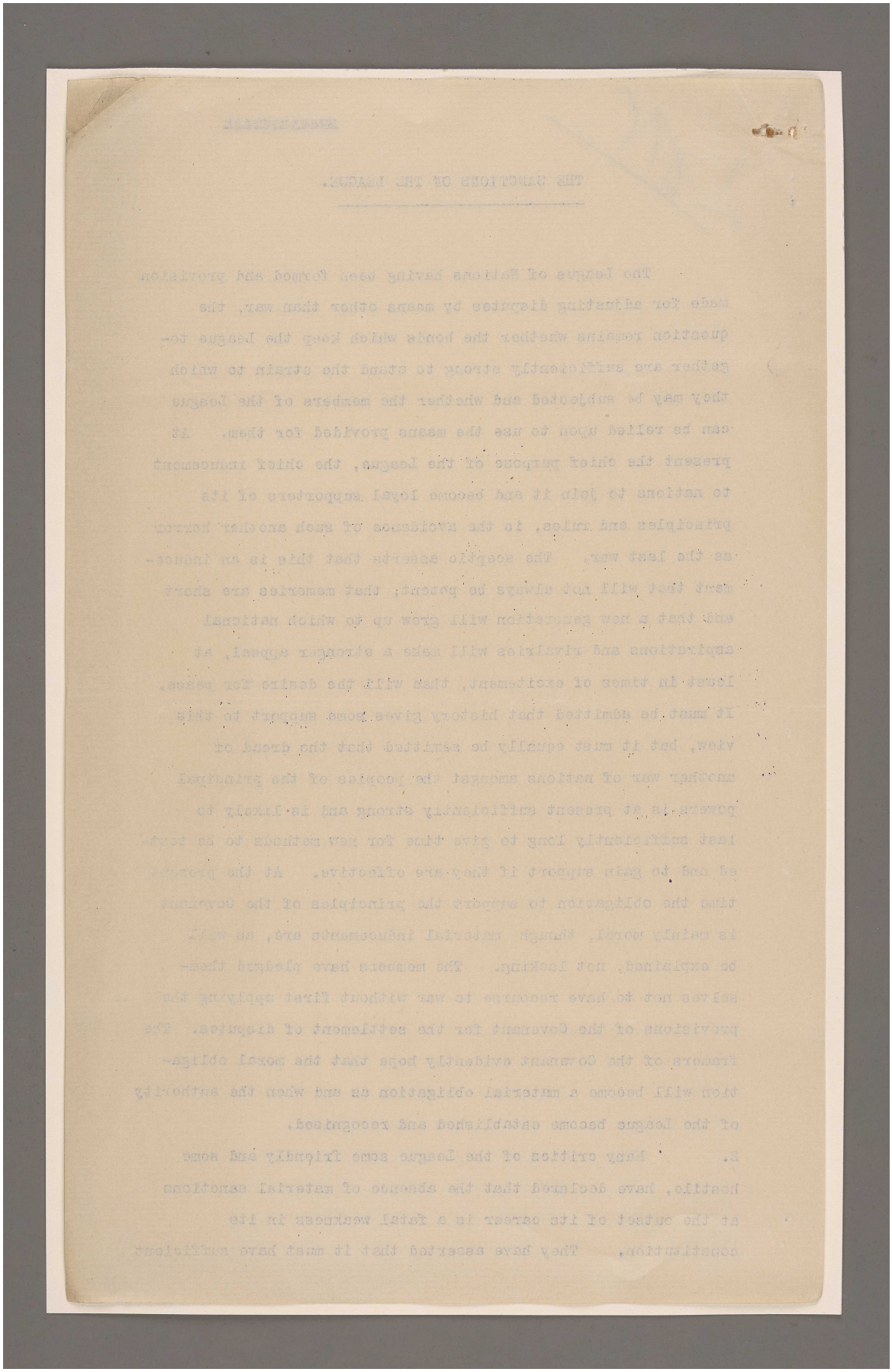

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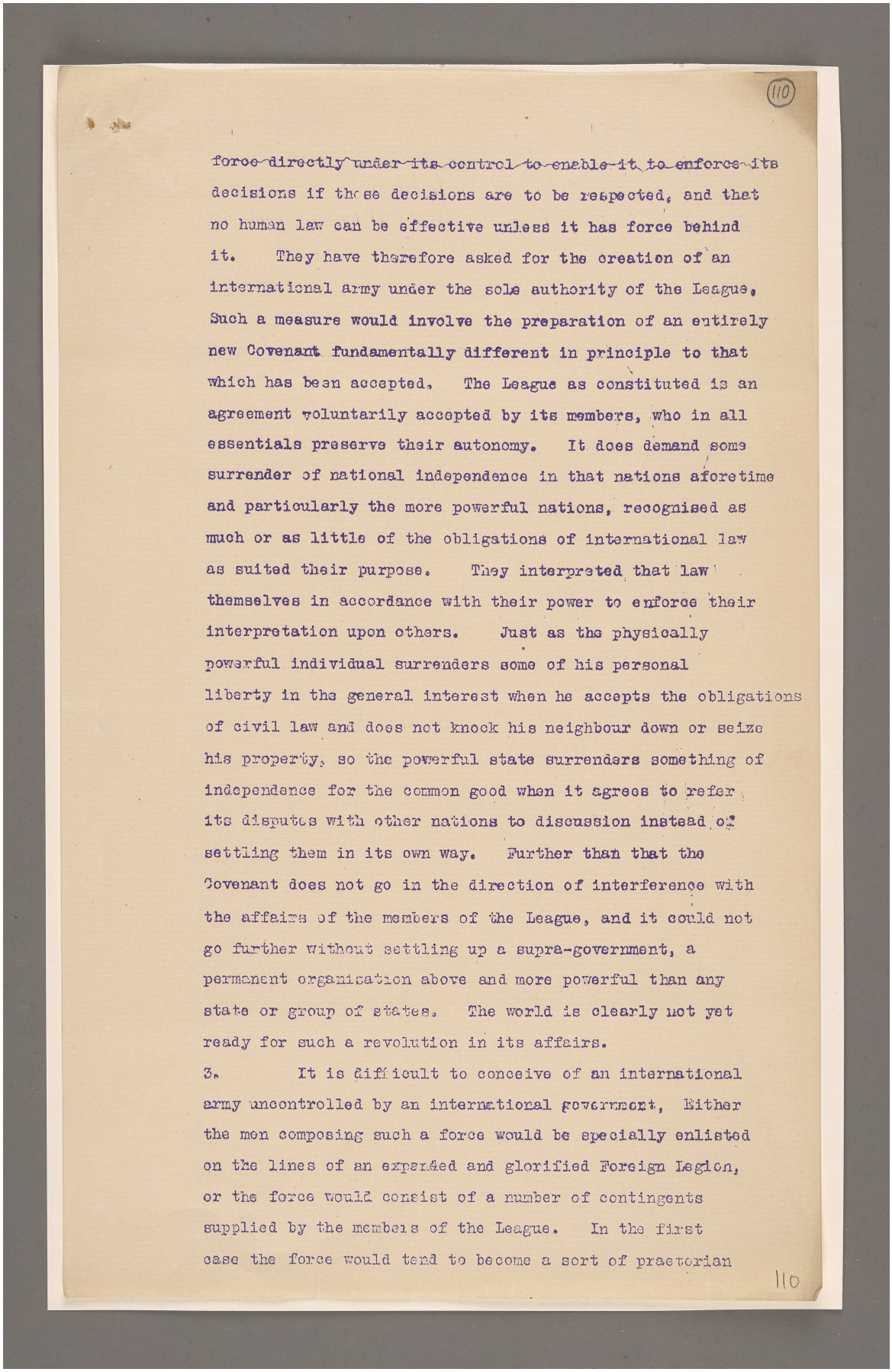

(110)

force directly under its control to enable it to enforce its decisions if those decisions are to be respected, and that no human law can be effective unless it has force behind it. They have therefore asked for the creation of an international army under the sole authority of the League. Such a measure would involve the preparation of an entirely new Covenant fundamentally different in principle to that which has been accepted. The League as constituted is an agreement voluntarily accepted by its members, who in all essentials preserve their autonomy. It does demand some surrender of national independence in that nations aforetime and particularly the more powerful nations, recognised as much or as little of the obligations of international law as suited their purpose. They interpreted that law themselves in accordance with their power to enforce their interpretation upon others. Just as the physically powerful individual surrenders some of his personal liberty in the general interest when he accepts the obligations of civil law and does not knock his neighbour down or seize his property, so the powerful state surrenders something of independence for the common good when it agrees to refer its disputes with other nations to discussion instead of settling them in its own way. Further than that the Covenant does not go in the direction of interference with the affairs of the members of the League, and it could not go further without settling up a supra-government, a permanent organisation above and more powerful than any state or group of states. The world is clearly not yet ready for such a revolution in its affairs.

3. It is difficult to conceive of an international army uncontrolled by an international government. Either the men composing such a force would be specially enlisted on the lines of an expanded and glorified Foreign Legion, or the force would consist of a number of contingents supplied by the members of the League. In the first case the force would tend to become a sort of praetorian

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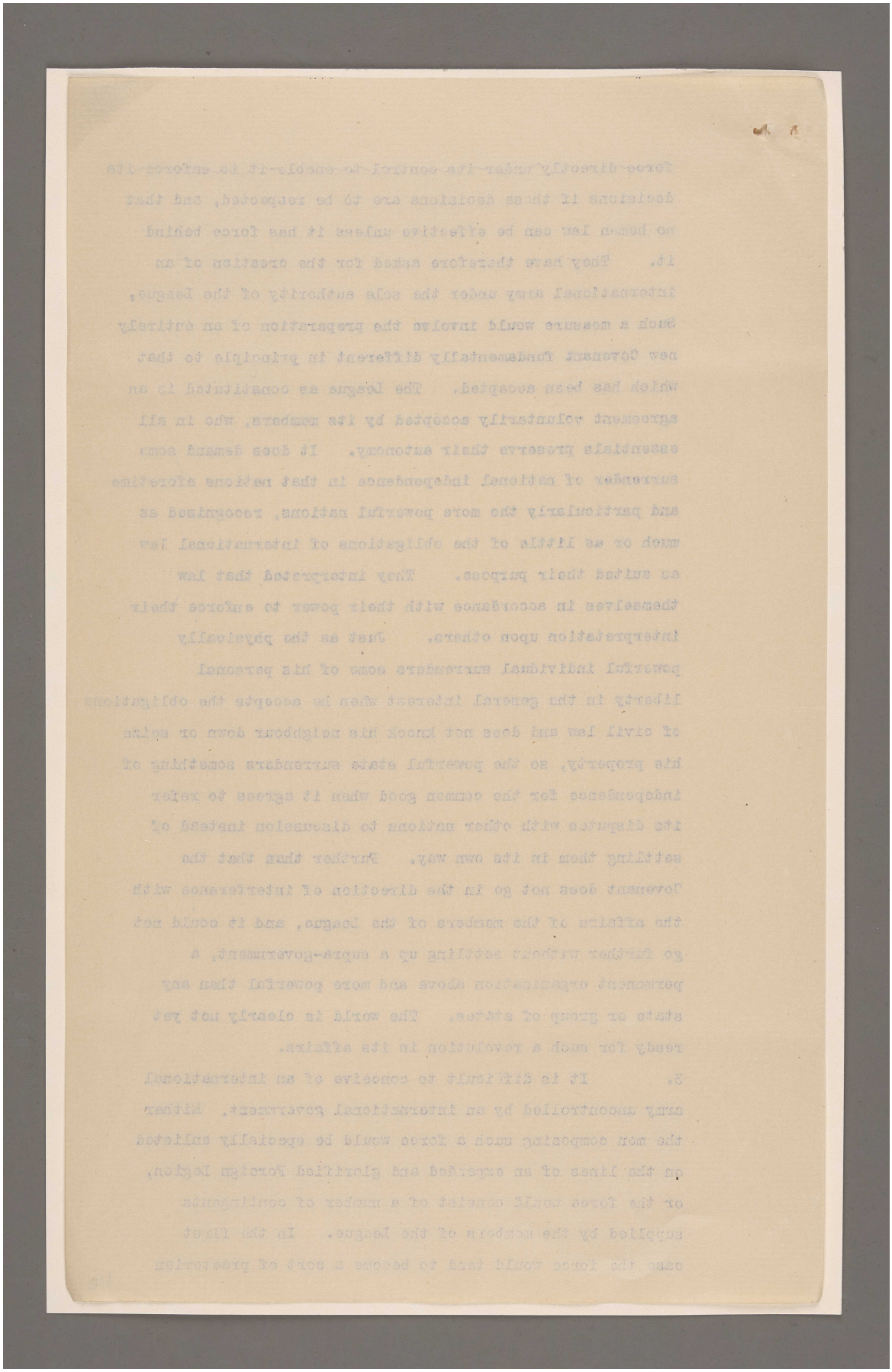

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guard, the commander of which would, if he were a man of strong character and ambition, possess enormous power and be the target for endless intrigue. It is not difficult to picture in such circumstances the rise of a new Napoleon, who would reorganise the governments of the world according to his taste. It is however difficult to imagine the peoples of modern nations agreeing to the creation of a body with such power and beyond their control. In the second case the difficulties and dangers are almost equally great. There would still be a military force for which no permanently constituted government was responsible, since only the Secretariat of the League is permanent; there is still the difficulty of command, for a time will come before long when there is no soldier of such pre-eminence that there will be no rival claimants to his position; there is the natural unwillingness of nations to send their sons abroad in time of peace beyond their control; there are the difficulties of language and of obtaining uniformity of training and equipment and organisation in an army composed from a number of nations and there is the difficulty of regulating the size and number of such contingents. If the armed forces of the League are limited to contingents from a few of the Great Powers, the League is open to the charge that it is nothing more than a Junta of those powers, formed by them to impose their will with a minimum of trouble and expense upon the remainder of the world. If they are composed of a large number of small contingents provided by any members of the League who may wish to be represented by military force, they will tend to become a joke in the military world. It has been suggested that the League should have a monopoly of all the most deadly weapons of war, such as tanks, poison gas, heavy artillery and bombing aeroplanes, and that the construction and ownership of such weapons except by the League should be prohibited. Here again the difficulty of control arises unless a supra-government is instituted, and it is

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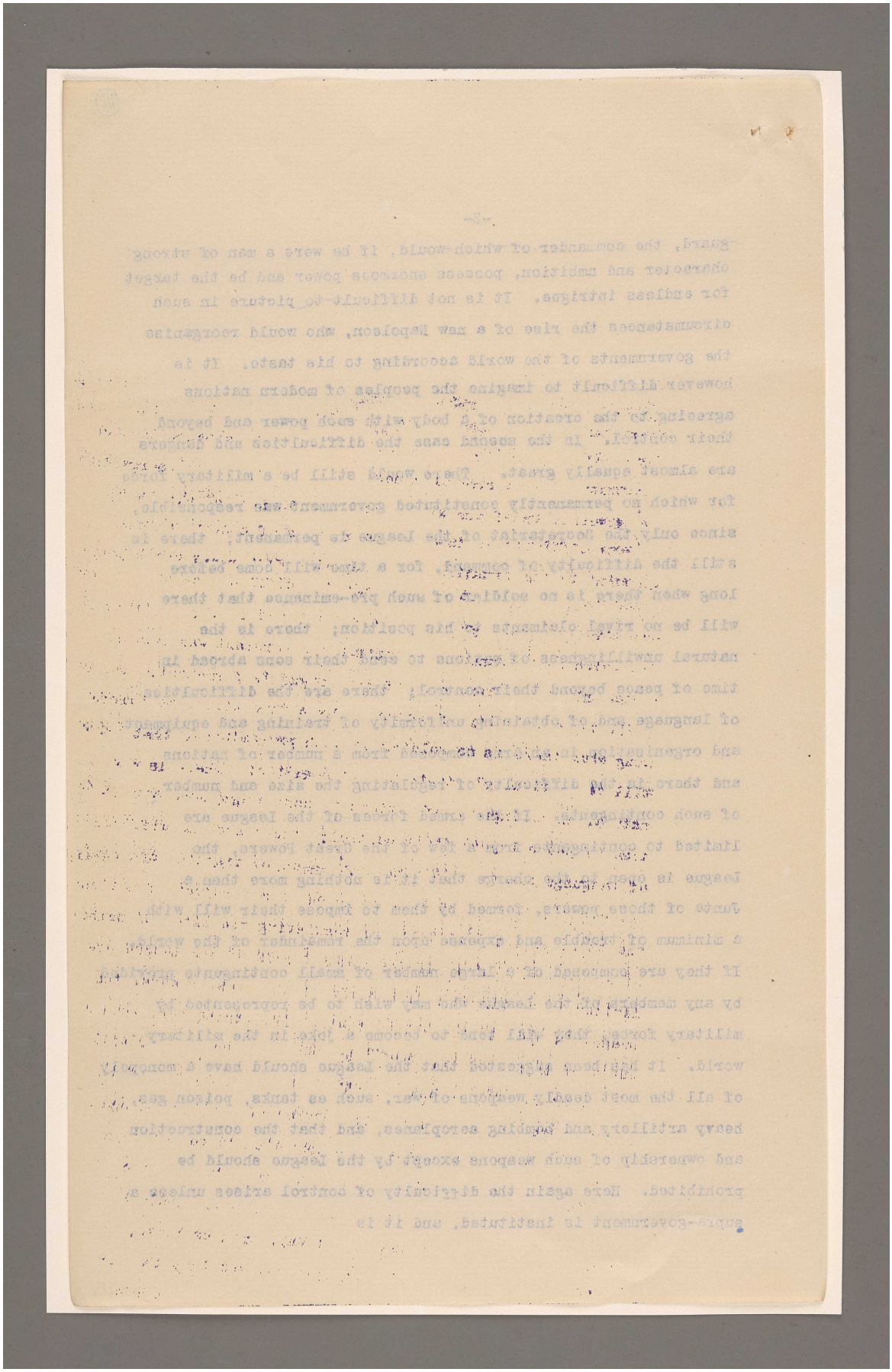

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easy to foresee endless differences of opinion arising as to what categories of weapons should and should not be under the control of the League. We, for example, and France, have great possessions bordered by uncivilised or semi-civilised peoples, not under the jurisdiction of the League. Are we to be prevented from policing our frontiers in the most efficient and economical manner? Are we to be compelled to send our men to fight without the most efficient equipment? If the League were to loan us some of the special equipment, of which it had control, for a specific purpose and for a limited time, our soldiers would be without experience of the latest methods of employing such equipemnt, while such equipment maintained in Europe would not be available for use in case of a sudden emergency on the North-West frontier of India or on the borders of the Sahara. On the other hand could the League be reasonably expected to grant a special licence to great Britain and France entitling them to use weapons denied to other powers?

4. On all these grounds the provision of the League as at present constituted with special sanctions of its own sufficient to enable it to enforce its behests appears to be at present impracticable and to involve a change in its constitution so drastic as to be far beyond anything which its members are ready to accept, This does not mean that there should not be a police force directly under the control of the League to act as it were as the advanced guard of the potential power of the League or maintained for the purpose of safeguarding some territory for which the League has itself accepted a mandate, but this is obviously very different from an international army formed specifically to maintain the peace of the world or to punish any breach of such peace. That an international army has not been created does not mean that the League is without sanctions. By articles XVI and XVII of the Covenant if a member state resorts to war in disregard of the Covenant and if a non-member state

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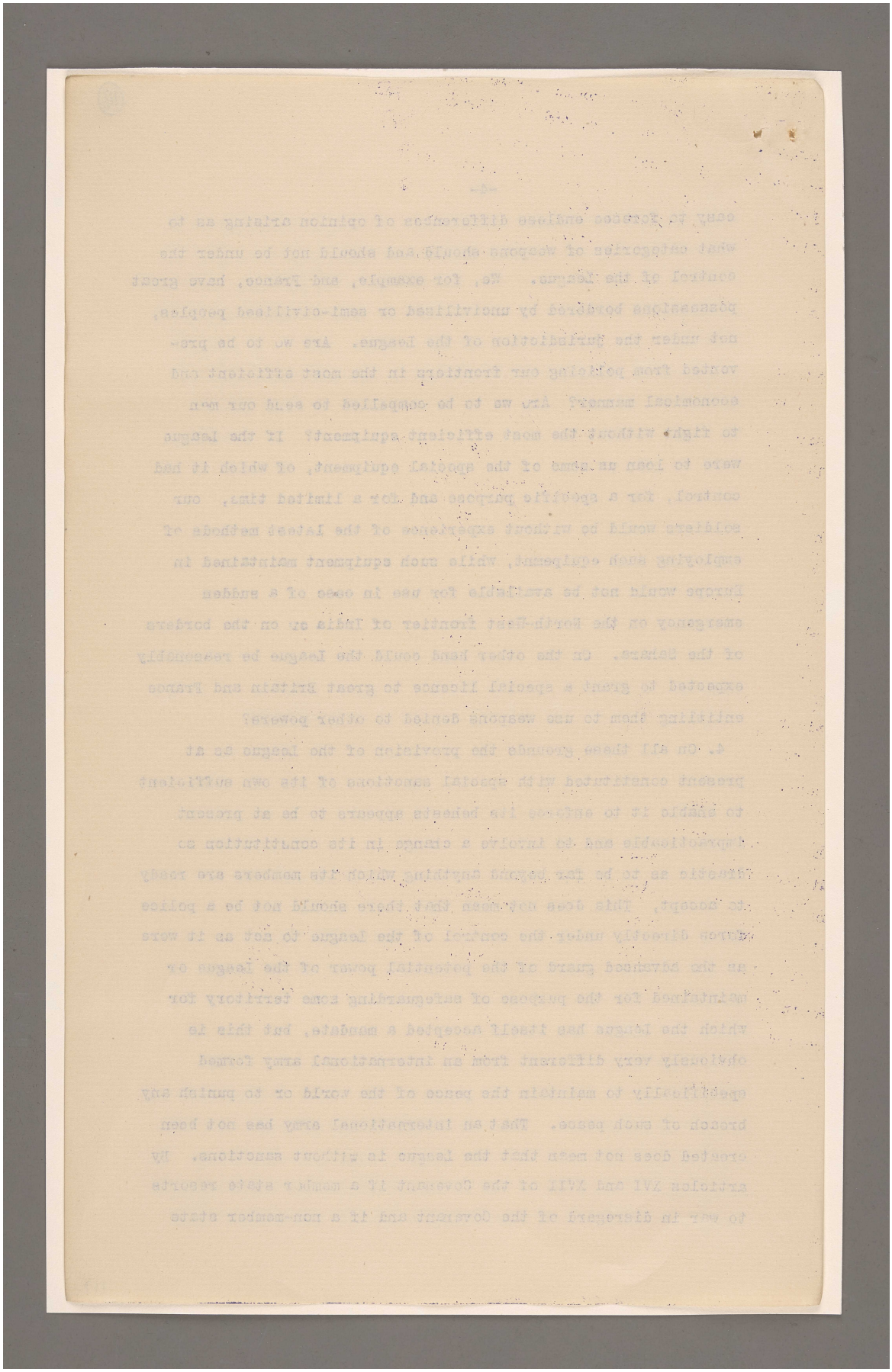

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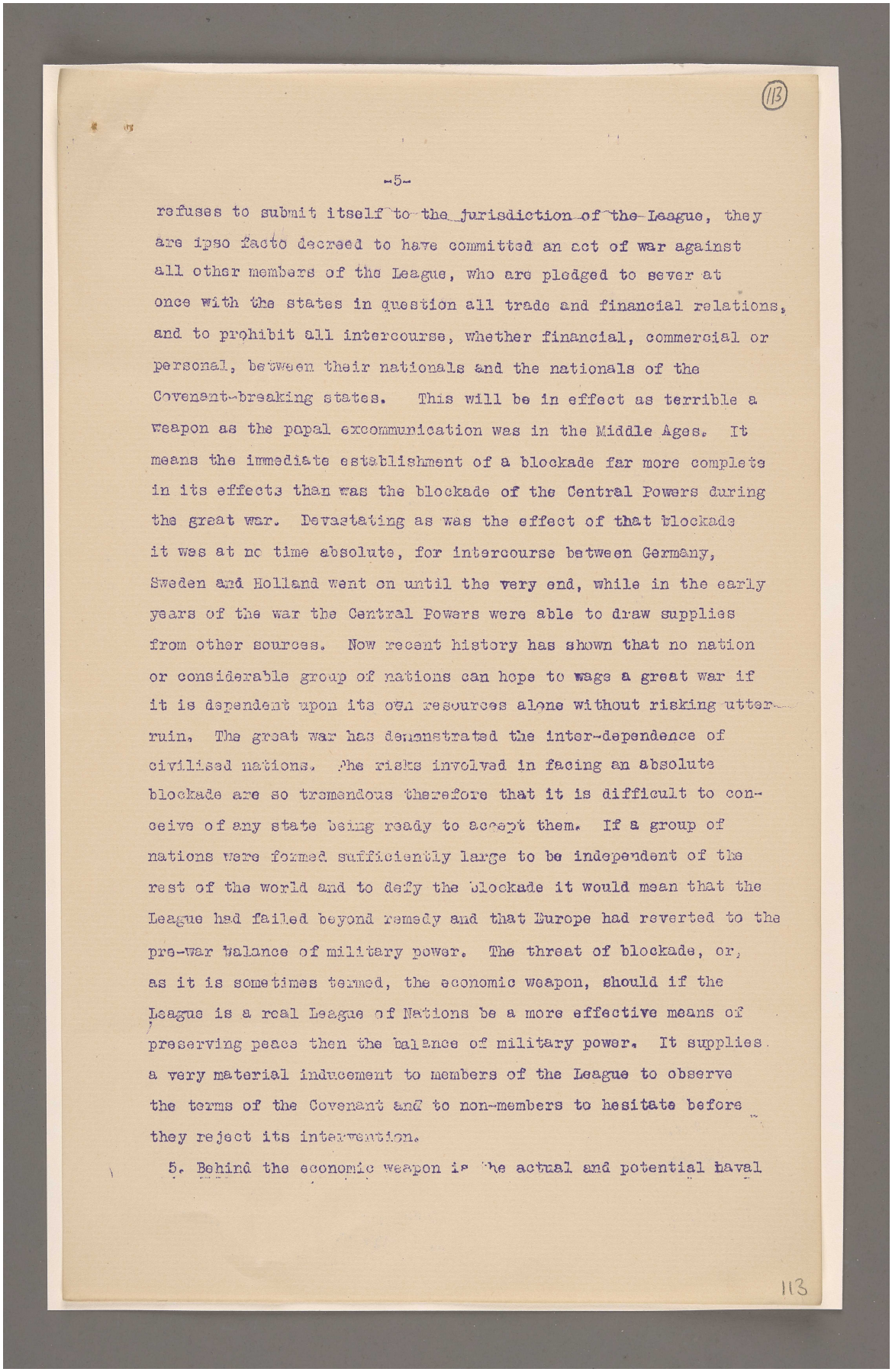

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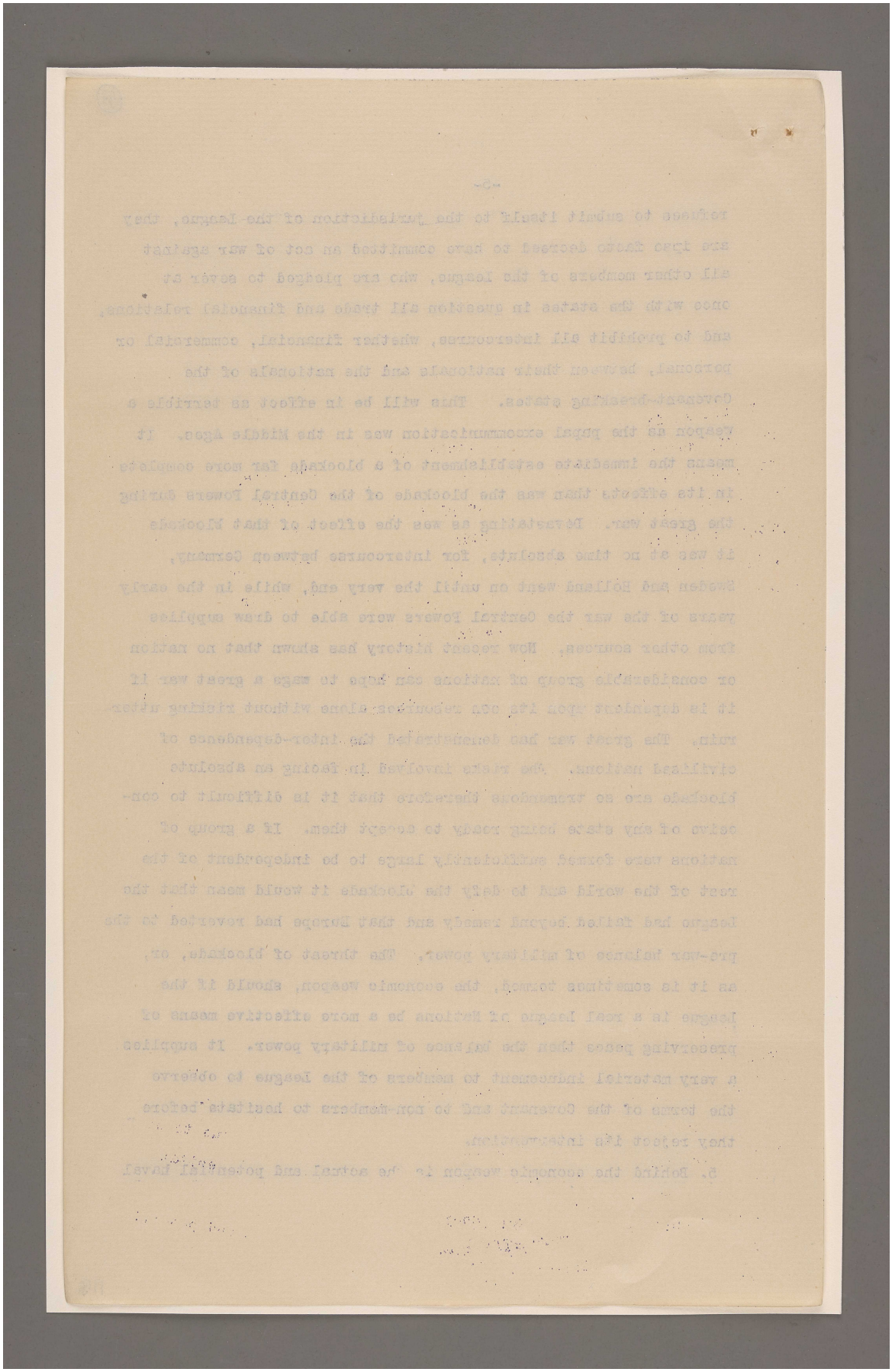
refuses to submit itself to the jurisdiction of the League, they are ipso facto decreed to have committed an act of war against all other members of the League, who are pledged to sever at once with the states in question all trade and financial relations, and to prohibit all intercourse, whether financial, commercial or personal, between their nationals and the nationals of the Covenant-breaking states. This will be in effect as terrible a weapon as the papal excommunication was in the Middle Ages. It means the immediate establishment of a blockade far more complete in its effects than was the blockade of the Central Powers during the great war. Devastating as was the effect of that blockade it was at no time absolute, for intercourse between Germany, Sweden and Holland went on until the very end, while in the early years of the war the Central Powers were able to draw supplies from other sources. Now recent history has shown that no nation or considerable group of nations can hope to wage a great war if it is dependent upon its own resources alone without risking utter ruin. The great war has demonstrated the inter-dependence of civilised nations. The risks involved in facing an absolute blockade are so tremendous therefore that it is difficult to conceive of any state being ready to accept them. If a group of nations were formed sufficiently large to be independent of the rest of the world and to defy the blockade it would mean that the League had failed beyond remedy and that Europe had reverted to the pre-war balance of military power. The threat of blockade, or, as it is sometimes termed, the economic weapon, should if the League is a real League of Nations be a more effective means of preserving peace then the balance of military power. It supplies a very material inducement to members of the League to observe the terms of the Covenant and to non-members to hesitate before they reject its intervention.

5. Behind the economic weapon is the actual and potential naval

113



and military power of the members of the League. Under Clause XVI of the Covenant it is the duty of the Council in the event of a breach of the Covenant to recommend to the several Governments concerned what effective naval and military force the members of the League shall severally contribute to the armed forces to be used to protect the Covenant of the League. If this provision is to be effective an extension of the powers and functions of the Naval Military and Air Commission constituted in Article IX of the Covenant beyond what appears at present to be contemplated is essential. The Council must be in a position to recommend the action necessary before the recalcitrant members of the League have time to strike, while recommendations as to the effective military or naval forces to be contributed by the several powers involve a detailed consideration of naval and military plans of campaign, and plans of campaign must be ready before the emergency arises or they will have little value. The Naval, Military and Air Commission must then be something more than a body to collect information as to the armaments of the members of the League and to advise the Council as to how those armaments may in the common interest and with due regard to the safety of individual members be reduced. The Commission must in fact, if it is to do its business, be an international General Staff so equipped as to be able to provide the Council with timely and authoritative advice as to the naval and military action required to meet emergencies. If the functions and powers of the Commission fall short of this it will not be respected by the General Staffs of the Great Powers, who will be forced to draw up plans for eventual action by their own armies and fleets independently of the League and will tend to regard the Naval Military and Air Commission as a harmless institution, useful only in so far as it gives the League a fictitious appearance of power, and keeps the idealist and the philanthropist quiet. On the other hand

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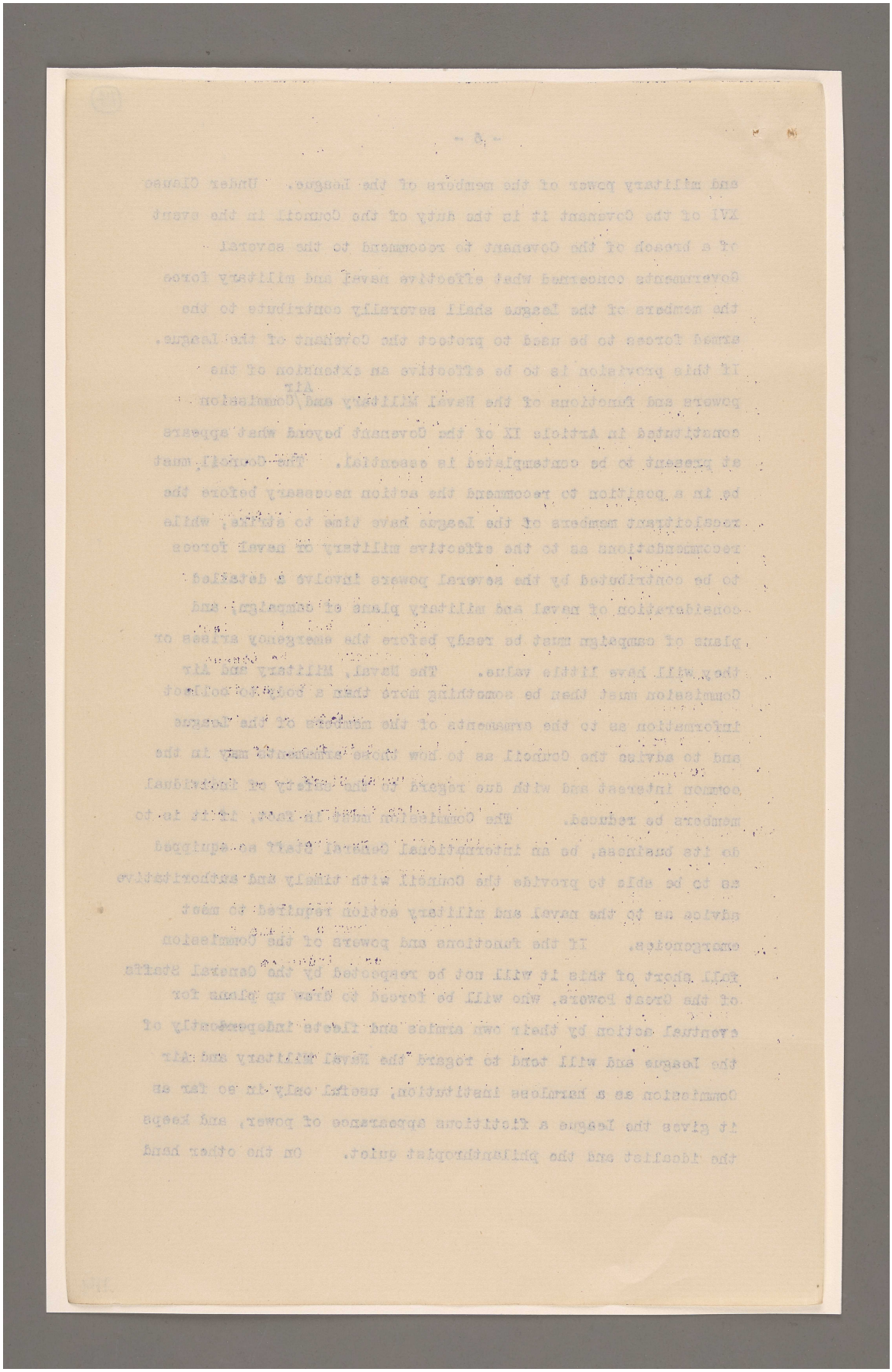

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if this commission has authority to prepare plans for the employment of the forces of the members of the League, the General Staffs will be compelled to take its proposals seriously and to recognise the League as a real factor in naval and military affairs, a position which it would be absurd to pretend that the League has at present reached in their eyes. Further the knowledge that plans for action by the League are ready and have been scientifically prepared will add greatly to its influence and authority and be an added reason for hesitation on the part of any power or powers which may contemplate defying its directions. A Naval Military and Air Commission constituted as is suggested above and equipped with the necessary authority to prepare plans for the consideration of the Council would not constitute any interference with the sovereignty of members of the League since its functions would be purely advisory. The Secretariat is or will be provided with the means of surveying the international horizon and of giving the Commission information as to possible emergencies to meet which plans should be prepared, while the provisions of article VIII by which the members of the League undertake to exchange full and frank information as to the scale of their armaments and their naval and military programmes make it unnecessary to provide the Commission with an Intelligence Department to spy upon members of the League, though it should have the means of obtaining reliable information as to the forces of those states, which are not members. It therefore appears to be an important and practical step towards increasing the sanctions of the League that its Naval Military and Air Commission should be authorised to prepare for the consideration of the Council plans for eventual naval military or air action. Such plans should in the first instance at least be confined to action against states not members of the League.

115

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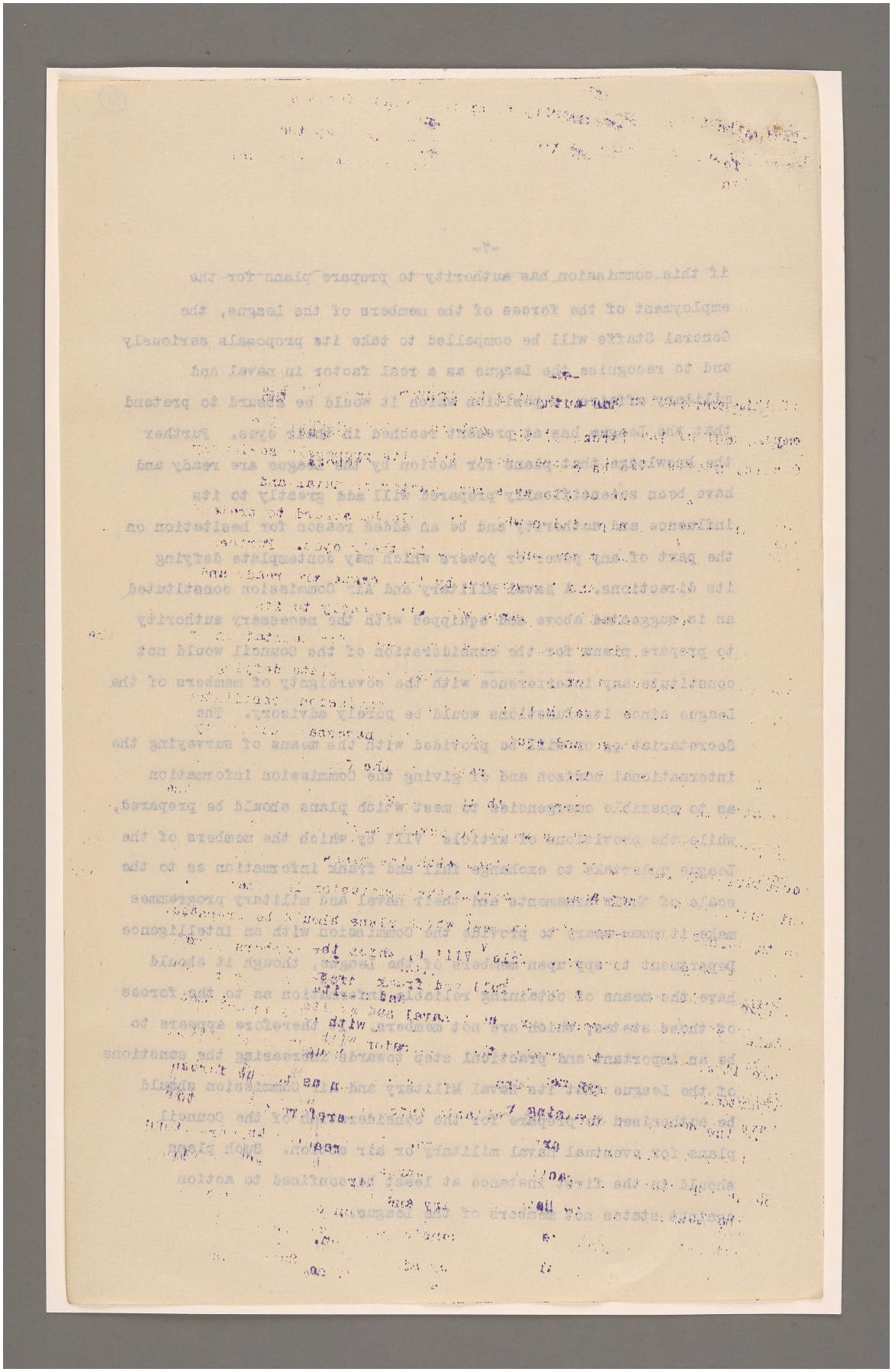

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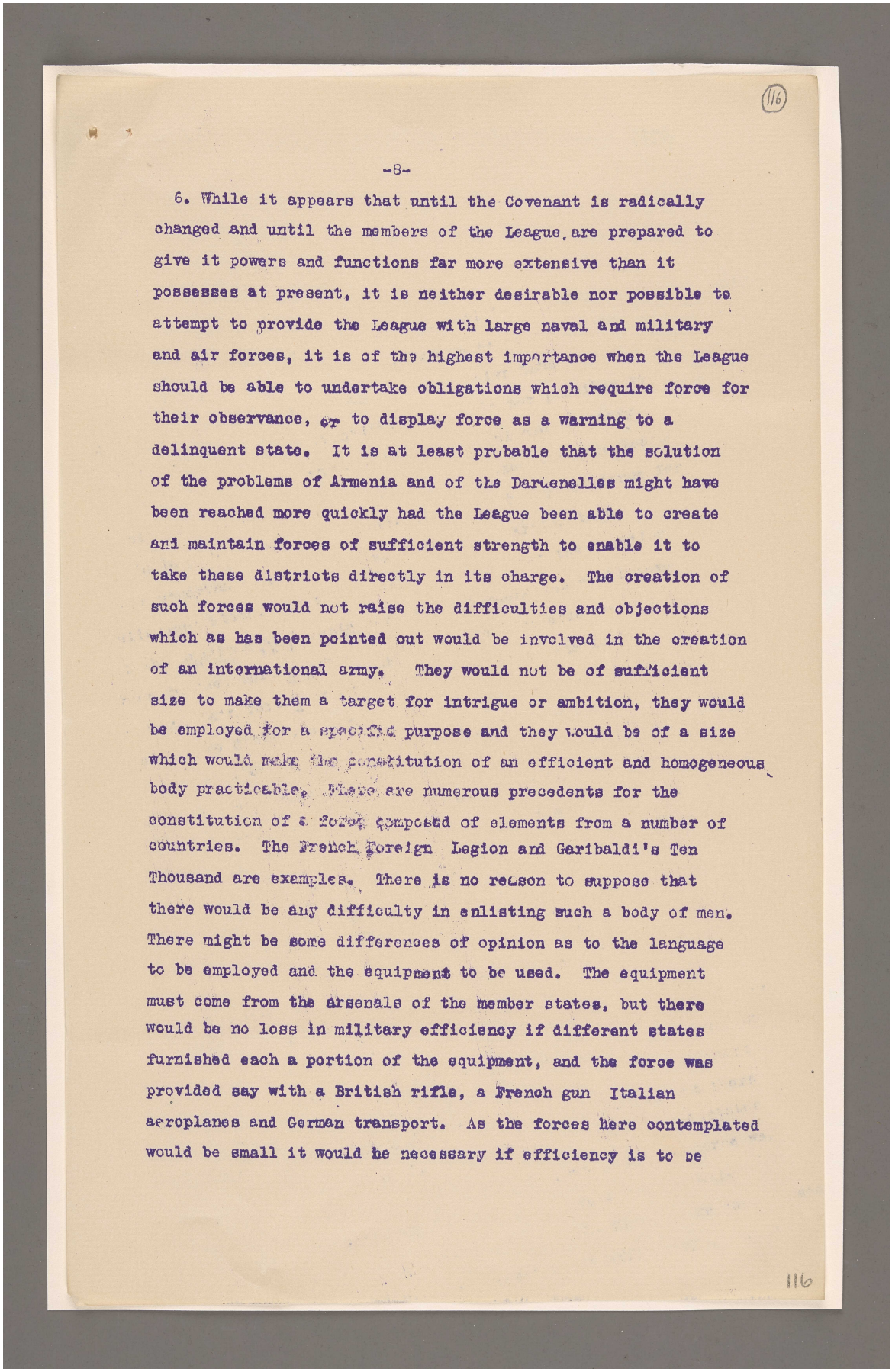

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-8-

6. While it appears that until the Covenant is radically changed and until the members of the League are prepared to give it powers and functions far more extensive than it possesses at present, it is neither desirable nor possible to attempt to provide the League with large naval and military and air forces, it is of the highest importance when the League should be able to undertake obligations which require force for their observance, or to display force as a warning to a delinquent state. It is at least probable that the solution of the problems of Armenia and of the Dardenelles might have been reached more quickly had the League been able to create and maintain forces of sufficient strength to enable it to take these districts directly in its charge. The creation of such forces would not raise the difficulties and objections which as has been pointed out would be involved in the creation of an international army. They would not be of sufficient size to make them a target for intrigue or ambition, they would be employed for a specific purpose and they would be of a size which would make the constitution of an efficient and homogeneous body practicable. There are numerous precedents for the constitution of a force composed of elements from a number of countries. The French Foreign Legion and Garibaldi's Ten Thousand are examples. There is no reason to suppose that there would be any difficulty in enlisting such a body of men. There might be some differences of opinion as to the language to be employed and the equipment to be used. The equipment must come from the arsenals of the member states, but there would be no loss in military efficiency if different states furnished each a portion of the equipment, and the force was provided say with a British rifle, a French gun Italian aeroplanes and German transport. As the forces here contemplated would be small it would be necessary if efficiency is to be

116

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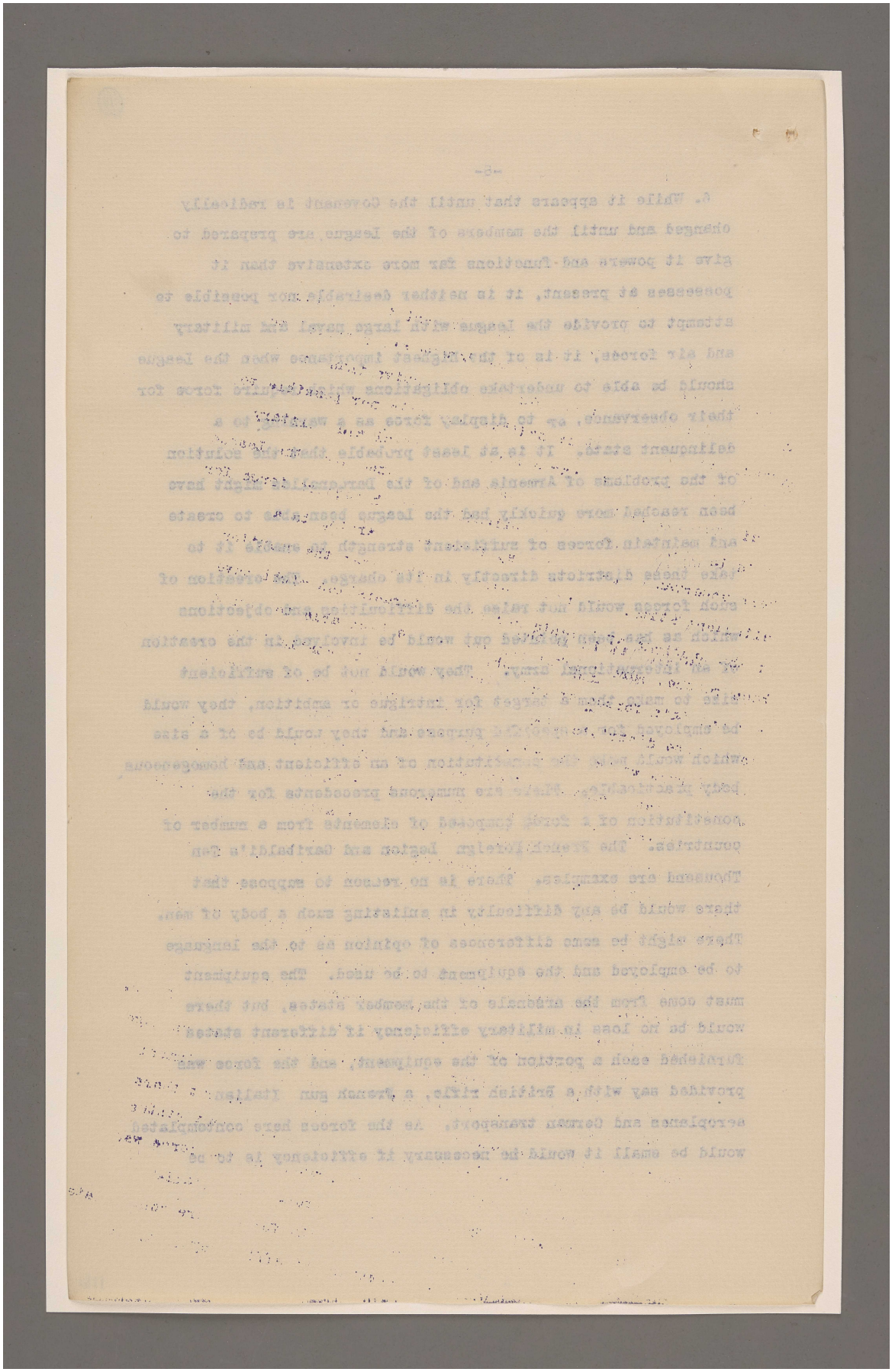

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preserved to provide a career for its officers but this might be arranged by lending officers of the armies of the member states for limited periods as we have done in the case of Persia and of Egypt. In short there would not seem to be any military difficulties in the way of this proposal which could not be overcome by goodwill, while the creation of comparatively small forces to enable the League to undertake specific tasks which would otherwise be beyond its power would materially increase its power for good and improve its status.

7. It is not difficult to conceive of many situations arising in which the action of a small force under the control of the League might be beneficial for other purposes than the policing of a given district. Even a comparatively small disturber of the peace may prove troublesome if the power most closely affected is unable for political reasons to take action and other powers are unable to arouse sufficient interest amongst their own peoples to warrant their engaging their troops at a distance from the home-land. The d'Annunzio incident is a case in point. A small international force which would represent the authority of the League and act as the advanced guard of the forces of its members might by timely action nip in the bud a disturbance which if neglected would prove grave. The difficulties in creating such a force would not be great; the chief problem would be its location in time of peace, since there would always be a suspicion that the member in whose territory the force was quartered was exercising an undue influence over it. The creation of a force for general purposes and not for a particular mission might however raise the question of principle in an acute form, and it is for consideration whether this is wise in the present state of the League's development. It would appear to be more prudent to begin with the special force necessary for the control of a given area and to allow a police force for general purposes to develop gradually out of that. If for example the League were

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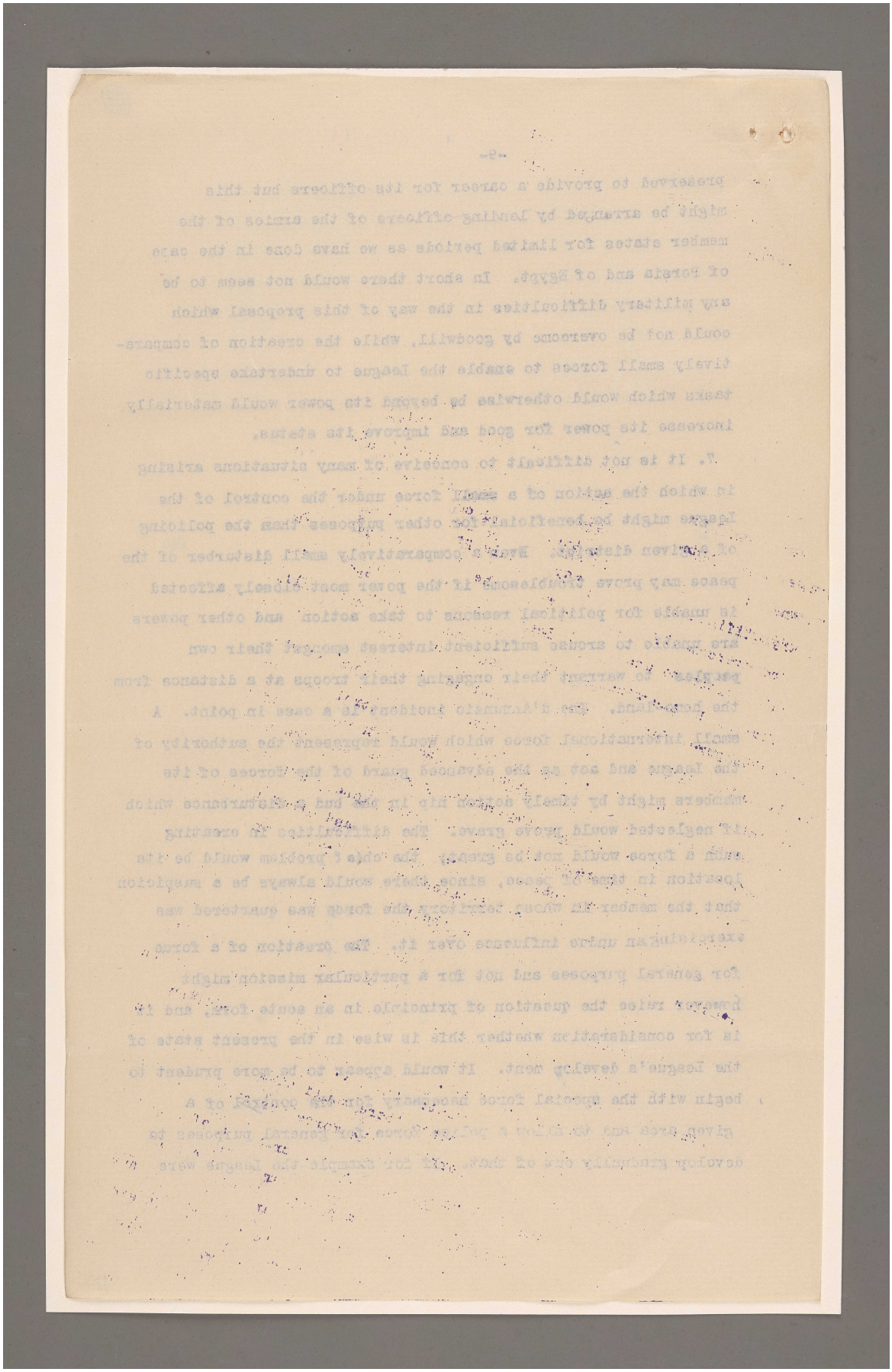

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to assume control of the Dardenelles and to create a force to hold the Straits, it would not be difficult to increase that force eventually so that a part should be available for general purposes. Such a policy would introduce the world gradually to the idea of an international army.

8. There is no logical reason why the police forces at the disposal of the League should be entirely military in character. There are indeed many reasons why it might be easier to create a naval police force than a military one, and why it might be on occasion the more effective of the two. People are accustomed to see their sailors departing for far away waters in time of peace and there would in the case of a naval force be little of the prejudice which might prevail in the case of the despatch of a land force on a distant mission in which the peoples of the members of the League finding the force were but remotely interested. The location of a naval force for general purposes would not present the same difficulties as the location of a land force. It might well have its base at the Goldern Horn or we might arrange to offer it hospitality at one of our Mediterranean stations. There is the further important consideration that ships cannot invade territory, and this should go far towards removing any suspicion that the force would be exploited for illegitimate purposes. On the other hand our history has shown that even a single cruiser showing the flag at the right time and place is often a potent ambassador and able to enforce respect for decisions which might otherwise be disregarded, while a cruiser or even a squadron can act much more promptly than a military force and time is usually a most vital consideration.

9. The general conclusions then are:-

1. That the creation of an international army at the disposal of the League is not practicable under the present terms of the Covenant.

2. That the sanctions of the League can and should be

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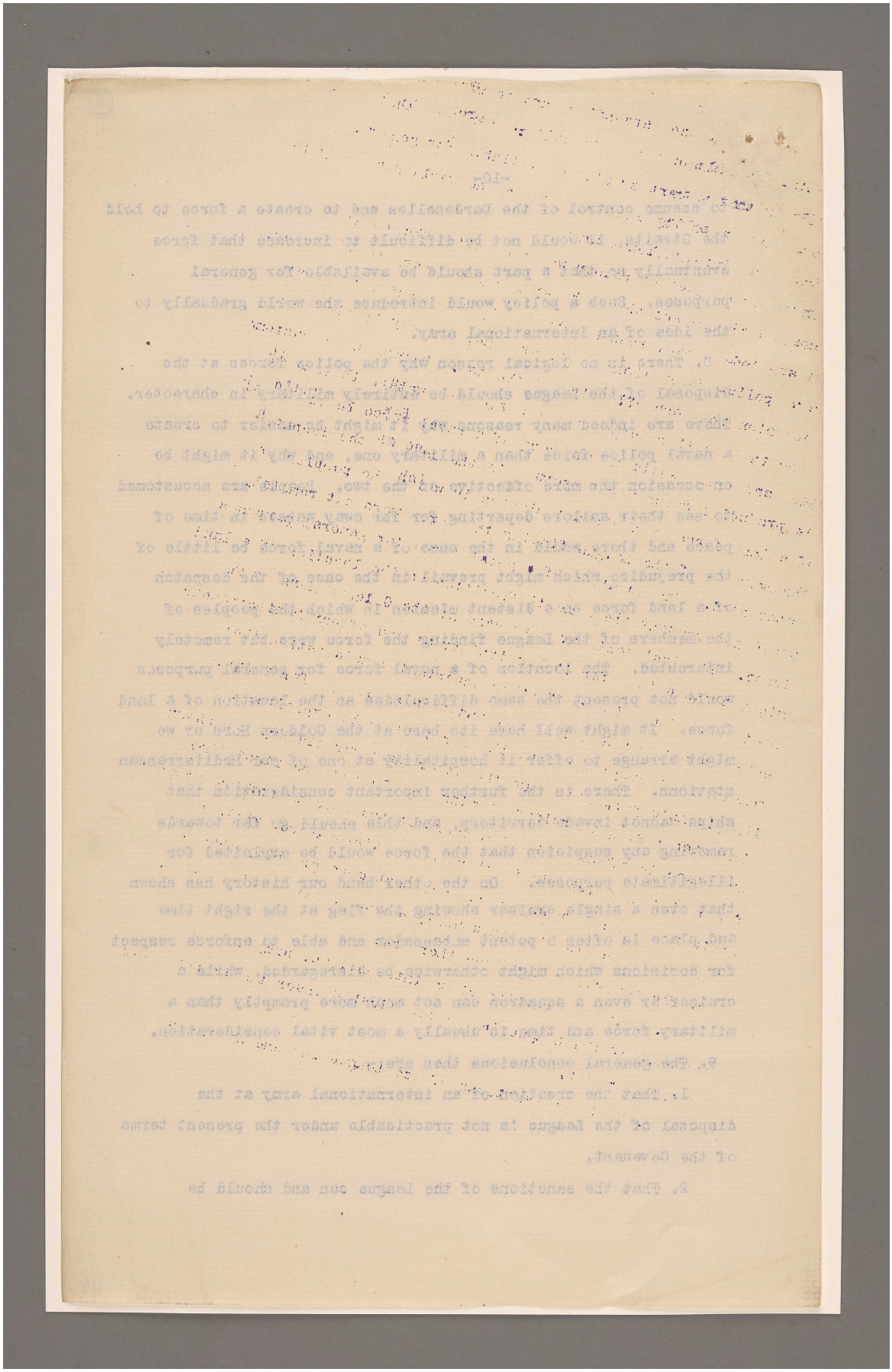

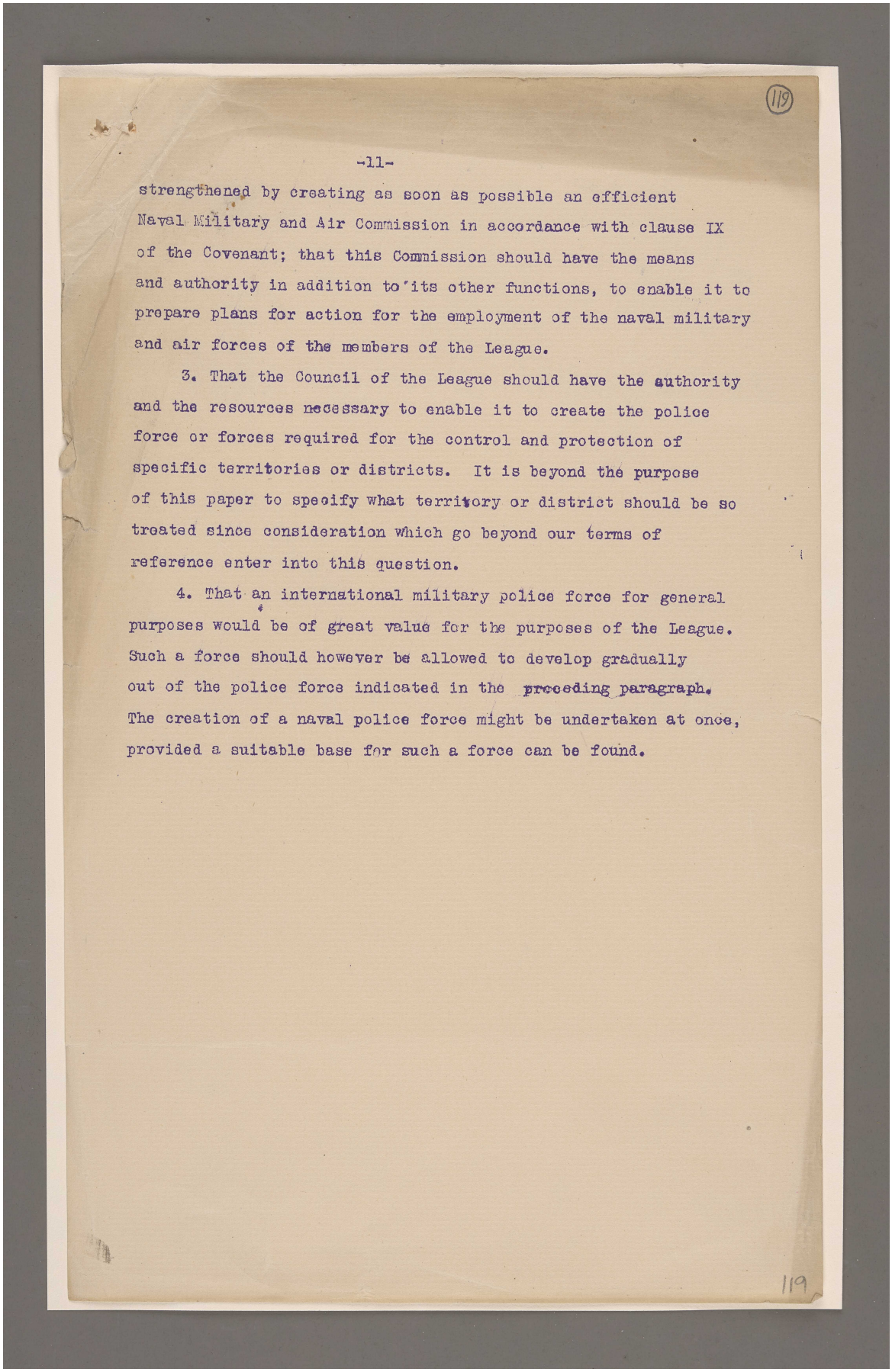

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strengthened by creating as soon as possible an efficient Naval Military and Air Commission in accordance with clause IX of the Covenant; that this Commission should have the means and authority in addition to its other functions, to enable it to prepare plans for action for the employment of the naval military and air forces of the members of the League.

3. That the Council of the League should have the authority and the resources necessary to enable it to create the police force or forces required for the control and protection of specific territories or districts. It is beyond the purpose of this paper to specify what territory or district should be so treated since consideration which go beyond our terms of reference enter into this question.

4. That an international military police force for general purposes would be of great value for the purposes of the League. Such a force should however be allowed to develop gradually out of the police force indicated in the preceding paragraph. The creation of a naval police force might be undertaken at once, provided a suitable base for such a force can be found.

119

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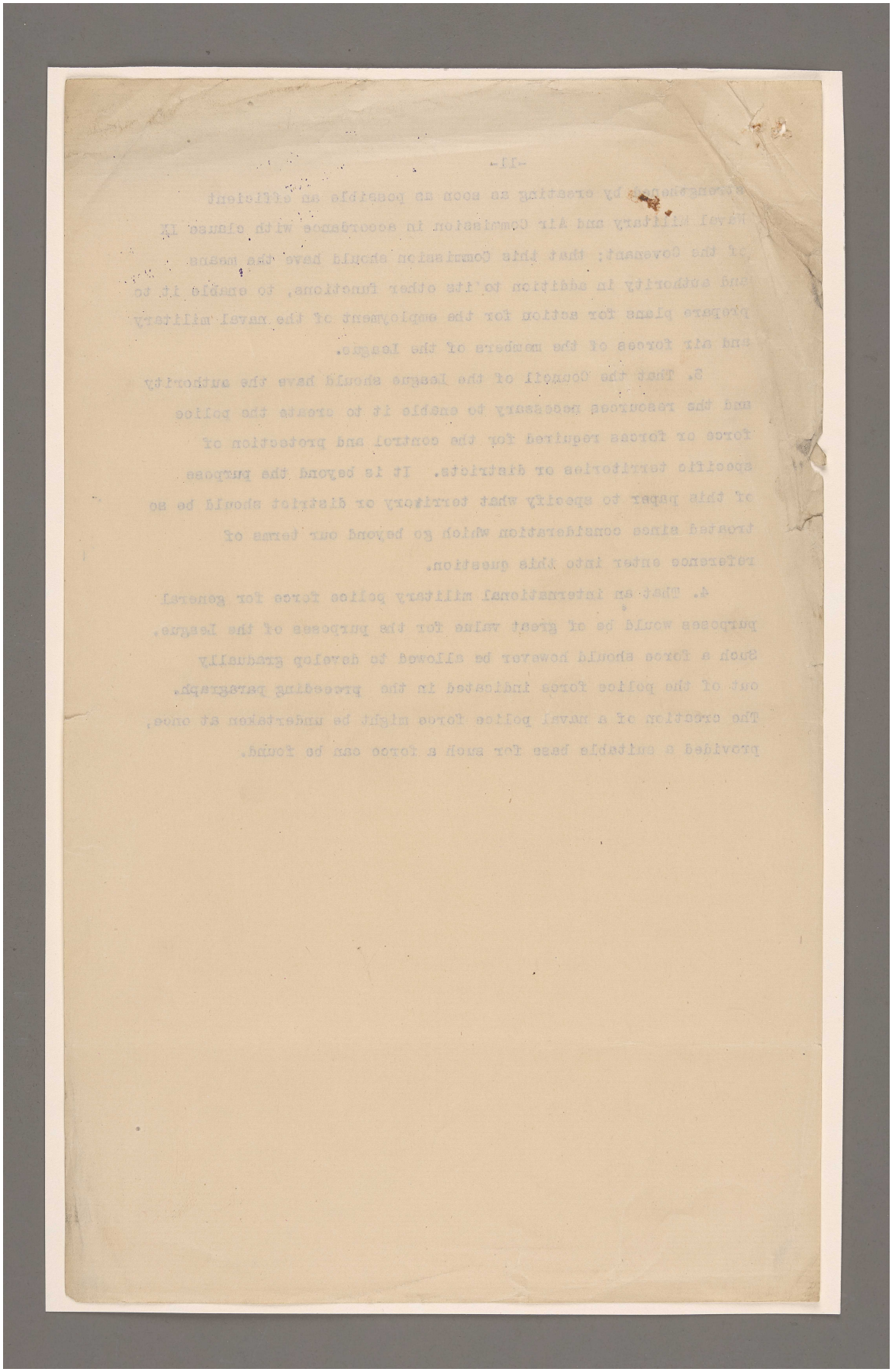

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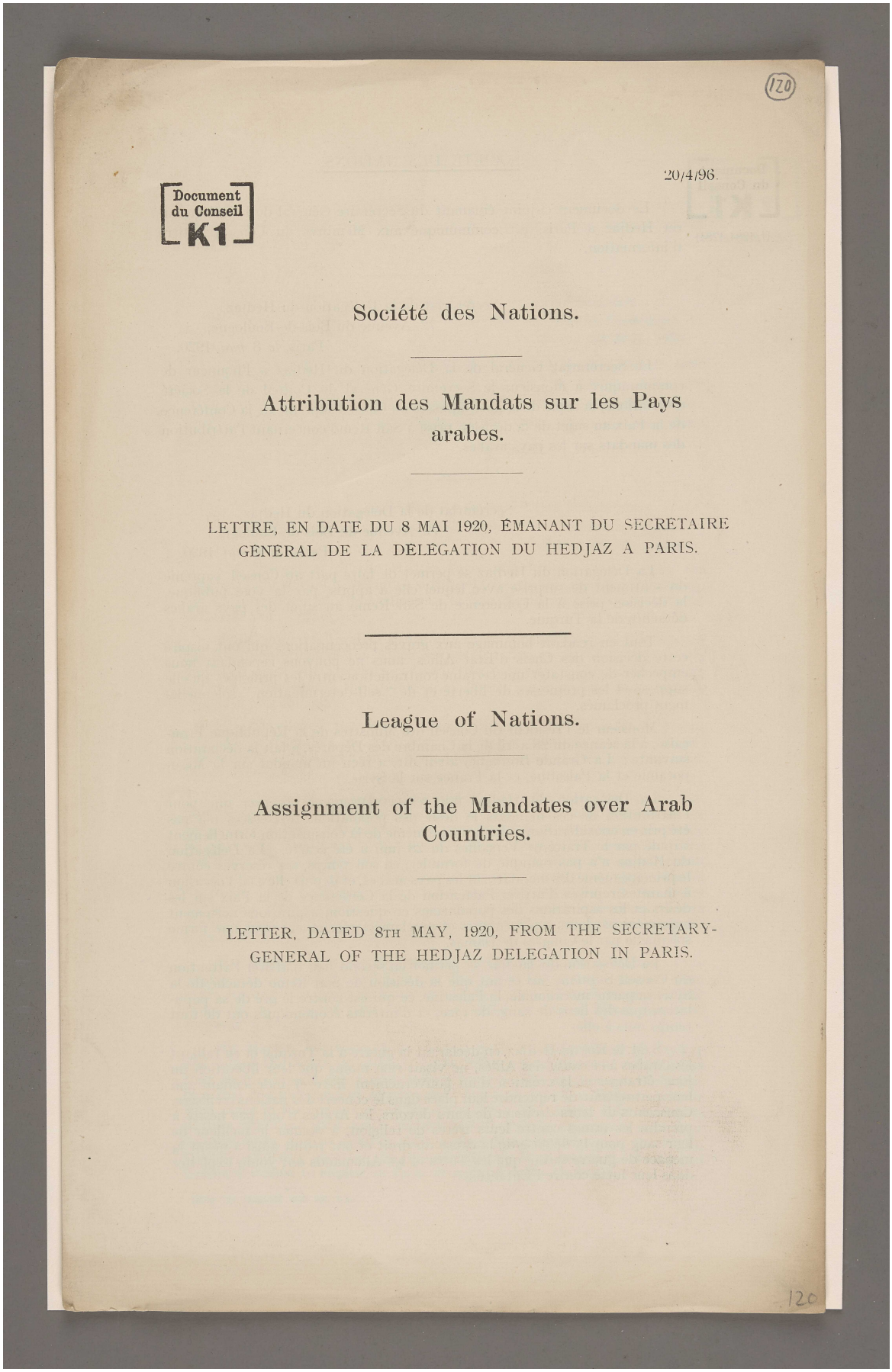

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Document du Conseil K1

Société des Nations.

Attribution des Mandats sur les Pays arabes.

LETTRE, EN DATE DU 8 MAI 1920, ÉMANANT DU SECRÉTAIRE GÉNÉRAL DE LA DÉLÉGATION DU HEDJAZ A PARIS.

League of Nations.

Assignment of the Mandates over Arab Countries.

LETTER, DATED 8TH MAY, 1920, FROM THE SECRETARY-GENERAL OF THE HEDJAZ DELEGATION IN PARIS.

120

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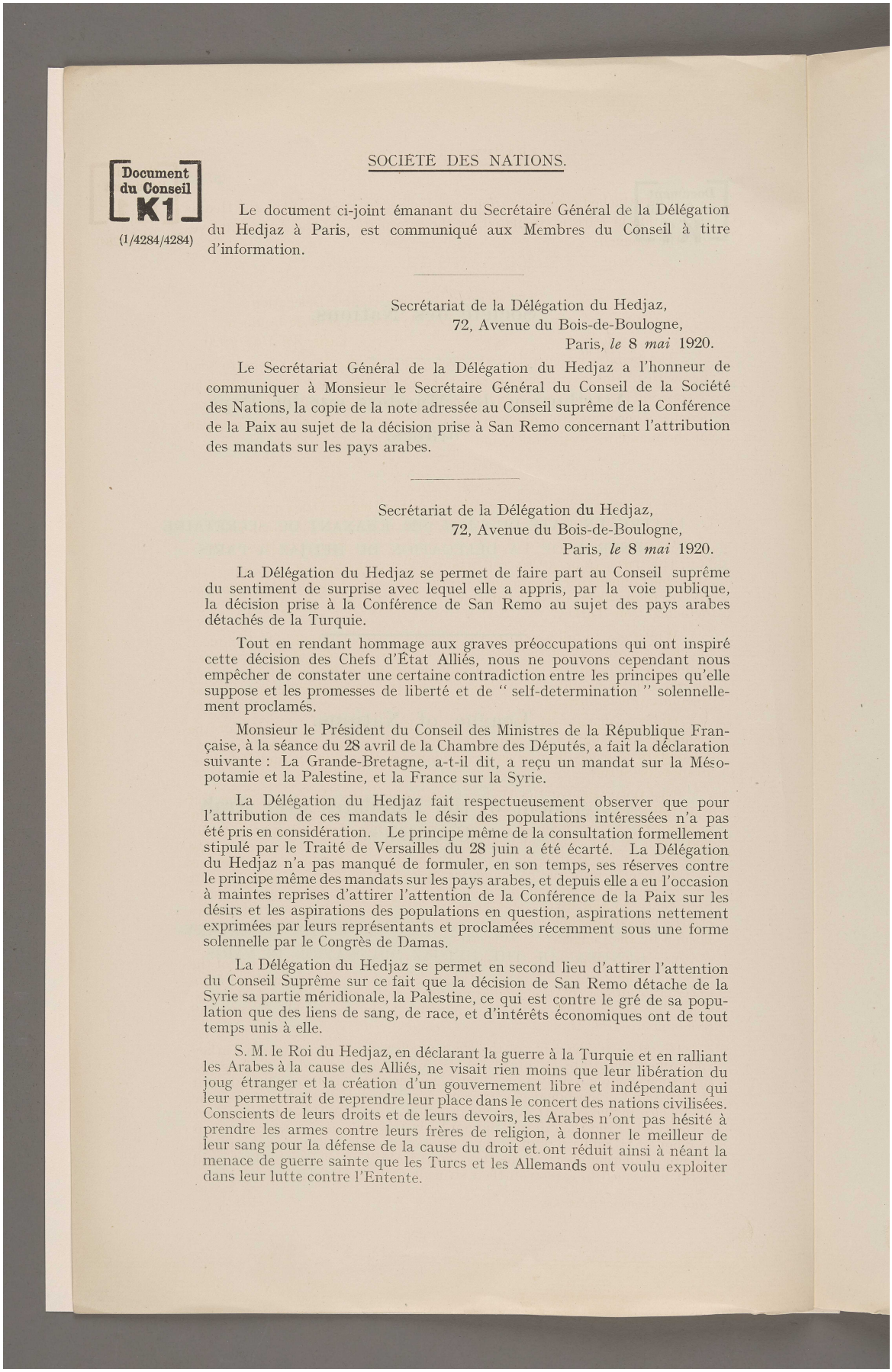

Document du Conseil K1

(1/4284/4284)

SOCIETE DES NATIONS.

Le document ci-joint émanant du Secrétaire Général de la Délégation du Hedjaz à Paris, est communiqué aux Membres du Conseil à titre d'information.

Secrétariat de la Délégation du Hedjaz,
72, Avenue du Bois-de-Boulogne,
Paris, *le* 8 *mai* 1920.

Le Secrétariat Général de la Délégation du Hedjaz a l'honneur de communiquer à Monsieur le Secrétaire Général du Conseil de la Société des Nations, la copie de la note adressée au Conseil suprême de la Conférence de la Paix au sujet de la décision prise à San Remo concernant l'attribution des mandats sur les pays arabes.

Secrétariat de la Délégation du Hedjaz,
72, Avenue du Bois-de-Boulogne,
Paris, *le* 8 *mai* 1920.

La Délégation du Hedjaz se permet de faire part au Conseil suprême du sentiment de surprise avec lequel elle a appris, par la voie publique, la décision prise à la Conférence de San Remo au sujet des pays arabes détachés de la Turquie.

Tout en rendant hommage aux graves préoccupations qui ont inspiré cette décision des Chefs d'État Alliés, nous ne pouvons cependant nous empêcher de constater une certaine contradiction entre les principes qu'elle suppose et les promesses de liberté et de " self-determination " solennellement proclamés.

Monsieur le Président du Conseil des Ministres de la République Française, à la séance du 28 avril de la Chambre des Députés, a fait la déclaration suivante : La Grande-Bretagne, a-t-il dit, a reçu un mandat sur la Mésopotamie et la Palestine, et la France sur la Syrie.

La Délégation du Hedjaz fait respectueusement observer que pour l'attribution de ces mandats le désir des populations intéressées n'a pas été pris en considération. Le principe même de la consultation formellement stipulé par le Traité de Versailles du 28 juin a été écarté. La Délégation du Hedjaz n'a pas manqué de formuler, en son temps, ses réserves contre le principe même des mandats sur les pays arabes, et depuis elle a eu l'occasion à maintes reprises d'attirer l'attention de la Conférence de la Paix sur les désirs et les aspirations des populations en question, aspirations nettement exprimées par leurs représentants et proclamées récemment sous une forme solennelle par le Congrès de Damas.

La Délégation du Hedjaz se permet en second lieu d'attirer l'attention du Conseil Suprême sur ce fait que la décision de San Remo détache de la Syrie sa partie méridionale, la Palestine, ce qui est contre le gré de sa population que des liens de sang, de race, et d'intérêts économiques ont de tout temps unis à elle.

S. M. le Roi du Hedjaz, en déclarant la guerre à la Turquie et en ralliant les Arabes à la cause des Alliés, ne visait rien moins que leur libération du joug étranger et la création d'un gouvernement libre et indépendant qui leur permettrait de reprendre leur place dans le concert des nations civilisées. Conscients de leurs droits et de leurs devoirs, les Arabes n'ont pas hésité à prendre les armes contre leurs frères de religion, à donner le meilleur de leur sang pour la défense de la cause du droit et ont réduit ainsi à néant la menace de guerre sainte que les Turcs et les Allemands ont voulu exploiter dans leur lutte contre l'Entente.

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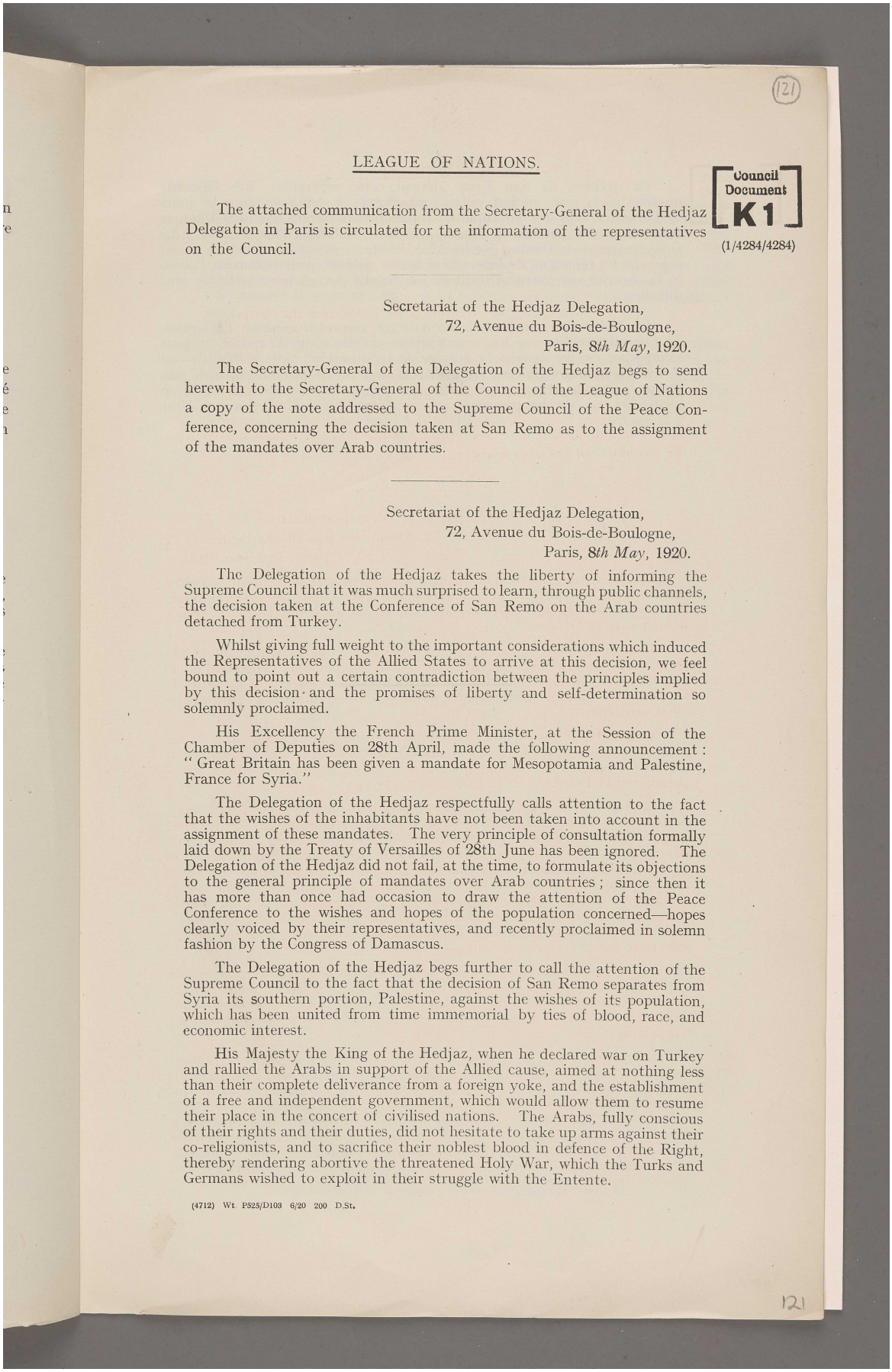

(121)

LEAGUE OF NATIONS.

Council Document K1

(1/4284/4284)

The attached communication from the Secretary-General of the Hedjaz Delegation in Paris is circulated for the information of the representatives on the Council.

Secretariat of the Hedjaz Delegation,
72, Avenue du Bois-de-Boulogne,
Paris, *8th May*, 1920.

The Secretary-General of the Delegation of the Hedjaz begs to send herewith to the Secretary-General of the Council of the League of Nations a copy of the note addressed to the Supreme Council of the Peace Conference, concerning the decision taken at San Remo as to the assignment of the mandates over Arab countries.

Secretariat of the Hedjaz Delegation,
72, Avenue du Bois-de-Boulogne,
Paris, *8th May*, 1920.

The Delegation of the Hedjaz takes the liberty of informing the Supreme Council that it was much surprised to learn, through public channels, the decision taken at the Conference of San Remo on the Arab countries detached from Turkey.

Whilst giving full weight to the important considerations which induced the Representatives of the Allied States to arrive at this decision, we feel bound to point out a certain contradiction between the principles implied by this decision and the promises of liberty and self-determination so solemnly proclaimed.

His Excellency the French Prime Minister, at the Session of the Chamber of Deputies on 28th April, made the following announcement: "Great Britain has been given a mandate for Mesopotamia and Palestine, France for Syria."

The Delegation of the Hedjaz respectfully calls attention to the fact that the wishes of the inhabitants have not been taken into account in the assignment of these mandates. The very principle of consultation formally laid down by the Treaty of Versailles of 28th June has been ignored. The Delegation of the Hedjaz did not fail, at the time, to formulate its objections to the general principle of mandates over Arab countries; since then it has more than once had occasion to draw the attention of the Peace Conference to the wishes and hopes of the population concerned—hopes clearly voiced by their representatives, and recently proclaimed in solemn fashion by the Congress of Damascus.

The Delegation of the Hedjaz begs further to call the attention of the Supreme Council to the fact that the decision of San Remo separates from Syria its southern portion, Palestine, against the wishes of its population, which has been united from time immemorial by ties of blood, race, and economic interest.

His Majesty the King of the Hedjaz, when he declared war on Turkey and rallied the Arabs in support of the Allied cause, aimed at nothing less than their complete deliverance from a foreign yoke, and the establishment of a free and independent government, which would allow them to resume their place in the concert of civilised nations. The Arabs, fully conscious of their rights and their duties, did not hesitate to take up arms against their co-religionists, and to sacrifice their noblest blood in defence of the Right, thereby rendering abortive the threatened Holy War, which the Turks and Germans wished to exploit in their struggle with the Entente.

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121

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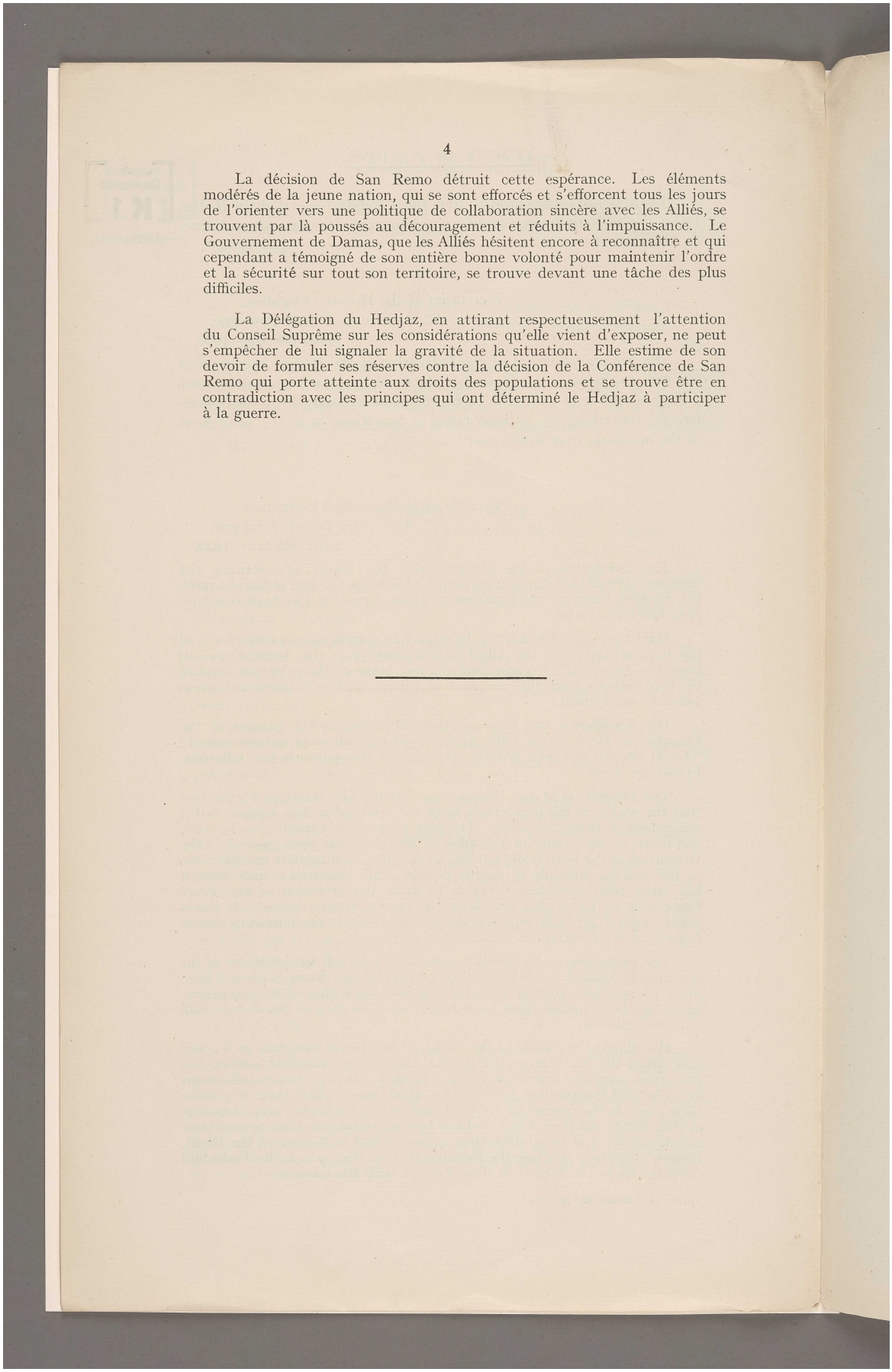

La décision de San Remo détruit cette espérance. Les éléments modérés de la jeune nation, qui se sont efforcés et s'efforcent tous les jours de l'orienter vers une politique de collaboration sincère avec les Alliés, se trouvent par là poussés au découragement et réduits à l'impuissance. Le Gouvernement de Damas, que les Alliés hésitent encore à reconnaître et qui cependant a témoigné de son entière bonne volonté pour maintenir l'ordre et la sécurité sur tout son territoire, se trouve devant une tâche des plus difficiles.

La Délégation du Hedjaz, en attirant respectueusement l'attention du Conseil Suprême sur les considérations qu'elle vient d'exposer, ne peut s'empêcher de lui signaler la gravité de la situation. Elle estime de son devoir de formuler ses réserves contre la décision de la Conférence de San Remo qui porte atteinte aux droits des populations et se trouve être en contradiction avec les principes qui ont déterminé le Hedjaz à participer à la guerre.

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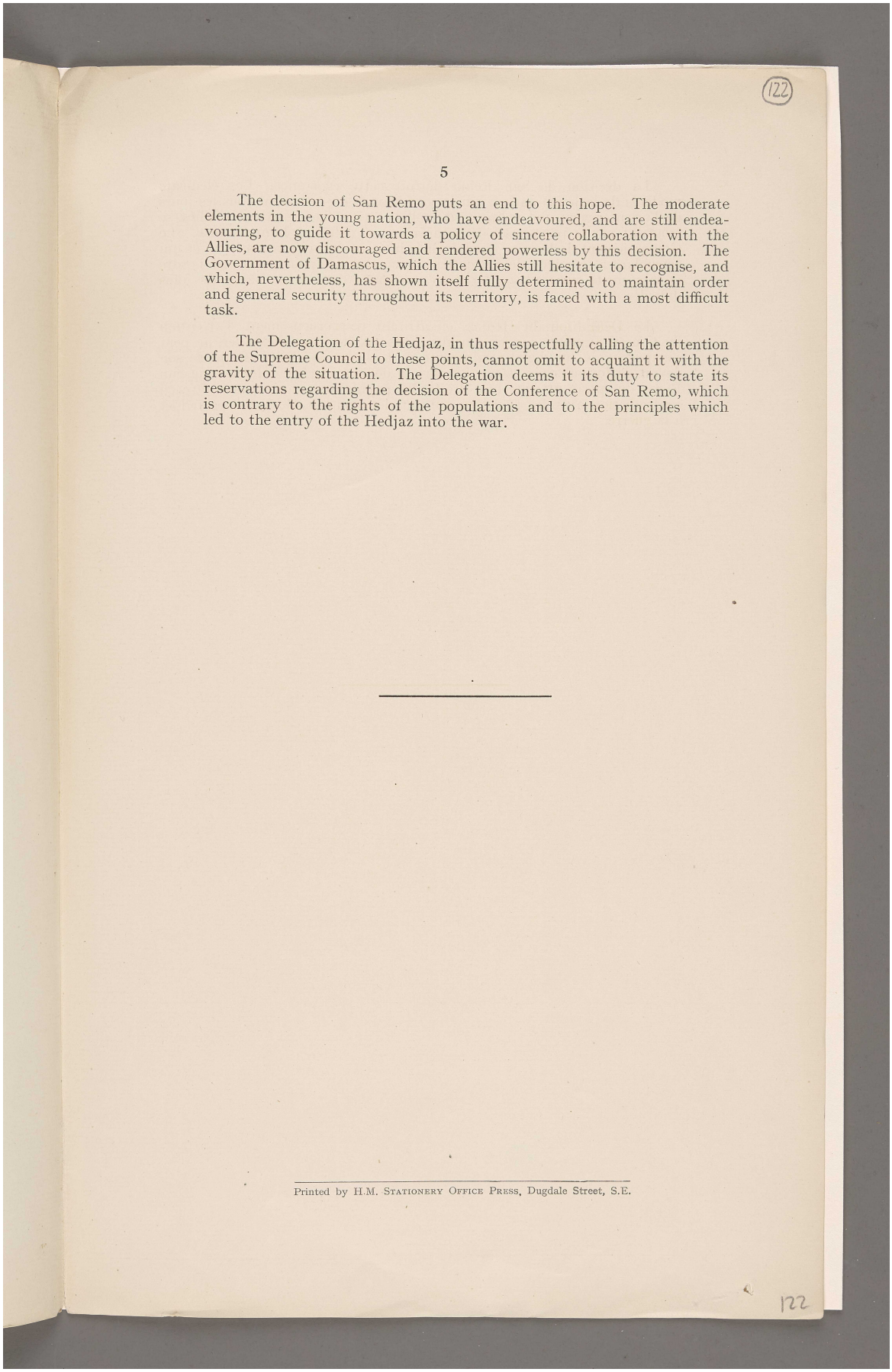

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The decision of San Remo puts an end to this hope. The moderate elements in the young nation, who have endeavoured, and are still endeavouring, to guide it towards a policy of sincere collaboration with the Allies, are now discouraged and rendered powerless by this decision. The Government of Damascus, which the Allies still hesitate to recognise, and which, nevertheless, has shown itself fully determined to maintain order and general security throughout its territory, is faced with a most difficult task.

The Delegation of the Hedjaz, in thus respectfully calling the attention of the Supreme Council to these points, cannot omit to acquaint it with the gravity of the situation. The Delegation deems it its duty to state its reservations regarding the decision of the Conference of San Remo, which is contrary to the rights of the populations and to the principles which led to the entry of the Hedjaz into the war.

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122

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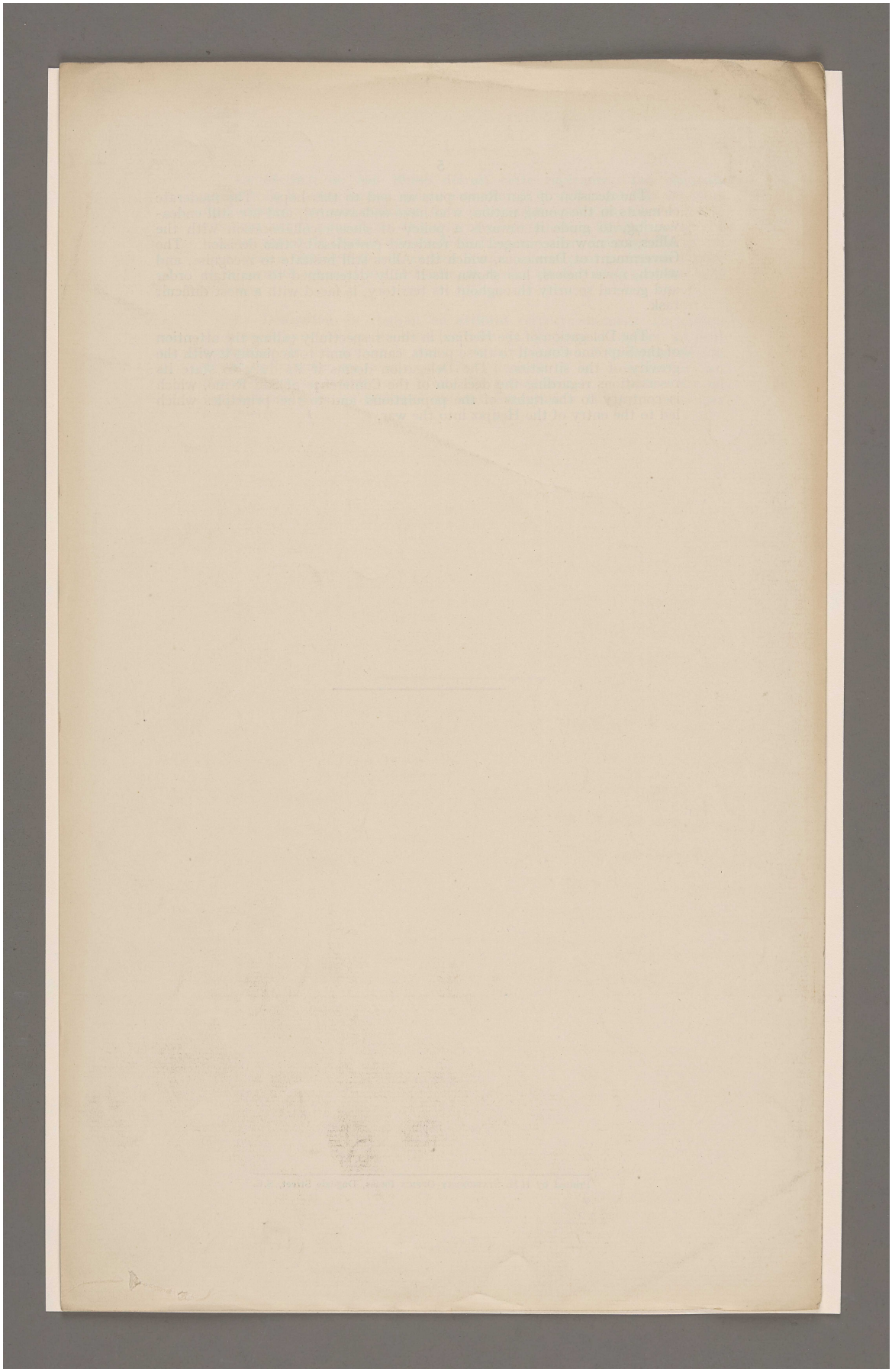

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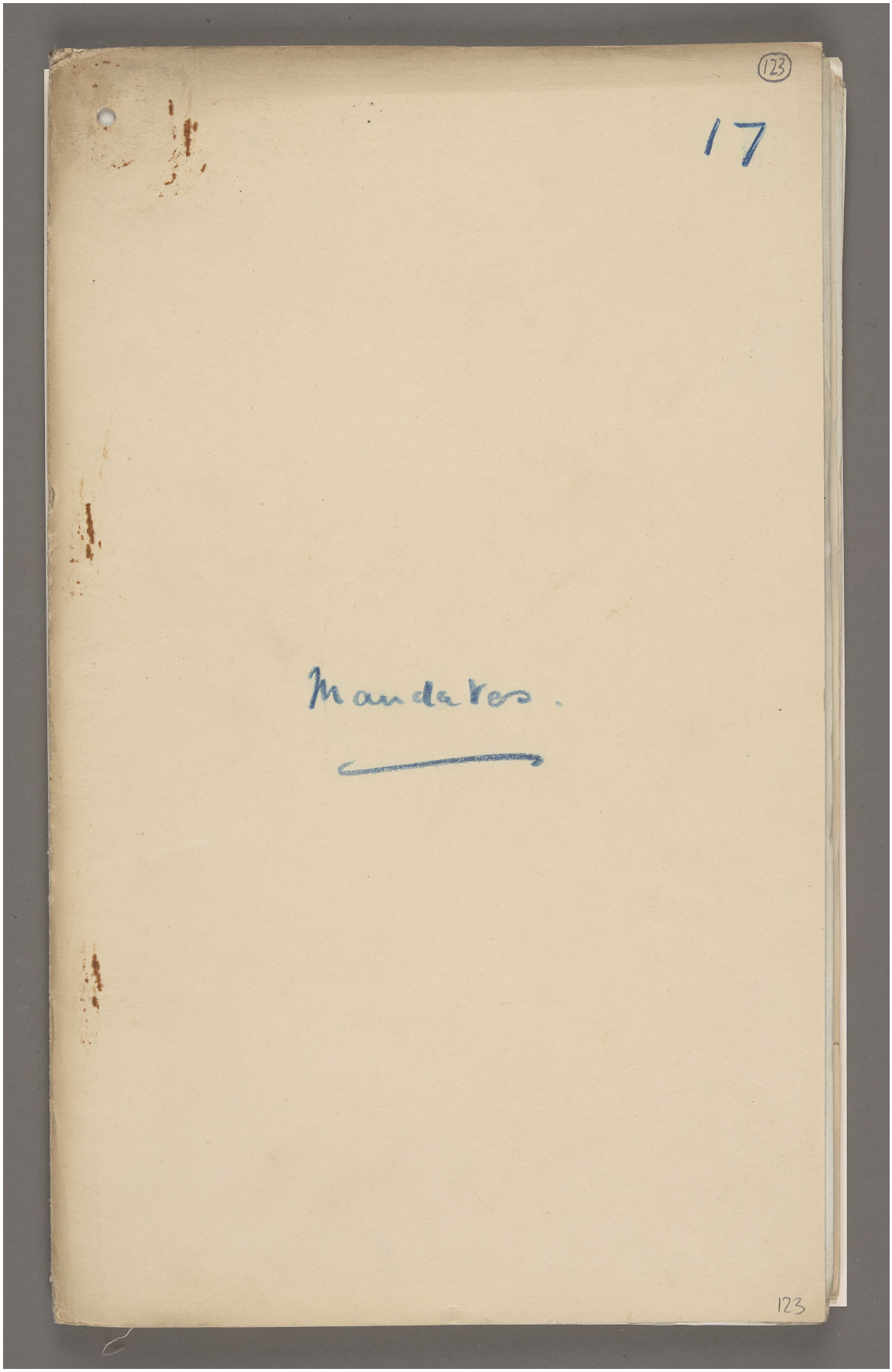

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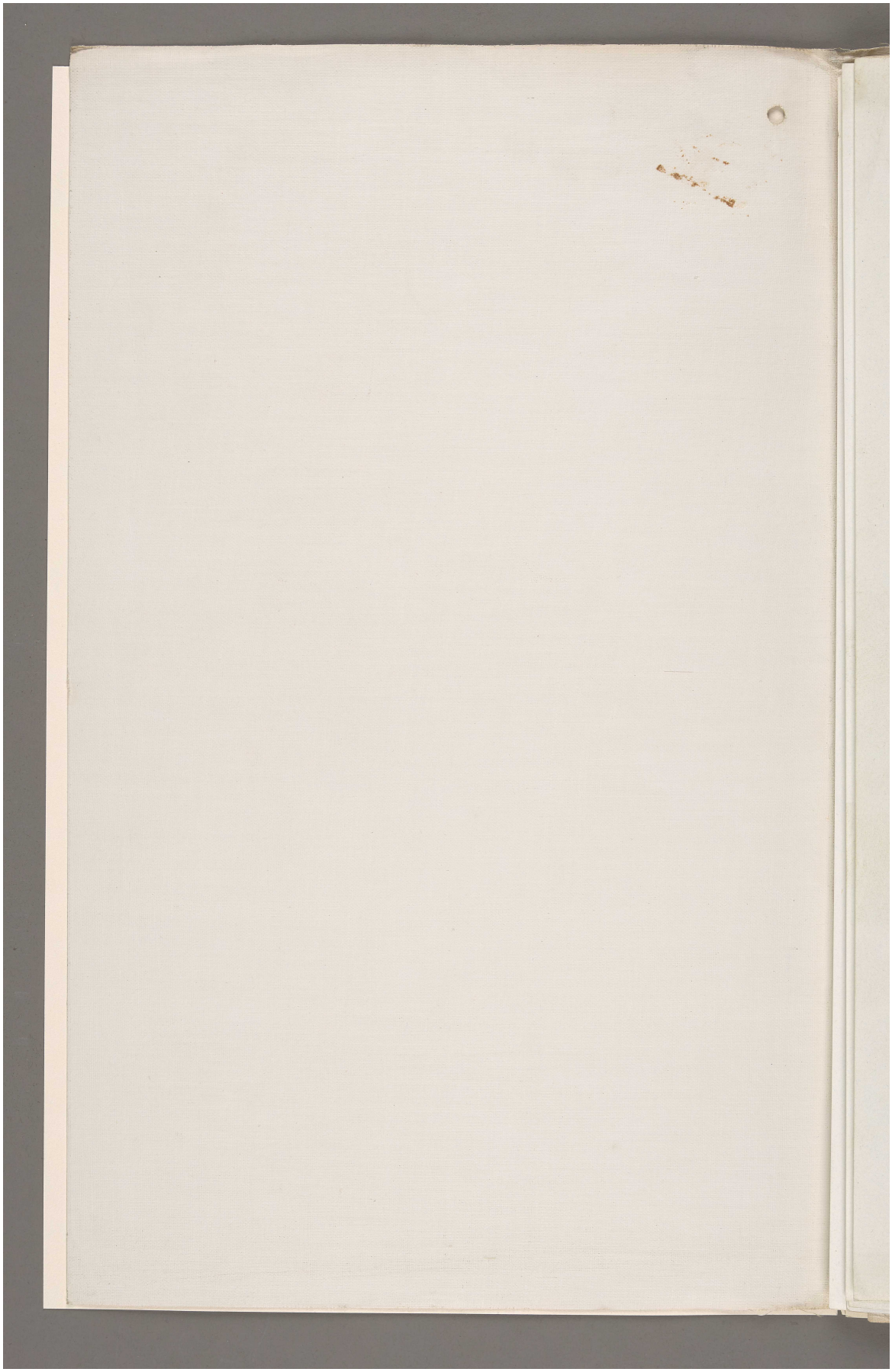

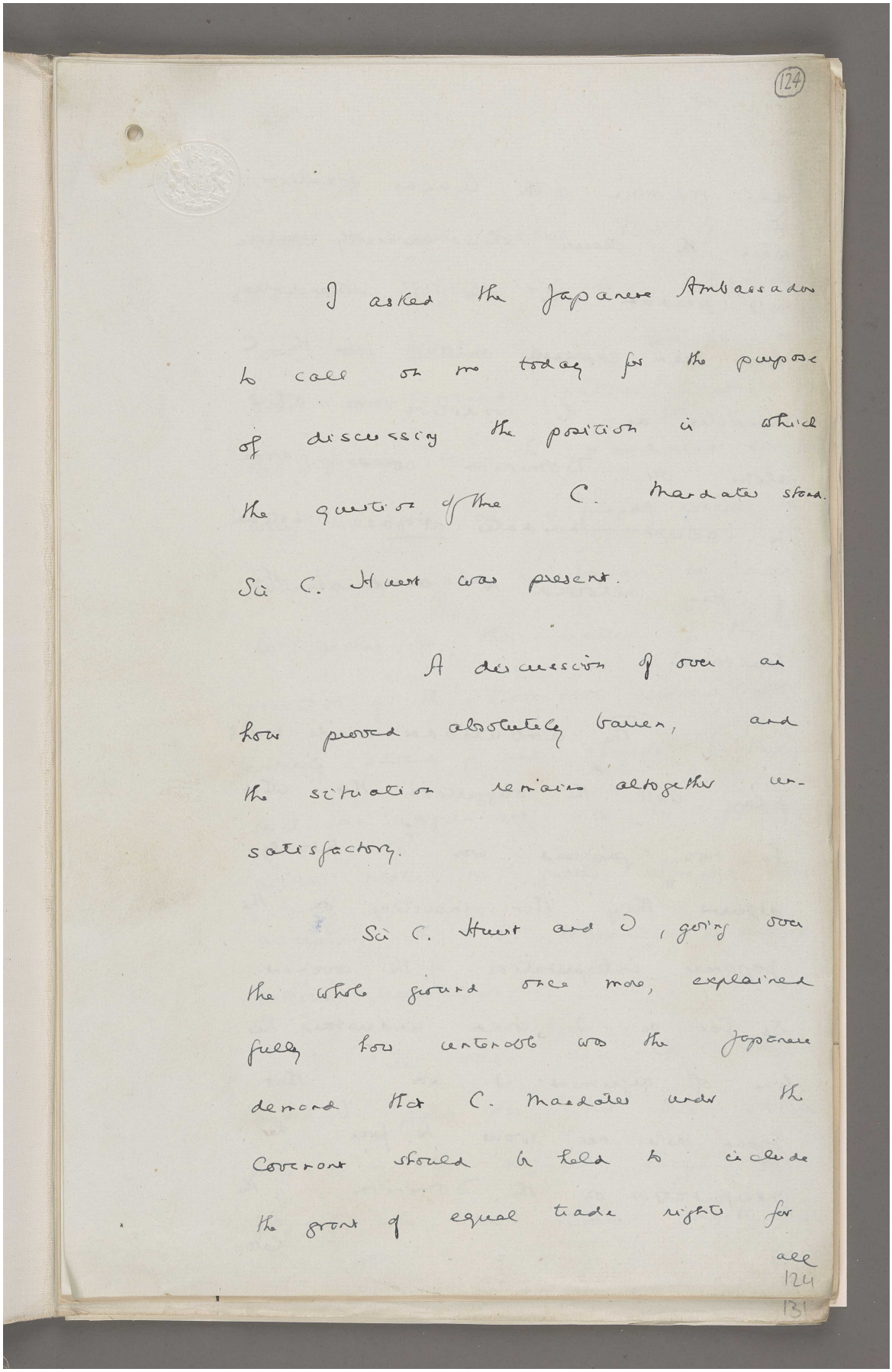

124

I asked the Japanese Ambassador to call on me today for the purpose of discussing the position in which the question of the C. Mandates stood.

Sir C. Hurst was present.

A discussion of over an hour proved absolutely barren, and the situation remains altogether unsatisfactory.

Sir C. Hurst and I, going over the whole ground once more, explained fully how entirely was the Japanese demand that C. Mandates under the Covenant should be held to include the grant of equal trade rights for all

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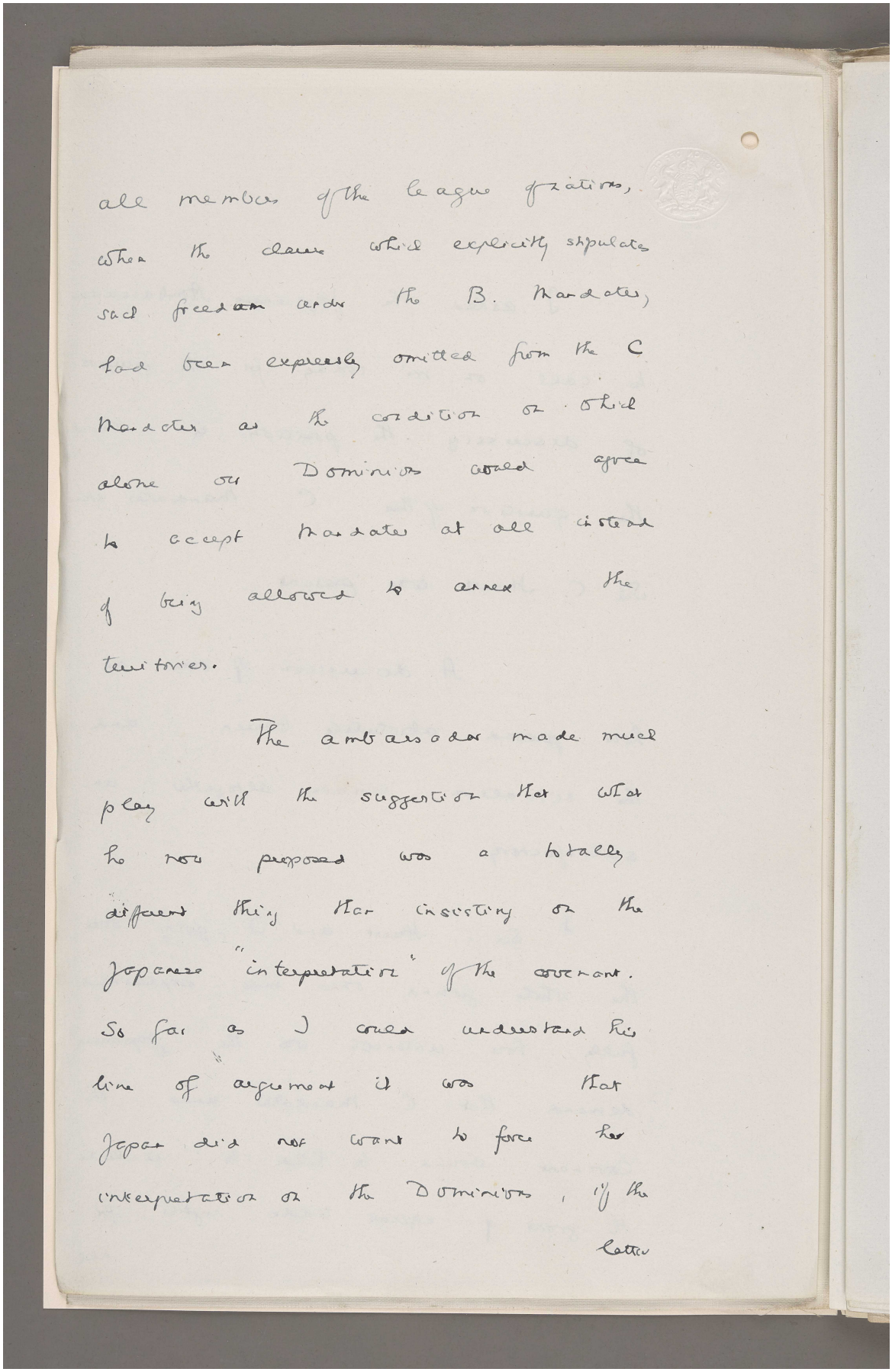

all members of the league of nations,
when the clause which explicitly stipulates
said freedom under the B. Mandates,
had been expressly omitted from the C
Mandates as the condition on which
alone our Dominions would agree
to accept Mandates at all instead
of being allowed to annex the
territories.

The ambassador made much
play with the suggestion that what
he now proposed was a totally
different thing than insisting on the
Japanese "interpretation" of the covenant.
So far as I could understand his
line of argument it was that
Japan did not want to force her
interpretation on the Dominions, if the
latter

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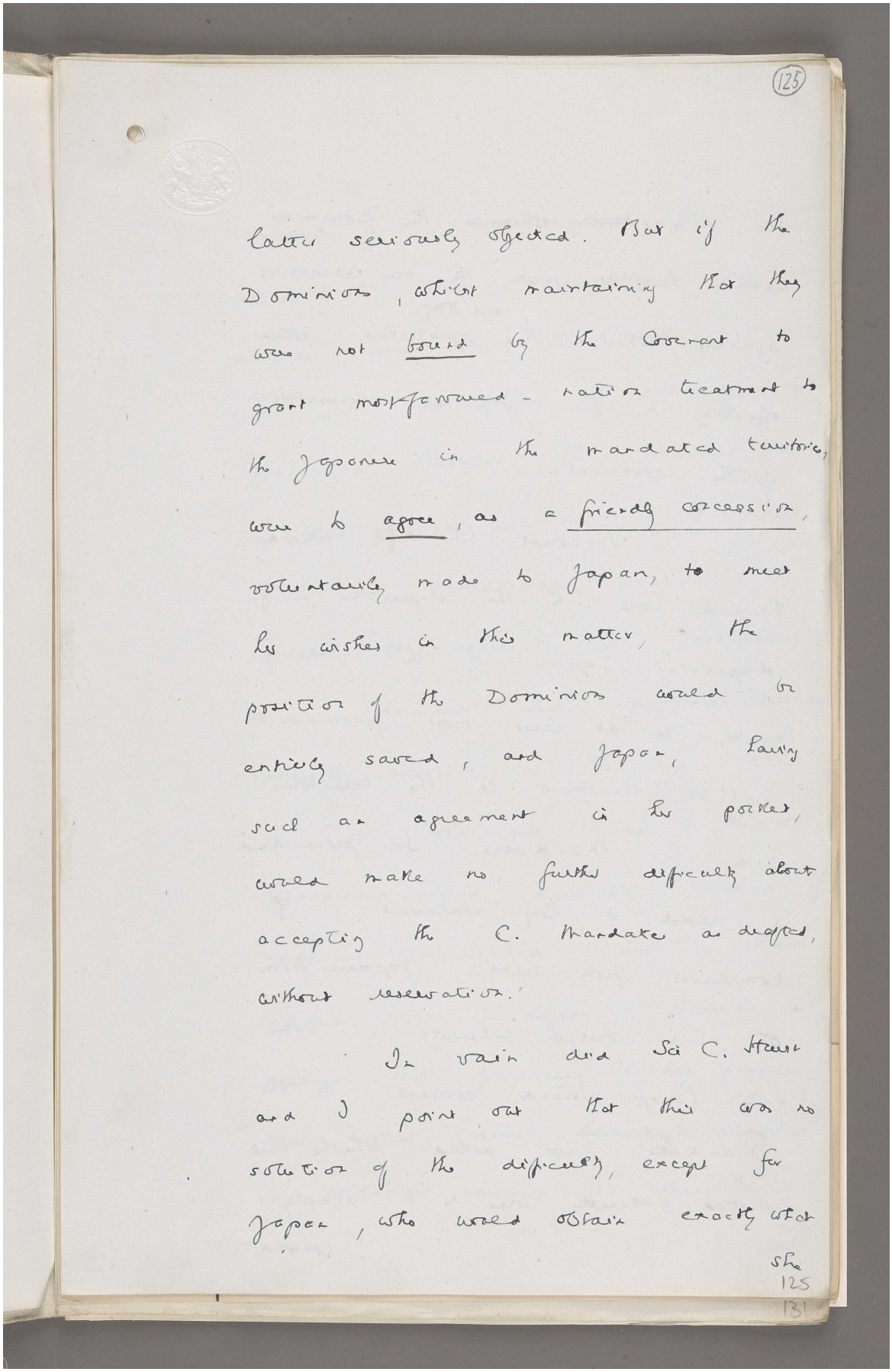

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latter seriously objected. But if the Dominions, whilst maintaining that they were not bound by the Covenant to grant most-favoured-nation treatment to the Japanese in the mandated territories, were to agree, as a friendly concession, voluntarily made to Japan, to meet her wishes in this matter, the position of the Dominions would be entirely saved, and Japan, having such an agreement in her pocket, would make no further difficulty about accepting the C. Mandates as drafted, without reservation.

In vain did Sir C. Hurst and I point out that this was no solution of the difficulty, except for Japan, who would obtain exactly what she

125
131

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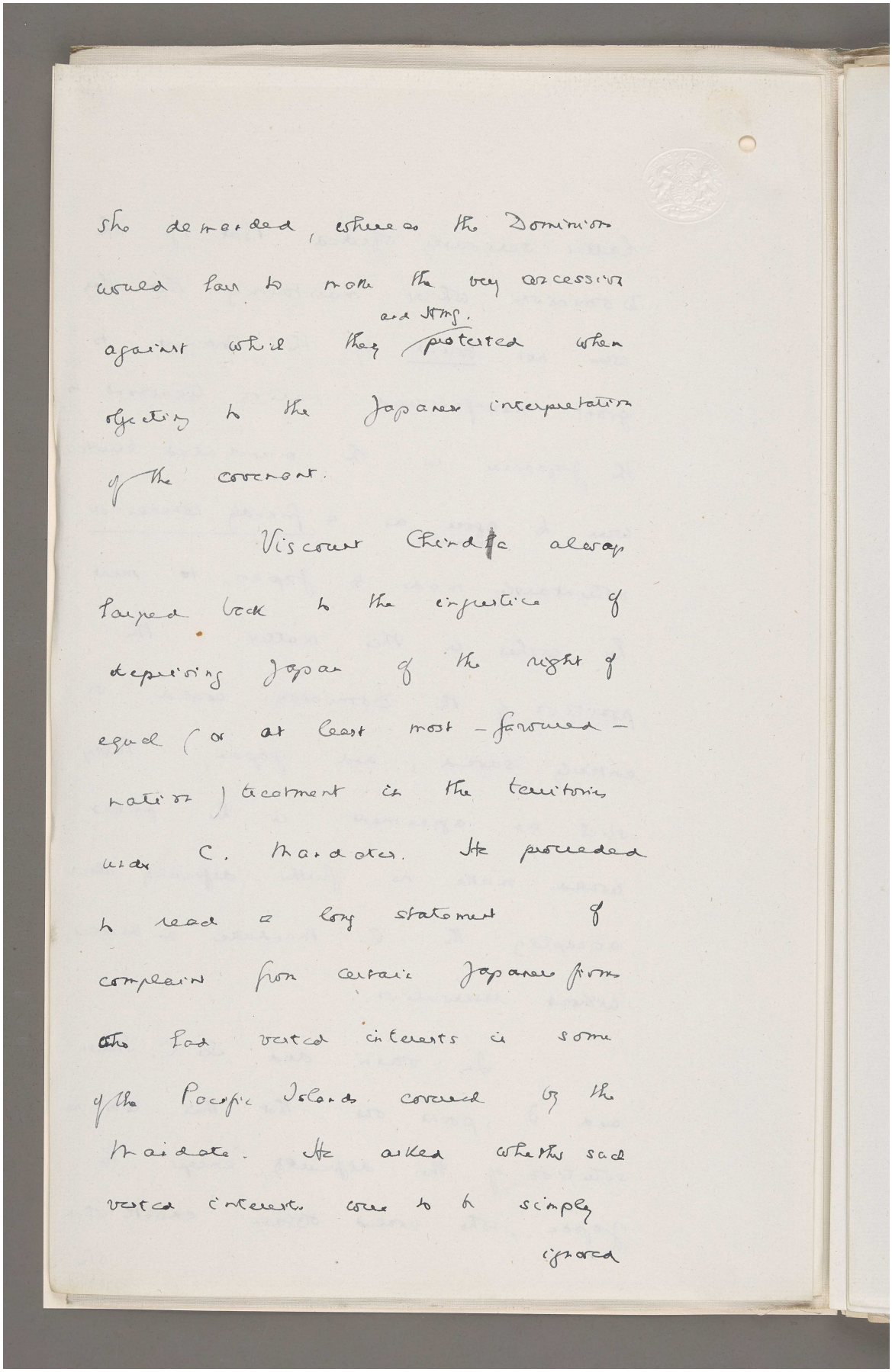

she demanded, whereas the Dominions would have to make the very concessions against which they protested when objecting to the Japanese interpretation of the covenant.

Viscount Chinda always harped back to the injustice of depriving Japan of the right of equal (or at least most-favoured-nation) treatment in the territories under C. Mandates. He proceeded to read a long statement of complaints from certain Japanese firms who had vested interests in some of the Pacific Islands covered by the Mandate. He asked whether said vested interests were to be simply ignored

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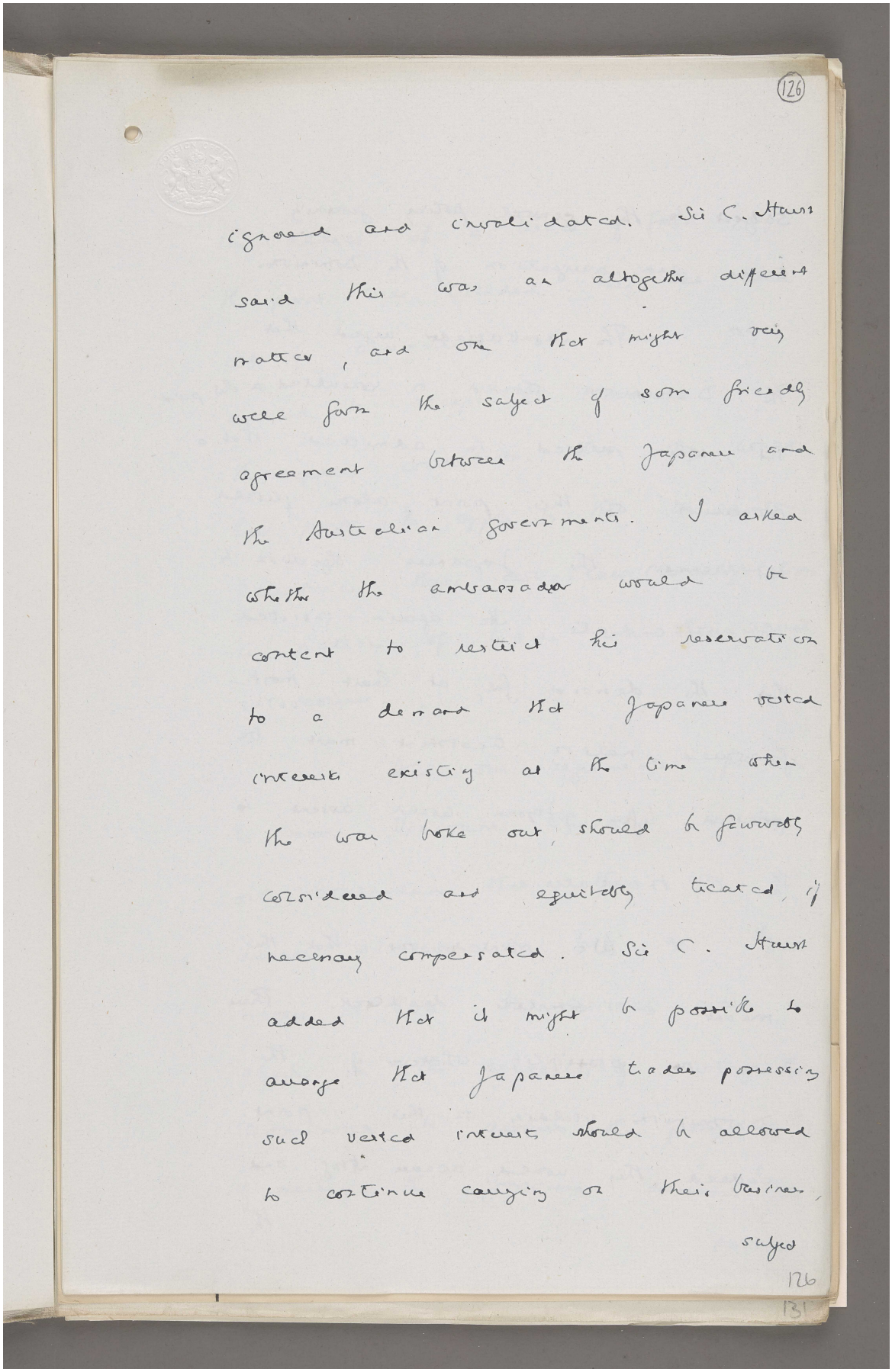

126

ignored and invalidated. Sir C. Hurst said this was an altogether different matter, and one that might very well form the subject of some friendly agreement between the Japanese and the Australian government. I asked whether the ambassador would be content to restrict his reservation to a demand that Japanese vested interests existing at the time when the war broke out should be favourably considered and equitably treated, if necessary compensated. Sir C. Hurst added that it might be possible to arrange that Japanese traders possessing such vested interests should be allowed to continue carrying on their business, subject

126

131

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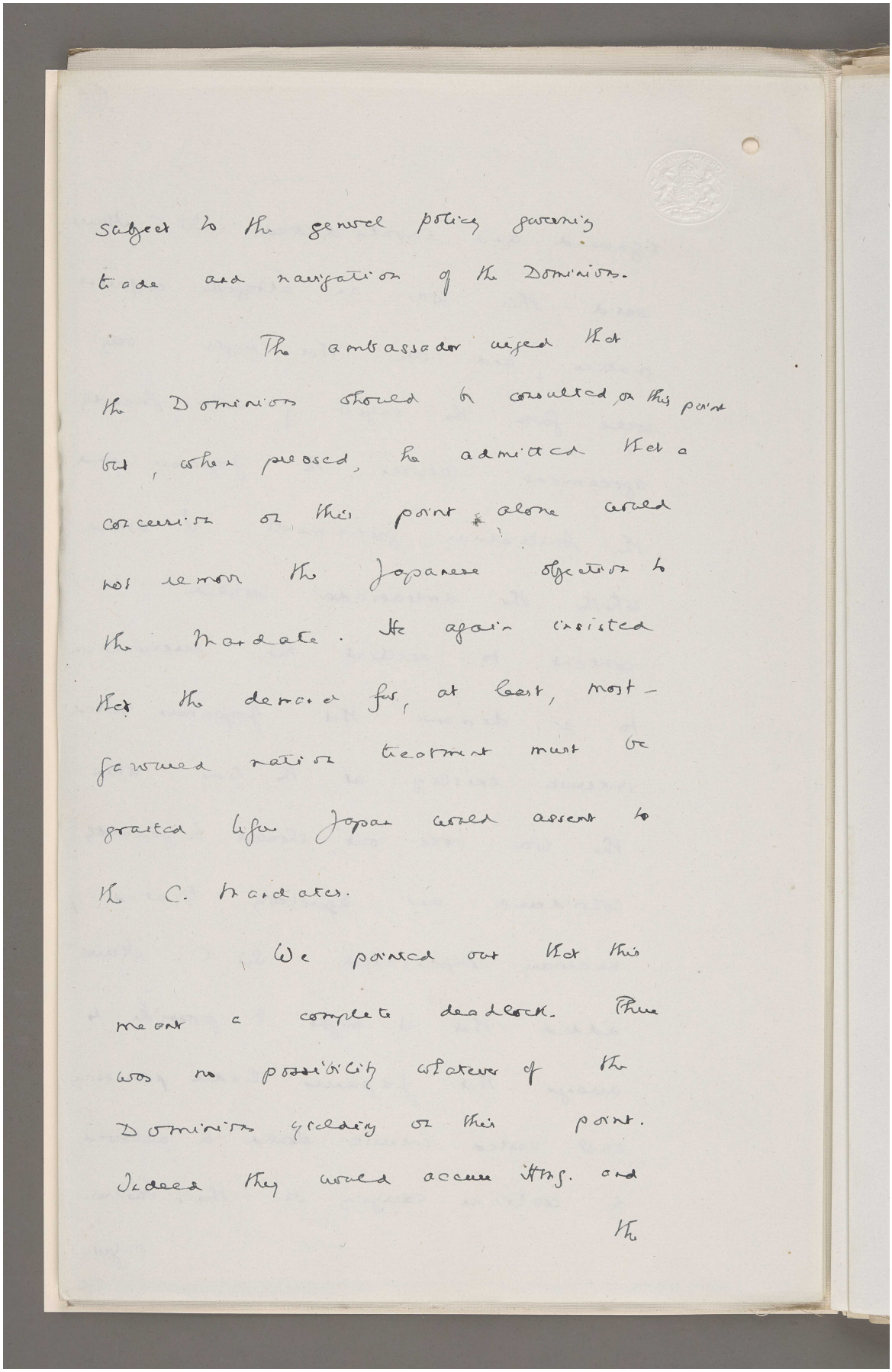

subject to the general policy governing
trade and navigation of the Dominions.

The ambassador urged that
the Dominions should be consulted on this point
but, when pressed, he admitted that a
concession on this point alone would
not remove the Japanese objection to
the Mandate. He again insisted
that the demand for, at least, most-
favoured nation treatment must be
granted if Japan would assent to
the C. Mandates.

We pointed out that this
meant a complete deadlock. There
was no possibility whatever of the
Dominions yielding on this point.
Indeed they would accuse HMG. and
the

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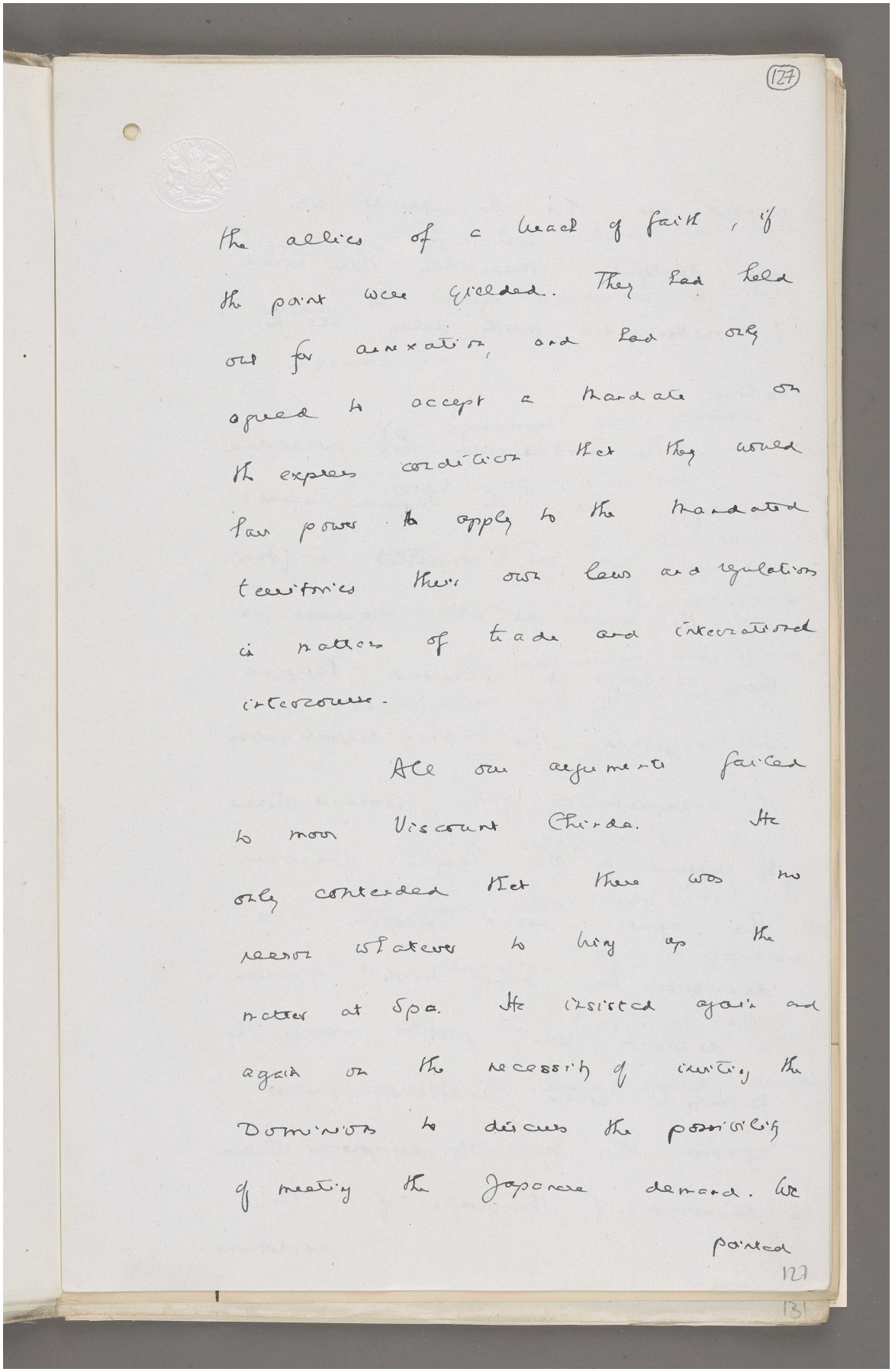

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the allies of a breach of faith, if the point were yielded. They had held out for annexation, and had only agreed to accept a mandate on the express condition that they would have power to apply to the mandated territories their own laws and regulations in matters of trade and international intercourse.

All our arguments failed to move Viscount Chinda. He only contended that there was no reason whatever to bring up the matter at Spa. He insisted again and again on the necessity of inviting the Dominions to discuss the possibility of meeting the Japanese demand. We pointed

127

131

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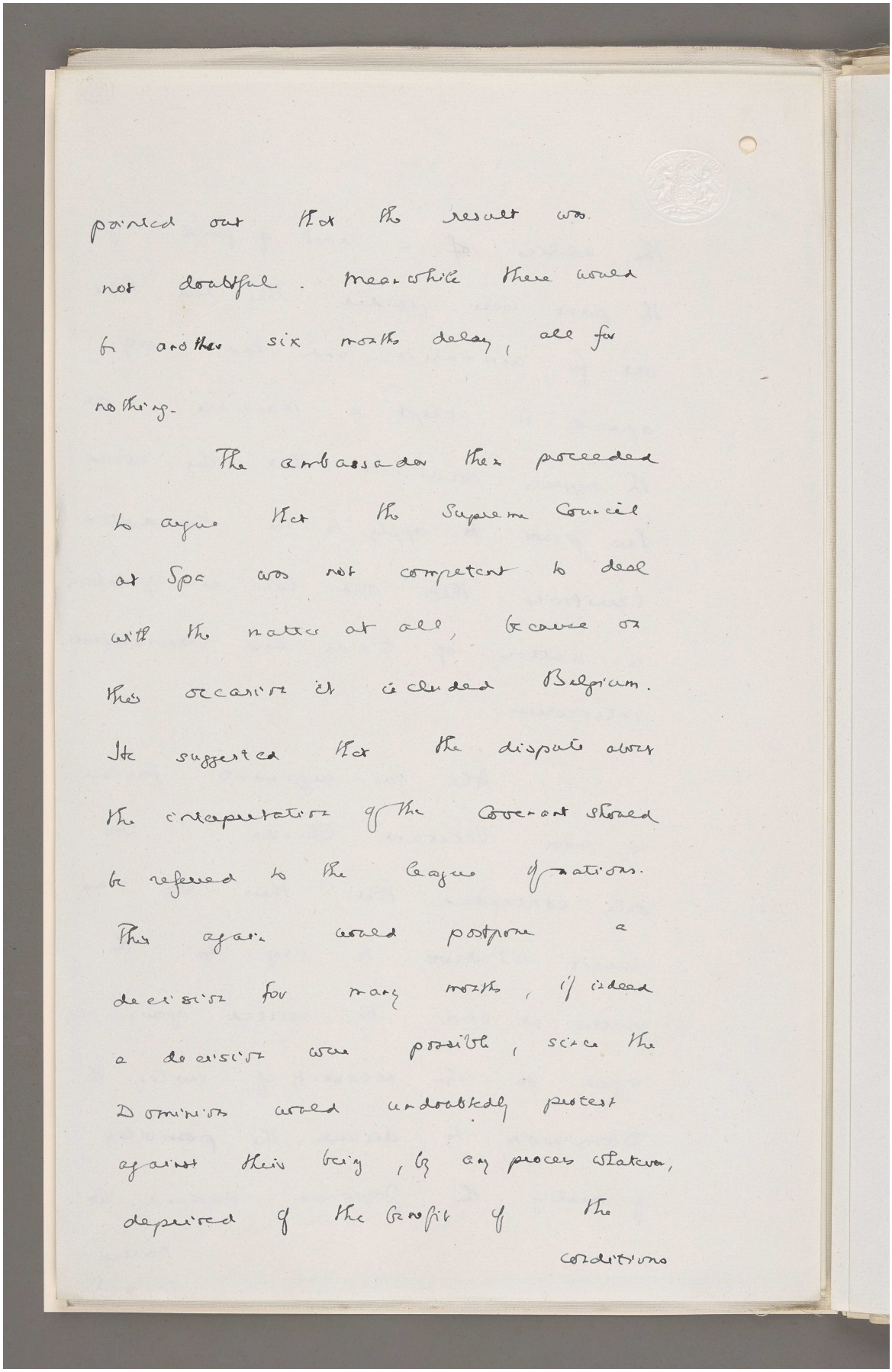

pointed out that the result was not doubtful. Meanwhile there would be another six months delay, all for nothing.

The ambassador then proceeded to argue that the Supreme Council at Spa was not competent to deal with the matter at all, because on this occasion it included Belgium. He suggested that the dispute about the interpretation of the Covenant should be referred to the League of Nations. This again would postpone a decision for many months, if indeed a decision were possible, since the Dominions would undoubtedly protest against their being, by any process whatever, deprived of the benefit of the conditions

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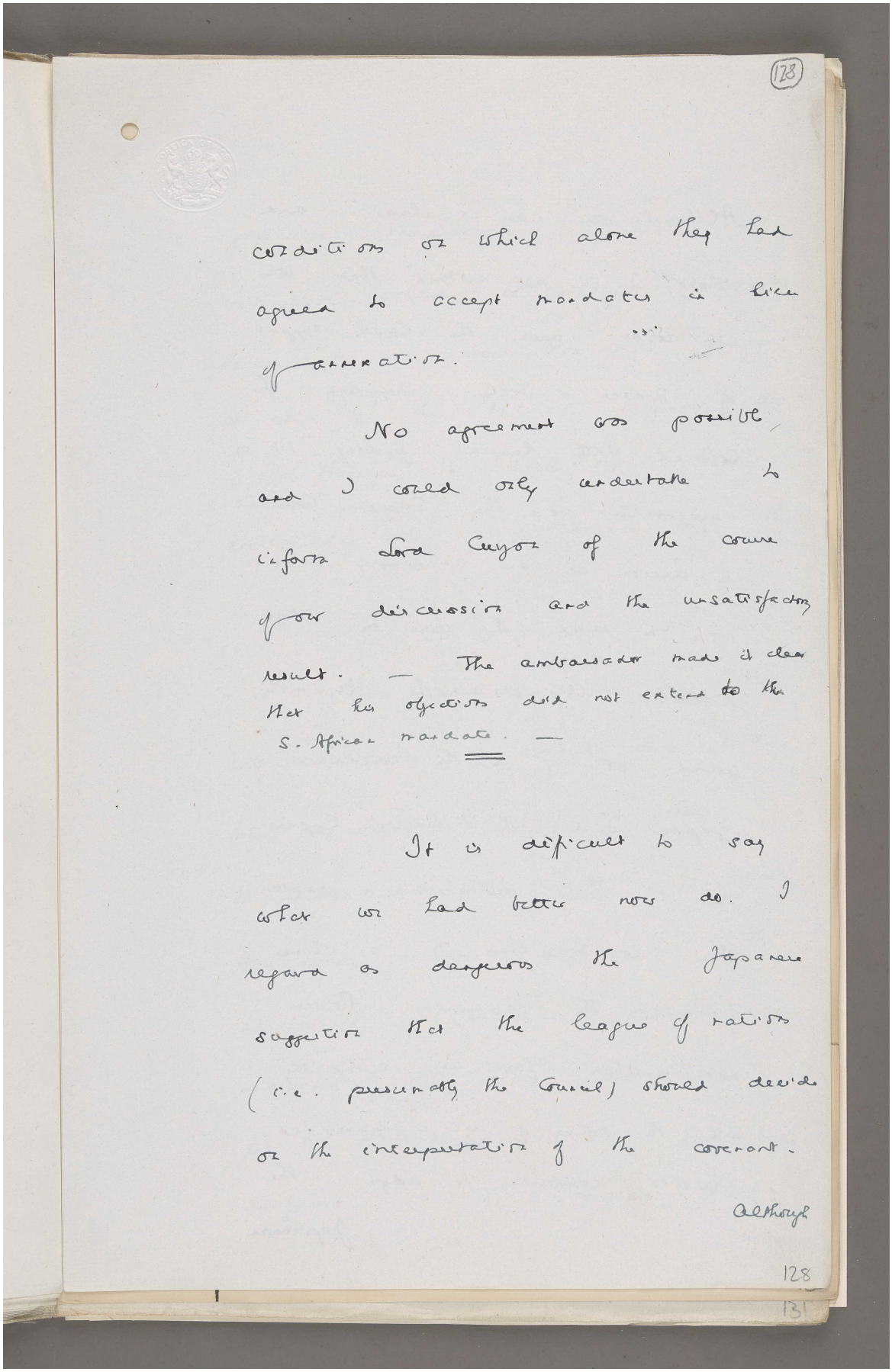

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conditions on which alone they had agreed to accept mandates in lieu of annexation.

No agreement was possible and I could only undertake to inform Lord Cecil of the course of our discussion and the unsatisfactory result. — The ambassador made it clear that his objections did not extend to the S. African mandate. —

It is difficult to say what we had better now do. I regard as dangerous the Japanese suggestion that the League of nations (i.e. presumably the Council) should decide on the interpretation of the covenant.

although

128

131

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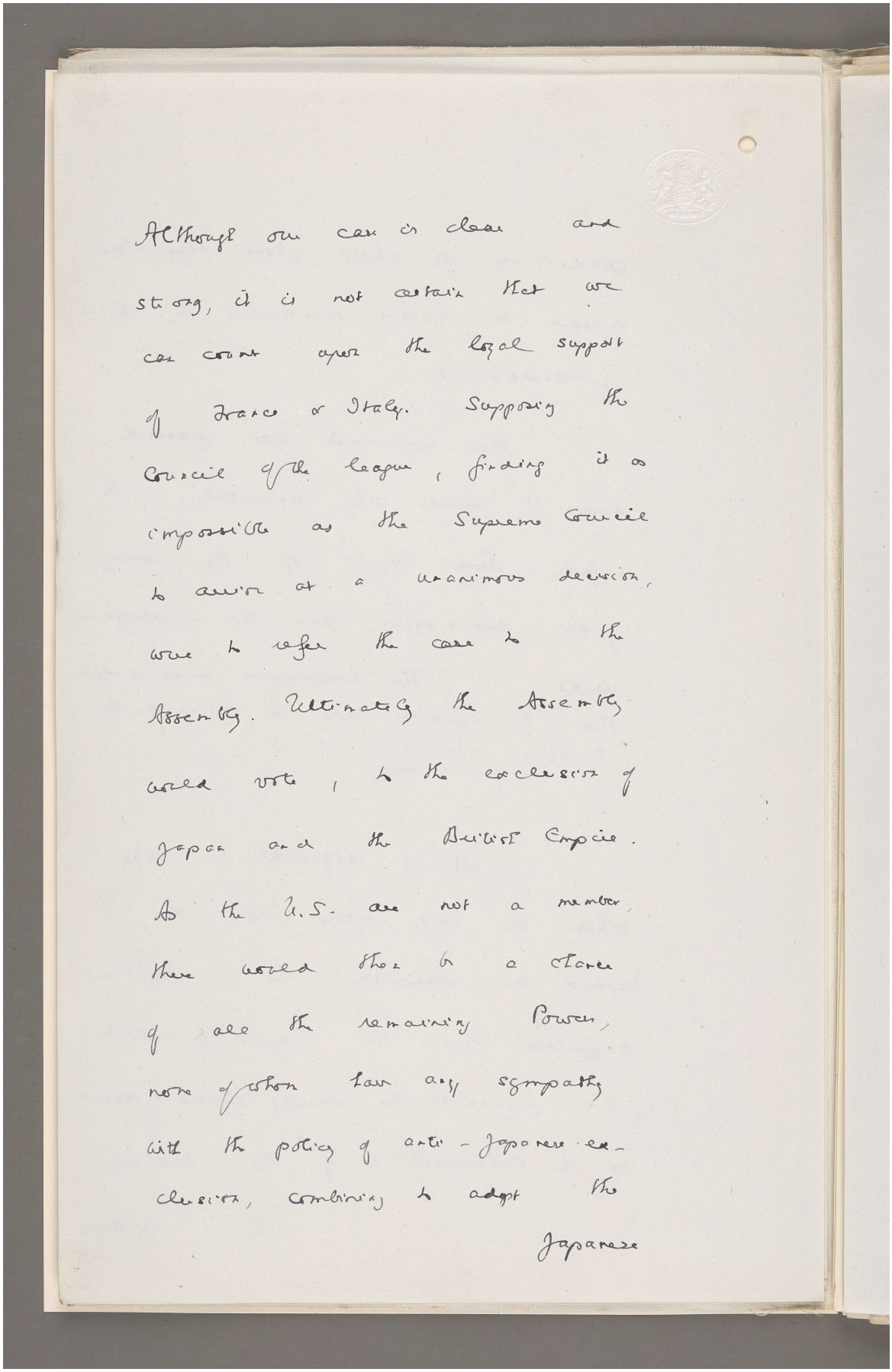

Although our case is clear and strong, it is not certain that we can count upon the legal support of France or Italy. Supposing the Council of the League, finding it impossible as the Supreme Council to arrive at a unanimous decision, were to refer the case to the Assembly. Ultimately the Assembly would vote, in the exclusion of Japan and the British Empire. As the U.S. are not a member, there would thus be a clear of all the remaining Powers, none of whom have any sympathy with the policy of anti-Japanese exclusion, combining to adopt the Japanese

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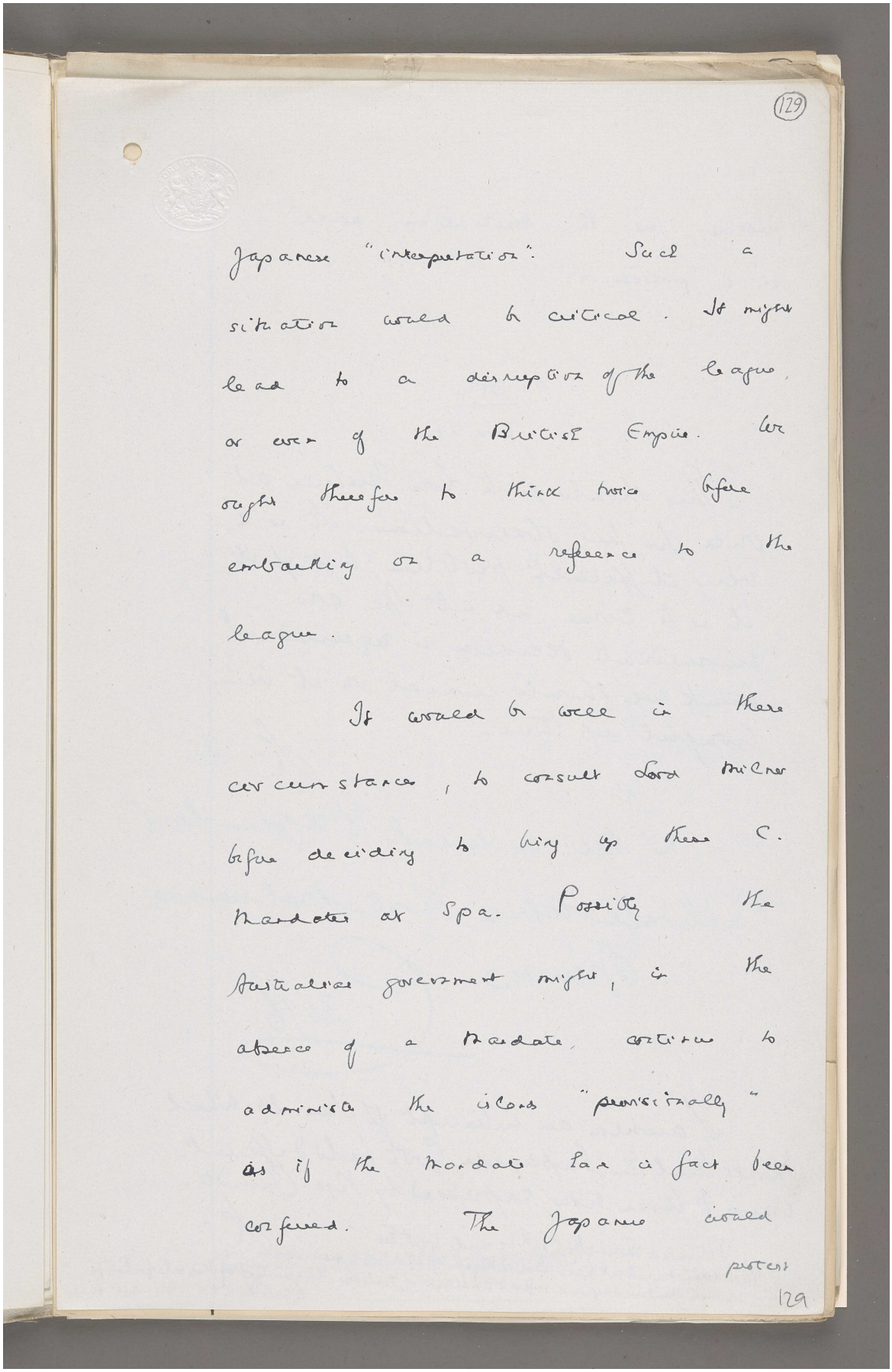

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Japanese "interpretation". Such a situation would be critical. It might lead to a disruption of the league, or even of the British Empire. We ought therefore to think twice before embarking on a reference to the league.

It would be well in these circumstances, to consult Lord Milner before deciding to bring up these C. Mandates at Spa. Possibly the Australian government might, in the absence of a Mandate, continue to administer the islands "provisionally" as if the Mandate had in fact been confirmed. The Japanese would protest

129

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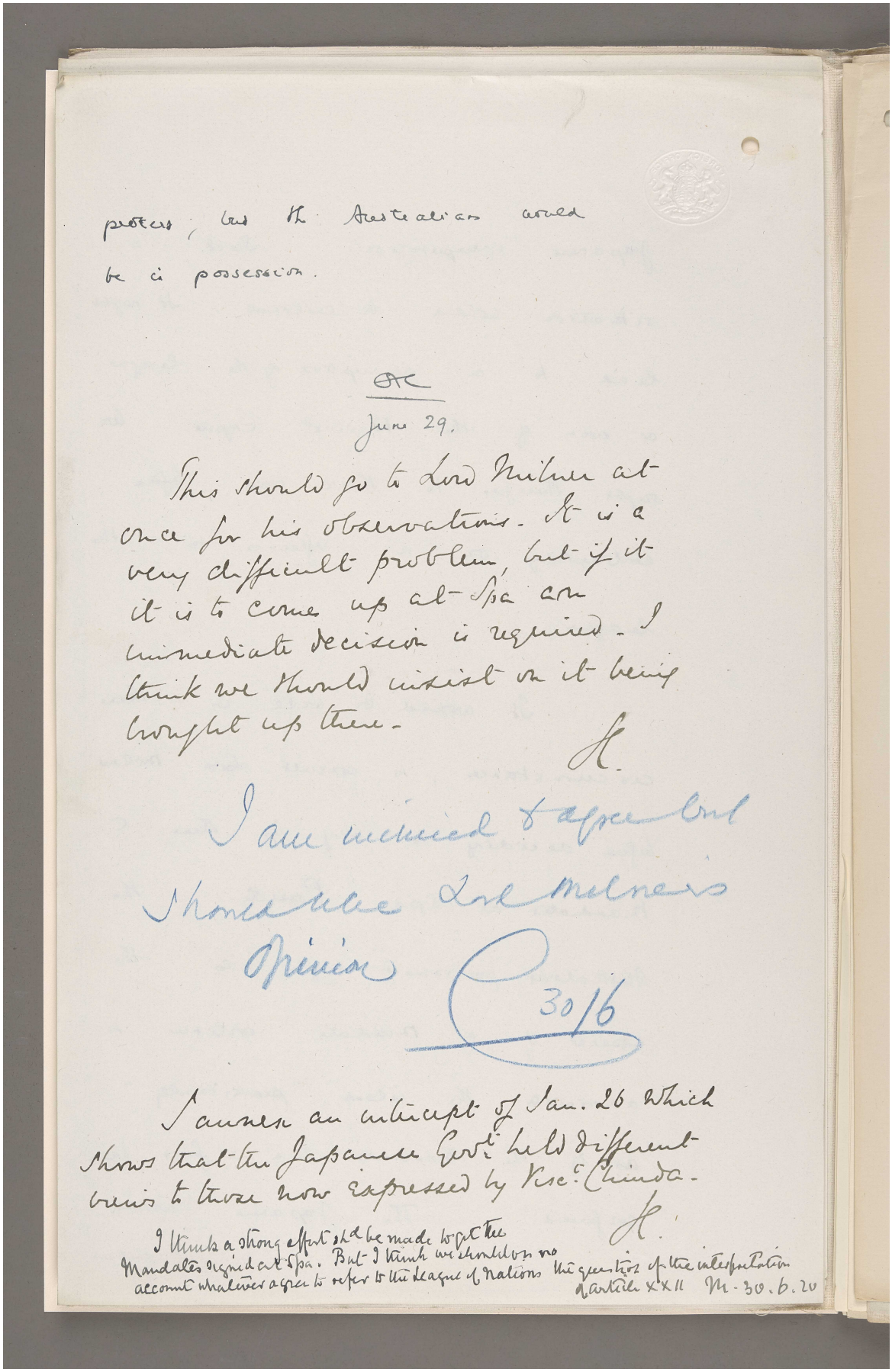

protest, but the Australians would
be in possession.

HC

June 29.

This should go to Lord Milner at
once for his observations. It is a
very difficult problem, but if it
it is to come up at Spa an
immediate decision is required. I
think we should insist on it being
brought up there.

H.

I am inclined to agree but
should like Lord Milner's
opinion

30/6

I annex an intercept of Jan. 26 which
shows that the Japanese Govt held different
views to those now expressed by Visc. Chinda.

H.

I think a strong effort should be made to get the
Mandates signed at Spa. But I think we should on no
account whatever agree to refer to the League of Nations the question of the interpretation
of Article XXII M-30.6.20

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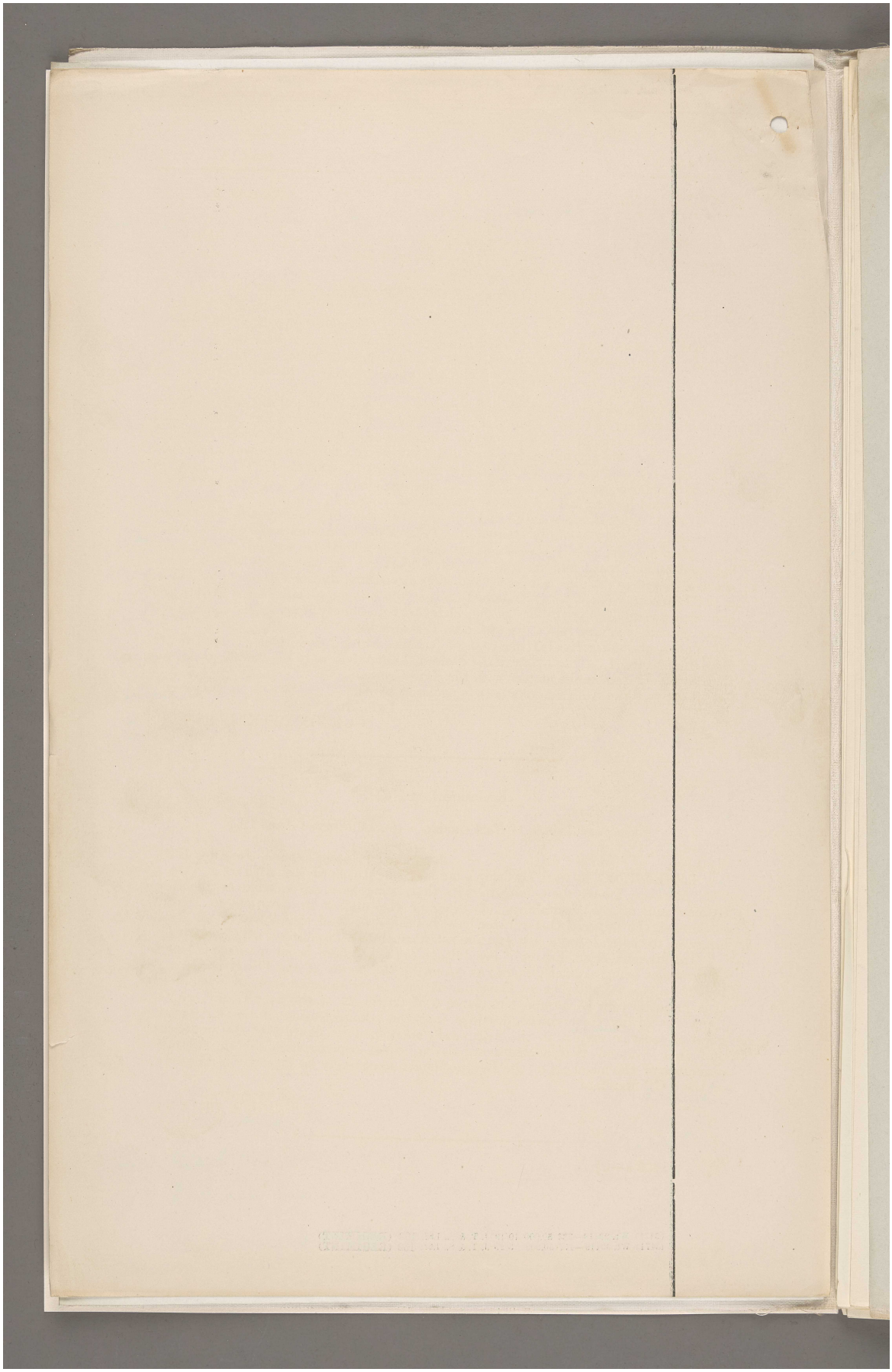

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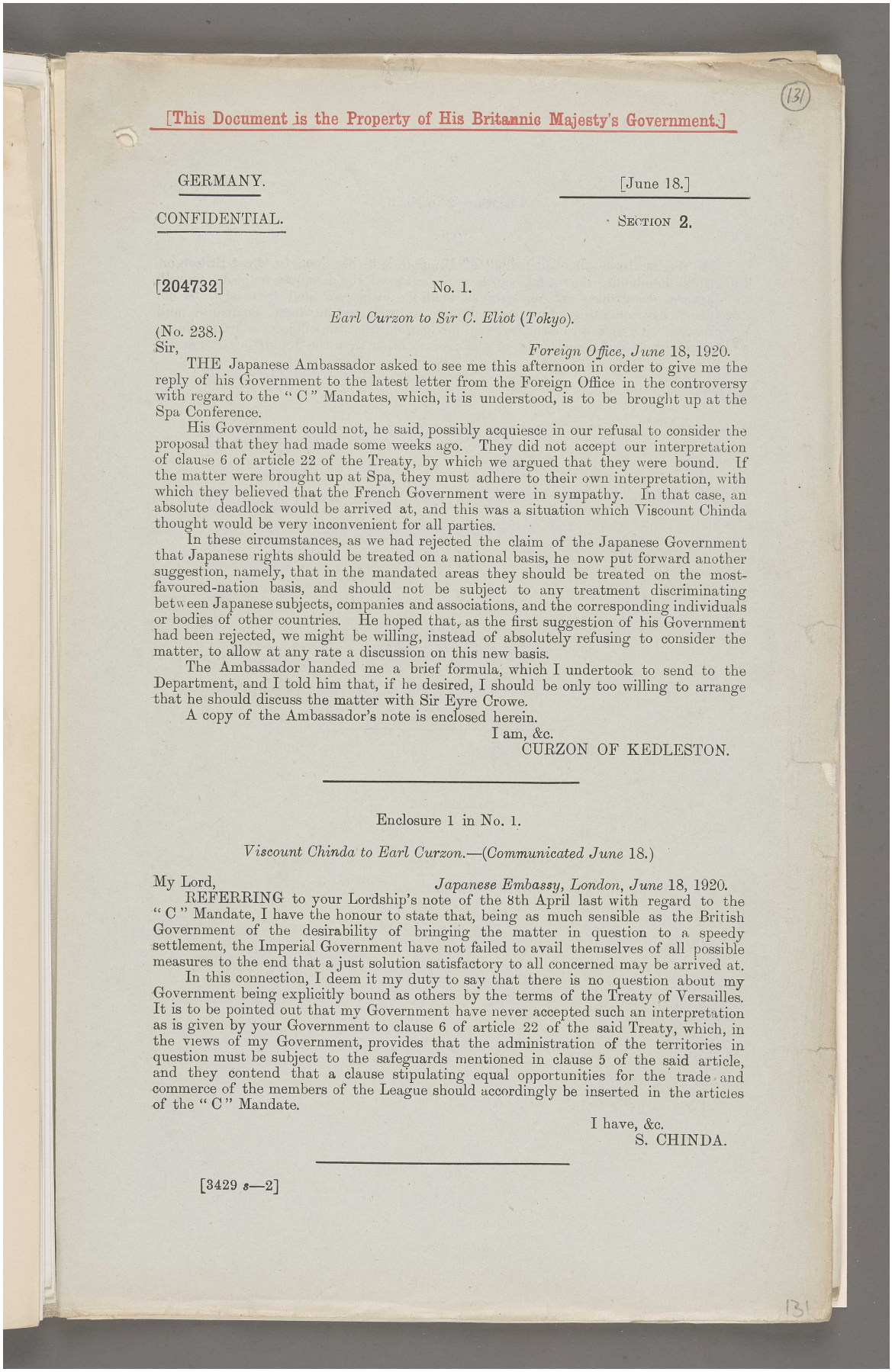

131

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GERMANY. [June 18.]

CONFIDENTIAL. SECTION 2.

[204732] No. 1.

Earl Curzon to Sir C. Eliot (Tokyo).

(No. 238.)

Sir, *Foreign Office, June* 18, 1920.

THE Japanese Ambassador asked to see me this afternoon in order to give me the reply of his Government to the latest letter from the Foreign Office in the controversy with regard to the "C" Mandates, which, it is understood, is to be brought up at the Spa Conference.

His Government could not, he said, possibly acquiesce in our refusal to consider the proposal that they had made some weeks ago. They did not accept our interpretation of clause 6 of article 22 of the Treaty, by which we argued that they were bound. If the matter were brought up at Spa, they must adhere to their own interpretation, with which they believed that the French Government were in sympathy. In that case, an absolute deadlock would be arrived at, and this was a situation which Viscount Chinda thought would be very inconvenient for all parties.

In these circumstances, as we had rejected the claim of the Japanese Government that Japanese rights should be treated on a national basis, he now put forward another suggestion, namely, that in the mandated areas they should be treated on the most-favoured-nation basis, and should not be subject to any treatment discriminating between Japanese subjects, companies and associations, and the corresponding individuals or bodies of other countries. He hoped that, as the first suggestion of his Government had been rejected, we might be willing, instead of absolutely refusing to consider the matter, to allow at any rate a discussion on this new basis.

The Ambassador handed me a brief formula, which I undertook to send to the Department, and I told him that, if he desired, I should be only too willing to arrange that he should discuss the matter with Sir Eyre Crowe.

A copy of the Ambassador's note is enclosed herein.

I am, &c.
CURZON OF KEDLESTON.

Enclosure 1 in No. 1.

Viscount Chinda to Earl Curzon.—(Communicated June 18.)

My Lord, *Japanese Embassy, London, June* 18, 1920.

REFERRING to your Lordship's note of the 8th April last with regard to the "C" Mandate, I have the honour to state that, being as much sensible as the British Government of the desirability of bringing the matter in question to a speedy settlement, the Imperial Government have not failed to avail themselves of all possible measures to the end that a just solution satisfactory to all concerned may be arrived at.

In this connection, I deem it my duty to say that there is no question about my Government being explicitly bound as others by the terms of the Treaty of Versailles. It is to be pointed out that my Government have never accepted such an interpretation as is given by your Government to clause 6 of article 22 of the said Treaty, which, in the views of my Government, provides that the administration of the territories in question must be subject to the safeguards mentioned in clause 5 of the said article, and they contend that a clause stipulating equal opportunities for the trade and commerce of the members of the League should accordingly be inserted in the articles of the "C" Mandate.

I have, &c.
S. CHINDA.

[3429 *s*—2]

131

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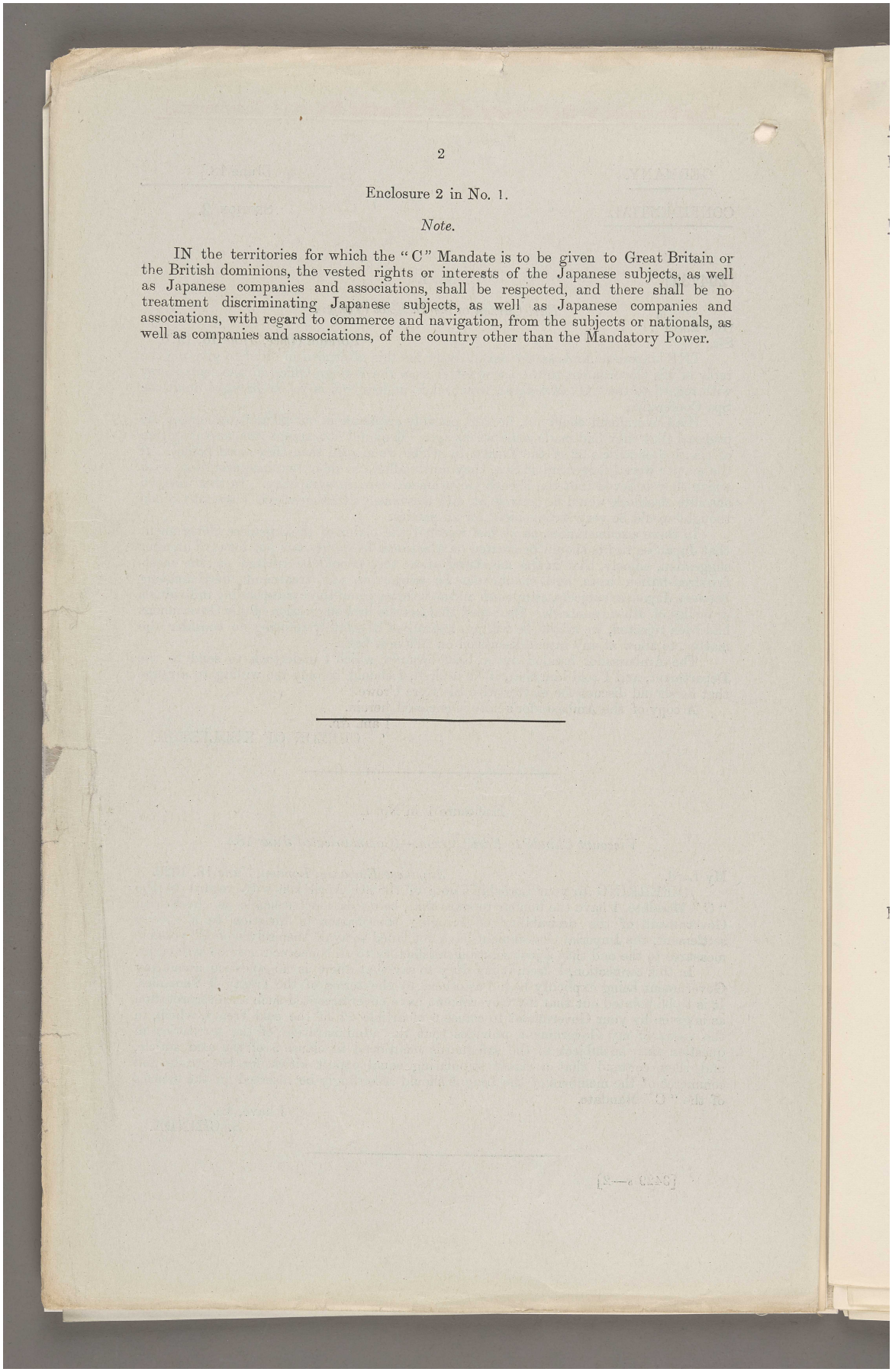
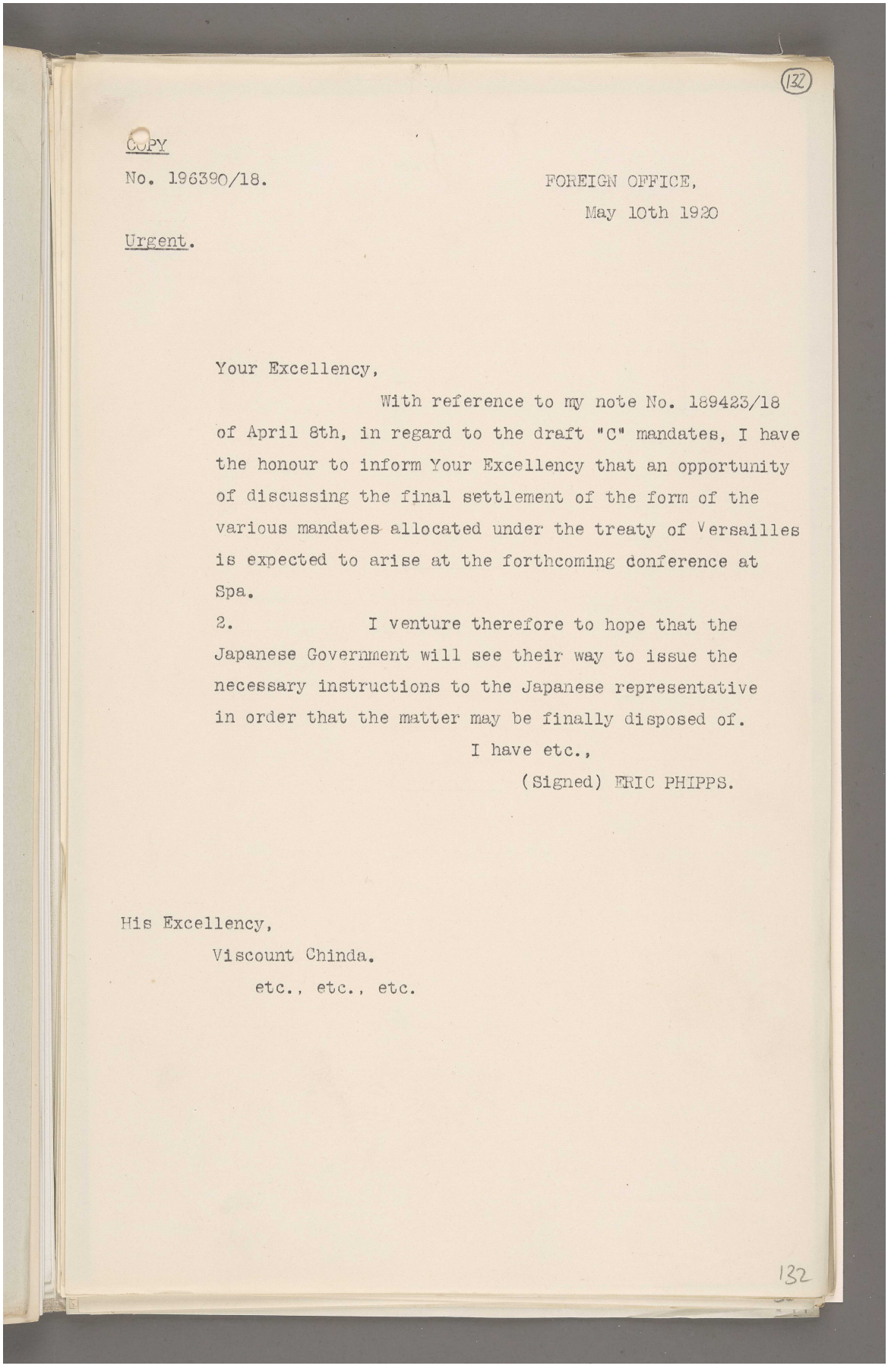


Enclosure 2 in No. 1.

Note.

IN the territories for which the "C" Mandate is to be given to Great Britain or the British dominions, the vested rights or interests of the Japanese subjects, as well as Japanese companies and associations, shall be respected, and there shall be no treatment discriminating Japanese subjects, as well as Japanese companies and associations, with regard to commerce and navigation, from the subjects or nationals, as well as companies and associations, of the country other than the Mandatory Power.



(132)

COPY

No. 196390/18. FOREIGN OFFICE,
May 10th 1920

Urgent.

Your Excellency,

With reference to my note No. 189423/18 of April 8th, in regard to the draft "C" mandates, I have the honour to inform Your Excellency that an opportunity of discussing the final settlement of the form of the various mandates allocated under the treaty of Versailles is expected to arise at the forthcoming conference at Spa.

2. I venture therefore to hope that the Japanese Government will see their way to issue the necessary instructions to the Japanese representative in order that the matter may be finally disposed of.

I have etc.,
(Signed) ERIC PHIPPS.

His Excellency,
Viscount Chinda.
etc., etc., etc.

132

المرجع: Mss Eur F112/287 حق النشر: رخصة حكومة مفتوحة
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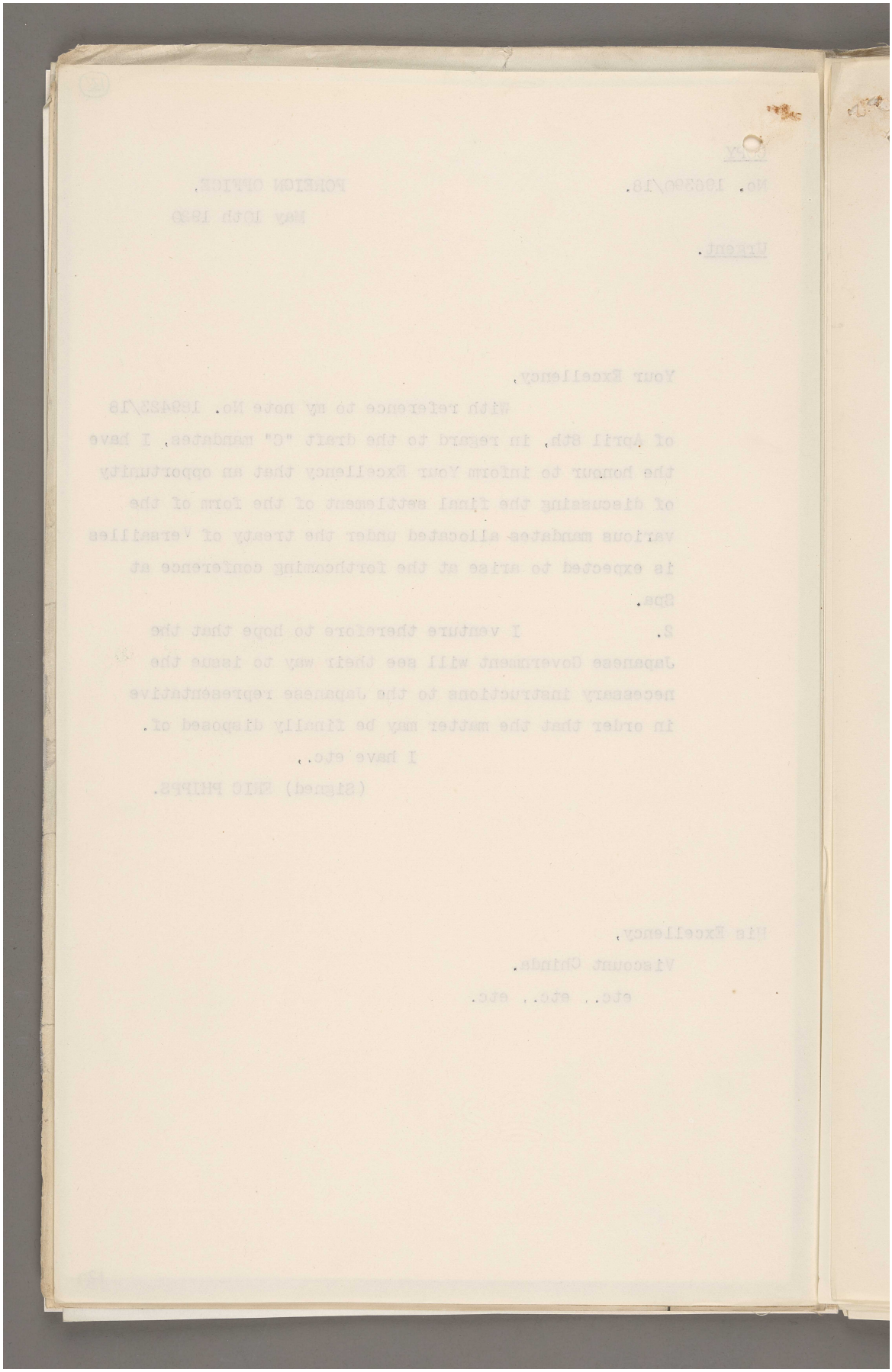

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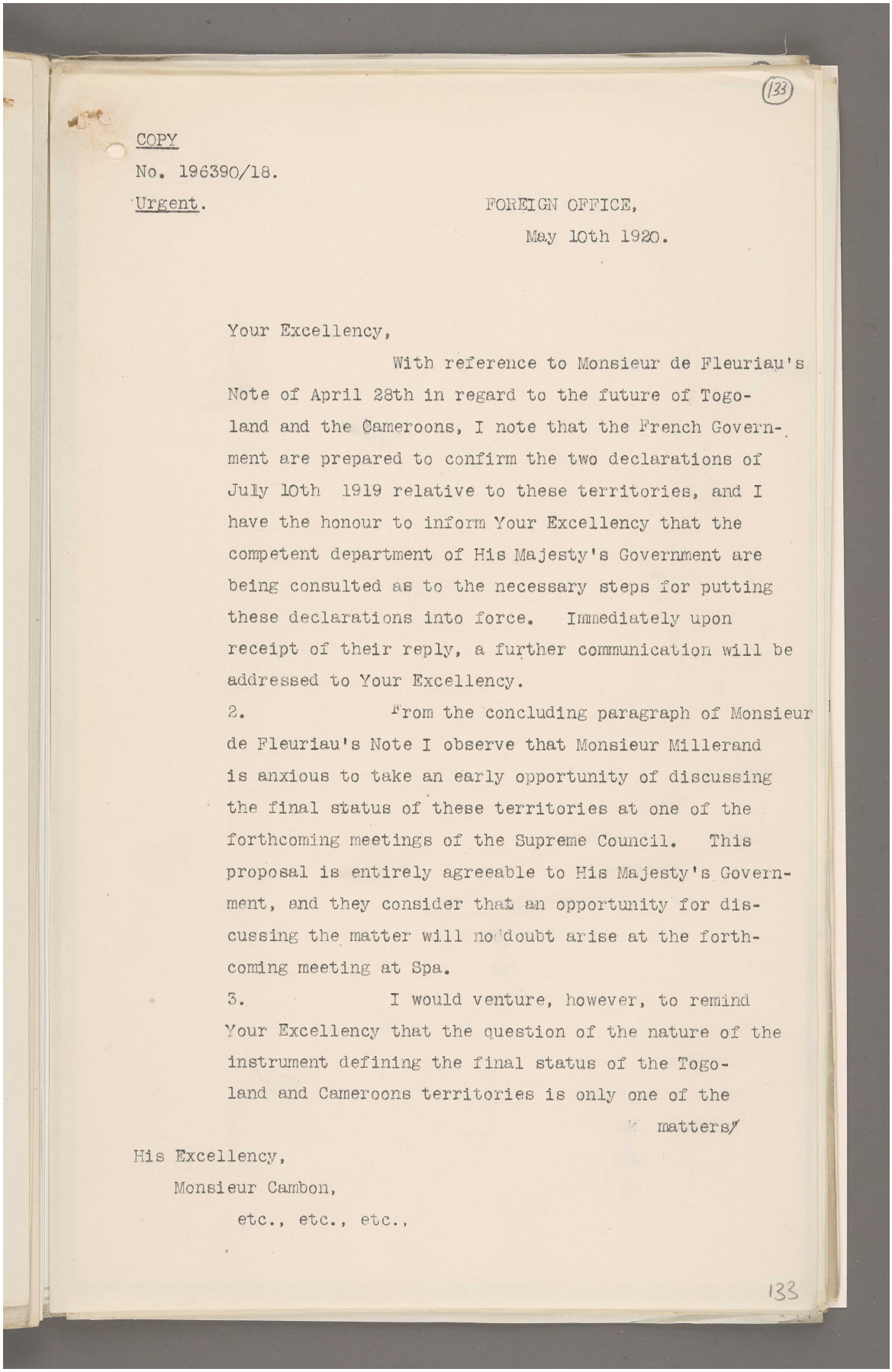

(133)

COPY

No. 196390/18.

Urgent.

FOREIGN OFFICE,
May 10th 1920.

Your Excellency,

With reference to Monsieur de Fleuriau's Note of April 28th in regard to the future of Togo-land and the Cameroons, I note that the French Govern-ment are prepared to confirm the two declarations of July 10th 1919 relative to these territories, and I have the honour to inform Your Excellency that the competent department of His Majesty's Government are being consulted as to the necessary steps for putting these declarations into force. Immediately upon receipt of their reply, a further communication will be addressed to Your Excellency.

2. From the concluding paragraph of Monsieur de Fleuriau's Note I observe that Monsieur Millerand is anxious to take an early opportunity of discussing the final status of these territories at one of the forthcoming meetings of the Supreme Council. This proposal is entirely agreeable to His Majesty's Govern-ment, and they consider that an opportunity for dis-cussing the matter will no doubt arise at the forth-coming meeting at Spa.

3. I would venture, however, to remind Your Excellency that the question of the nature of the instrument defining the final status of the Togo-land and Cameroons territories is only one of the

matters/

His Excellency,
Monsieur Cambon,
etc., etc., etc.,

133

المرجع: Mss Eur F112/287 حق النشر: رخصة حكومة مفتوحة
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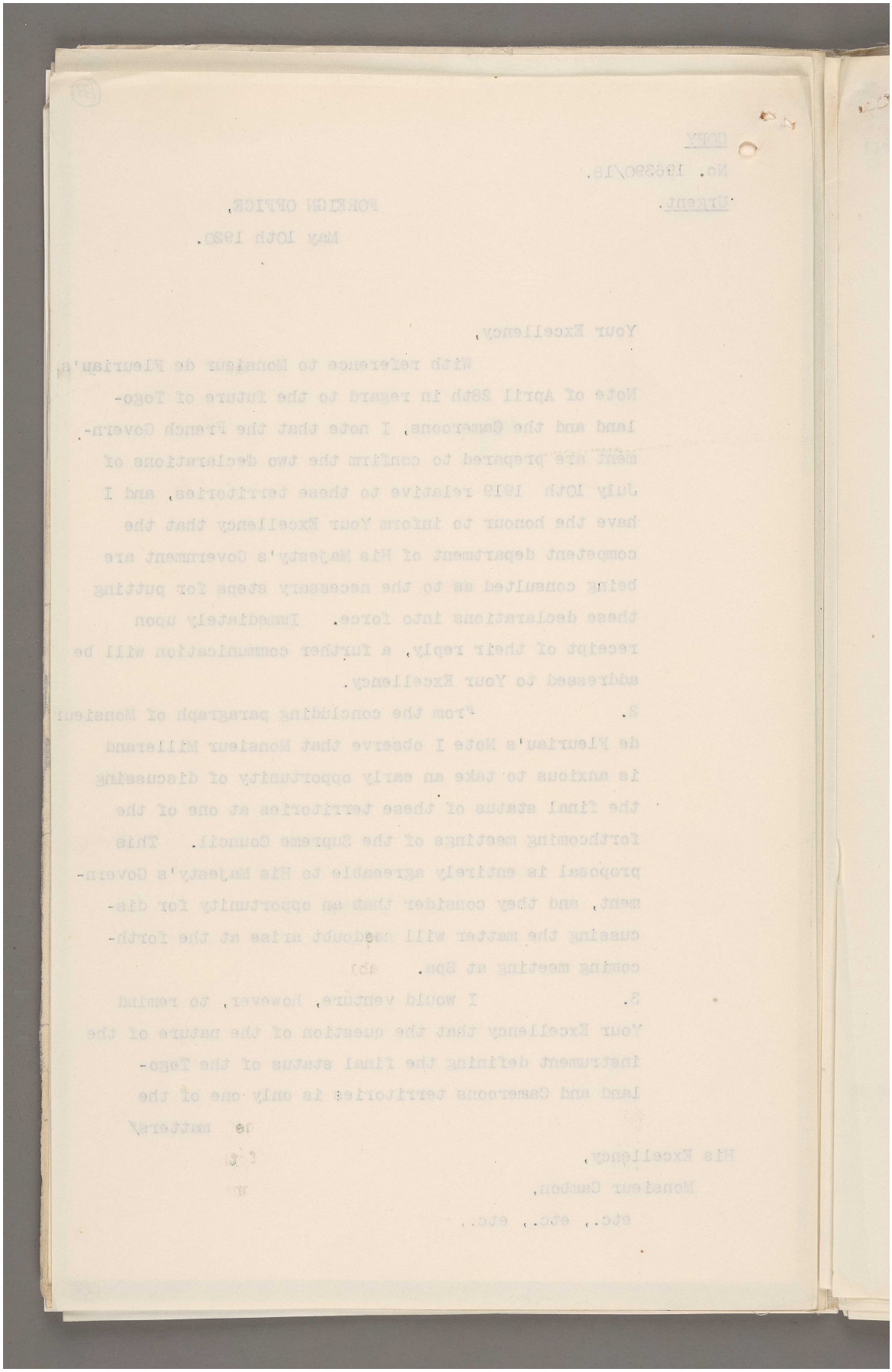

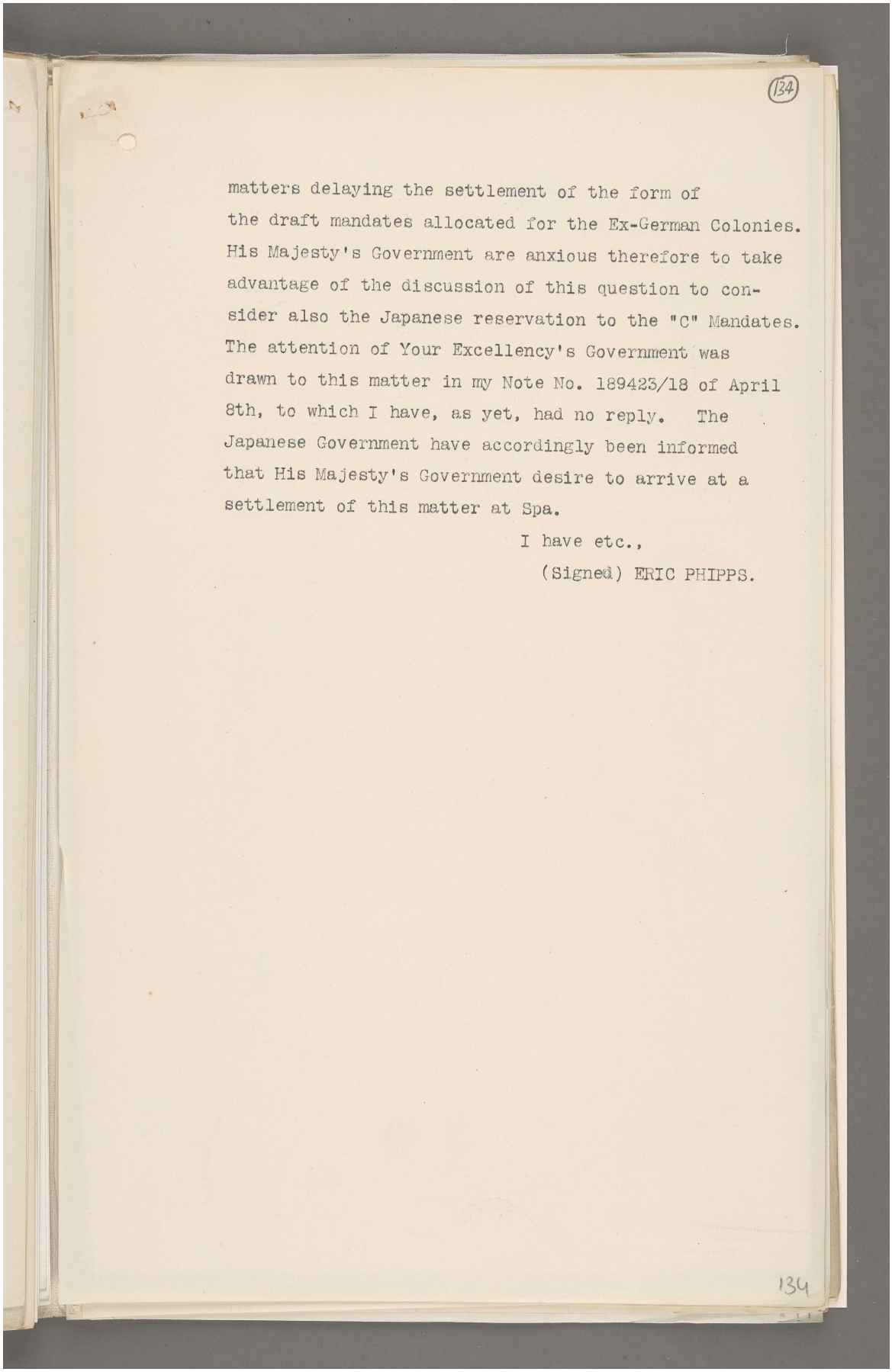

(134)

matters delaying the settlement of the form of the draft mandates allocated for the Ex-German Colonies. His Majesty's Government are anxious therefore to take advantage of the discussion of this question to consider also the Japanese reservation to the "C" Mandates. The attention of Your Excellency's Government was drawn to this matter in my Note No. 189423/18 of April 8th, to which I have, as yet, had no reply. The Japanese Government have accordingly been informed that His Majesty's Government desire to arrive at a settlement of this matter at Spa.

I have etc.,

(Signed) ERIC PHIPPS.

134

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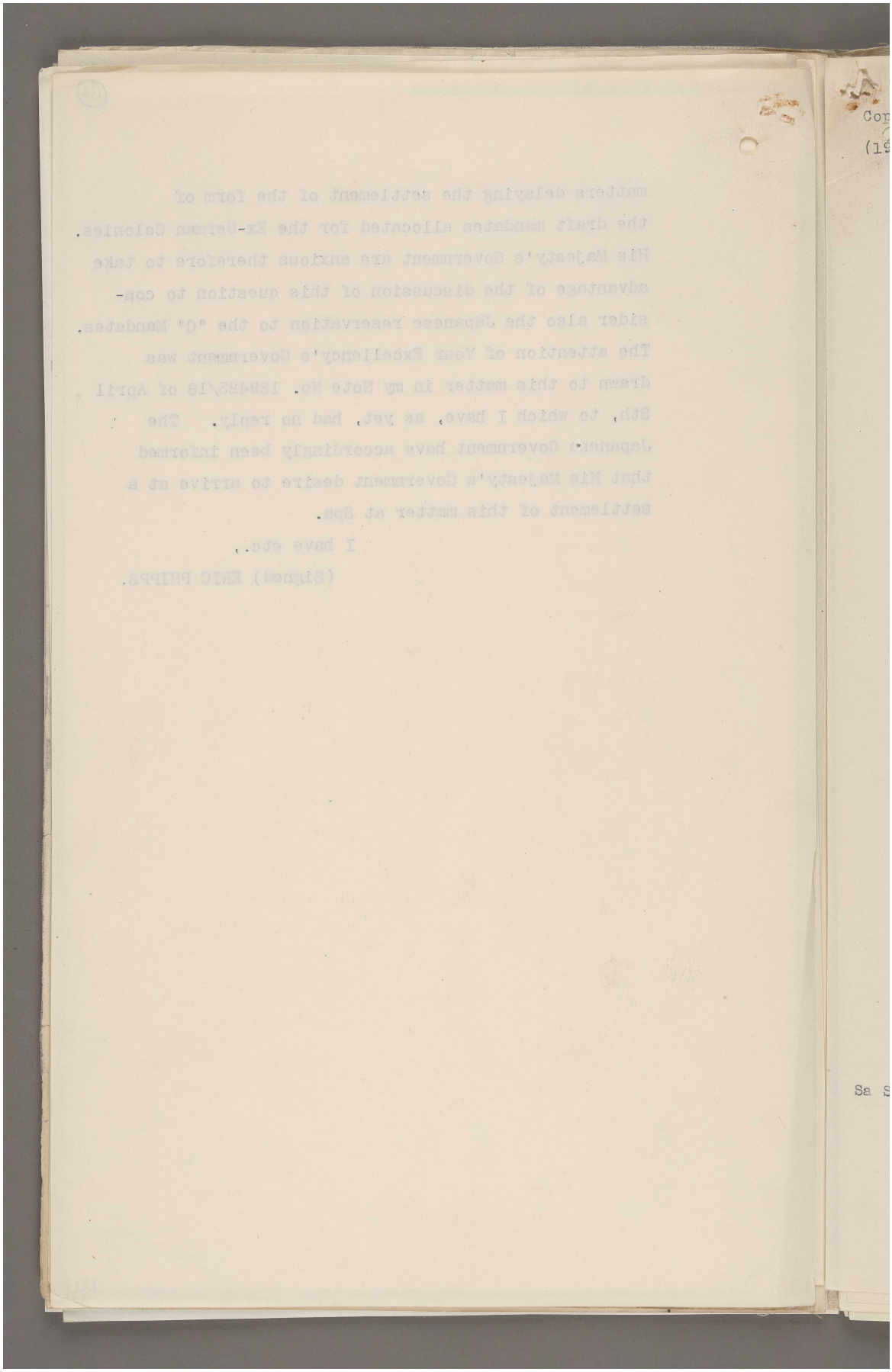
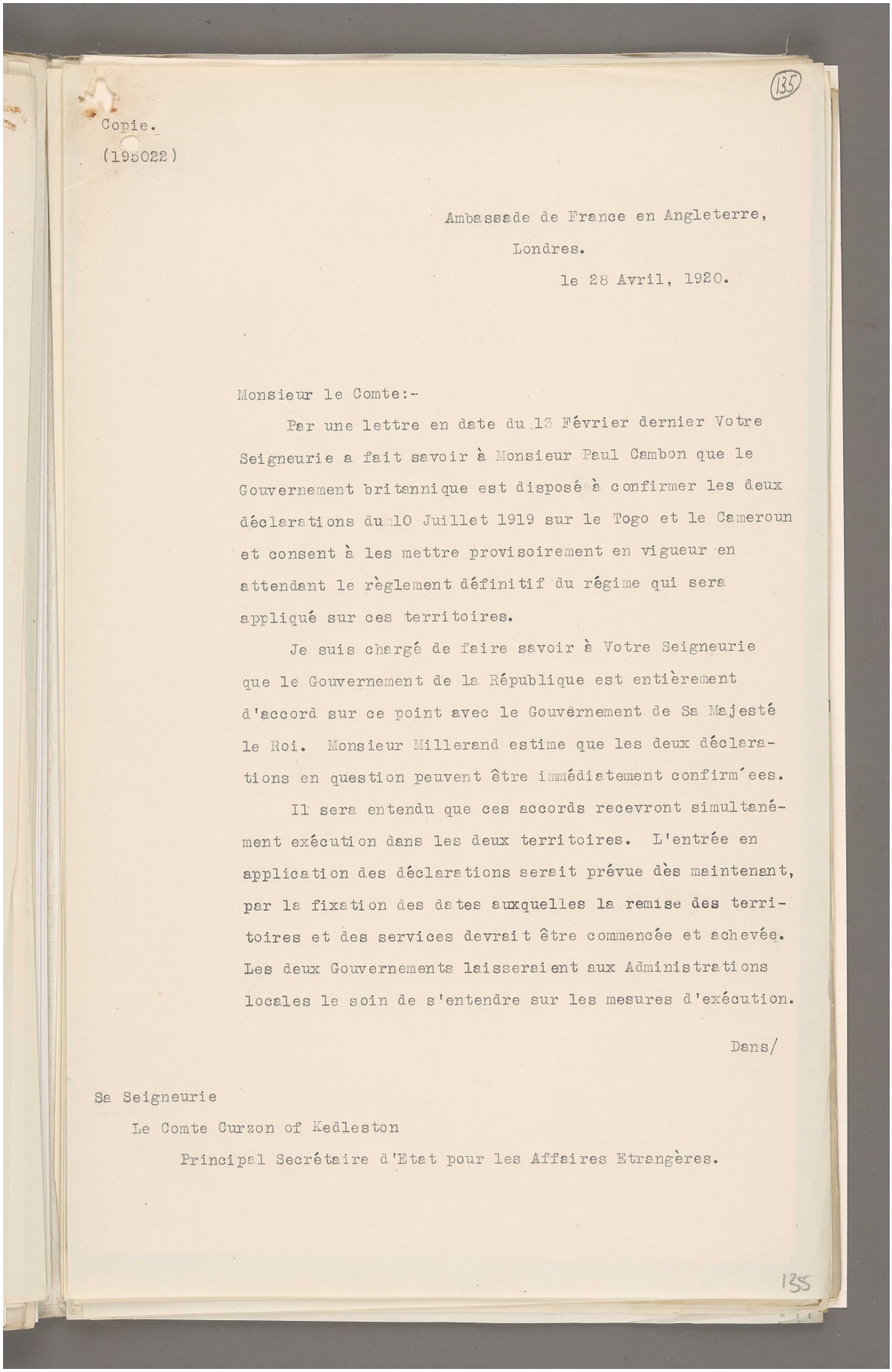




135

Copie.
(195022)

Ambassade de France en Angleterre,
Londres.
le 28 Avril, 1920.

Monsieur le Comte:-

Par une lettre en date du 13 Février dernier Votre Seigneurie a fait savoir à Monsieur Paul Cambon que le Gouvernement britannique est disposé à confirmer les deux déclarations du 10 Juillet 1919 sur le Togo et le Cameroun et consent à les mettre provisoirement en vigueur en attendant le règlement définitif du régime qui sera appliqué sur ces territoires.

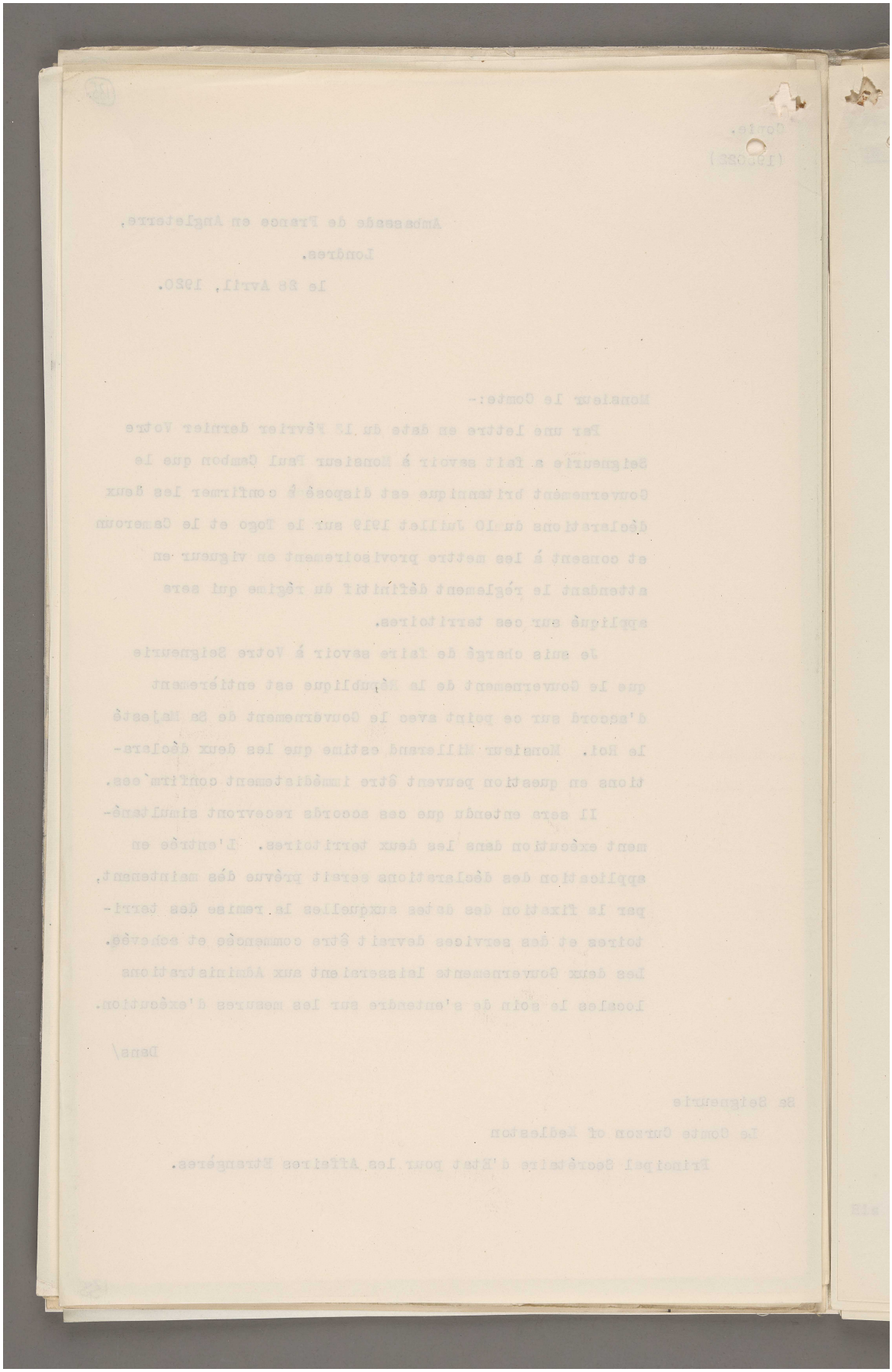
Je suis chargé de faire savoir à Votre Seigneurie que le Gouvernement de la République est entièrement d'accord sur ce point avec le Gouvernement de Sa Majesté le Roi. Monsieur Millerand estime que les deux déclarations en question peuvent être immédiatement confirmées.

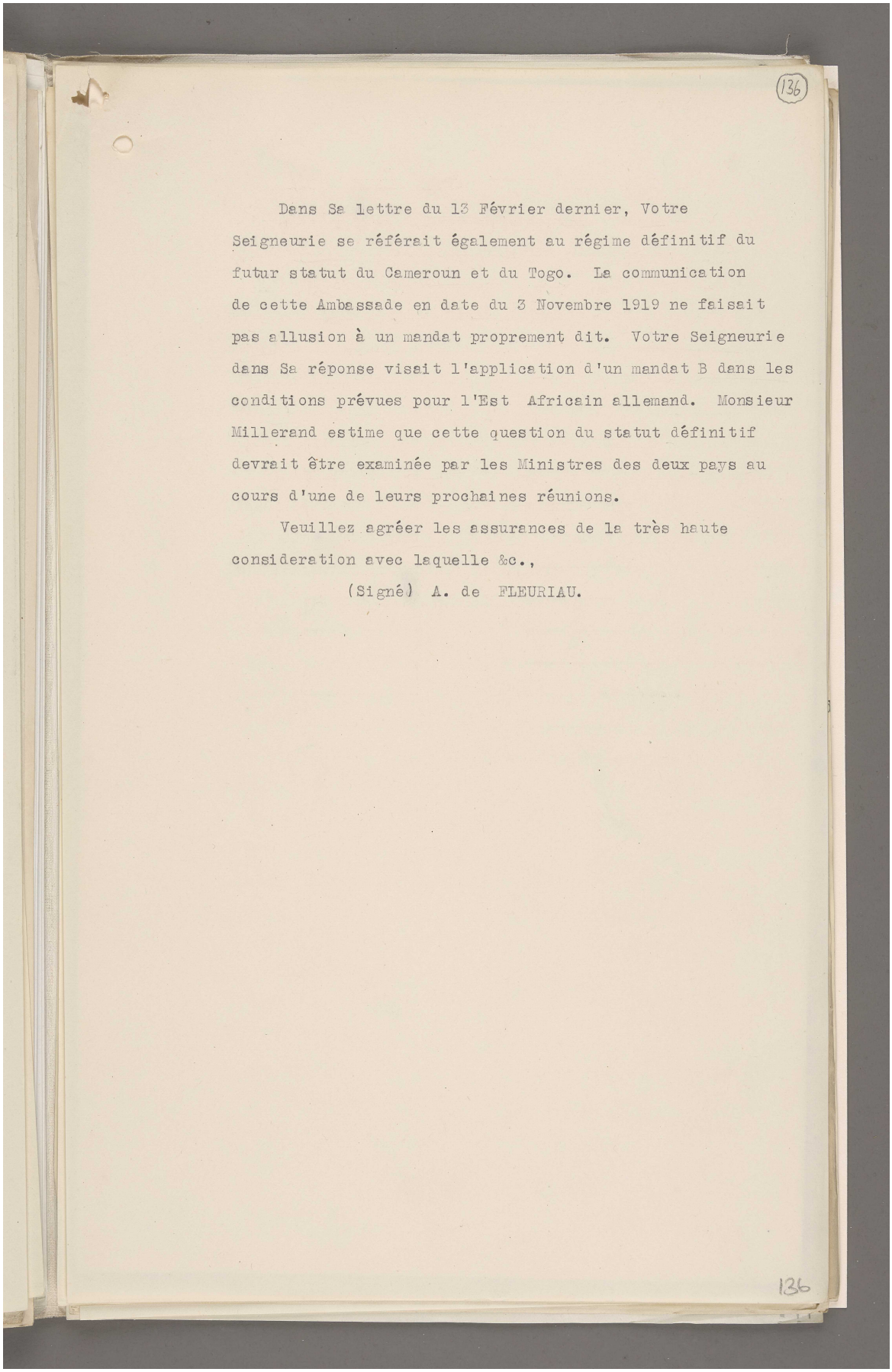
Il sera entendu que ces accords recevront simultanément exécution dans les deux territoires. L'entrée en application des déclarations serait prévue dès maintenant, par la fixation des dates auxquelles la remise des territoires et des services devrait être commencée et achevée. Les deux Gouvernements laisseraient aux Administrations locales le soin de s'entendre sur les mesures d'exécution.

Dans/

Sa Seigneurie
Le Comte Curzon of Kedleston
Principal Secrétaire d'Etat pour les Affaires Etrangères.

135





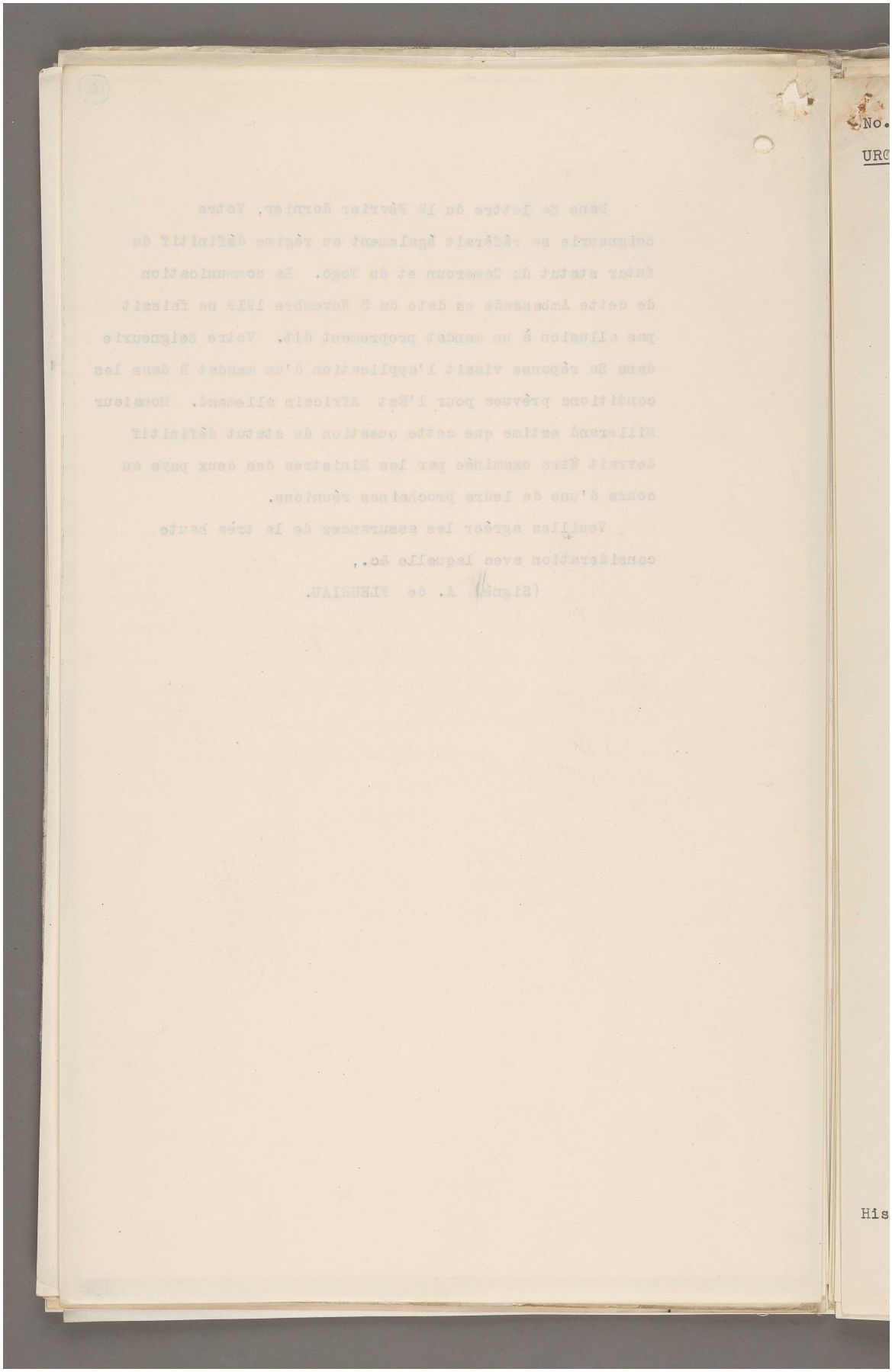
(136)

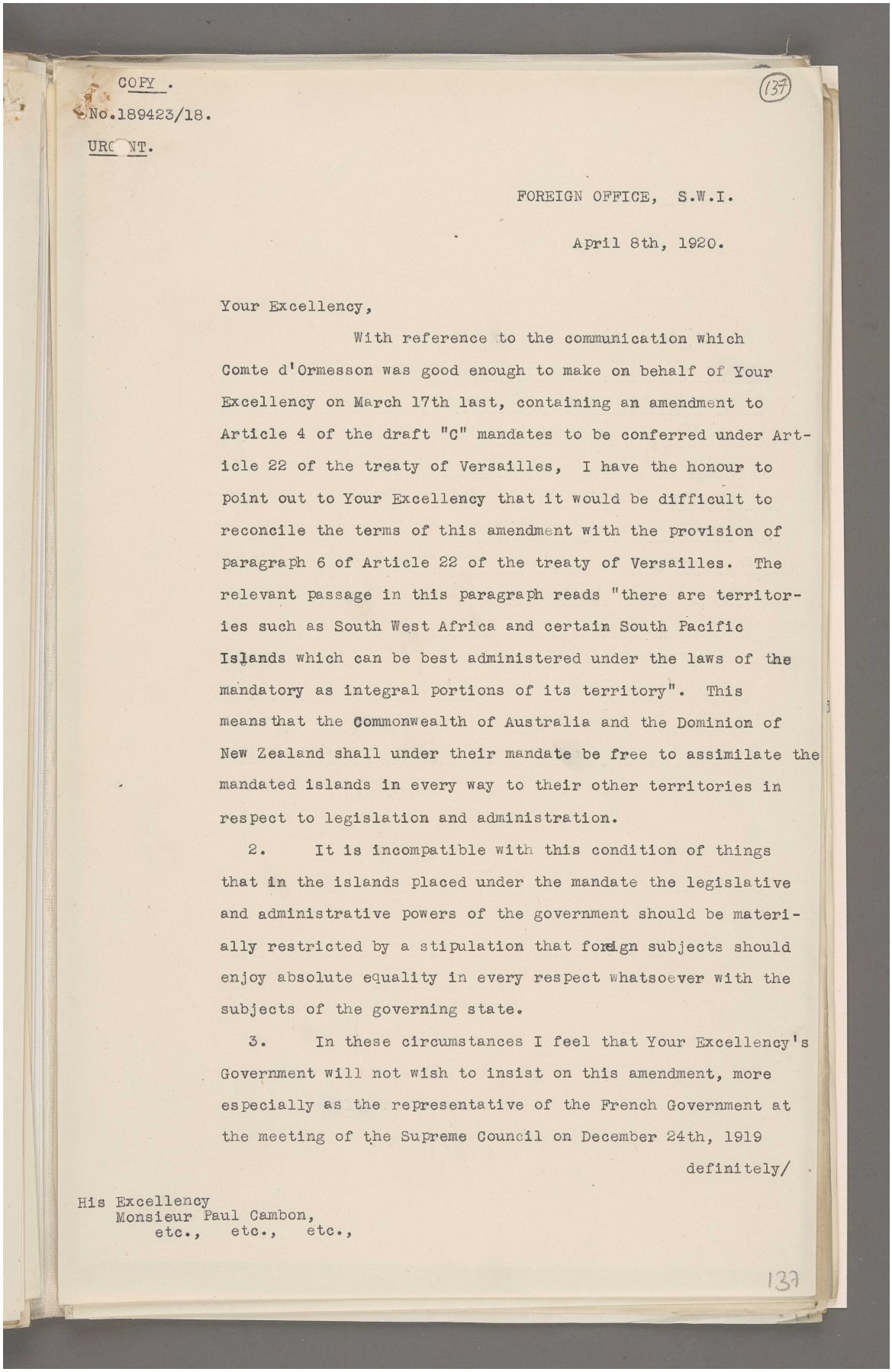
Dans Sa lettre du 13 Février dernier, Votre Seigneurie se référait également au régime définitif du futur statut du Cameroun et du Togo. La communication de cette Ambassade en date du 3 Novembre 1919 ne faisait pas allusion à un mandat proprement dit. Votre Seigneurie dans Sa réponse visait l'application d'un mandat B dans les conditions prévues pour l'Est Africain allemand. Monsieur Millerand estime que cette question du statut définitif devrait être examinée par les Ministres des deux pays au cours d'une de leurs prochaines réunions.

Veuillez agréer les assurances de la très haute consideration avec laquelle &c.,

(Signé) A. de FLEURIAU.

136





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(137)

No.189423/18.

URGENT.

FOREIGN OFFICE, S.W.I.

April 8th, 1920.

Your Excellency,

With reference to the communication which Comte d'Ormesson was good enough to make on behalf of Your Excellency on March 17th last, containing an amendment to Article 4 of the draft "C" mandates to be conferred under Article 22 of the treaty of Versailles, I have the honour to point out to Your Excellency that it would be difficult to reconcile the terms of this amendment with the provision of paragraph 6 of Article 22 of the treaty of Versailles. The relevant passage in this paragraph reads "there are territories such as South West Africa and certain South Pacific Islands which can be best administered under the laws of the mandatory as integral portions of its territory". This means that the Commonwealth of Australia and the Dominion of New Zealand shall under their mandate be free to assimilate the mandated islands in every way to their other territories in respect to legislation and administration.

2. It is incompatible with this condition of things that in the islands placed under the mandate the legislative and administrative powers of the government should be materially restricted by a stipulation that foreign subjects should enjoy absolute equality in every respect whatsoever with the subjects of the governing state.

3. In these circumstances I feel that Your Excellency's Government will not wish to insist on this amendment, more especially as the representative of the French Government at the meeting of the Supreme Council on December 24th, 1919

definitely/

His Excellency
Monsieur Paul Cambon,
etc., etc., etc.,

137

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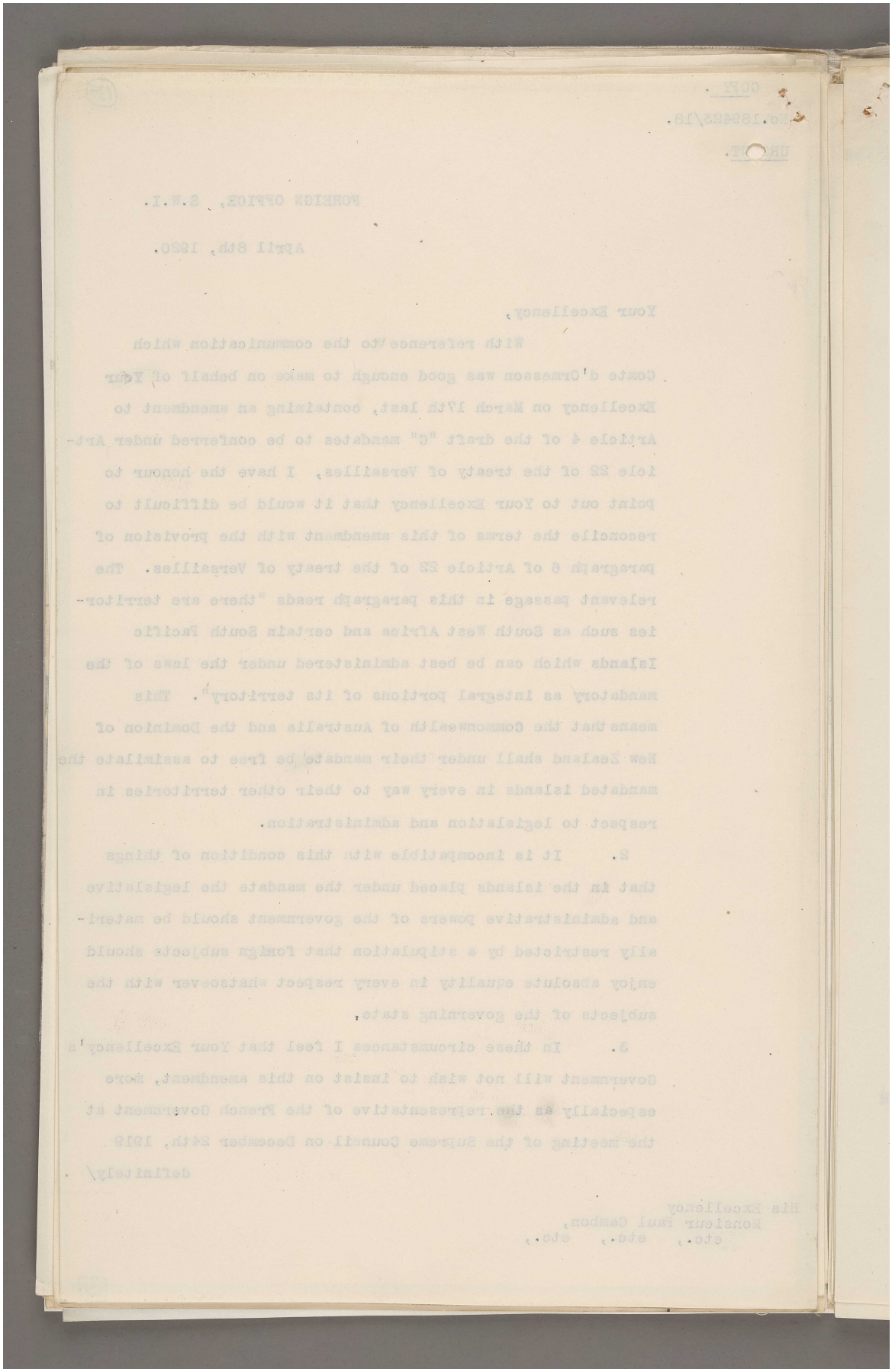

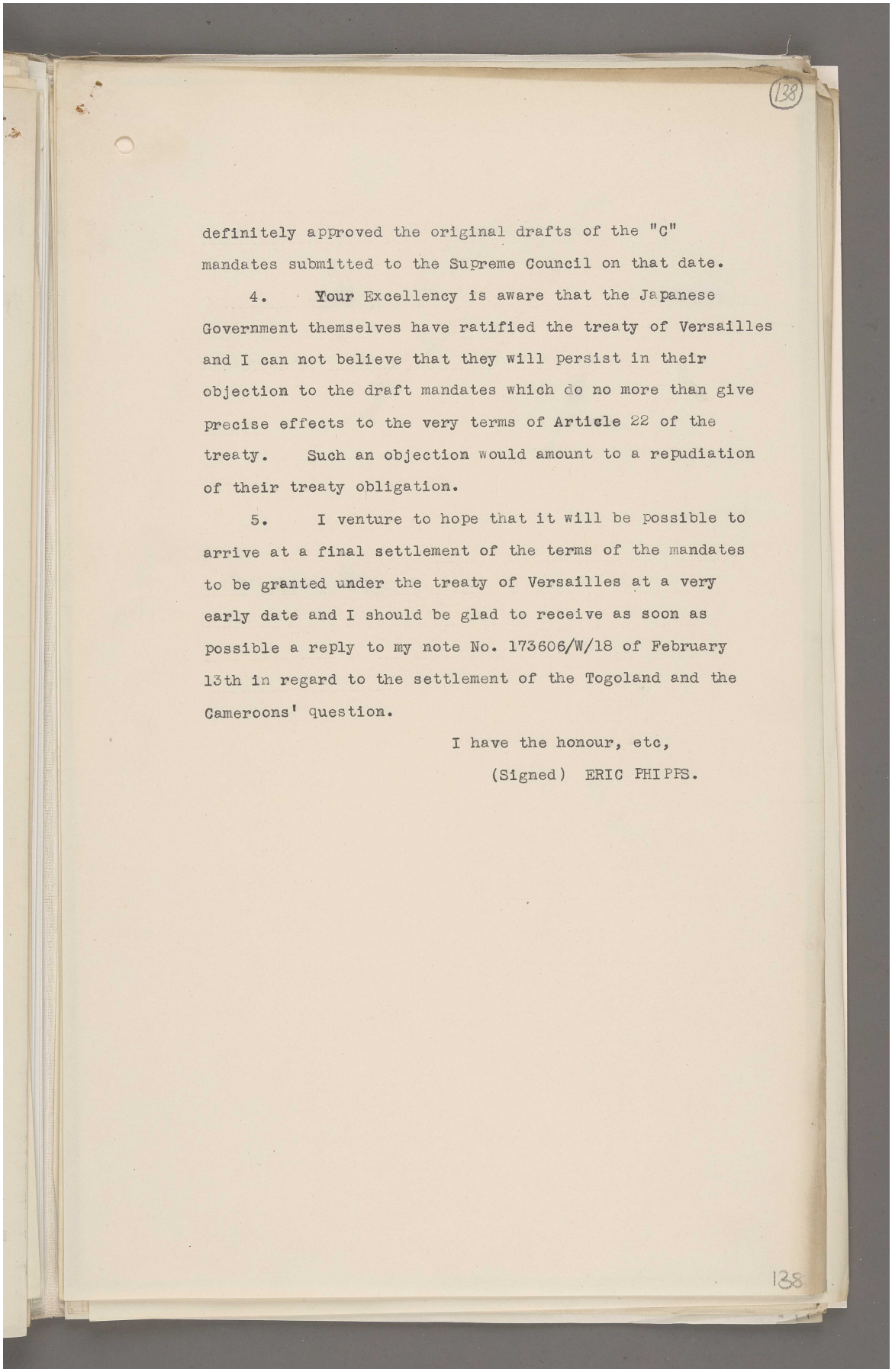

definitely approved the original drafts of the "C" mandates submitted to the Supreme Council on that date.

4. Your Excellency is aware that the Japanese Government themselves have ratified the treaty of Versailles and I can not believe that they will persist in their objection to the draft mandates which do no more than give precise effects to the very terms of Article 22 of the treaty. Such an objection would amount to a repudiation of their treaty obligation.

5. I venture to hope that it will be possible to arrive at a final settlement of the terms of the mandates to be granted under the treaty of Versailles at a very early date and I should be glad to receive as soon as possible a reply to my note No. 173606/W/18 of February 13th in regard to the settlement of the Togoland and the Cameroons' question.

I have the honour, etc,

(Signed) ERIC PHIPPS.

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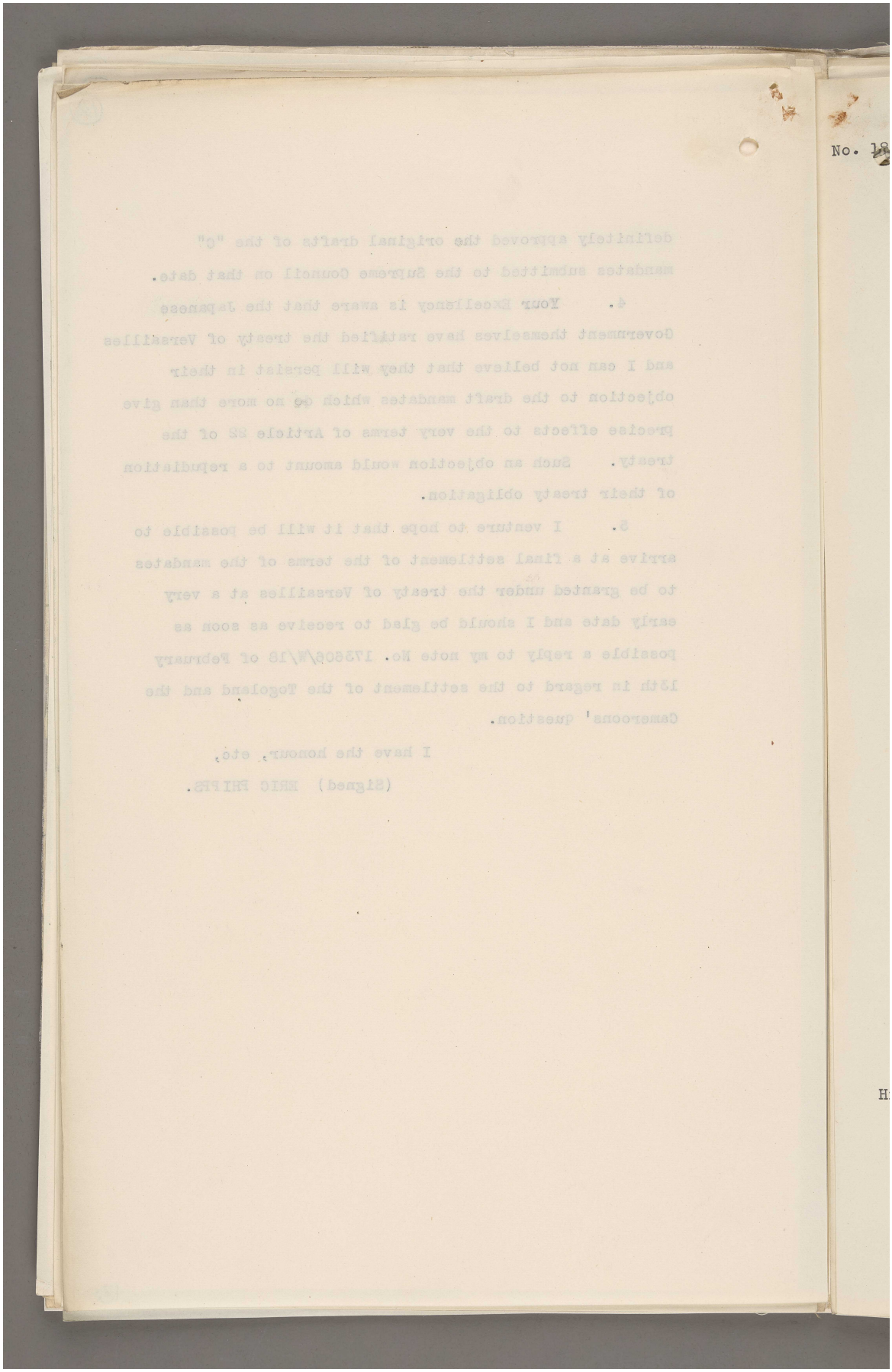

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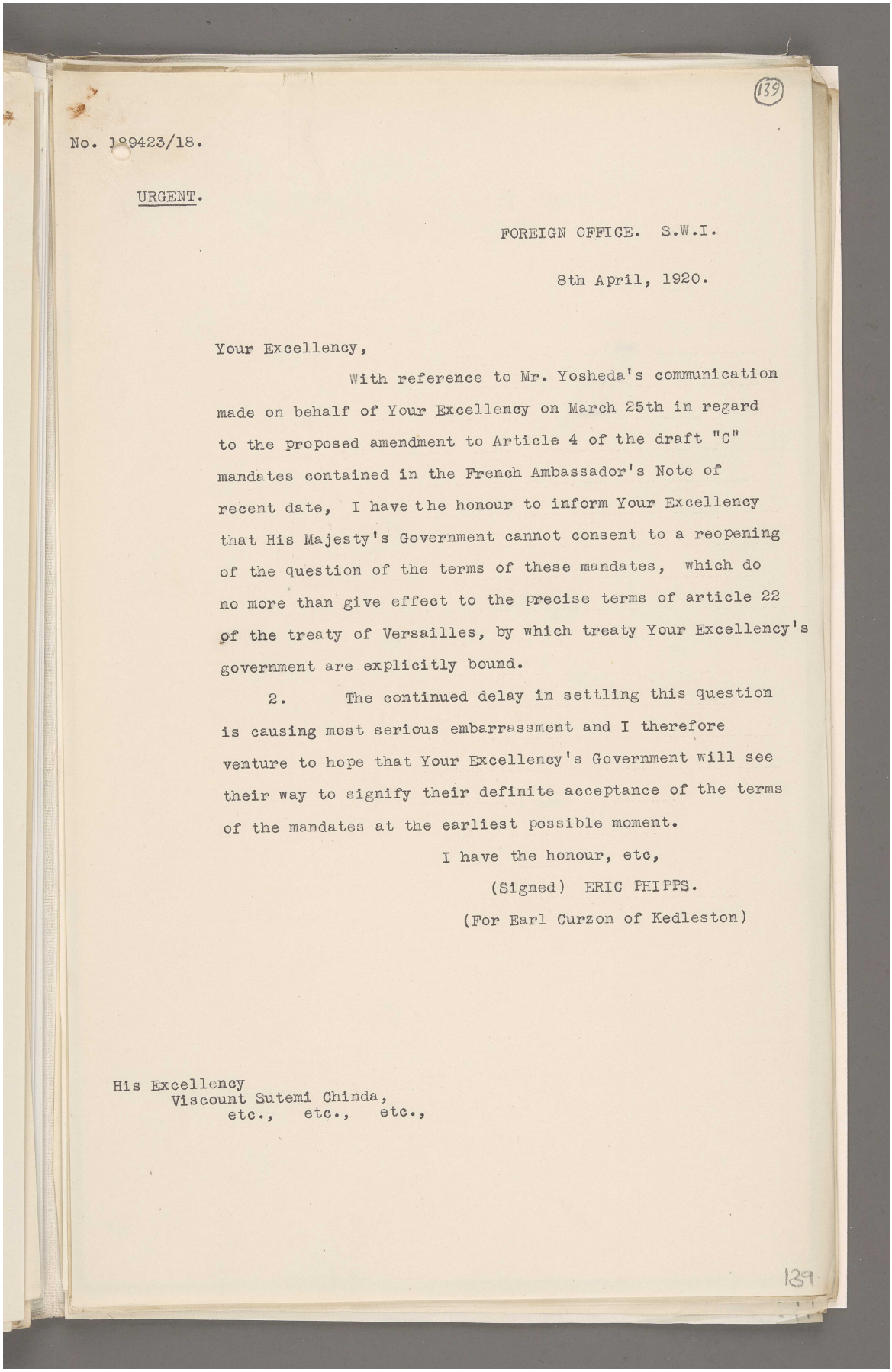

(139)

No. 189423/18.

URGENT.

FOREIGN OFFICE. S.W.I.

8th April, 1920.

Your Excellency,

With reference to Mr. Yosheda's communication made on behalf of Your Excellency on March 25th in regard to the proposed amendment to Article 4 of the draft "C" mandates contained in the French Ambassador's Note of recent date, I have the honour to inform Your Excellency that His Majesty's Government cannot consent to a reopening of the question of the terms of these mandates, which do no more than give effect to the precise terms of article 22 of the treaty of Versailles, by which treaty Your Excellency's government are explicitly bound.

2. The continued delay in settling this question is causing most serious embarrassment and I therefore venture to hope that Your Excellency's Government will see their way to signify their definite acceptance of the terms of the mandates at the earliest possible moment.

I have the honour, etc,

(Signed) ERIC PHIPPS.

(For Earl Curzon of Kedleston)

His Excellency
Viscount Sutemi Chinda,
etc., etc., etc.,

139

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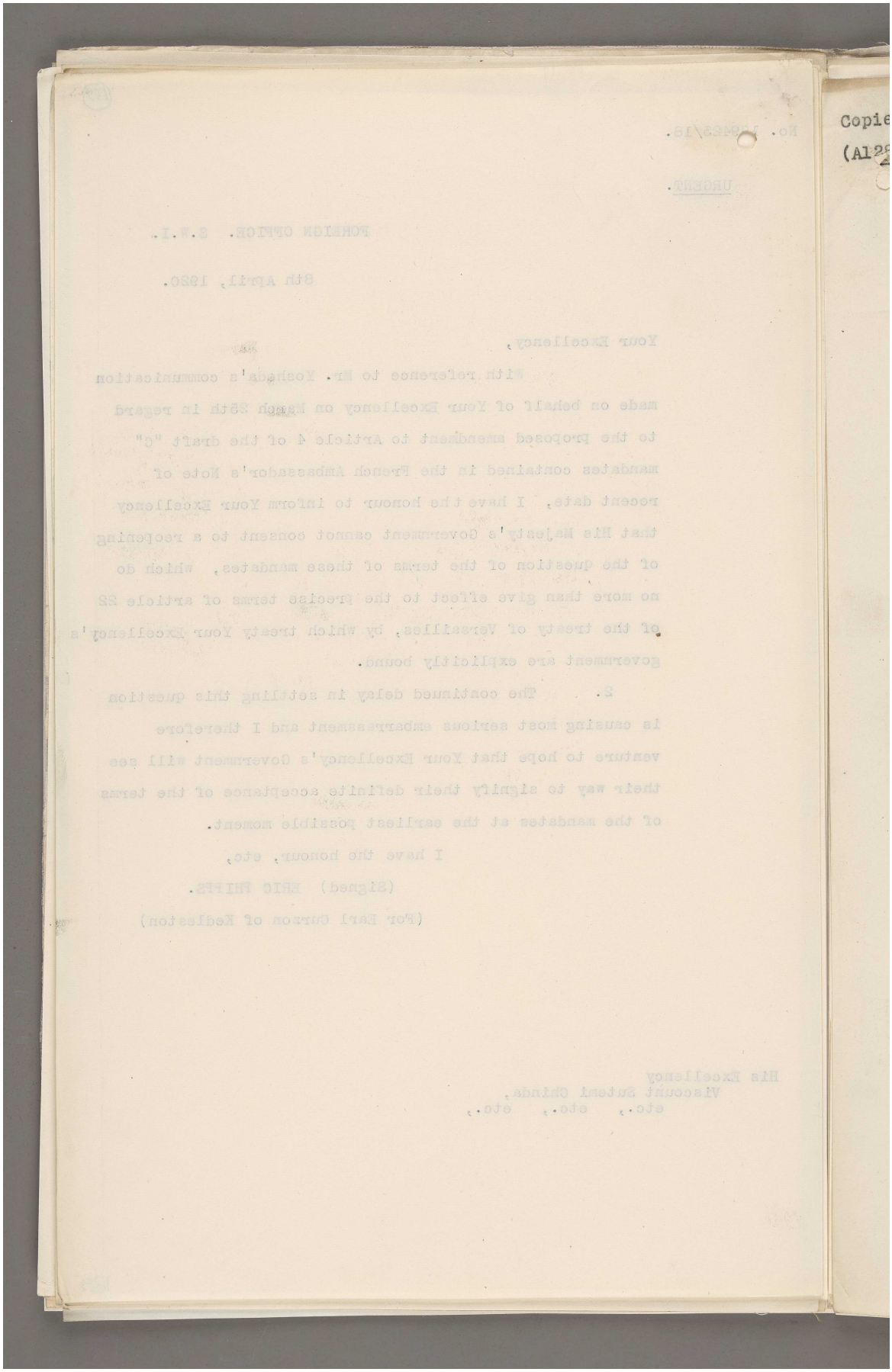

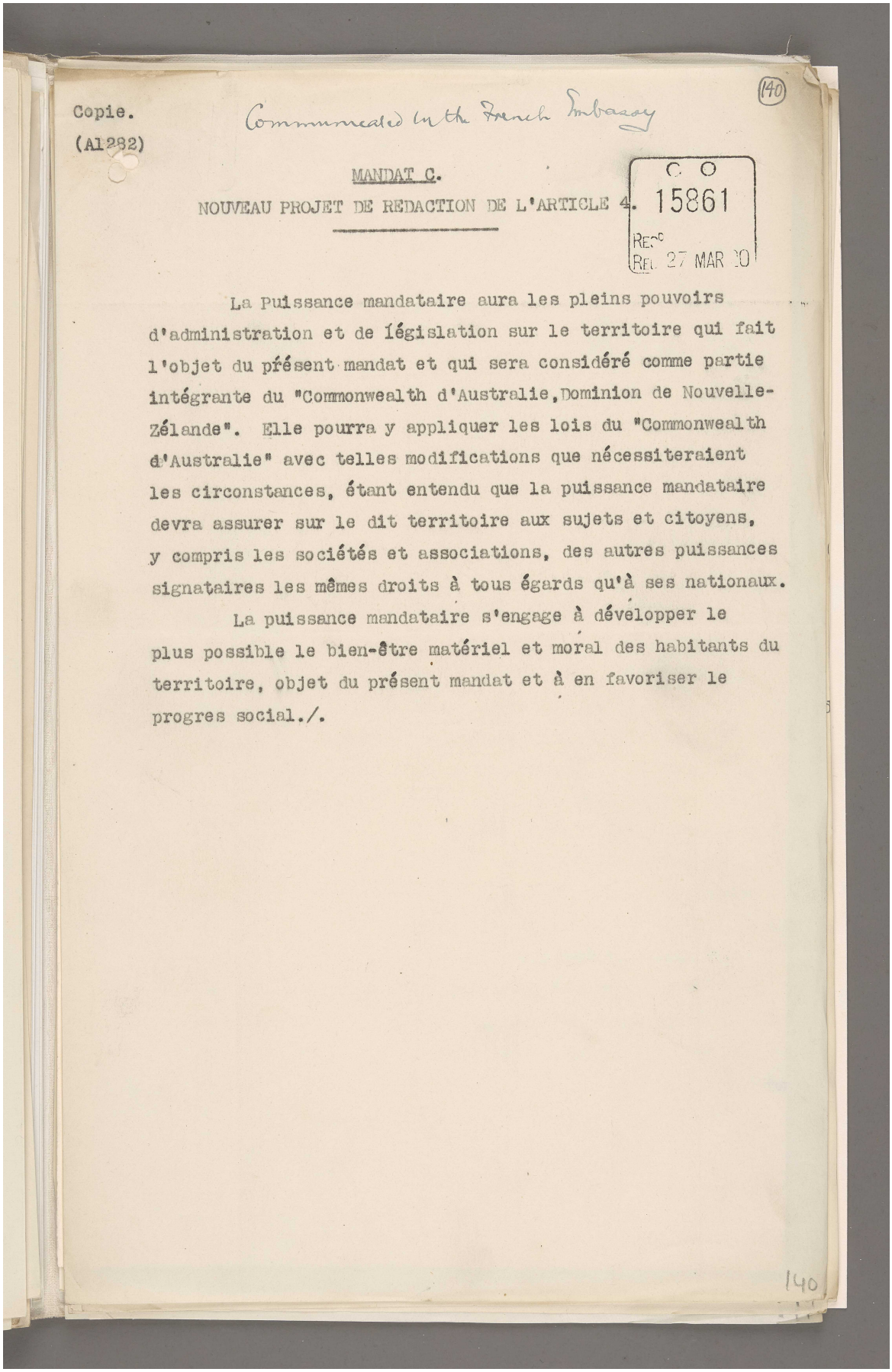

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Communicated to the French Embassy

(140)

MANDAT C.

NOUVEAU PROJET DE REDACTION DE L'ARTICLE 4.

C O
15861
REC'D
REG 27 MAR 20

La Puissance mandataire aura les pleins pouvoirs d'administration et de législation sur le territoire qui fait l'objet du présent mandat et qui sera considéré comme partie intégrante du "Commonwealth d'Australie, Dominion de Nouvelle-Zélande". Elle pourra y appliquer les lois du "Commonwealth d'Australie" avec telles modifications que nécessiteraient les circonstances, étant entendu que la puissance mandataire devra assurer sur le dit territoire aux sujets et citoyens, y compris les sociétés et associations, des autres puissances signataires les mêmes droits à tous égards qu'à ses nationaux.

La puissance mandataire s'engage à développer le plus possible le bien-être matériel et moral des habitants du territoire, objet du présent mandat et à en favoriser le progres social./.

140

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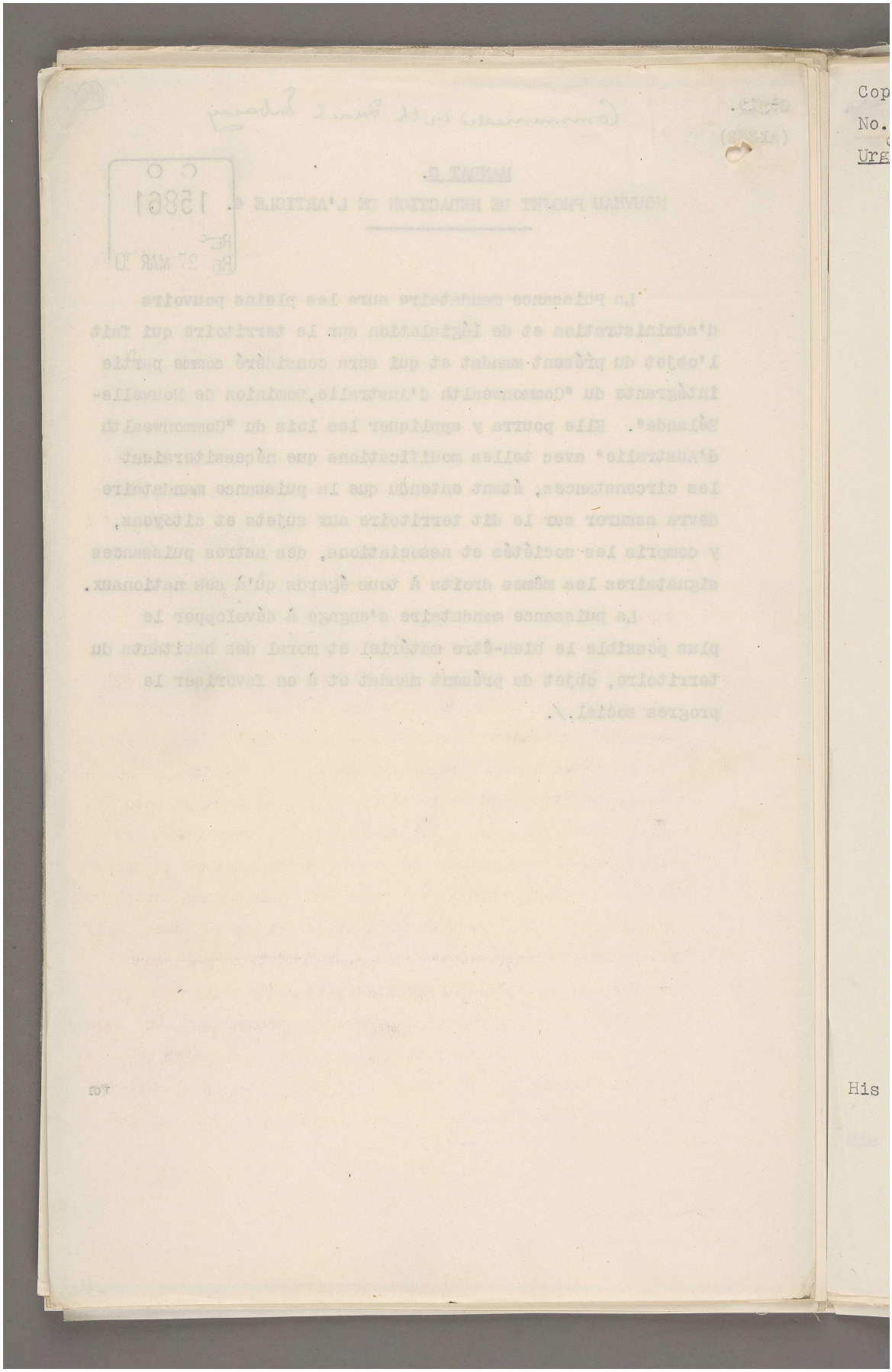

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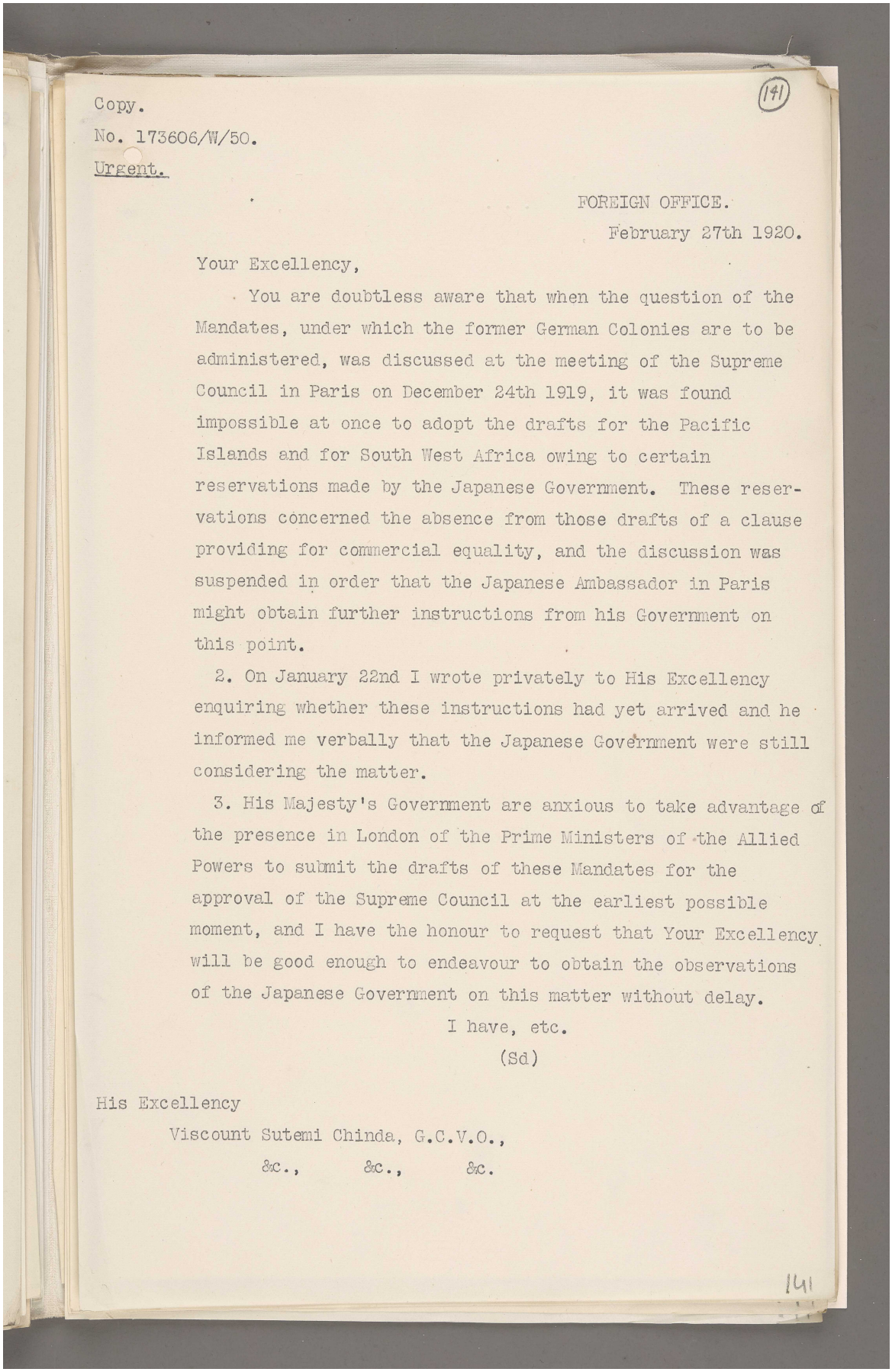

(141)

Copy.
No. 173606/W/50.
Urgent.

FOREIGN OFFICE.
February 27th 1920.

Your Excellency,

You are doubtless aware that when the question of the Mandates, under which the former German Colonies are to be administered, was discussed at the meeting of the Supreme Council in Paris on December 24th 1919, it was found impossible at once to adopt the drafts for the Pacific Islands and for South West Africa owing to certain reservations made by the Japanese Government. These reservations concerned the absence from those drafts of a clause providing for commercial equality, and the discussion was suspended in order that the Japanese Ambassador in Paris might obtain further instructions from his Government on this point.

2. On January 22nd I wrote privately to His Excellency enquiring whether these instructions had yet arrived and he informed me verbally that the Japanese Government were still considering the matter.

3. His Majesty's Government are anxious to take advantage of the presence in London of the Prime Ministers of the Allied Powers to submit the drafts of these Mandates for the approval of the Supreme Council at the earliest possible moment, and I have the honour to request that Your Excellency will be good enough to endeavour to obtain the observations of the Japanese Government on this matter without delay.

I have, etc.
(Sd)

His Excellency
Viscount Sutemi Chinda, G.C.V.O.,
&c., &c., &c.

141

المرجع: Mss Eur F112/287 حق النشر: رخصة حكومة مفتوحة
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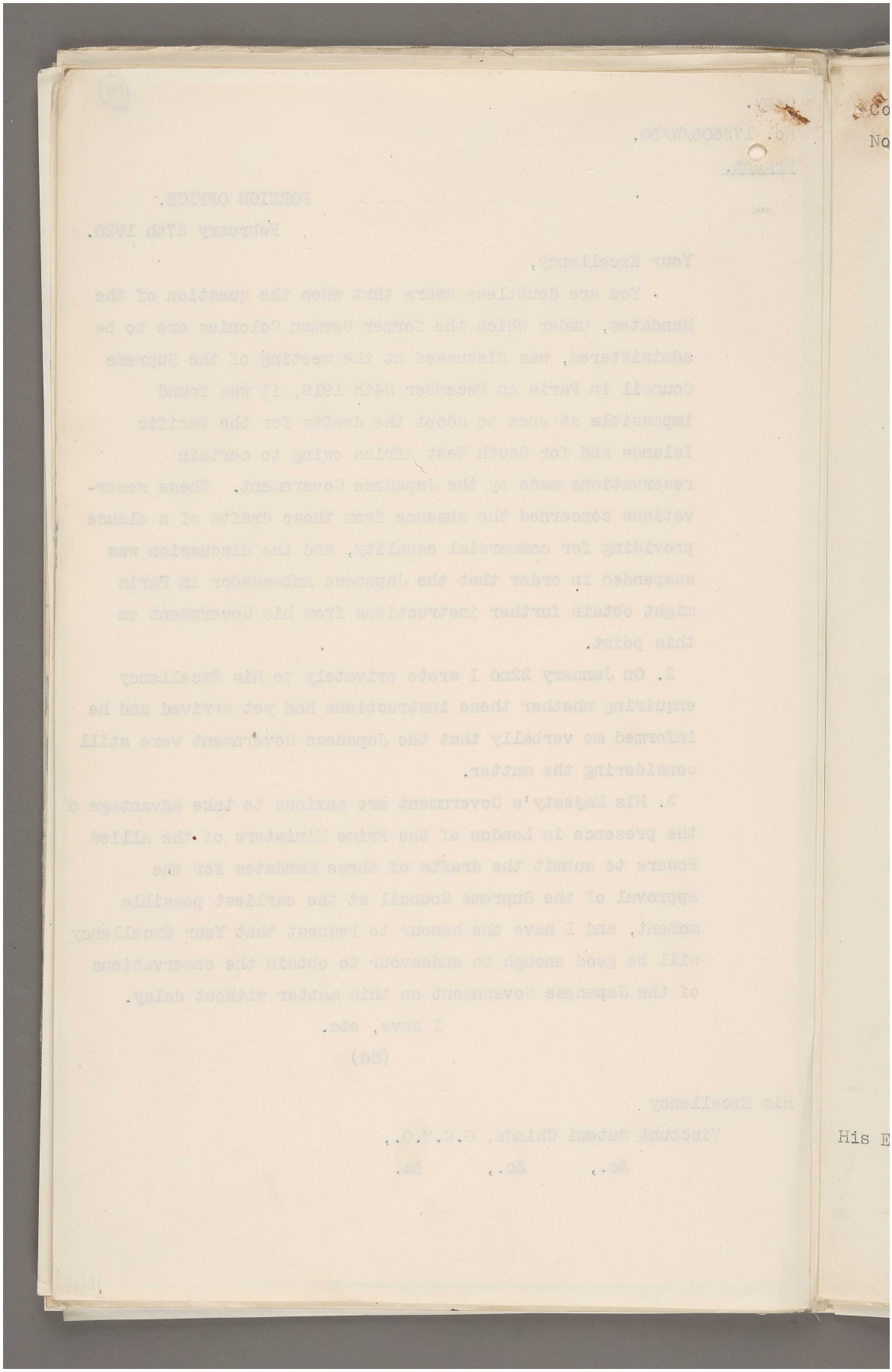

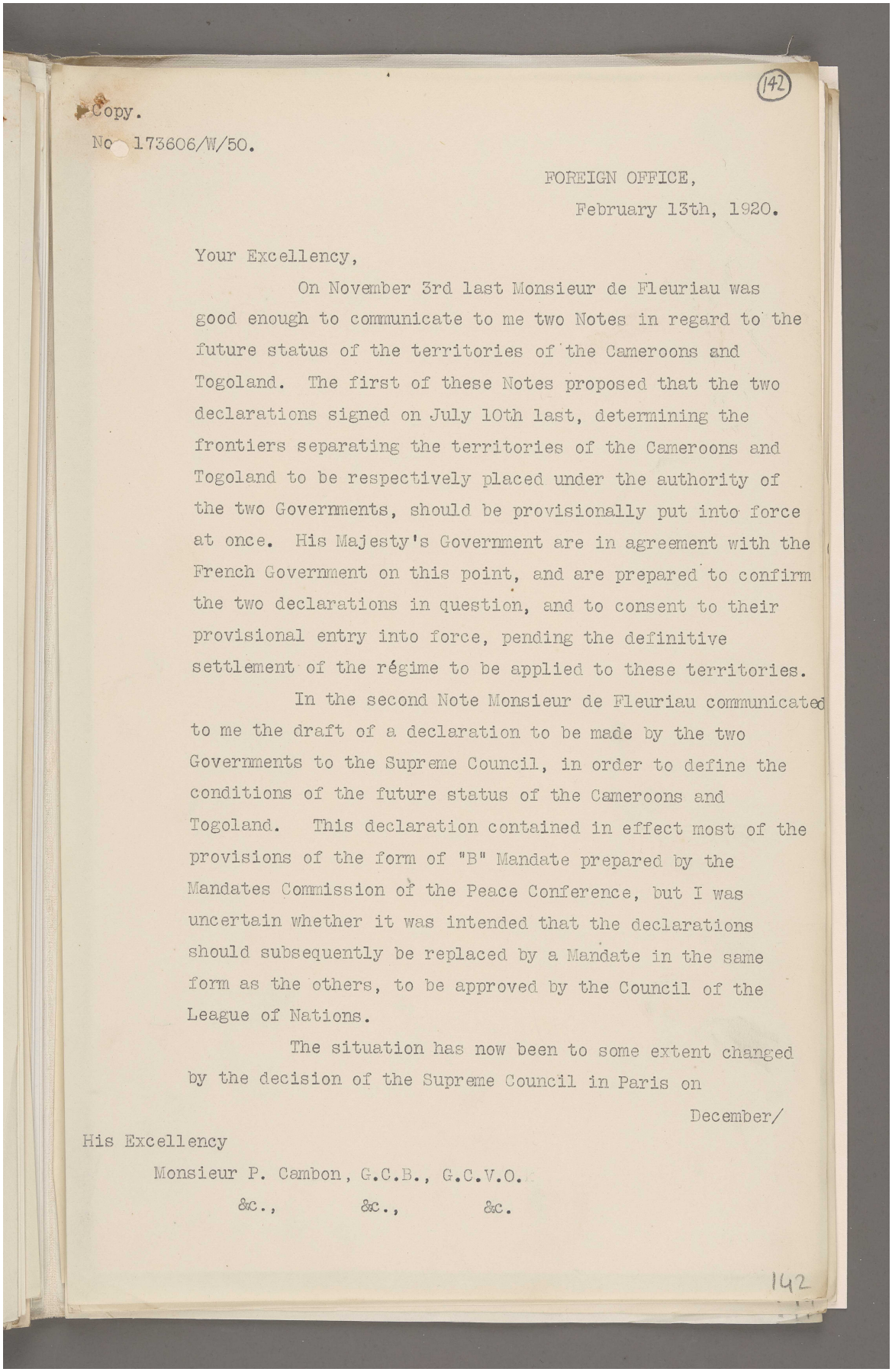

(142)

Copy.

No 173606/W/50.

FOREIGN OFFICE,
February 13th, 1920.

Your Excellency,

On November 3rd last Monsieur de Fleuriau was good enough to communicate to me two Notes in regard to the future status of the territories of the Cameroons and Togoland. The first of these Notes proposed that the two declarations signed on July 10th last, determining the frontiers separating the territories of the Cameroons and Togoland to be respectively placed under the authority of the two Governments, should be provisionally put into force at once. His Majesty's Government are in agreement with the French Government on this point, and are prepared to confirm the two declarations in question, and to consent to their provisional entry into force, pending the definitive settlement of the régime to be applied to these territories.

In the second Note Monsieur de Fleuriau communicated to me the draft of a declaration to be made by the two Governments to the Supreme Council, in order to define the conditions of the future status of the Cameroons and Togoland. This declaration contained in effect most of the provisions of the form of "B" Mandate prepared by the Mandates Commission of the Peace Conference, but I was uncertain whether it was intended that the declarations should subsequently be replaced by a Mandate in the same form as the others, to be approved by the Council of the League of Nations.

The situation has now been to some extent changed by the decision of the Supreme Council in Paris on

December/

His Excellency
Monsieur P. Cambon, G.C.B., G.C.V.O.
&c., &c., &c.

142

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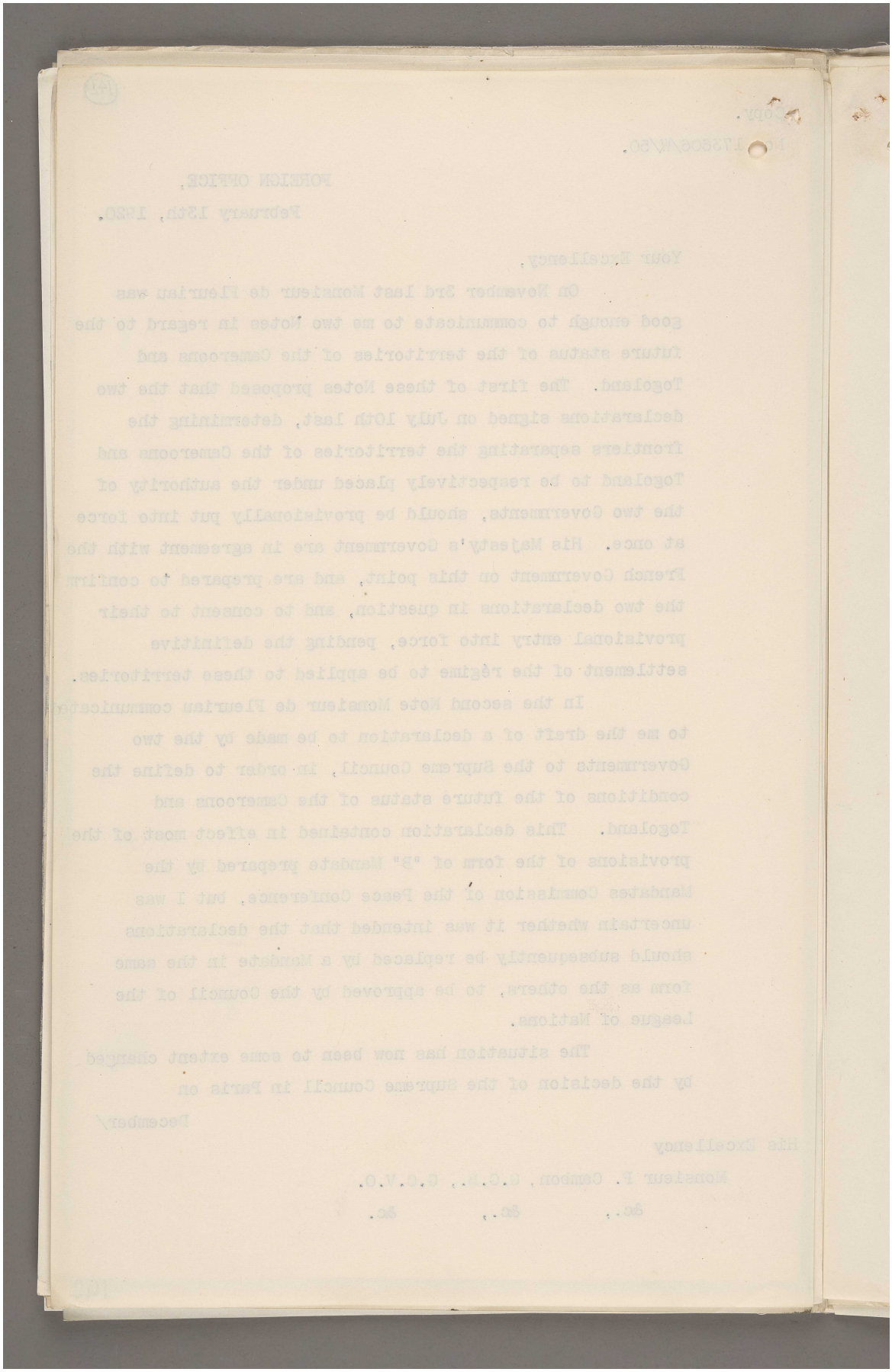

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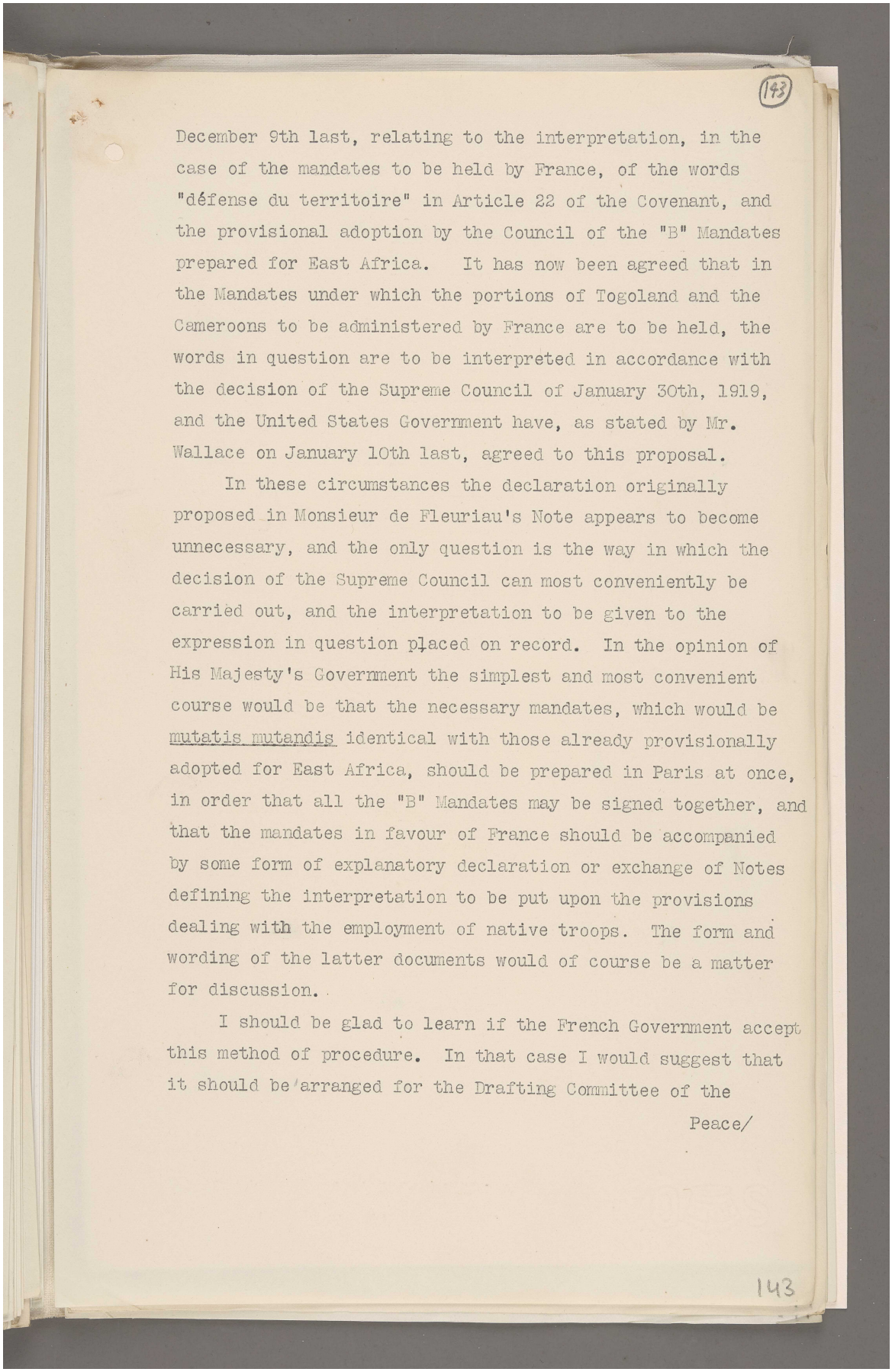

(143)

December 9th last, relating to the interpretation, in the case of the mandates to be held by France, of the words "défense du territoire" in Article 22 of the Covenant, and the provisional adoption by the Council of the "B" Mandates prepared for East Africa. It has now been agreed that in the Mandates under which the portions of Togoland and the Cameroons to be administered by France are to be held, the words in question are to be interpreted in accordance with the decision of the Supreme Council of January 30th, 1919, and the United States Government have, as stated by Mr. Wallace on January 10th last, agreed to this proposal.

In these circumstances the declaration originally proposed in Monsieur de Fleuriau's Note appears to become unnecessary, and the only question is the way in which the decision of the Supreme Council can most conveniently be carried out, and the interpretation to be given to the expression in question placed on record. In the opinion of His Majesty's Government the simplest and most convenient course would be that the necessary mandates, which would be mutatis mutandis identical with those already provisionally adopted for East Africa, should be prepared in Paris at once, in order that all the "B" Mandates may be signed together, and that the mandates in favour of France should be accompanied by some form of explanatory declaration or exchange of Notes defining the interpretation to be put upon the provisions dealing with the employment of native troops. The form and wording of the latter documents would of course be a matter for discussion.

I should be glad to learn if the French Government accept this method of procedure. In that case I would suggest that it should be arranged for the Drafting Committee of the

Peace/

143

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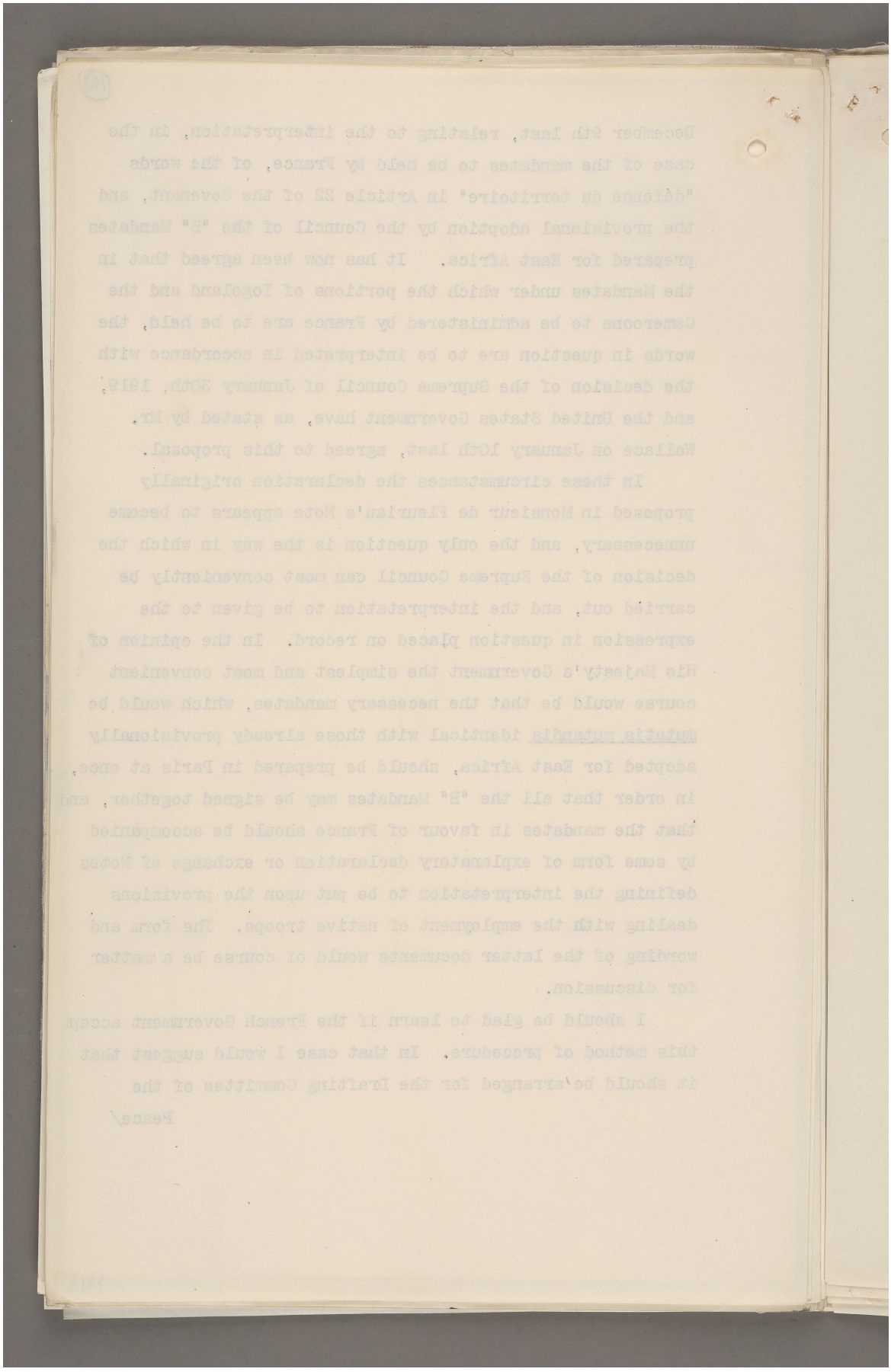

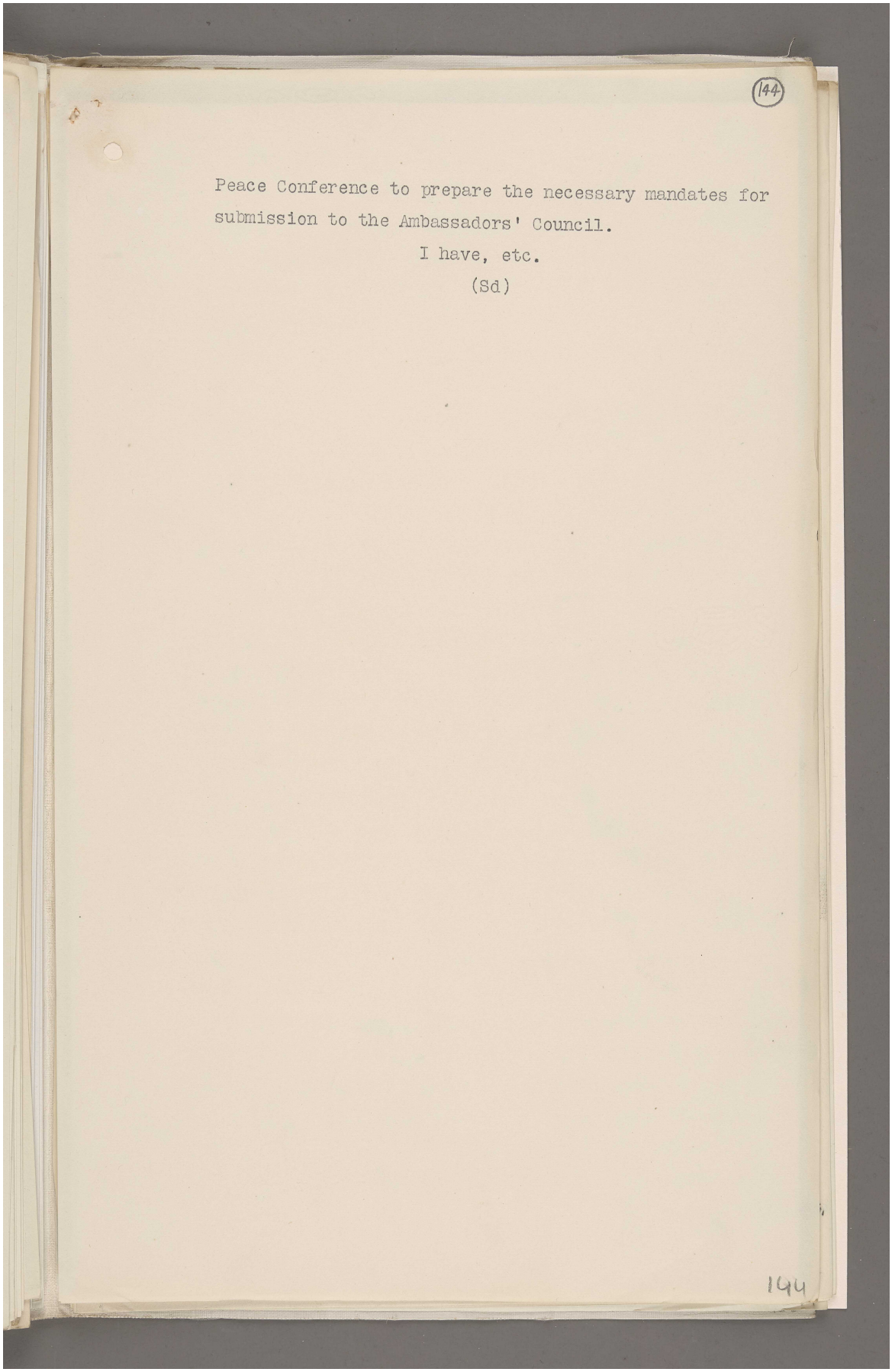

(144)

Peace Conference to prepare the necessary mandates for submission to the Ambassadors' Council.

I have, etc.

(Sd)

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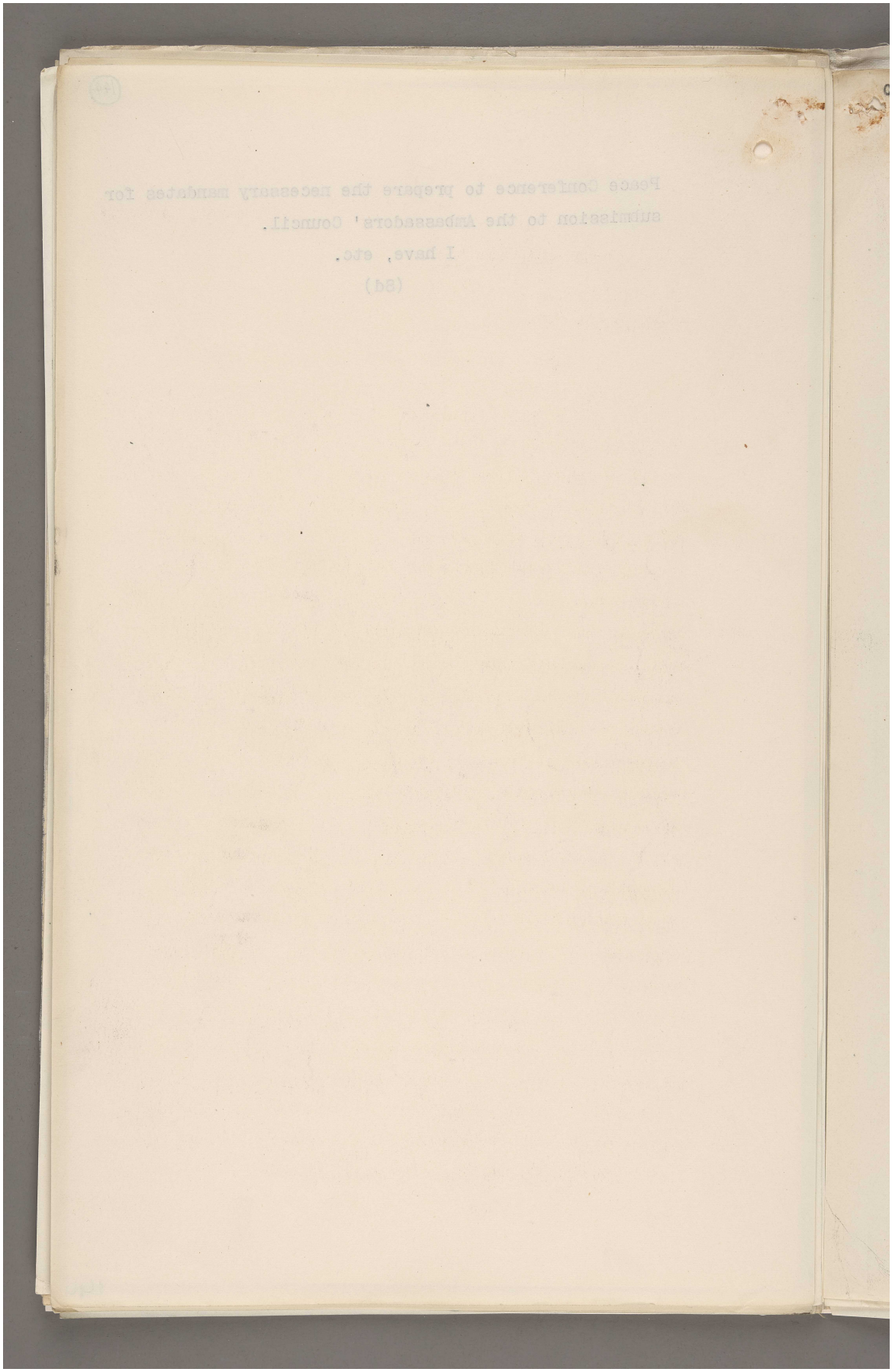

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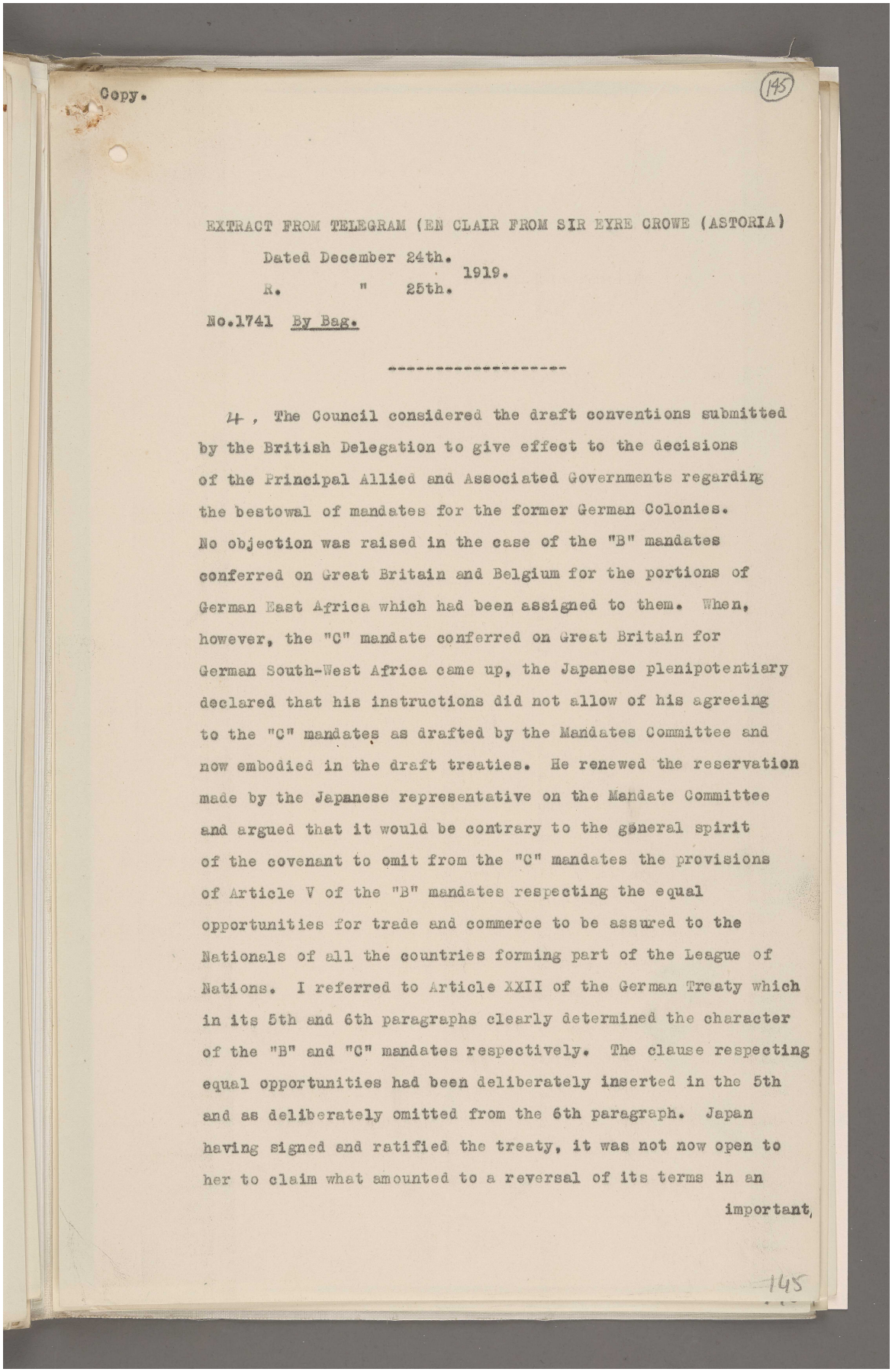

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EXTRACT FROM TELEGRAM (EN CLAIR FROM SIR EYRE CROWE (ASTORIA)

Dated December 24th. 1919.
R. " 25th.

No.1741 By Bag.

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4 , The Council considered the draft conventions submitted by the British Delegation to give effect to the decisions of the Principal Allied and Associated Governments regarding the bestowal of mandates for the former German Colonies. No objection was raised in the case of the "B" mandates conferred on Great Britain and Belgium for the portions of German East Africa which had been assigned to them. When, however, the "C" mandate conferred on Great Britain for German South-West Africa came up, the Japanese plenipotentiary declared that his instructions did not allow of his agreeing to the "C" mandates as drafted by the Mandates Committee and now embodied in the draft treaties. He renewed the reservation made by the Japanese representative on the Mandate Committee and argued that it would be contrary to the general spirit of the covenant to omit from the "C" mandates the provisions of Article V of the "B" mandates respecting the equal opportunities for trade and commerce to be assured to the Nationals of all the countries forming part of the League of Nations. I referred to Article XXII of the German Treaty which in its 5th and 6th paragraphs clearly determined the character of the "B" and "C" mandates respectively. The clause respecting equal opportunities had been deliberately inserted in the 5th and as deliberately omitted from the 6th paragraph. Japan having signed and ratified the treaty, it was not now open to her to claim what amounted to a reversal of its terms in an important,

145

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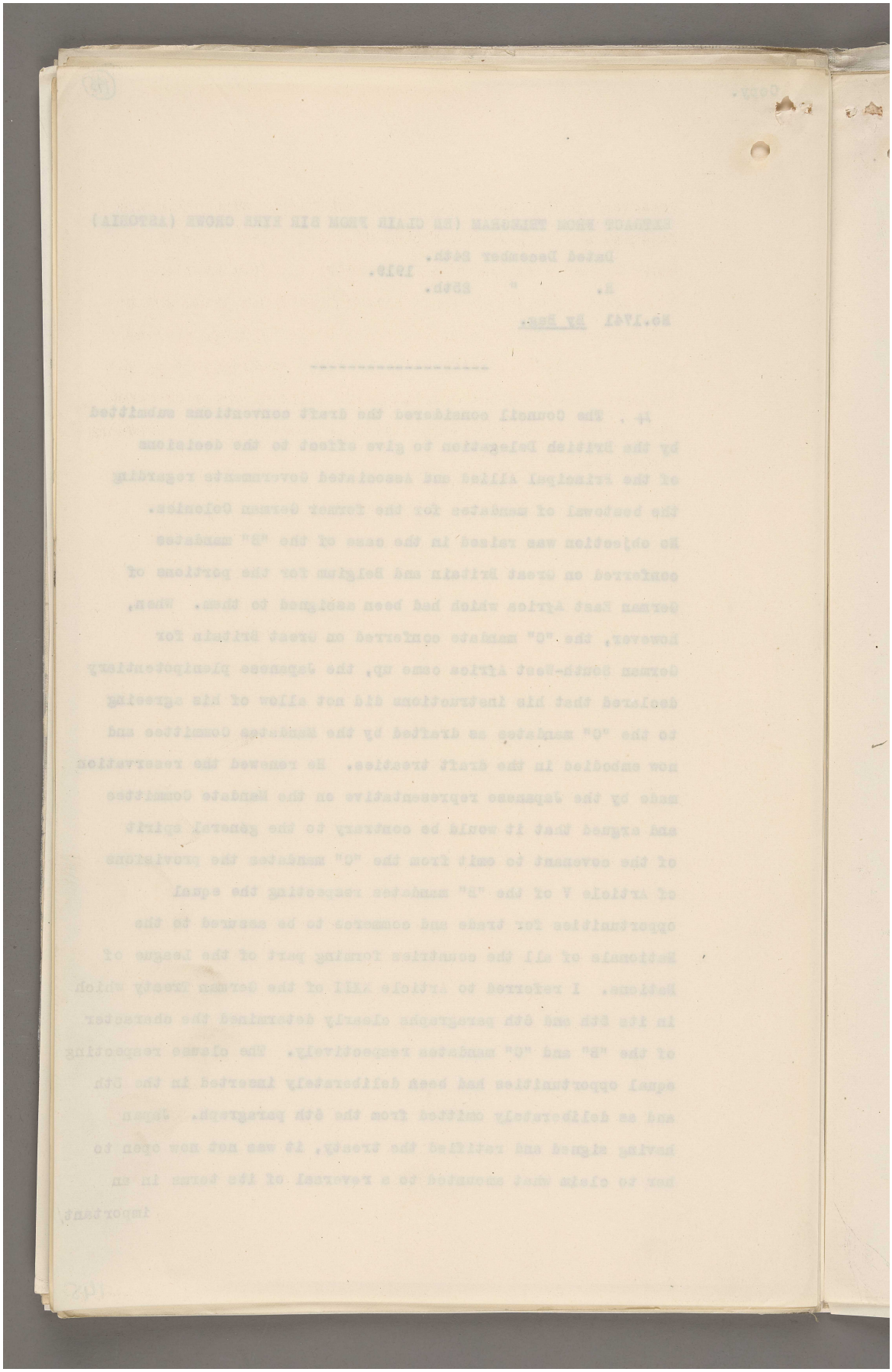

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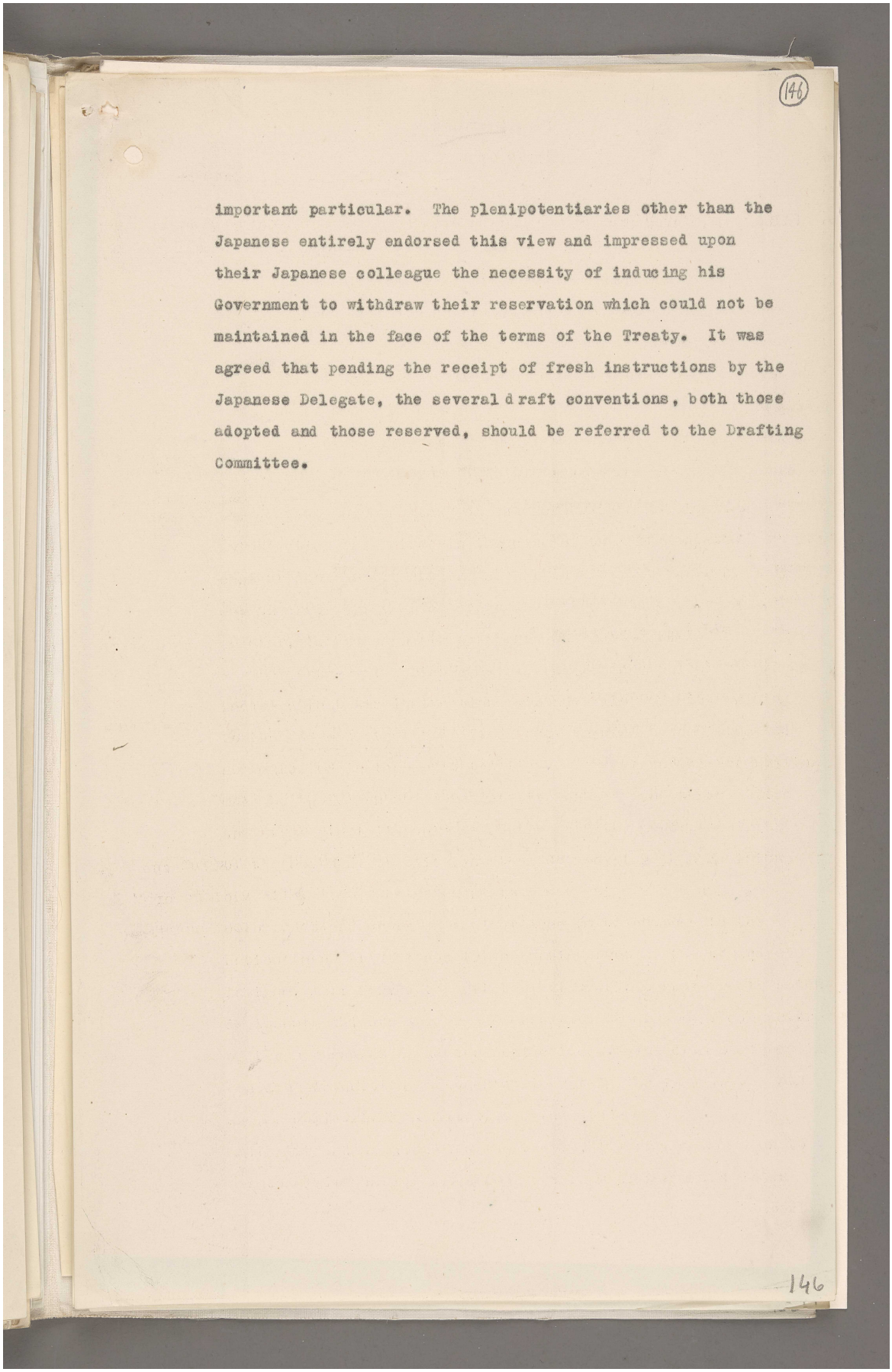

(146)

important particular. The plenipotentiaries other than the Japanese entirely endorsed this view and impressed upon their Japanese colleague the necessity of inducing his Government to withdraw their reservation which could not be maintained in the face of the terms of the Treaty. It was agreed that pending the receipt of fresh instructions by the Japanese Delegate, the several draft conventions, both those adopted and those reserved, should be referred to the Drafting Committee.

146

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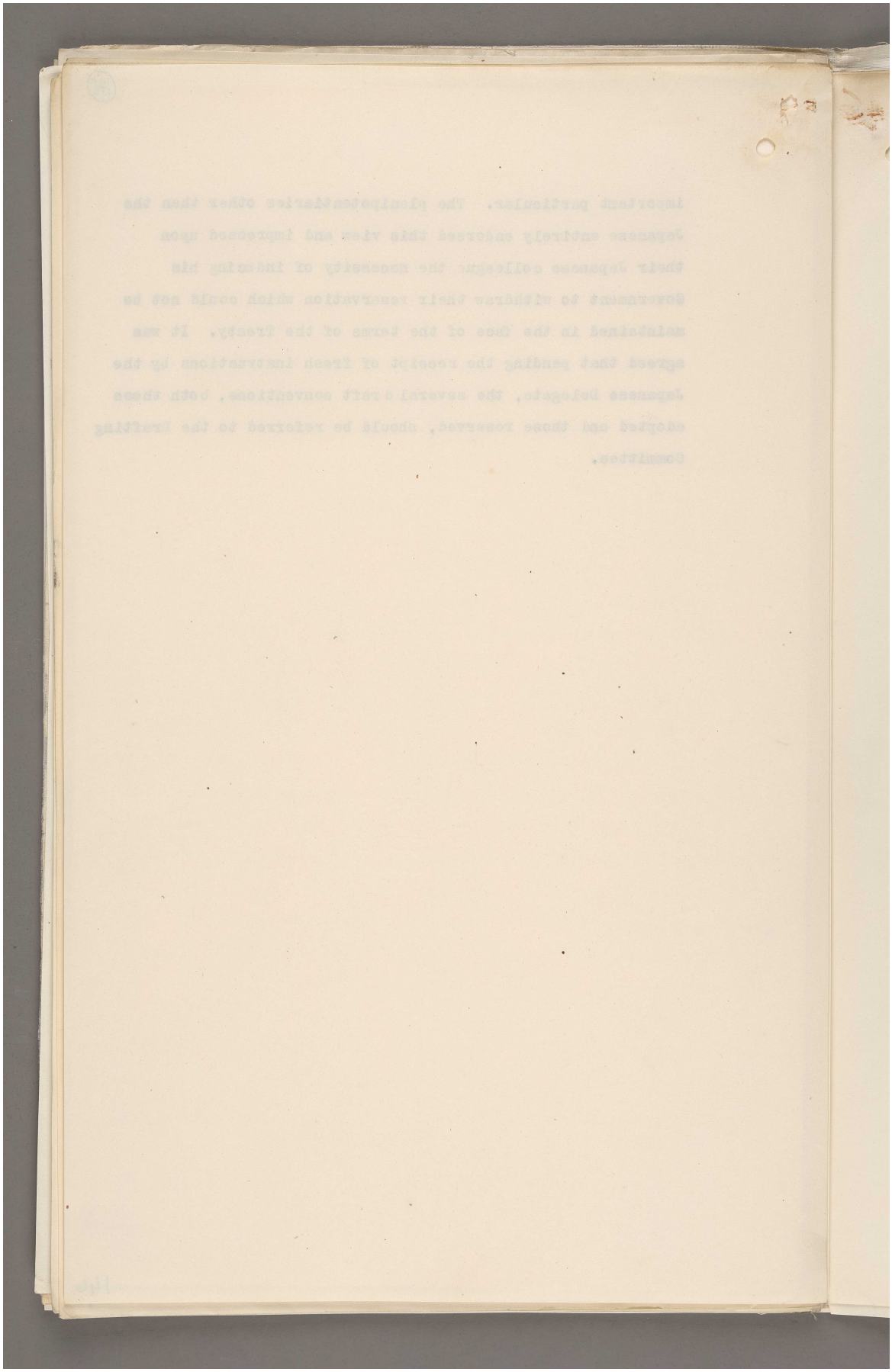

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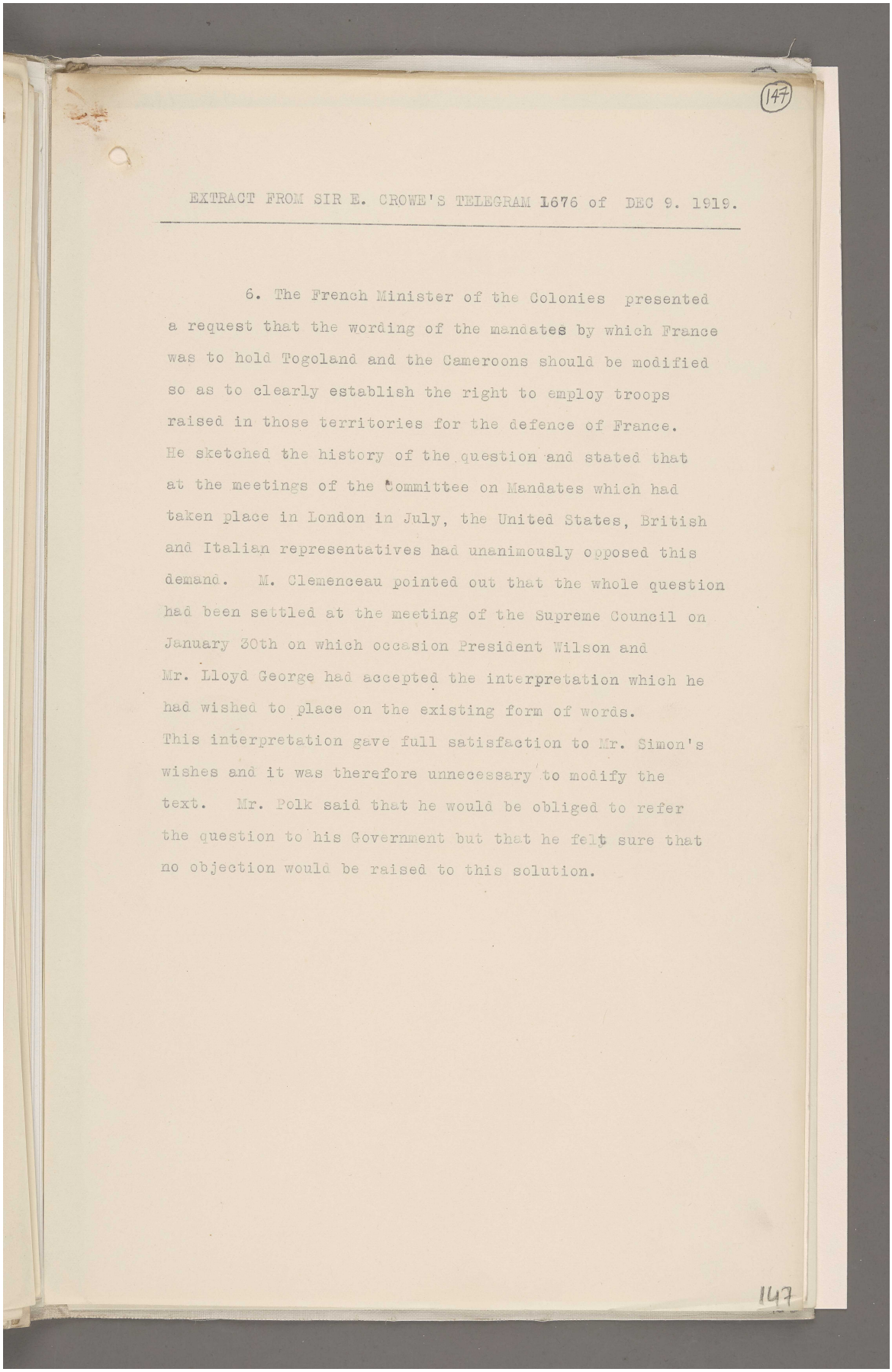

147

EXTRACT FROM SIR E. CROWE'S TELEGRAM 1676 of DEC 9. 1919.

6. The French Minister of the Colonies presented a request that the wording of the mandates by which France was to hold Togoland and the Cameroons should be modified so as to clearly establish the right to employ troops raised in those territories for the defence of France. He sketched the history of the question and stated that at the meetings of the Committee on Mandates which had taken place in London in July, the United States, British and Italian representatives had unanimously opposed this demand. M. Clemenceau pointed out that the whole question had been settled at the meeting of the Supreme Council on January 30th on which occasion President Wilson and Mr. Lloyd George had accepted the interpretation which he had wished to place on the existing form of words. This interpretation gave full satisfaction to Mr. Simon's wishes and it was therefore unnecessary to modify the text. Mr. Polk said that he would be obliged to refer the question to his Government but that he felt sure that no objection would be raised to this solution.

147

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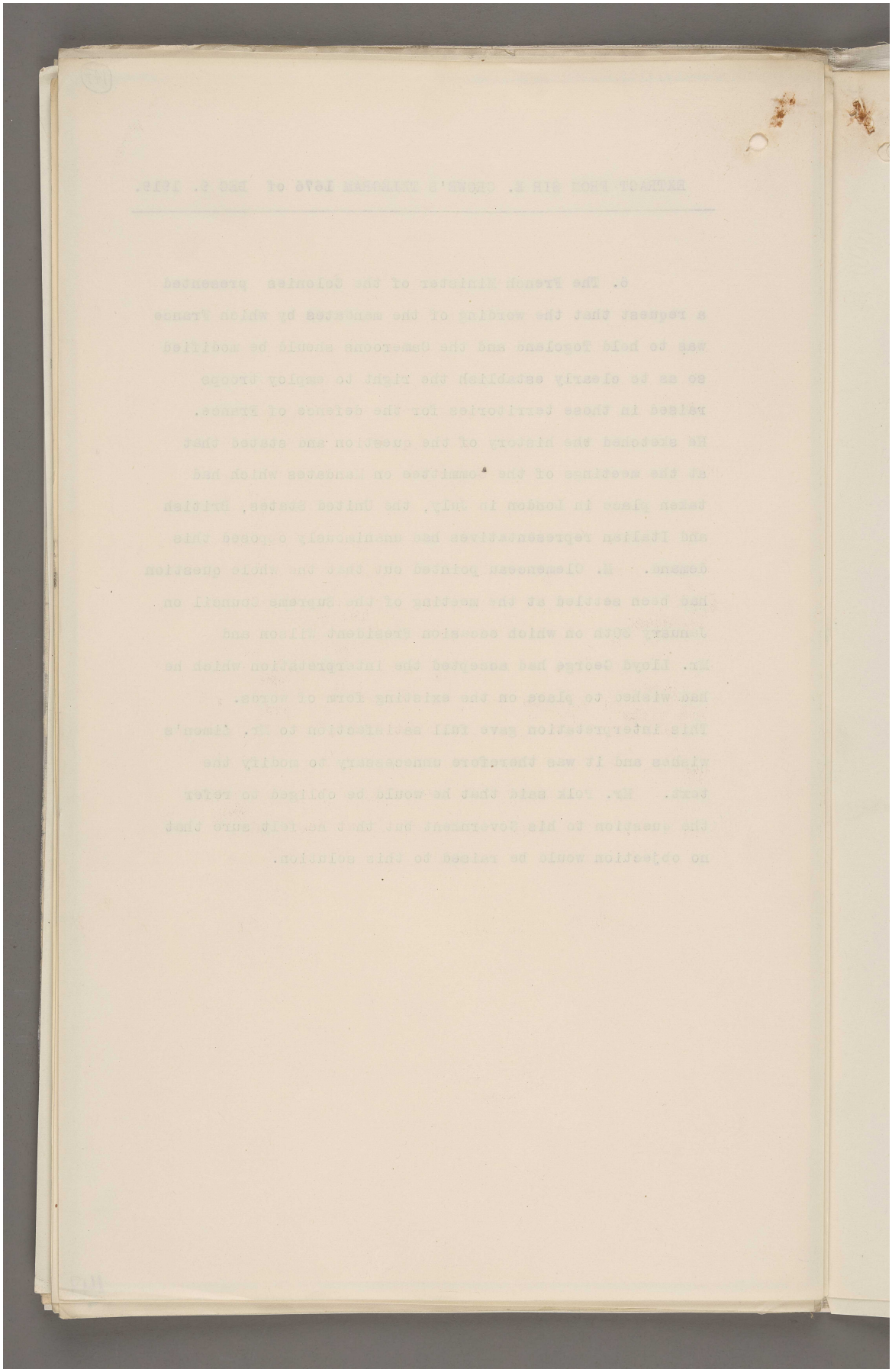

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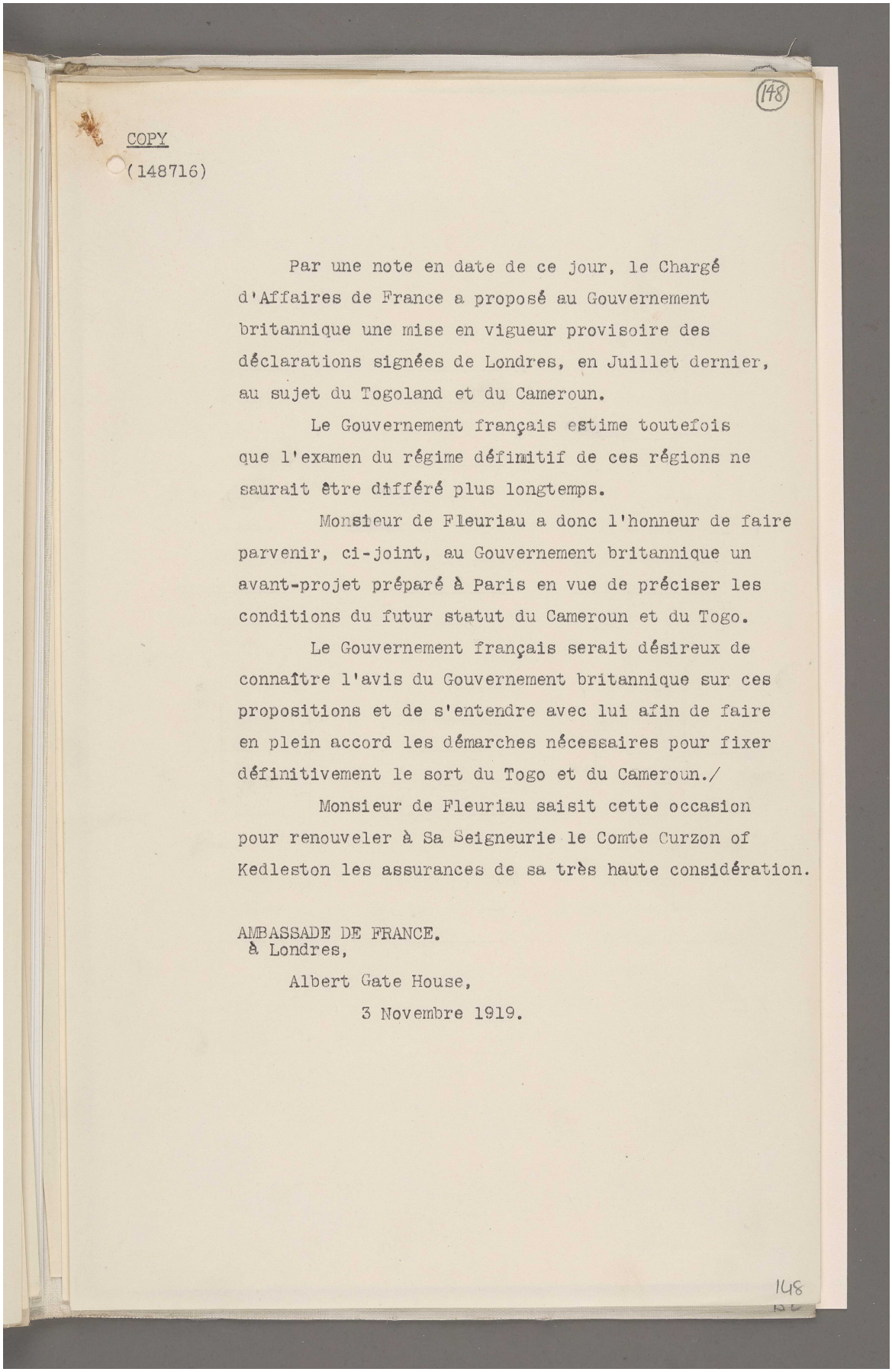

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(148716)

Par une note en date de ce jour, le Chargé d'Affaires de France a proposé au Gouvernement britannique une mise en vigueur provisoire des déclarations signées de Londres, en Juillet dernier, au sujet du Togoland et du Cameroun.

Le Gouvernement français estime toutefois que l'examen du régime définitif de ces régions ne saurait être différé plus longtemps.

Monsieur de Fleuriau a donc l'honneur de faire parvenir, ci-joint, au Gouvernement britannique un avant-projet préparé à Paris en vue de préciser les conditions du futur statut du Cameroun et du Togo.

Le Gouvernement français serait désireux de connaître l'avis du Gouvernement britannique sur ces propositions et de s'entendre avec lui afin de faire en plein accord les démarches nécessaires pour fixer définitivement le sort du Togo et du Cameroun./

Monsieur de Fleuriau saisit cette occasion pour renouveler à Sa Seigneurie le Comte Curzon of Kedleston les assurances de sa très haute considération.

AMBASSADE DE FRANCE.
à Londres,

Albert Gate House,

3 Novembre 1919.

148

المرجع: Mss Eur F112/287 حق النشر: غير معروف
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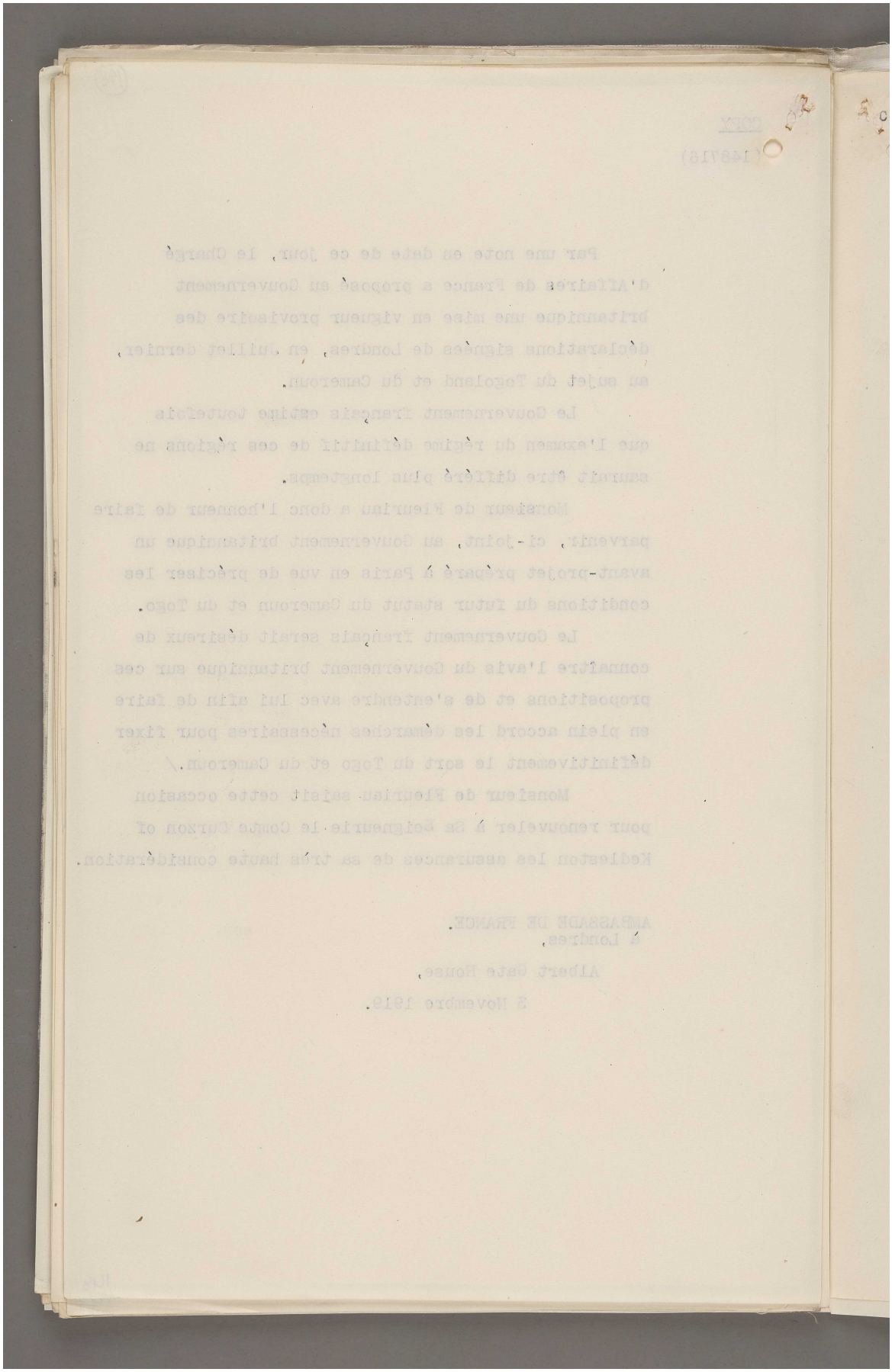

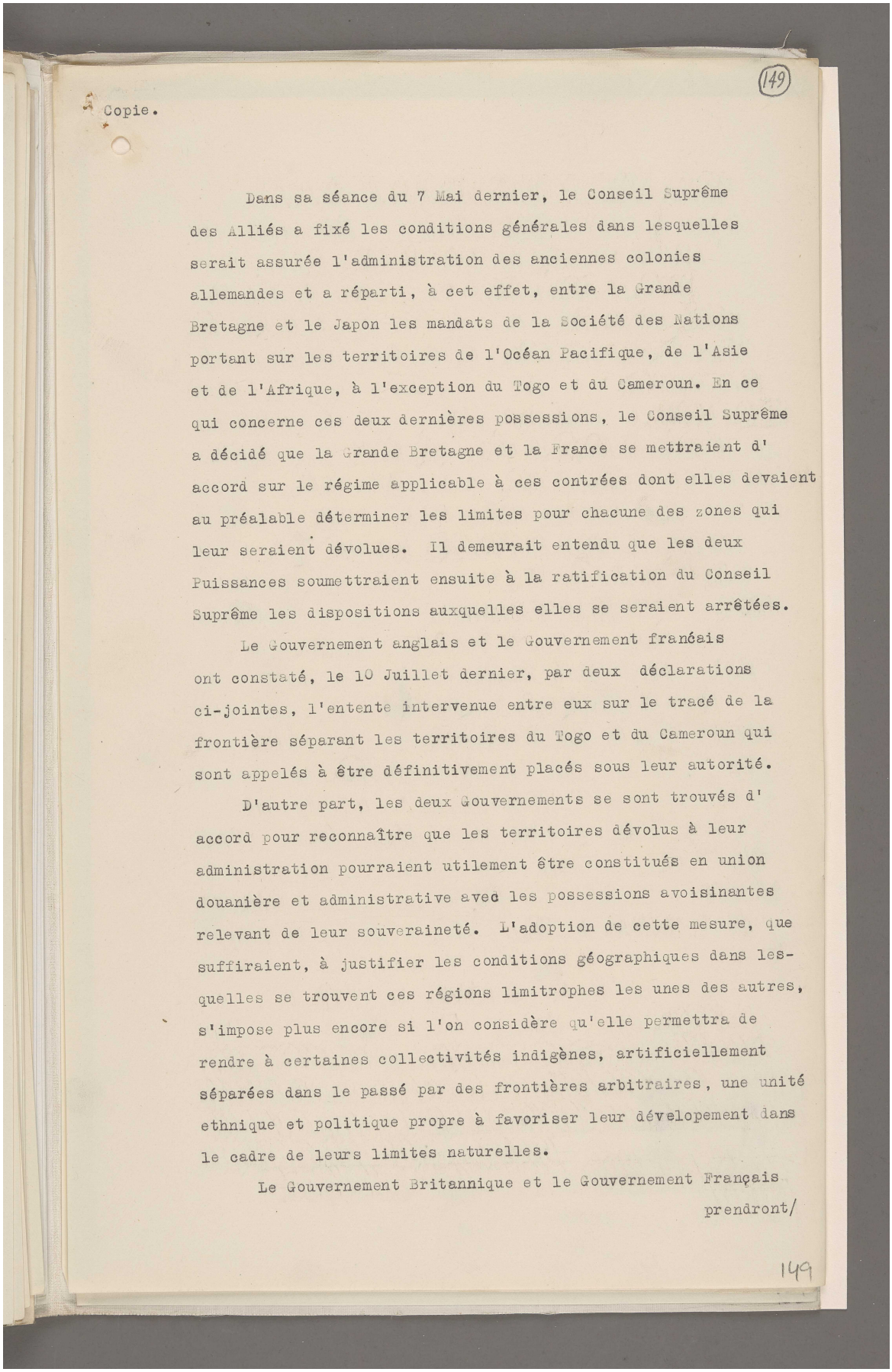

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Copie.

Dans sa séance du 7 Mai dernier, le Conseil Suprême des Alliés a fixé les conditions générales dans lesquelles serait assurée l'administration des anciennes colonies allemandes et a réparti, à cet effet, entre la Grande Bretagne et le Japon les mandats de la Société des Nations portant sur les territoires de l'Océan Pacifique, de l'Asie et de l'Afrique, à l'exception du Togo et du Cameroun. En ce qui concerne ces deux dernières possessions, le Conseil Suprême a décidé que la Grande Bretagne et la France se mettraient d'accord sur le régime applicable à ces contrées dont elles devaient au préalable déterminer les limites pour chacune des zones qui leur seraient dévolues. Il demeurait entendu que les deux Puissances soumettraient ensuite à la ratification du Conseil Suprême les dispositions auxquelles elles se seraient arrêtées.

Le Gouvernement anglais et le Gouvernement français ont constaté, le 10 Juillet dernier, par deux déclarations ci-jointes, l'entente intervenue entre eux sur le tracé de la frontière séparant les territoires du Togo et du Cameroun qui sont appelés à être définitivement placés sous leur autorité.

D'autre part, les deux Gouvernements se sont trouvés d'accord pour reconnaître que les territoires dévolus à leur administration pourraient utilement être constitués en union douanière et administrative avec les possessions avoisinantes relevant de leur souveraineté. L'adoption de cette mesure, que suffiraient, à justifier les conditions géographiques dans lesquelles se trouvent ces régions limitrophes les unes des autres, s'impose plus encore si l'on considère qu'elle permettra de rendre à certaines collectivités indigènes, artificiellement séparées dans le passé par des frontières arbitraires, une unité ethnique et politique propre à favoriser leur développement dans le cadre de leurs limites naturelles.

Le Gouvernement Britannique et le Gouvernement Français prendront/

149

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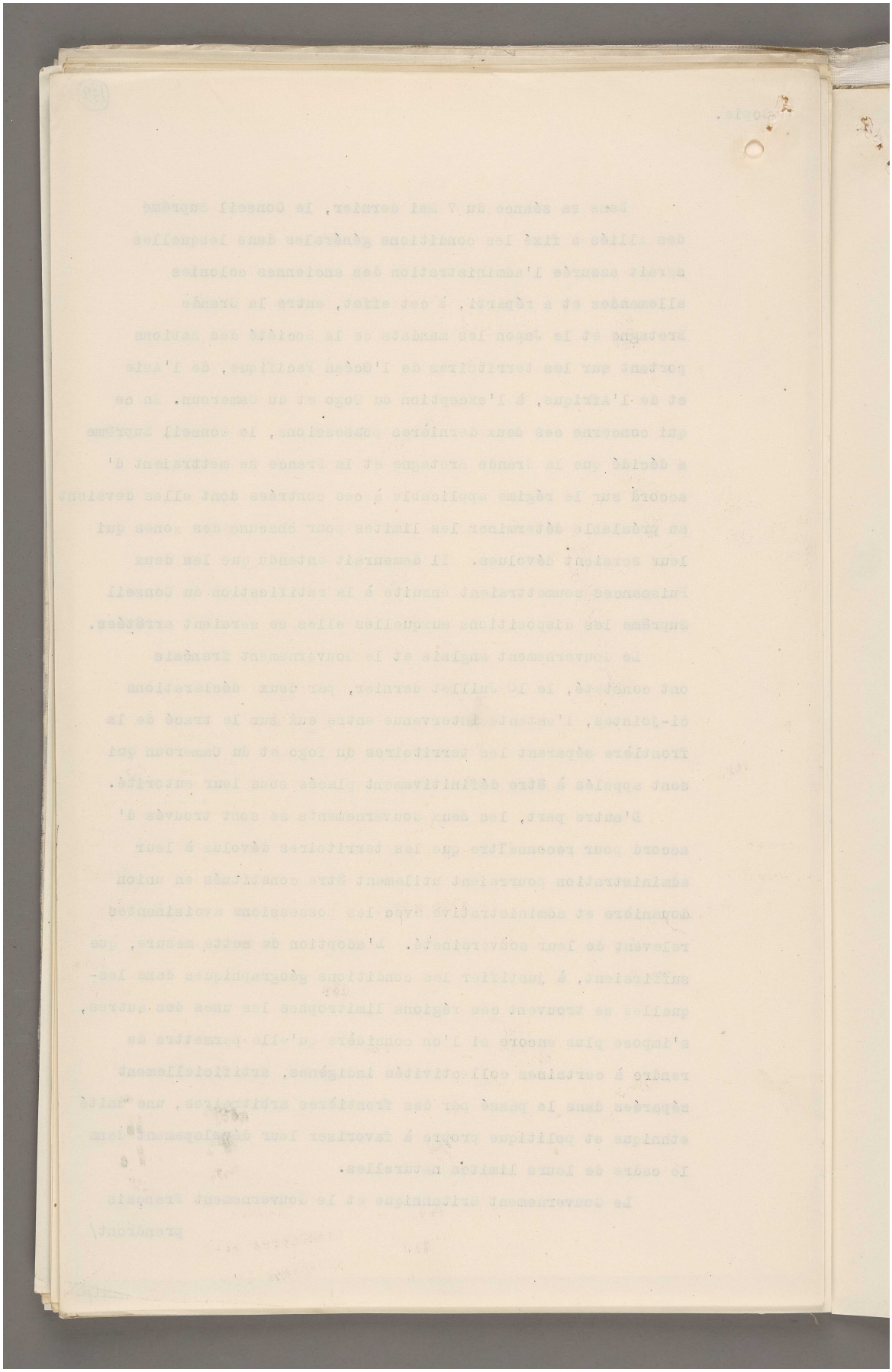

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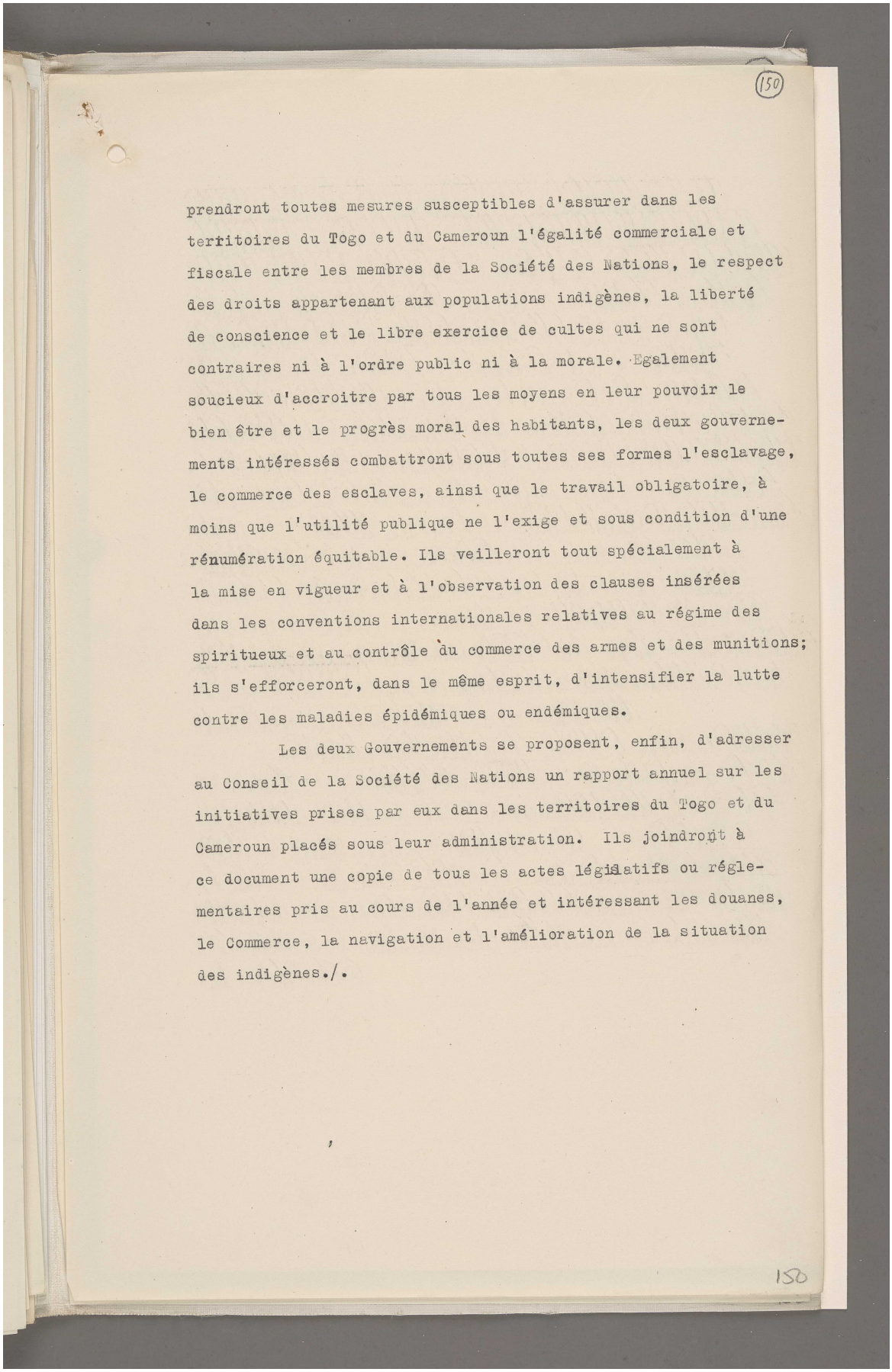

(150)

prendront toutes mesures susceptibles d'assurer dans les territoires du Togo et du Cameroun l'égalité commerciale et fiscale entre les membres de la Société des Nations, le respect des droits appartenant aux populations indigènes, la liberté de conscience et le libre exercice de cultes qui ne sont contraires ni à l'ordre public ni à la morale. Egalement soucieux d'accroitre par tous les moyens en leur pouvoir le bien être et le progrès moral des habitants, les deux gouvernements intéressés combattront sous toutes ses formes l'esclavage, le commerce des esclaves, ainsi que le travail obligatoire, à moins que l'utilité publique ne l'exige et sous condition d'une rénumération équitable. Ils veilleront tout spécialement à la mise en vigueur et à l'observation des clauses insérées dans les conventions internationales relatives au régime des spiritueux et au contrôle du commerce des armes et des munitions; ils s'efforceront, dans le même esprit, d'intensifier la lutte contre les maladies épidémiques ou endémiques.

Les deux Gouvernements se proposent, enfin, d'adresser au Conseil de la Société des Nations un rapport annuel sur les initiatives prises par eux dans les territoires du Togo et du Cameroun placés sous leur administration. Ils joindront à ce document une copie de tous les actes législatifs ou réglementaires pris au cours de l'année et intéressant les douanes, le Commerce, la navigation et l'amélioration de la situation des indigènes./.

150

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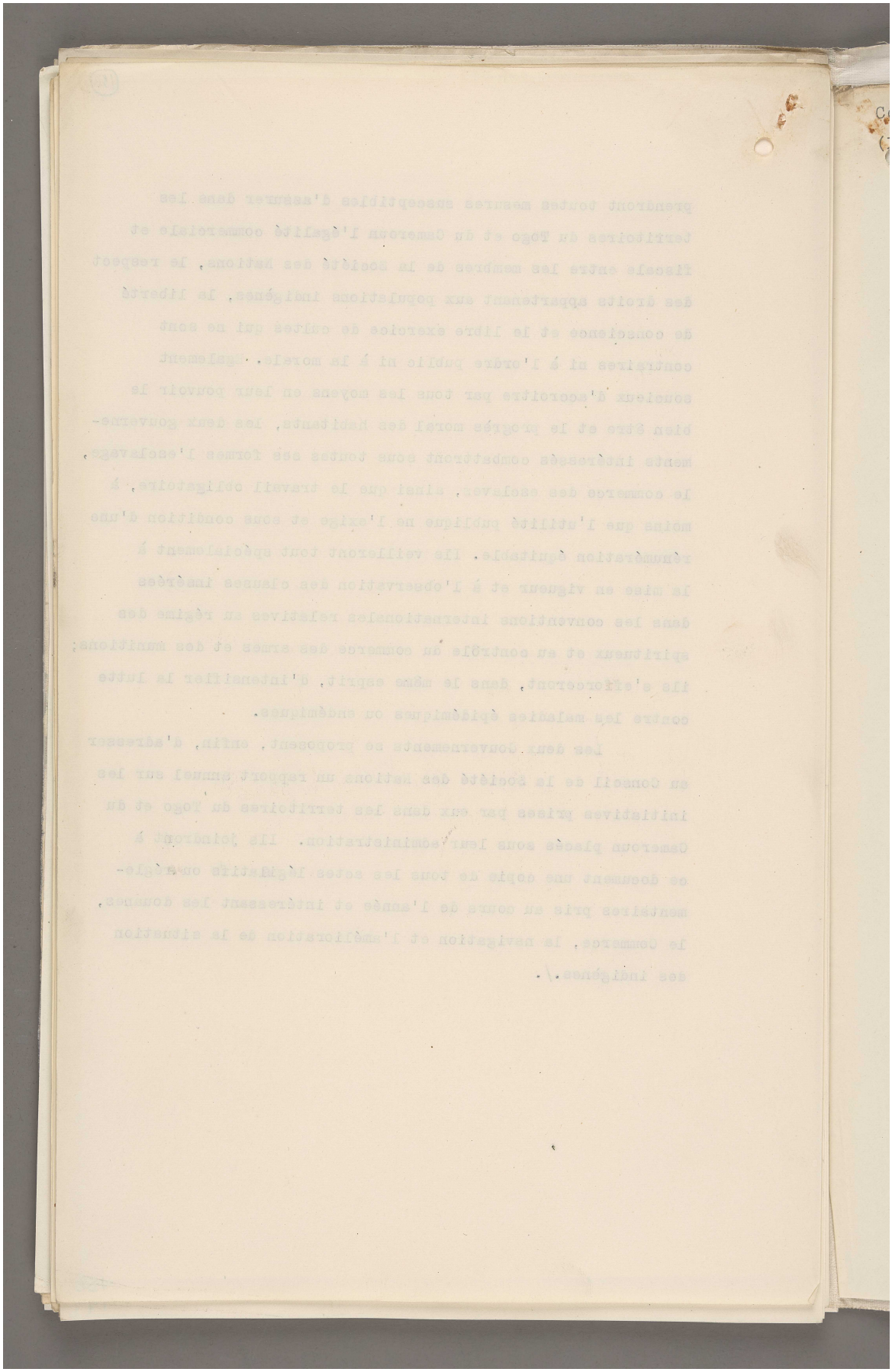

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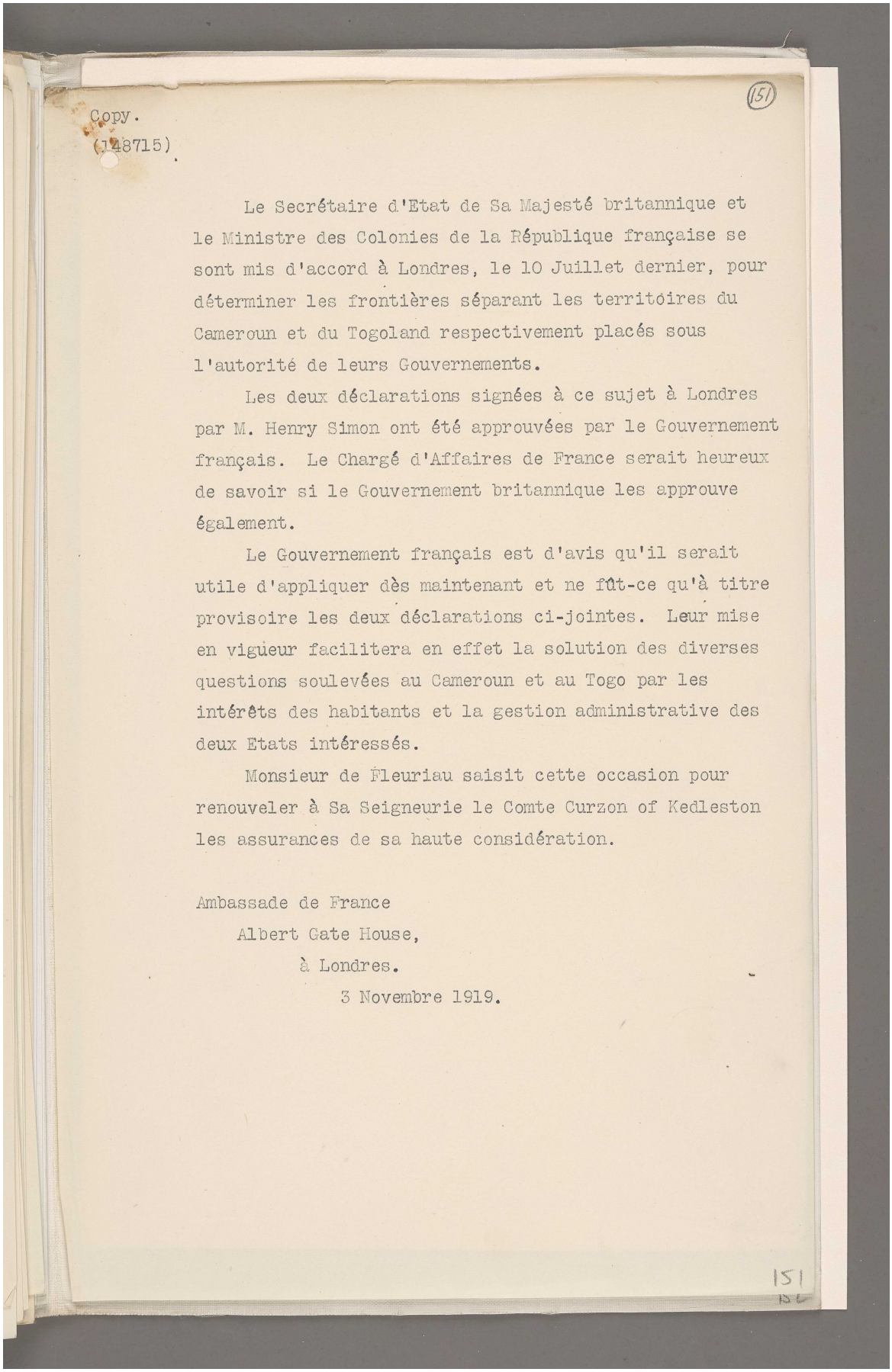

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(148715)

Le Secrétaire d'Etat de Sa Majesté britannique et le Ministre des Colonies de la République française se sont mis d'accord à Londres, le 10 Juillet dernier, pour déterminer les frontières séparant les territoires du Cameroun et du Togoland respectivement placés sous l'autorité de leurs Gouvernements.

Les deux déclarations signées à ce sujet à Londres par M. Henry Simon ont été approuvées par le Gouvernement français. Le Chargé d'Affaires de France serait heureux de savoir si le Gouvernement britannique les approuve également.

Le Gouvernement français est d'avis qu'il serait utile d'appliquer dès maintenant et ne fût-ce qu'à titre provisoire les deux déclarations ci-jointes. Leur mise en vigueur facilitera en effet la solution des diverses questions soulevées au Cameroun et au Togo par les intérêts des habitants et la gestion administrative des deux Etats intéressés.

Monsieur de Fleuriau saisit cette occasion pour renouveler à Sa Seigneurie le Comte Curzon of Kedleston les assurances de sa haute considération.

Ambassade de France
Albert Gate House,
à Londres.
3 Novembre 1919.

151

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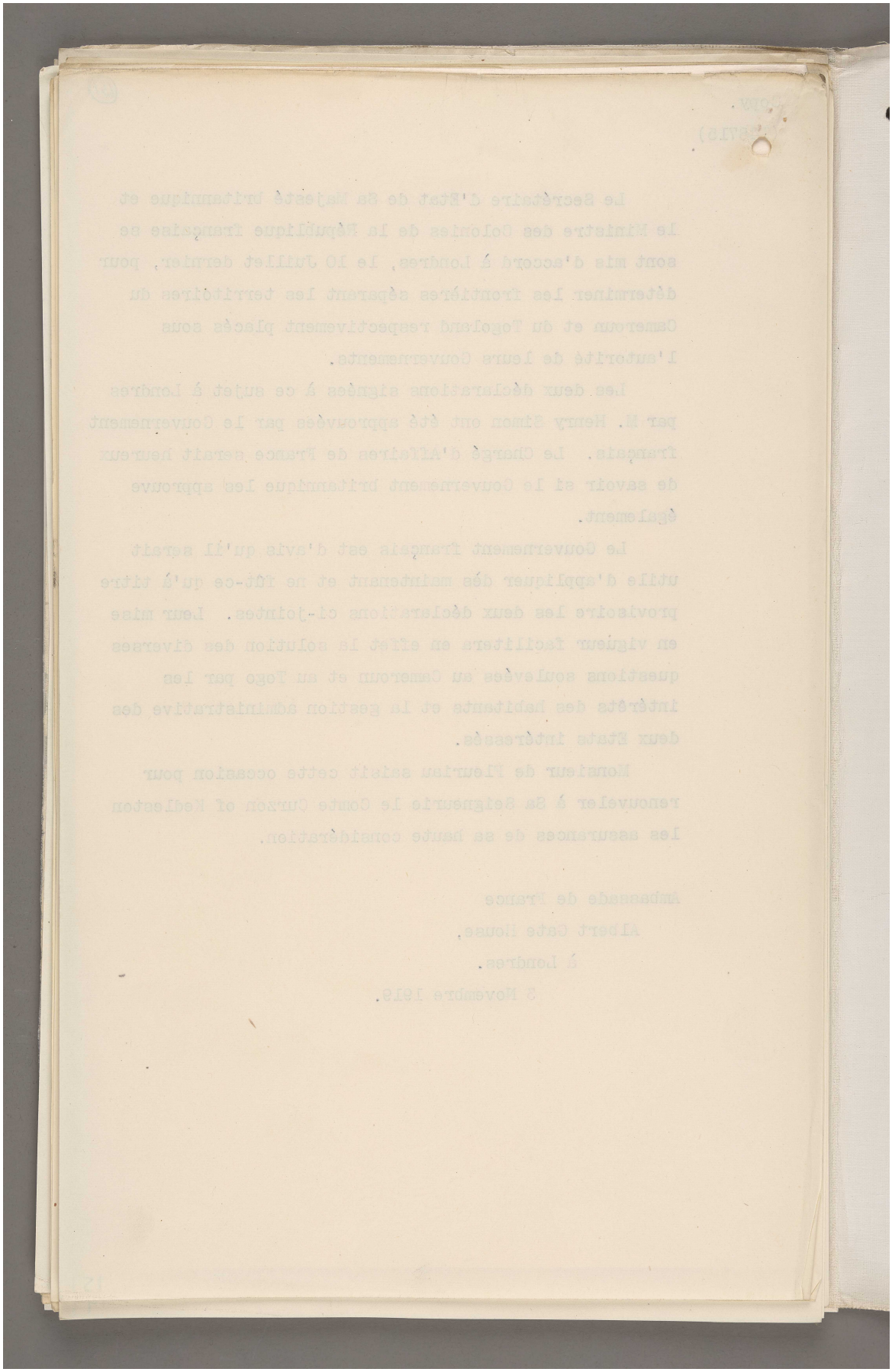

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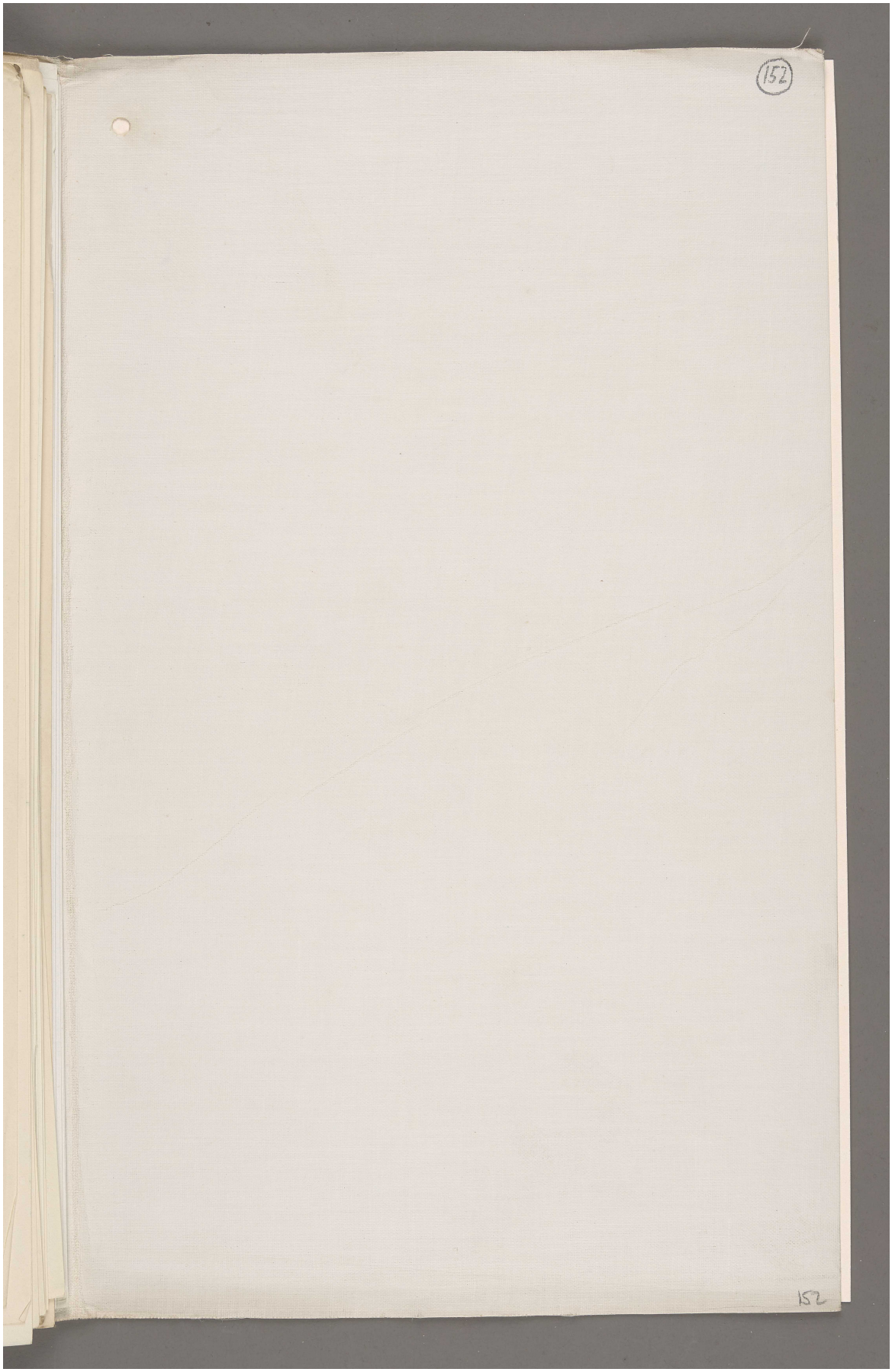

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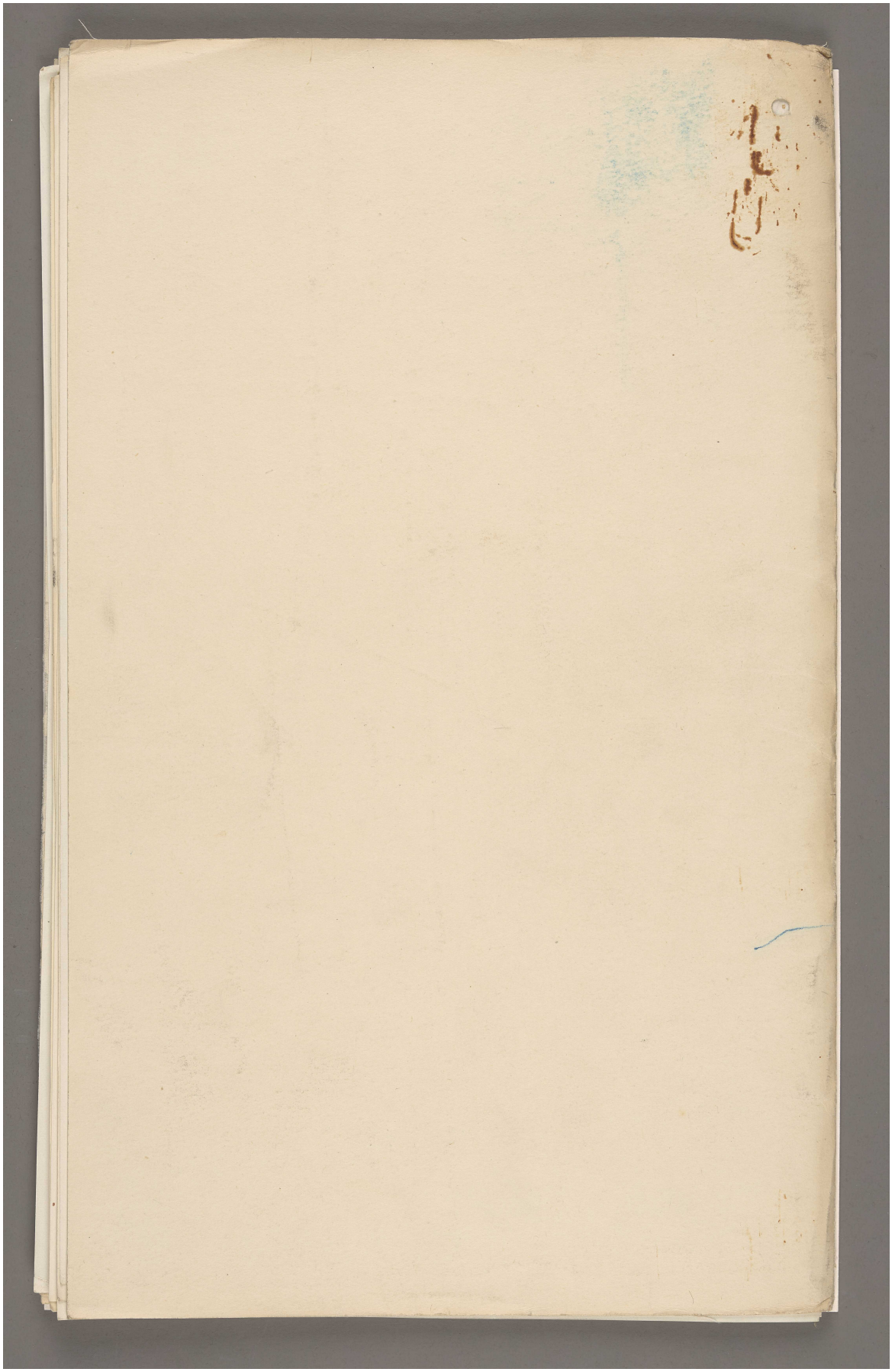

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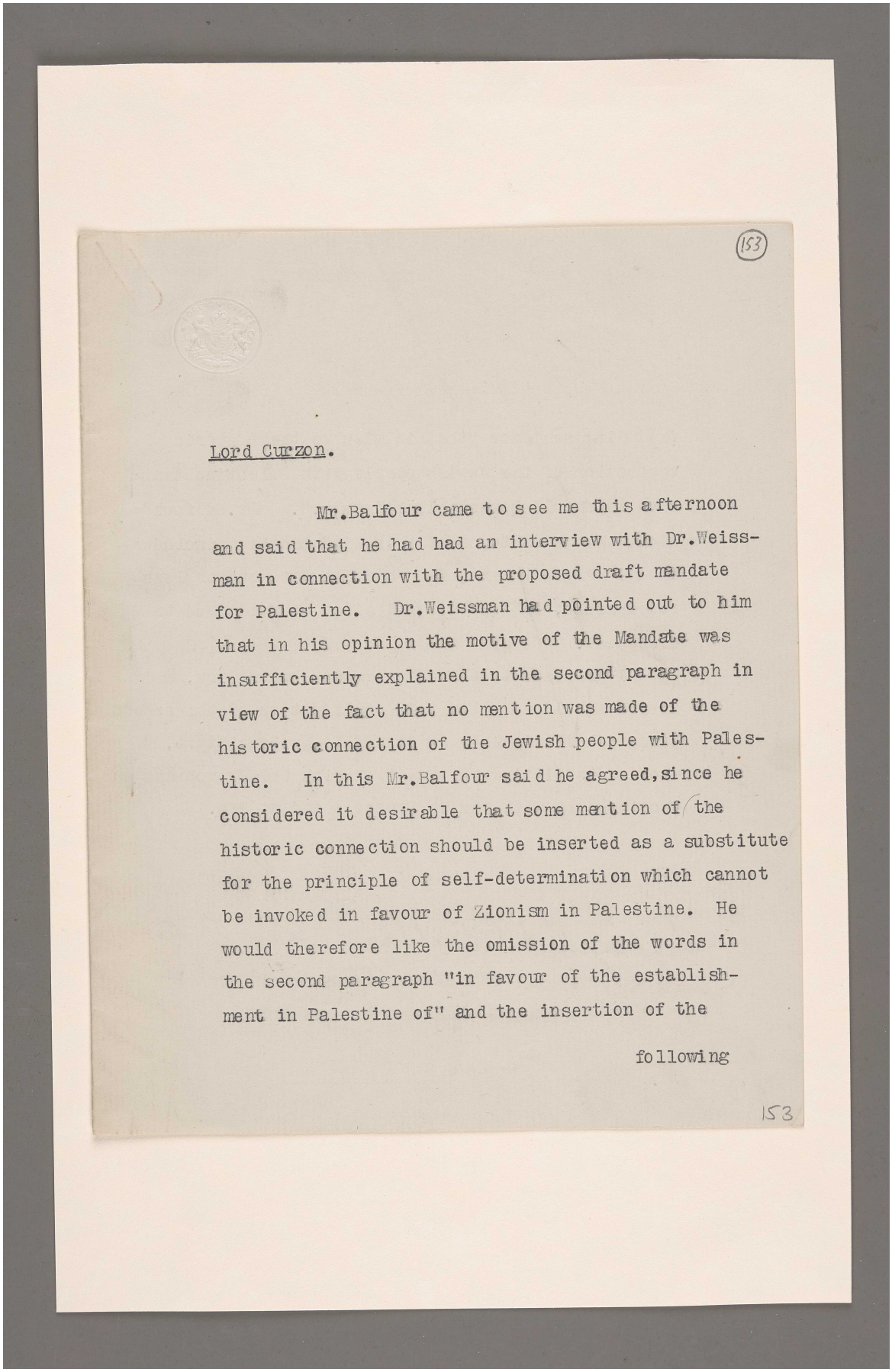

(153)

Lord Curzon.

Mr.Balfour came to see me this afternoon and said that he had had an interview with Dr.Weissman in connection with the proposed draft mandate for Palestine. Dr.Weissman had pointed out to him that in his opinion the motive of the Mandate was insufficiently explained in the second paragraph in view of the fact that no mention was made of the historic connection of the Jewish people with Palestine. In this Mr.Balfour said he agreed, since he considered it desirable that some mention of the historic connection should be inserted as a substitute for the principle of self-determination which cannot be invoked in favour of Zionism in Palestine. He would therefore like the omission of the words in the second paragraph "in favour of the establishment in Palestine of" and the insertion of the

following

153

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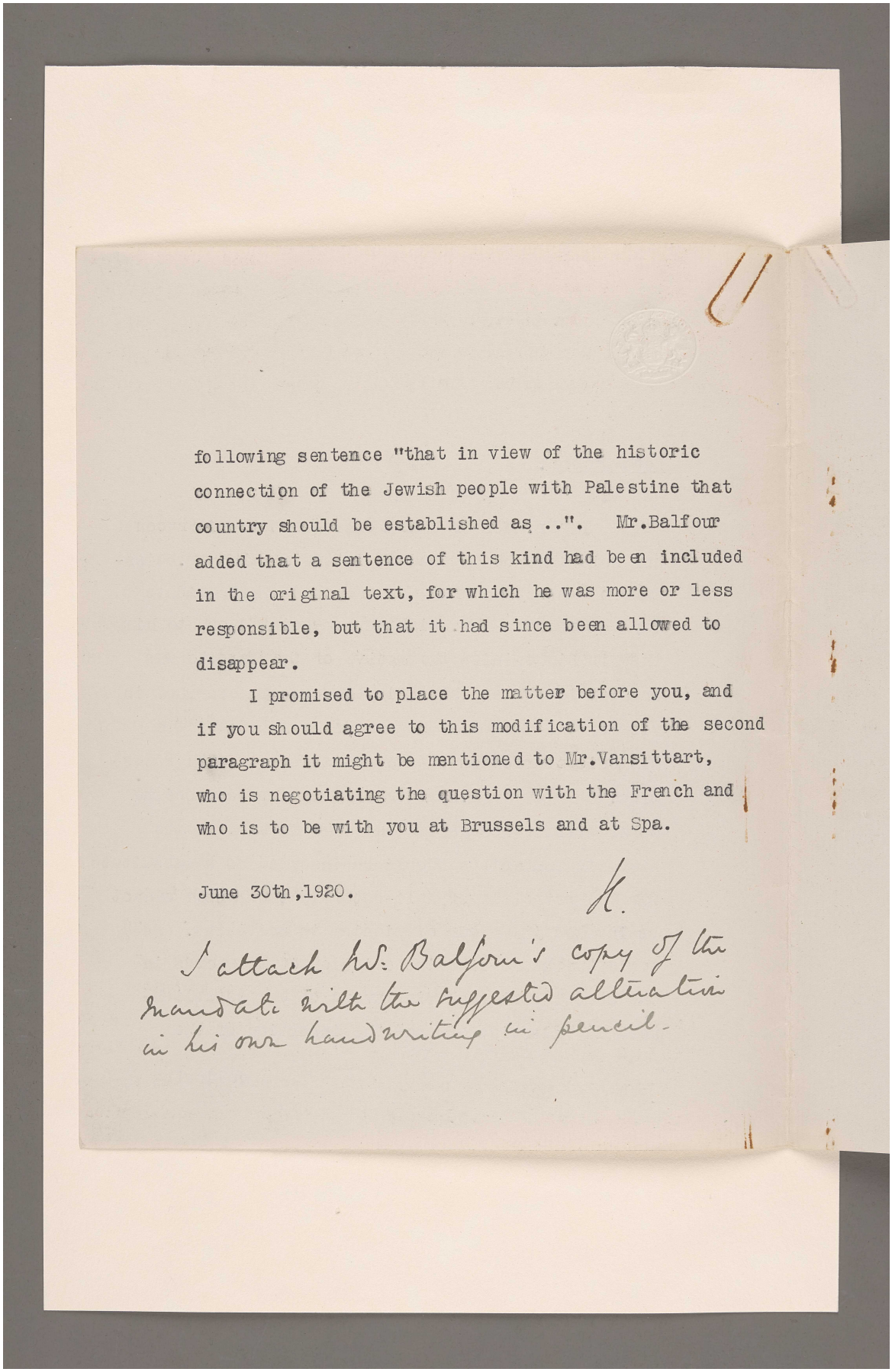

following sentence "that in view of the historic connection of the Jewish people with Palestine that country should be established as ..". Mr.Balfour added that a sentence of this kind had been included in the original text, for which he was more or less responsible, but that it had since been allowed to disappear.

I promised to place the matter before you, and if you should agree to this modification of the second paragraph it might be mentioned to Mr.Vansittart, who is negotiating the question with the French and who is to be with you at Brussels and at Spa.

June 30th,1920.

K.

I attach Mr. Balfour's copy of the Mandate with the suggested alteration in his own handwriting in pencil.

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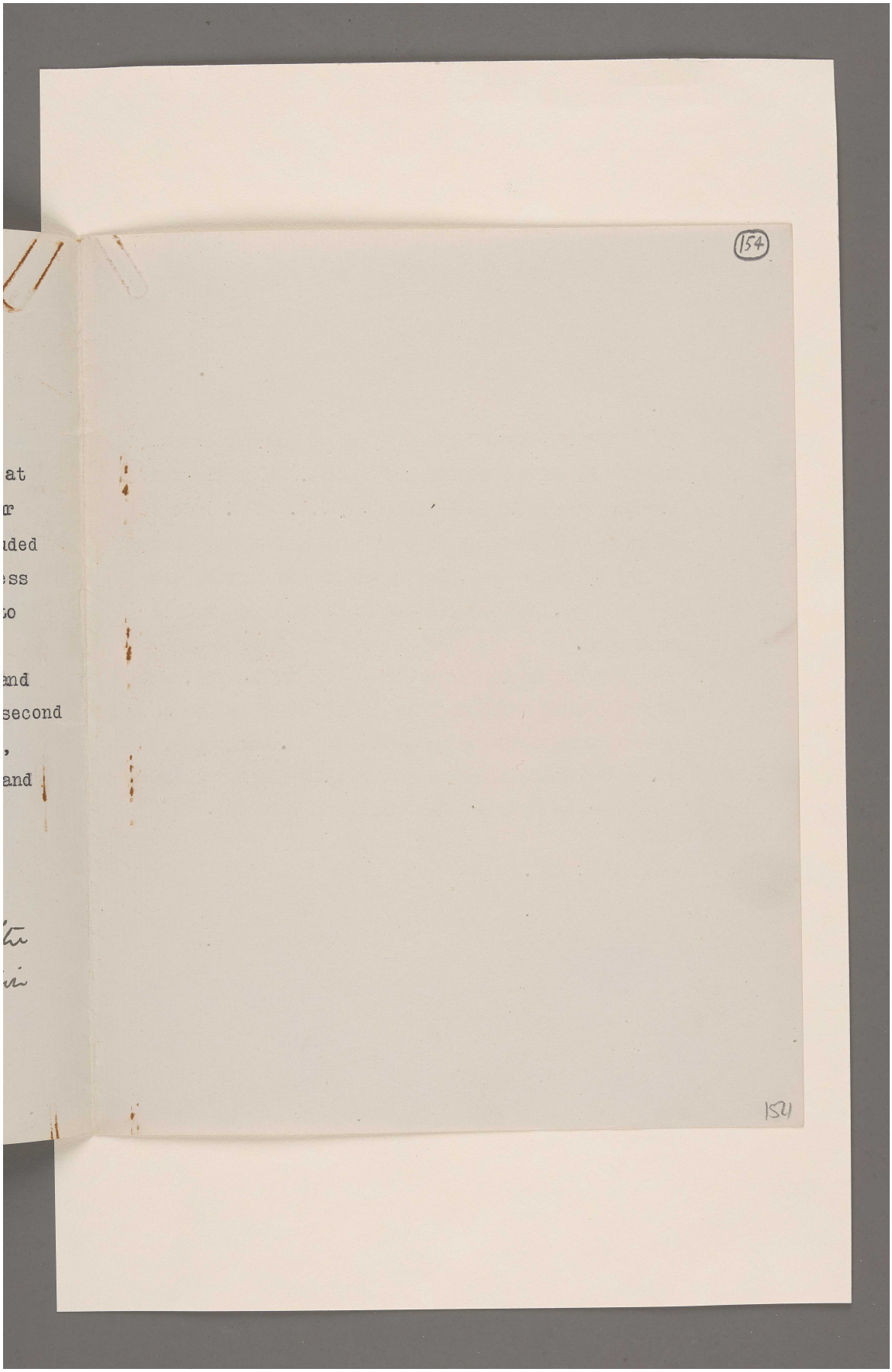

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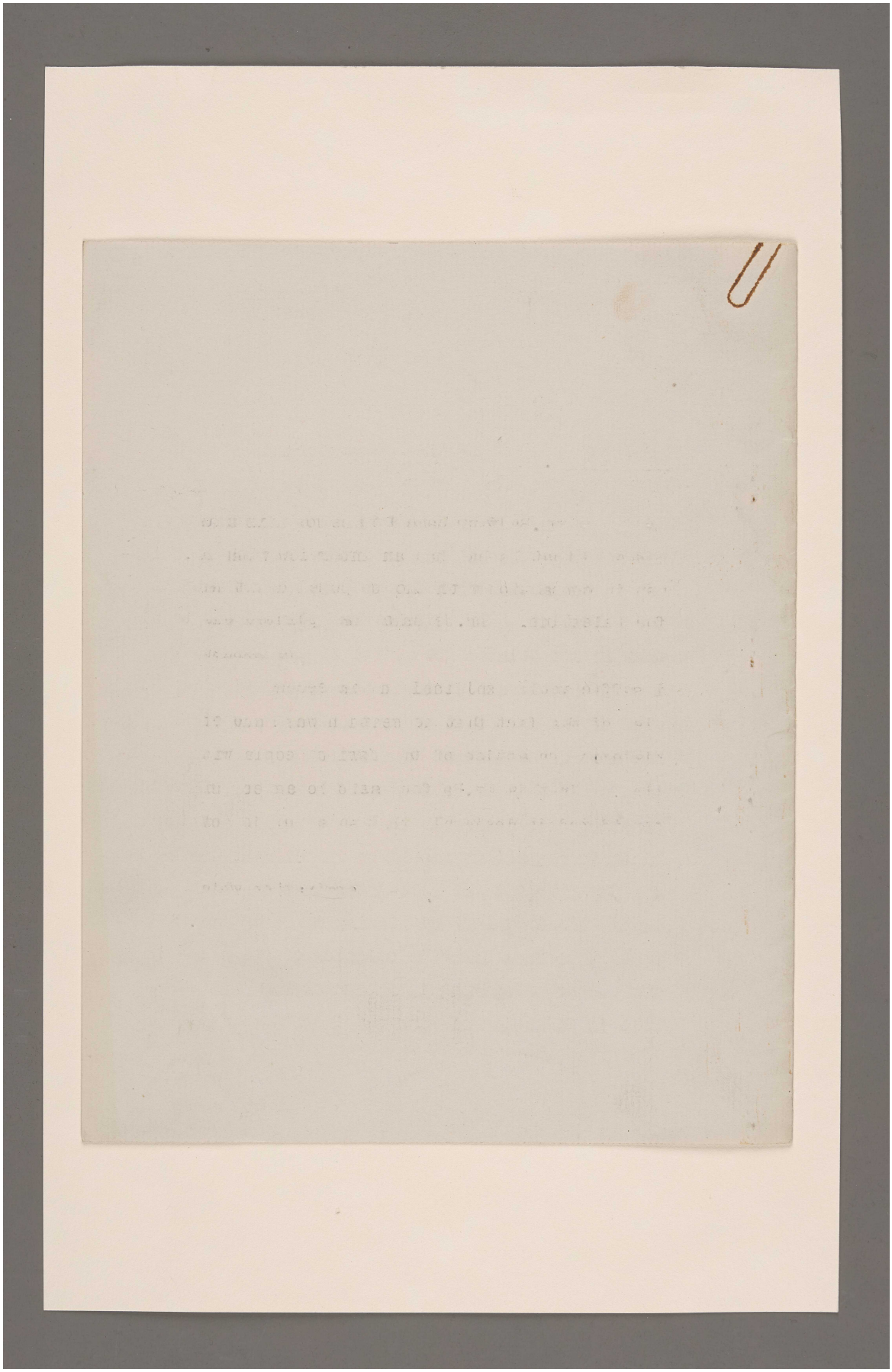
أوراق متعلقة بانتدابات عصبة الأمم [١٥٤ظ] (٦٤٦/٣٠٨)



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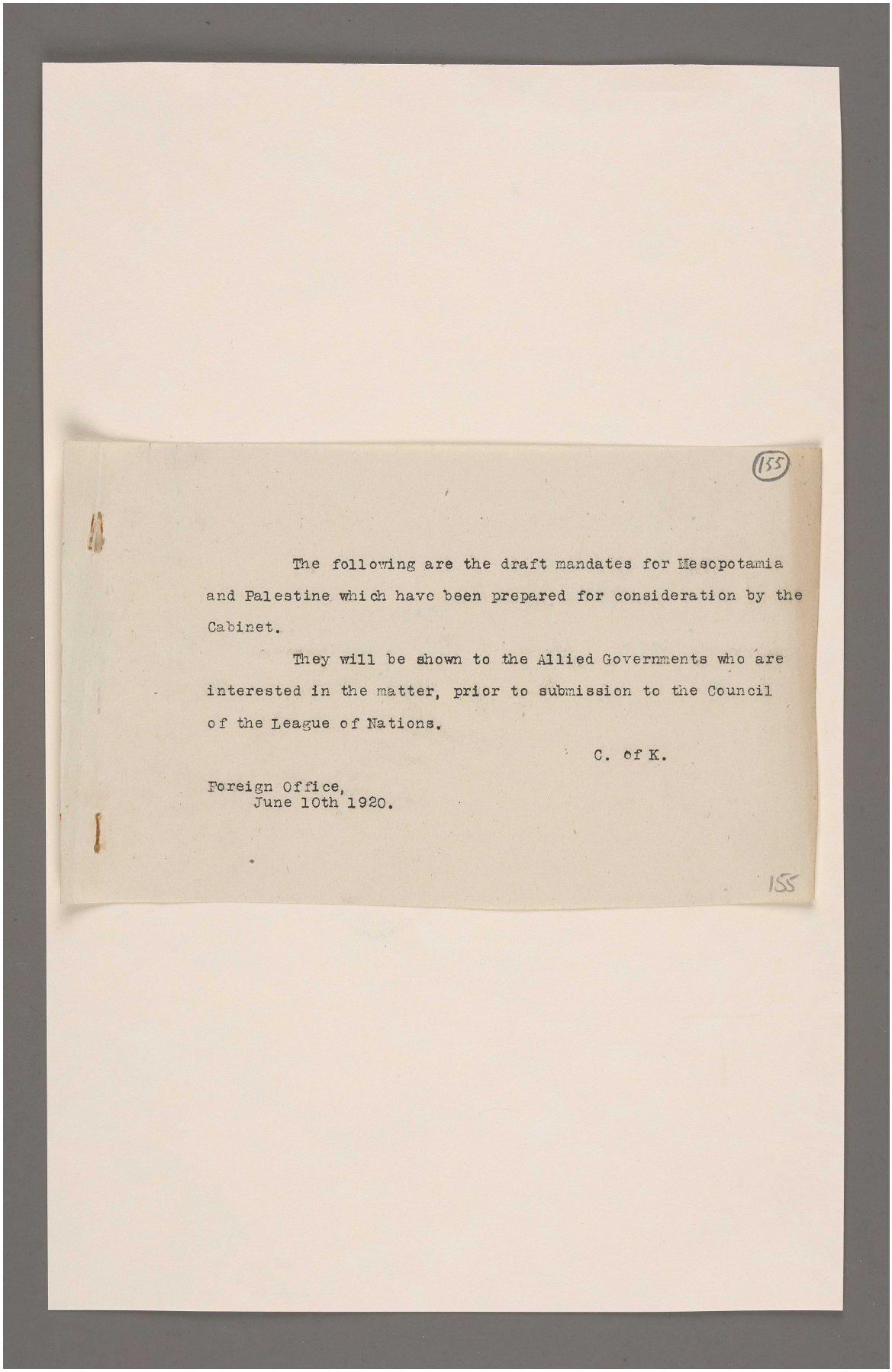

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The following are the draft mandates for Mesopotamia and Palestine which have been prepared for consideration by the Cabinet.

They will be shown to the Allied Governments who are interested in the matter, prior to submission to the Council of the League of Nations.

C. of K.

Foreign Office,
June 10th 1920.

155

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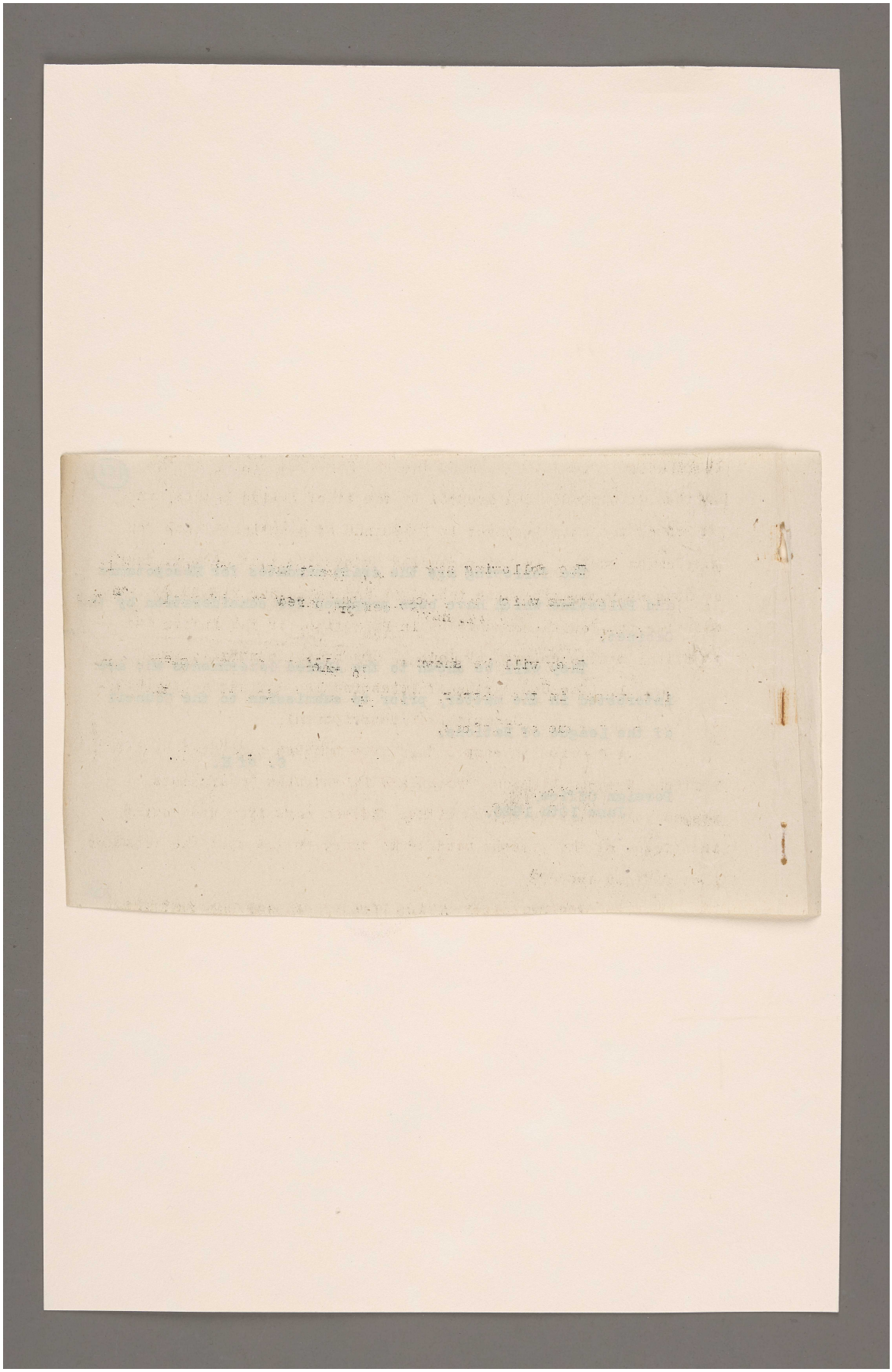

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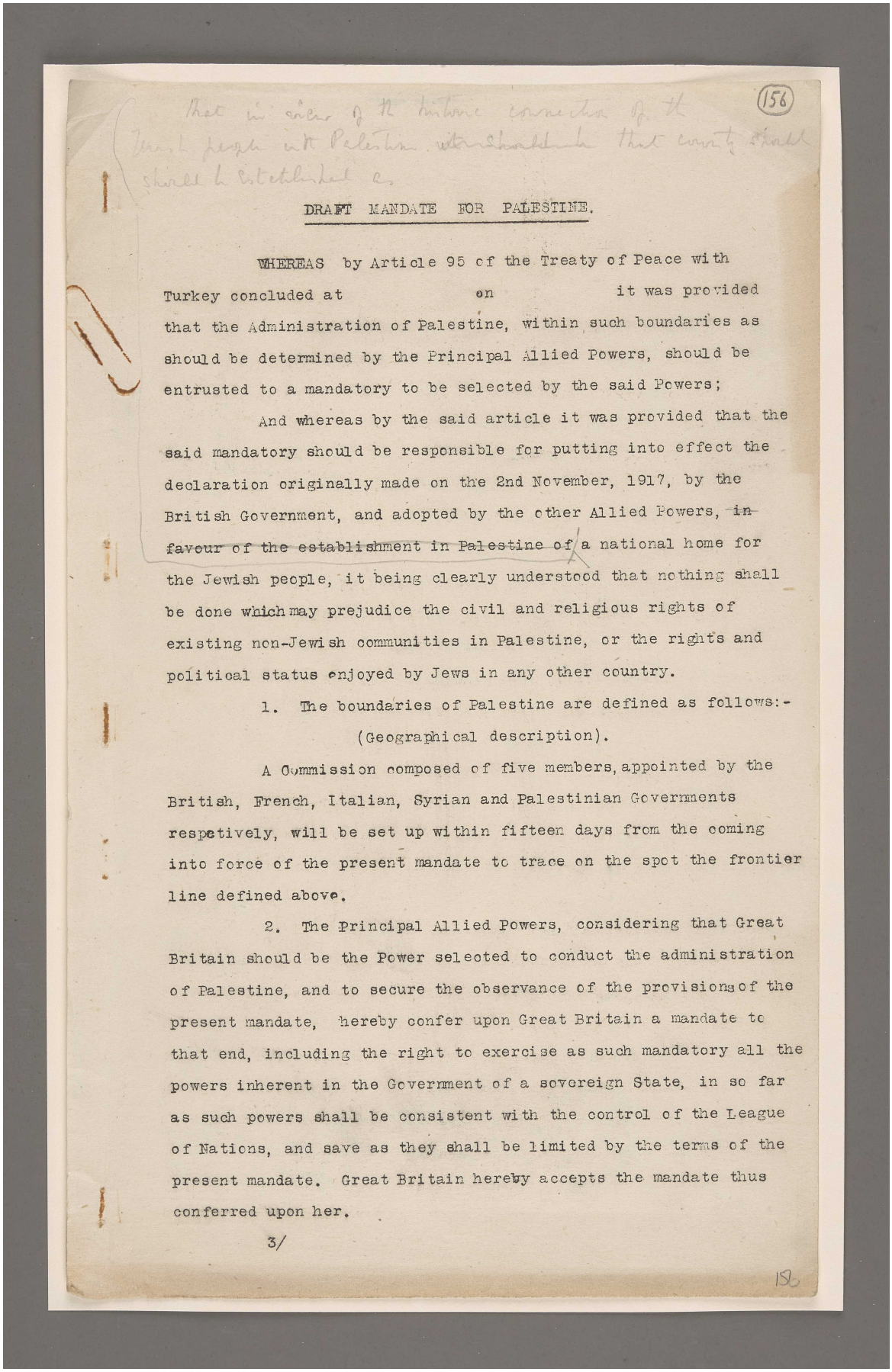

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DRAFT MANDATE FOR PALESTINE.

WHEREAS by Article 95 of the Treaty of Peace with Turkey concluded at on it was provided that the Administration of Palestine, within such boundaries as should be determined by the Principal Allied Powers, should be entrusted to a mandatory to be selected by the said Powers;

And whereas by the said article it was provided that the said mandatory should be responsible for putting into effect the declaration originally made on the 2nd November, 1917, by the British Government, and adopted by the other Allied Powers, ~~in favour of the establishment in Palestine of~~ a national home for the Jewish people, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.

1. The boundaries of Palestine are defined as follows:-

(Geographical description).

A Commission composed of five members, appointed by the British, French, Italian, Syrian and Palestinian Governments respetively, will be set up within fifteen days from the coming into force of the present mandate to trace on the spot the frontier line defined above.

2. The Principal Allied Powers, considering that Great Britain should be the Power selected to conduct the administration of Palestine, and to secure the observance of the provisions of the present mandate, hereby confer upon Great Britain a mandate to that end, including the right to exercise as such mandatory all the powers inherent in the Government of a sovereign State, in so far as such powers shall be consistent with the control of the League of Nations, and save as they shall be limited by the terms of the present mandate. Great Britain hereby accepts the mandate thus conferred upon her.

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15

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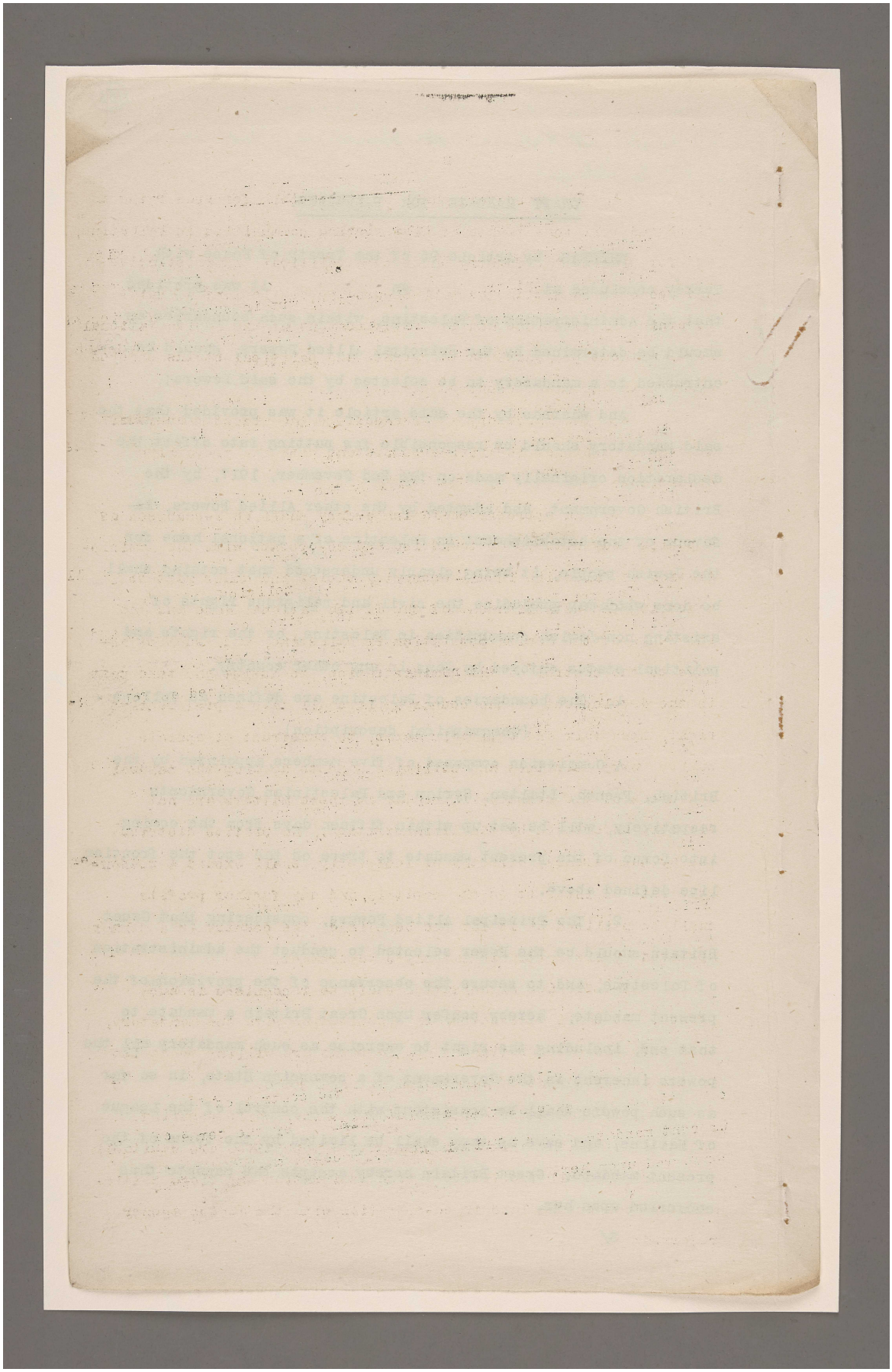

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3. The mandatory shall be responsible for preserving the civil and religious rights of all existing communities in Palestine, and for placing the country under such political, administrative and economic conditions as will secure the development of self-governing institutions and the establishment of the Jewish National Home, without prejudice to the rights and political status enjoyed by Jews in any other country.

4. The mandatory shall encourage the widest measure of self-government for localities consistent with the prevailing conditions.

5. An appropriate Jewish agency shall be recognised as a public body with power to advise and co-operate with the Administration of Palestine in all economic, social and other matters affecting the establishment of the Jewish National Home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country. It shall have a preferential right, upon fair and equitable terms, to construct or operate public works, services and utilities, and to develop the natural resources of the country, in so far as these matters are not directly undertaken by the Administration. No profits distributed by such agency, directly or indirectly, shall exceed a reasonable rate of interest on the capital, and any further profits shall be utilised by it for the benefit of the country in a manner approved by His Britannic Majesty's Government.

The Zionist organisation shall be recognised as such agency. It shall take steps, in consultation with the mandatory, to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish National Home.

6. The Administration of Palestine, while ensuring that the established rights of the native population are equitably safeguarded, shall facilitate Jewish immigration and close settlement by Jews on the land in co-operation with the Jewish agency referred/

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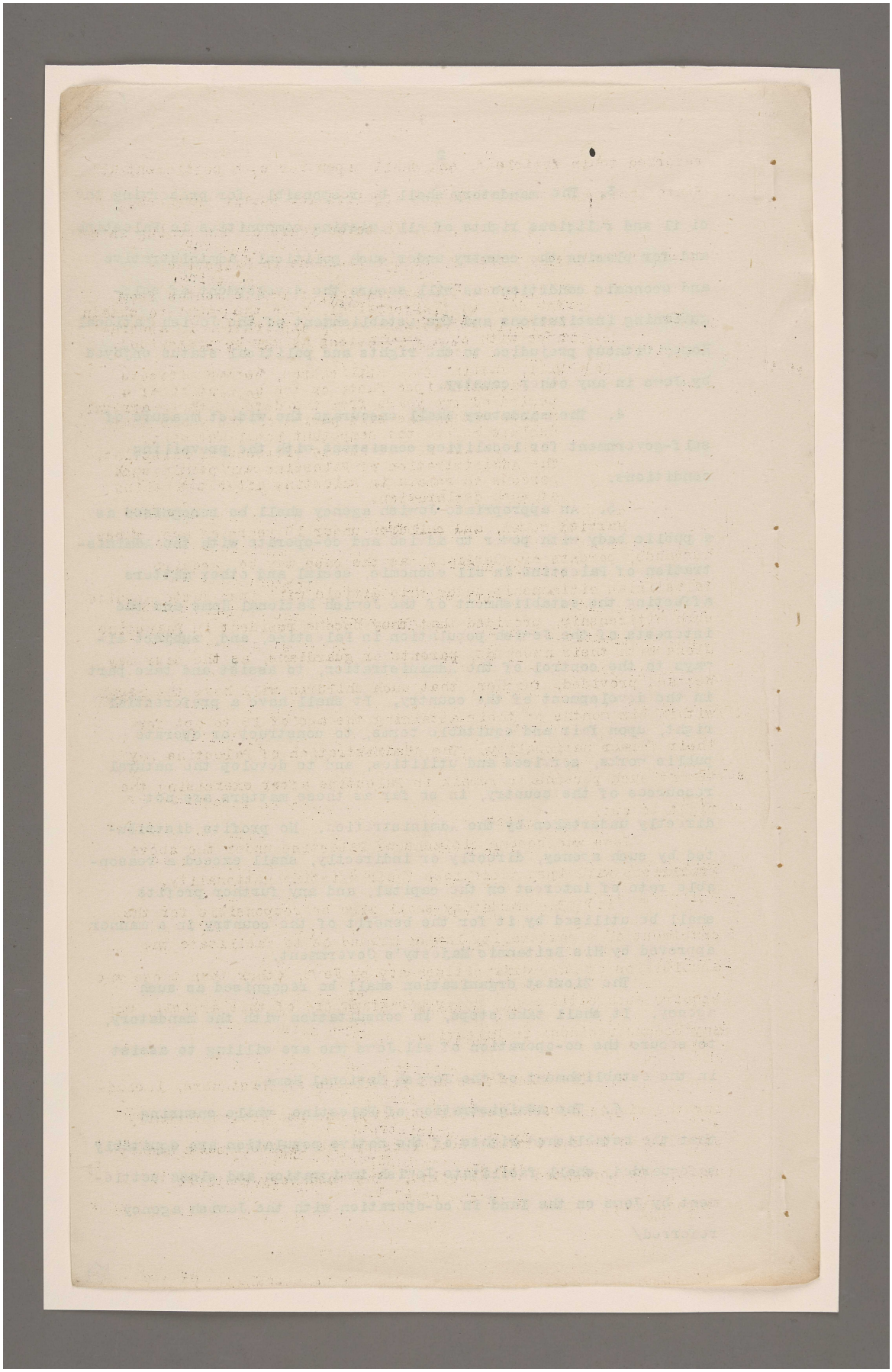

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referred to in article 5, and shall open for such settlement all State lands and waste lands not required for public purposes.

7. (i) Jews who, within seven years of the coming into force of the present treaty, become resident in Palestine -

(a) Will, after the expiration of twelve months from the date of their arrival, have the right to obtain Palestinian citizenship by application in accordance with such regulations as may be prescribed.

(b) Will, failing such application, become citizens of Palestine ipso facto on the expiration of a period of two years from the date of their arrival, unless within the said period of two years they declare before the competent local authority their desire not to become citizens of Palestine. The Administration of Palestine may permit such persons to remain in Palestine after the making of such declaration.

Married women, and children under 18 years of age, whose husbands, parents or guardians, as the case may be, acquire Palestinian citizenship under this article will ipso facto acquire such citizenship, provided that they become resident in Palestine along with their husbands, parents or guardians, as the case may be; and provided, further, that such children will have the right within six months of their attaining the age of 18 to opt for their former nationality. The Administration of Palestine may permit such persons to remain in Palestine after exercising the right to opt.

Jews who become citizens of Palestine under the above provisions will ipso facto lose their existing nationality.

(ii) The mandatory shall also be responsible for the enactment of a nationality law so framed as to facilitate the acquisition of Palestinian citizenship by Jews, other than those who acquire such citizenship under paragraph (i) of this article, who may become resident in Palestine.

8. The immunities and privileges of foreigners, including the rights of consular jurisdiction and protection formerly established in the Ottoman dominions by the Capitulations and by usage, are abrogated in Palestine. The mandatory shall be responsible/

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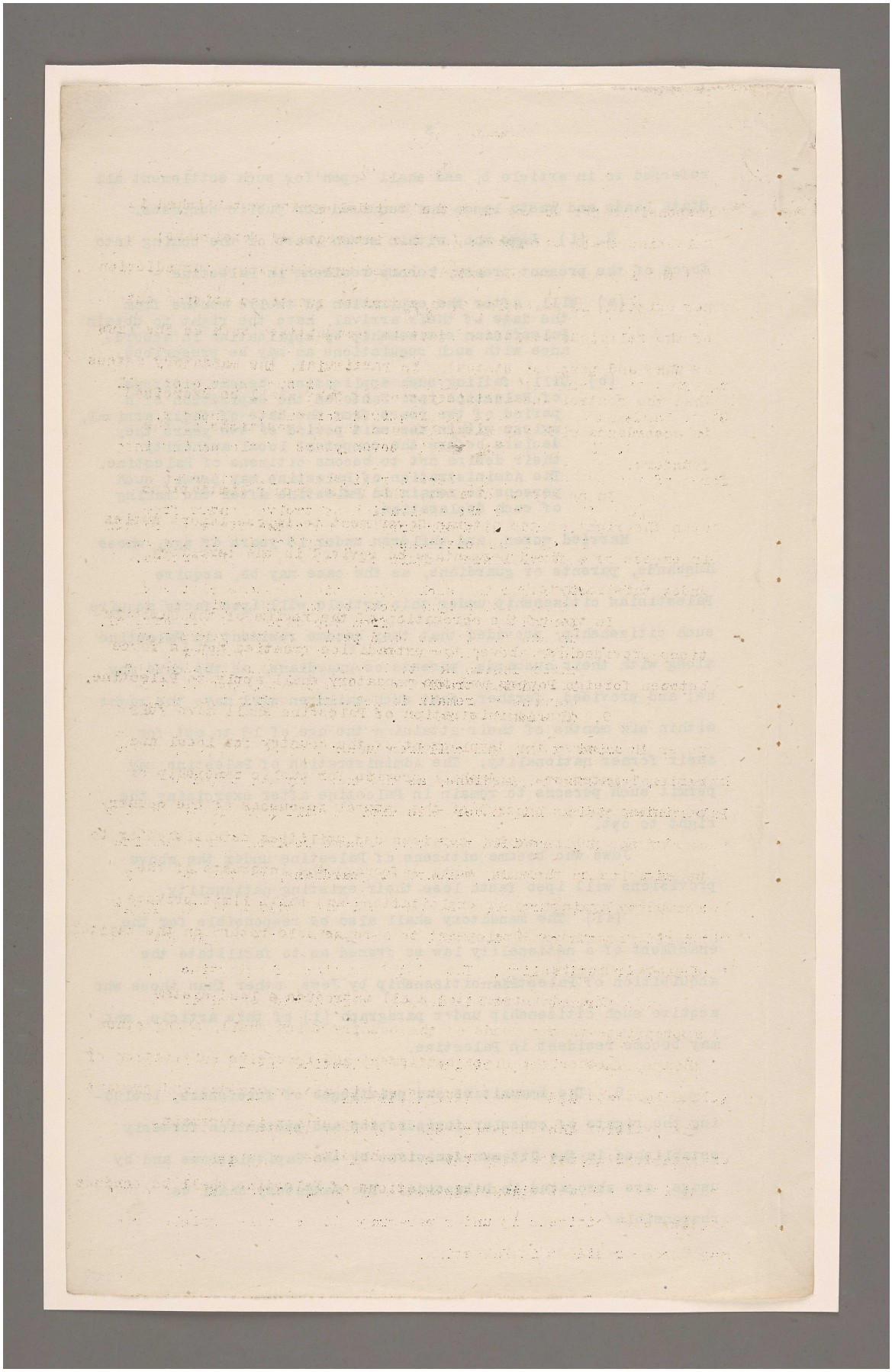

159

responsible for seeing that the judicial system established in Palestine shall safeguard: (a) the interests of foreigners; (b) the law and (to the extent deemed expedient) the jurisdiction now existing in Palestine with regard to questions arising out of the religious beliefs of certain communities (such as the laws of Wakf and personal status). In particular, the mandatory agrees that the control and administration of Wakf shall be exercised in accordance with religious law and the dispositions of the founders.

In no event, however, shall the former limitations upon the right of the Ottoman Government to impose import duties in excess of a fixed percentage be revived in the territory under this mandate.

In view of the abrogation of the regime of the Capitulations provided for above, the extradition treaties now in force between foreign Powers and the mandatory shall apply to Palestine.

9. The Administration of Palestine shall have full power to reserve the development of the country for local and national interests, and shall provide for public ownership or effective public control of the natural resources of the country and of the public works, services and utilities established or to be established therein, shall safeguard the interests of the community against their exploitation, and shall limit private profit from their development to a reasonable return on the capital employed therein.

The Administration shall introduce a land system appropriate to the needs of the country which shall, among other things, further the close settlement and intensive cultivation of the land and discourage its uneconomic use or non-use and prevent the evils of land speculation, of disposition in mortmain (inalienability) and of excessive holdings.

10. The foreign relations of Palestine shall be conduct :ed/

159

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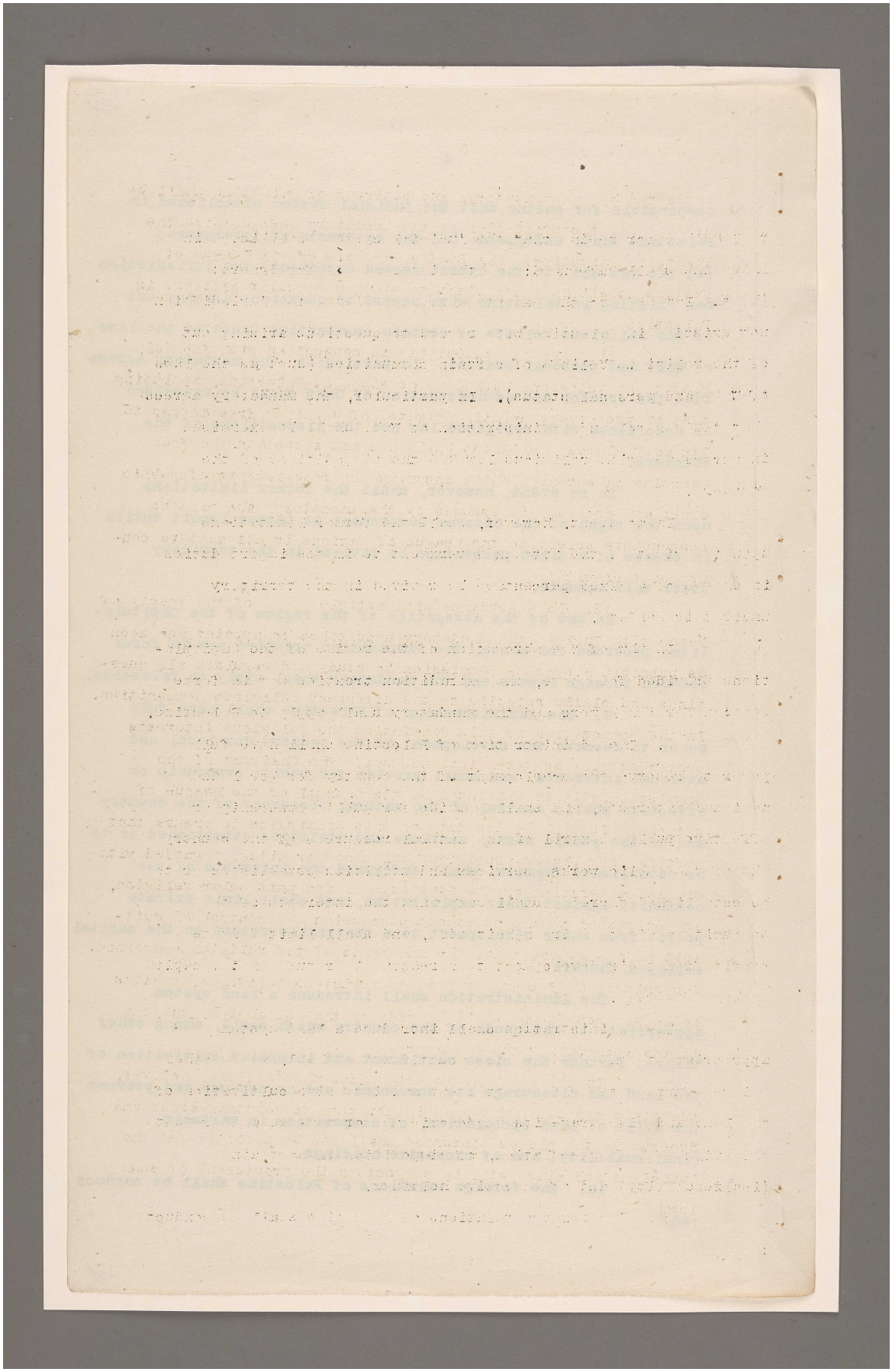

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conducted by the mandatory, and citizens of Palestine shall be entitled to the protection of the mandatory when outside the limits of Palestine. All States, members of the League of Nations, shall have the right to station consular officers in Palestine.

11. All responsibility in connection with the Holy Places and religious buildings or sites of Palestine, including that of preserving existing rights, of securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the mandatory, who will be responsible solely to the League of Nations in all matters connected therewith.

12. In accordance with article of the Treaty of Peace with Turkey, the mandatory undertakes to appoint as soon as possible a special Commission to study and regulate all questions and claims relating to the different religious communities. In the composition of this Commission the religious interests concerned will be taken into account. The Chairman of the Commission will be appointed by the Council of the League of Nations. It will be the duty of this Commission to ensure that certain Holy Places, religious buildings or sites, regarded with special veneration by the adherents of one particular religion, are entrusted to the permanent possession and control of suitable bodies representing the adherents of the religion concerned. The selection of the Holy Places, religious buildings or sites to be so transferred shall be made by the Commission, subject to the approval of the mandatory.

In all cases dealt with under this article, however, the right and duty of the Administration to maintain order and decorum in the places concerned shall not be affected and the buildings and sites will be subject to the provisions of such laws/

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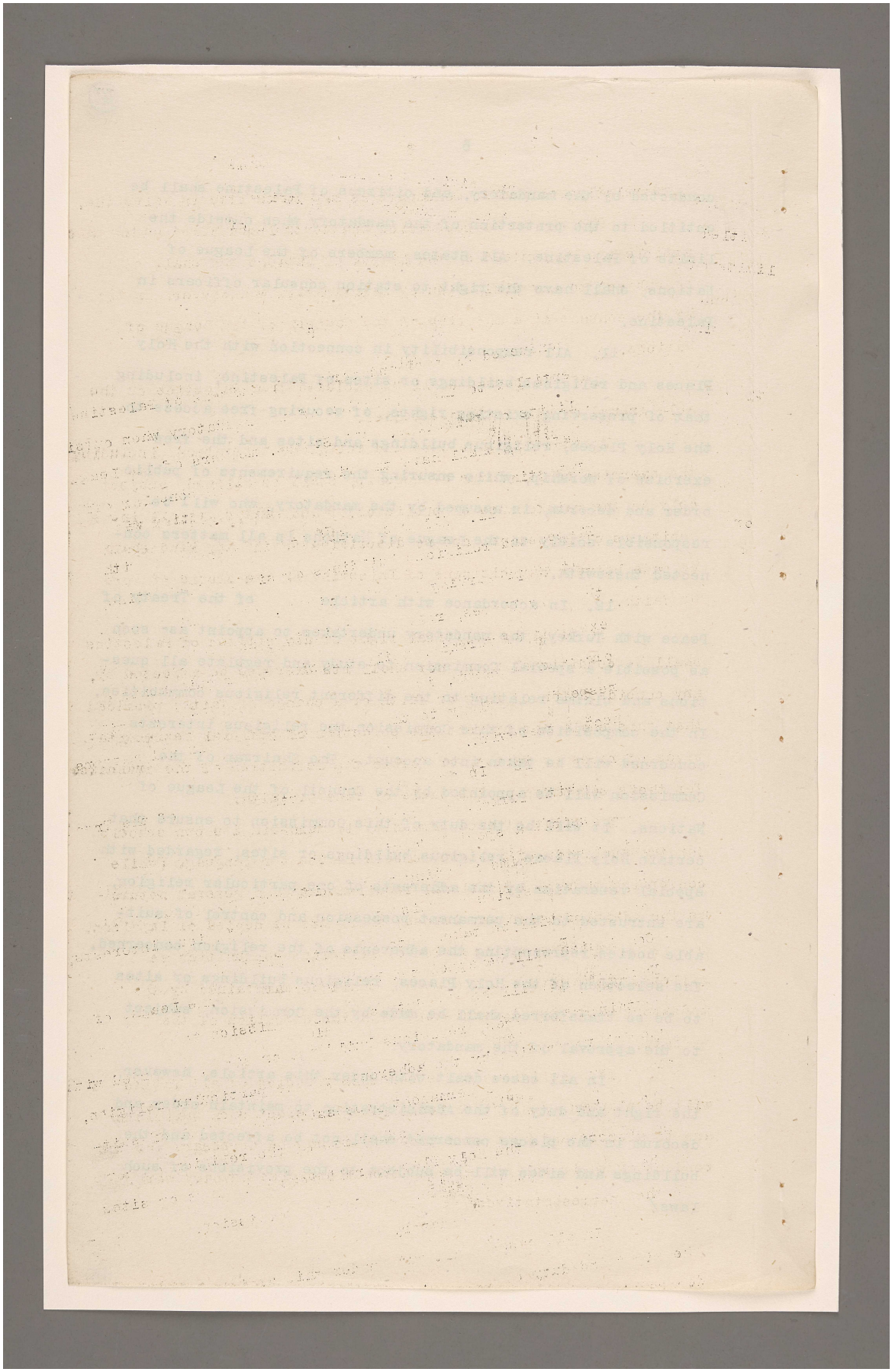

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laws relating to public monuments as may be enacted in Palestine.

The rights of possession and control conferred under this article are guaranteed by the League of Nations and shall never be subject to any diminution or modification whatsoever, unless by the consent of a majority of the Council of the League of Nations.

13. No person shall be excluded from Palestine on the sole ground of his religious belief.

Freedom of conscience and religious toleration, including the exercise of all forms of worship, shall be allowed, subject only to the maintenance of public order and morals, to all inhabitants of Palestine, and no discrimination of any kind shall be made between any citizens of Palestine on the ground of race or faith.

No civil or political right of any citizen of Palestine shall be conditional upon, nor shall its exercise be affected by, any consideration of race or faith or a change of faith; provided that this shall not prevent the selection of official representatives of races or faiths, or forbid the definition of the franchise for their selection on the basis of race or faith.

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

14. The organisation of religious communities as millets, where they exist already, shall be maintained by the mandatory where not inconsistent with the execution of the mandate.

15. Religious and eleemosynary bodies of all faiths will be allowed, subject to local laws, to erect such buildings and to acquire and hold such property as may be necessary for the conduct of their religious, educational and eleemosynary work.

Representatives/

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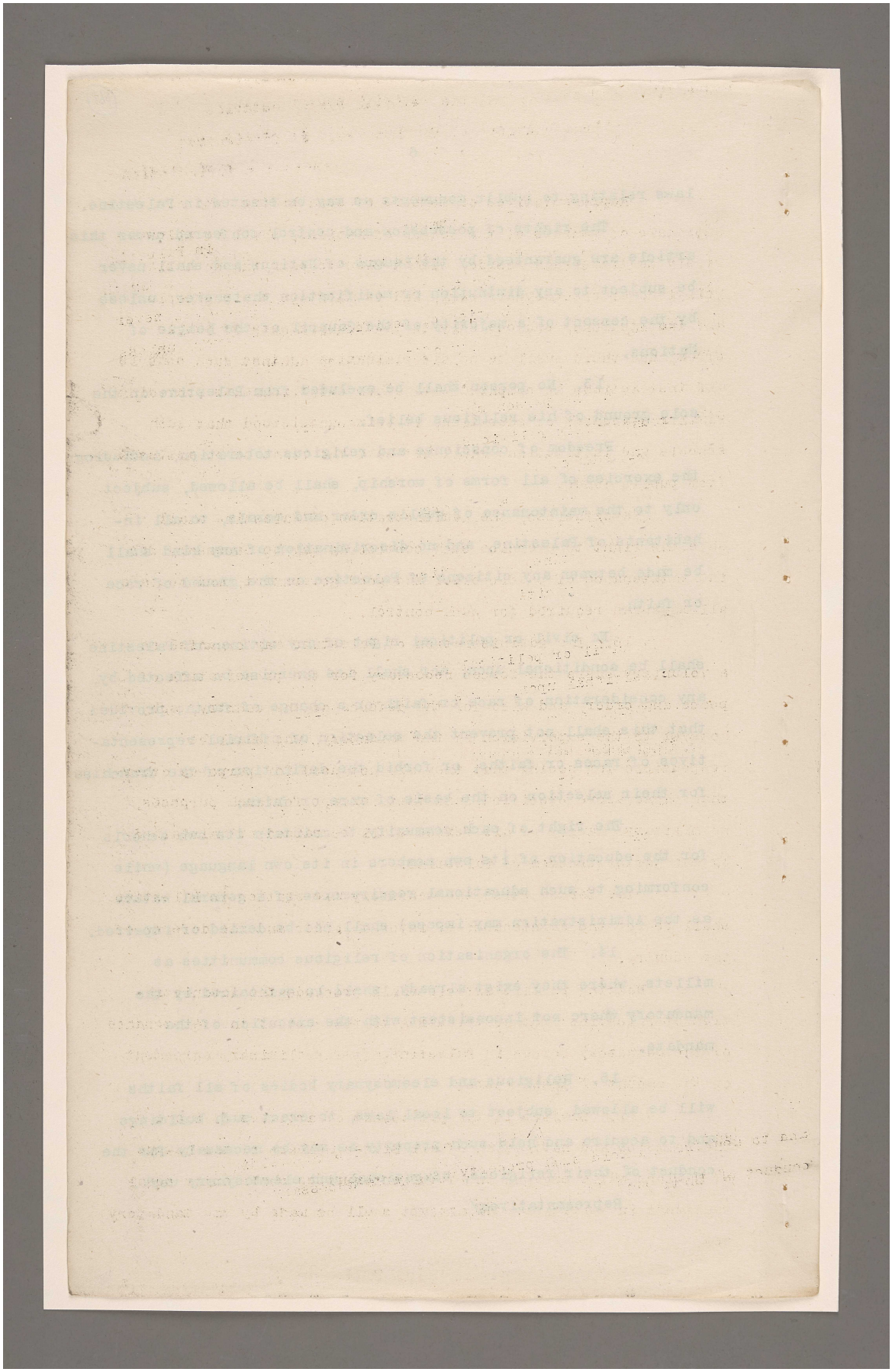

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(162)

Representatives or members of such bodies, who are nationals of members of the League of Nations, shall be allowed freely to travel and reside, with a view to carrying on their religious or eleemosynary work, and to maintain their schools and institutions, subject only to the requirements of public order, and there shall be no discrimination against such schools and institutions as compared with other establishments providing similar standards of education, it being understood that such schools and institutions shall not have the right to be assisted from public funds.

Nevertheless, the Administration of Palestine shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

16. The Administration of Palestine may organise on a voluntary basis the forces necessary for the preservation of peace and order, and also for the defence of the country, subject however to the supervision of the mandatory, who shall be responsible for seeing that they are not used for purposes other than those above specified, and that, except for such purposes, no military, naval, or air forces shall be raised or maintained by the Administration of Palestine.

The forces which the mandatory may station in Palestine shall be for the maintenance of internal order and the defence of the country.

Nothing in this article shall preclude the Administration of Palestine from contributing to the cost of the maintenance of the mandatory forces in Palestine after preliminary agreement on the amount of these costs.

17. Subject to the provisions of articles 3, 5 and 9, the commerce and navigation of all States members of the League of Nations while engaged in lawful enterprises shall enjoy equal treatment in Palestine. No attempt shall be made by the mandatory to/

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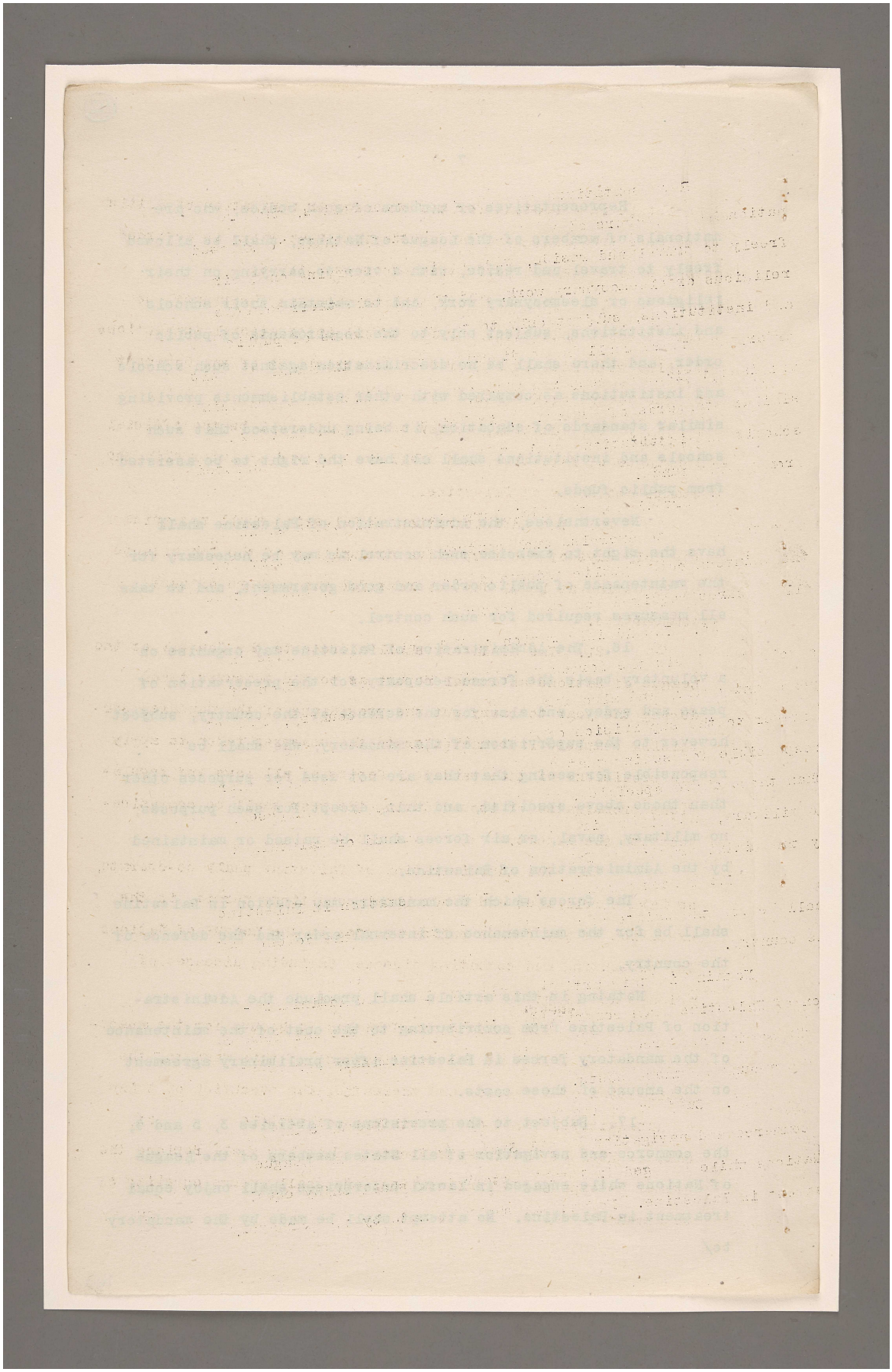

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to obtain in Palestine for the commerce or navigation of British subjects treatment more favourable than that which is accorded to the commerce and navigation of other nations.

18. The mandatory shall secure the observance, so far as local conditions permit, of all international conventions dealing with matters referred to in article 23 of the Covenant of the League of Nations.

19. English, Hebrew and Arabic shall be the official languages of Palestine, and shall be employed on inter alia the stamps and money of Palestine.

20. The Administration of Palestine shall recognise the holy days of the respective communities of the inhabitants of Palestine as legal days of rest for the members of such communities.

21. The mandatory shall address to the Council of the League of Nations an annual report as to the measures taken during the year to carry out the provisions of the mandate, containing complete information as to the measures taken to apply the provisions of this mandate. Copies of all laws and regulations promulgated or issued during the year shall be communicated with the report.

22. The Administration of Palestine shall co-operate, so far as religious and other local conditions permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of animals and plants.

23. The mandatory undertakes to secure for the enactment, within twelve months from the date of this mandate, the publication of a decree, and thereafter the execution of a Law of Antiquities, based on the contents of article of Chapter XIII of the Turkish Treaty. This law shall replace the former Ottoman Law of Antiquities, and shall ensure equality of treatment,

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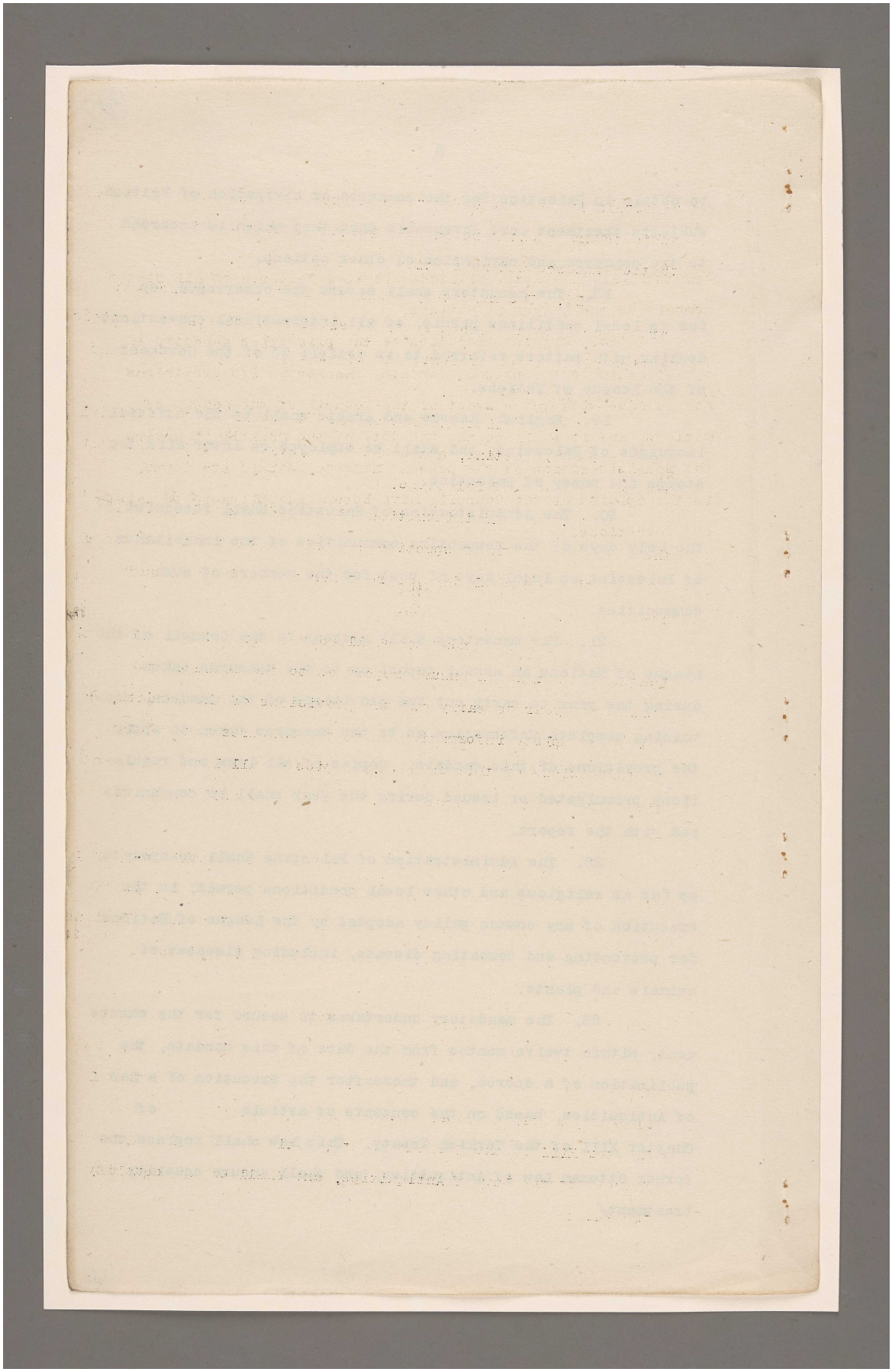

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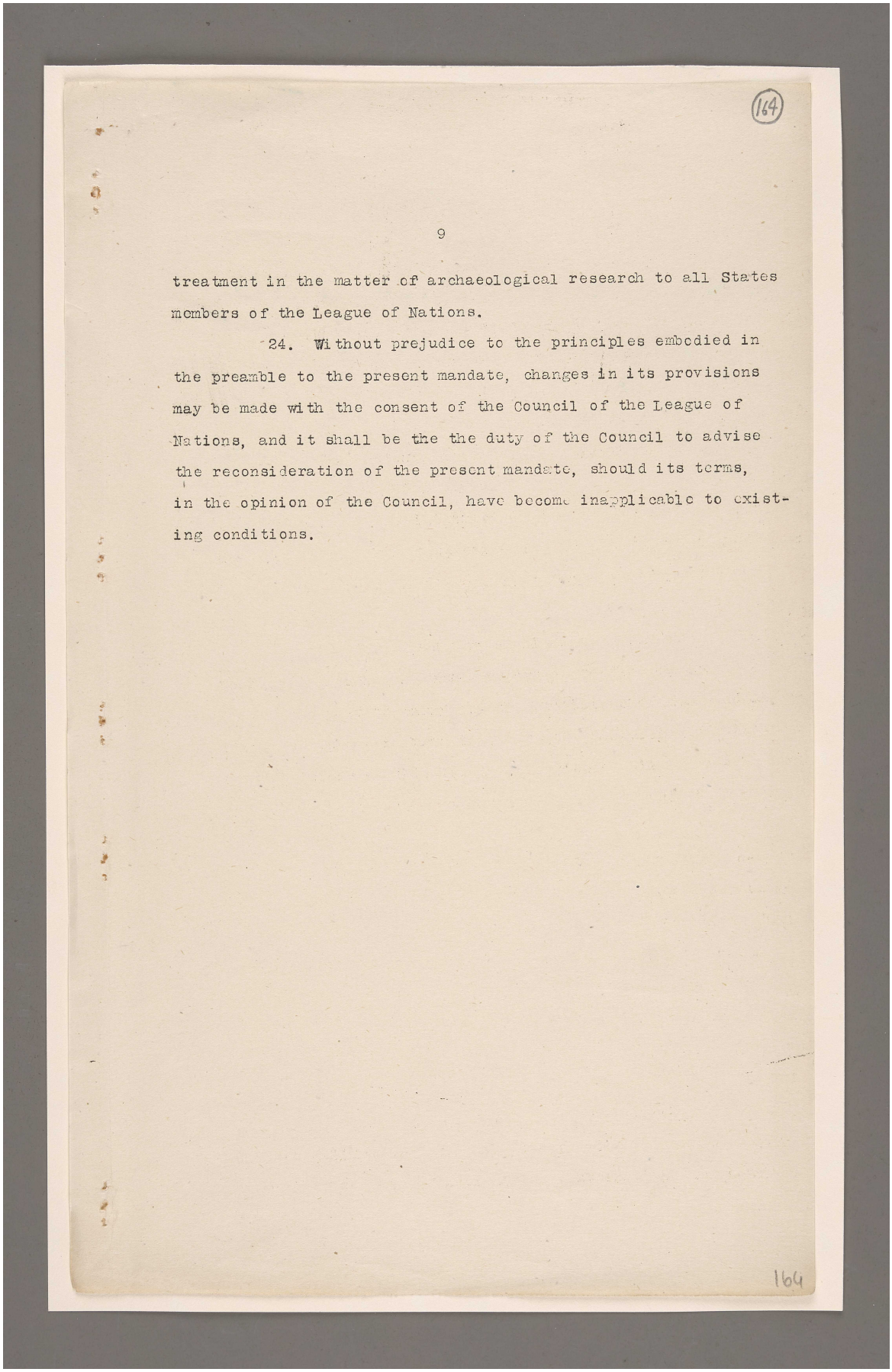

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treatment in the matter of archaeological research to all States members of the League of Nations.

24. Without prejudice to the principles embodied in the preamble to the present mandate, changes in its provisions may be made with the consent of the Council of the League of Nations, and it shall be the the duty of the Council to advise the reconsideration of the present mandate, should its terms, in the opinion of the Council, have become inapplicable to existing conditions.

164

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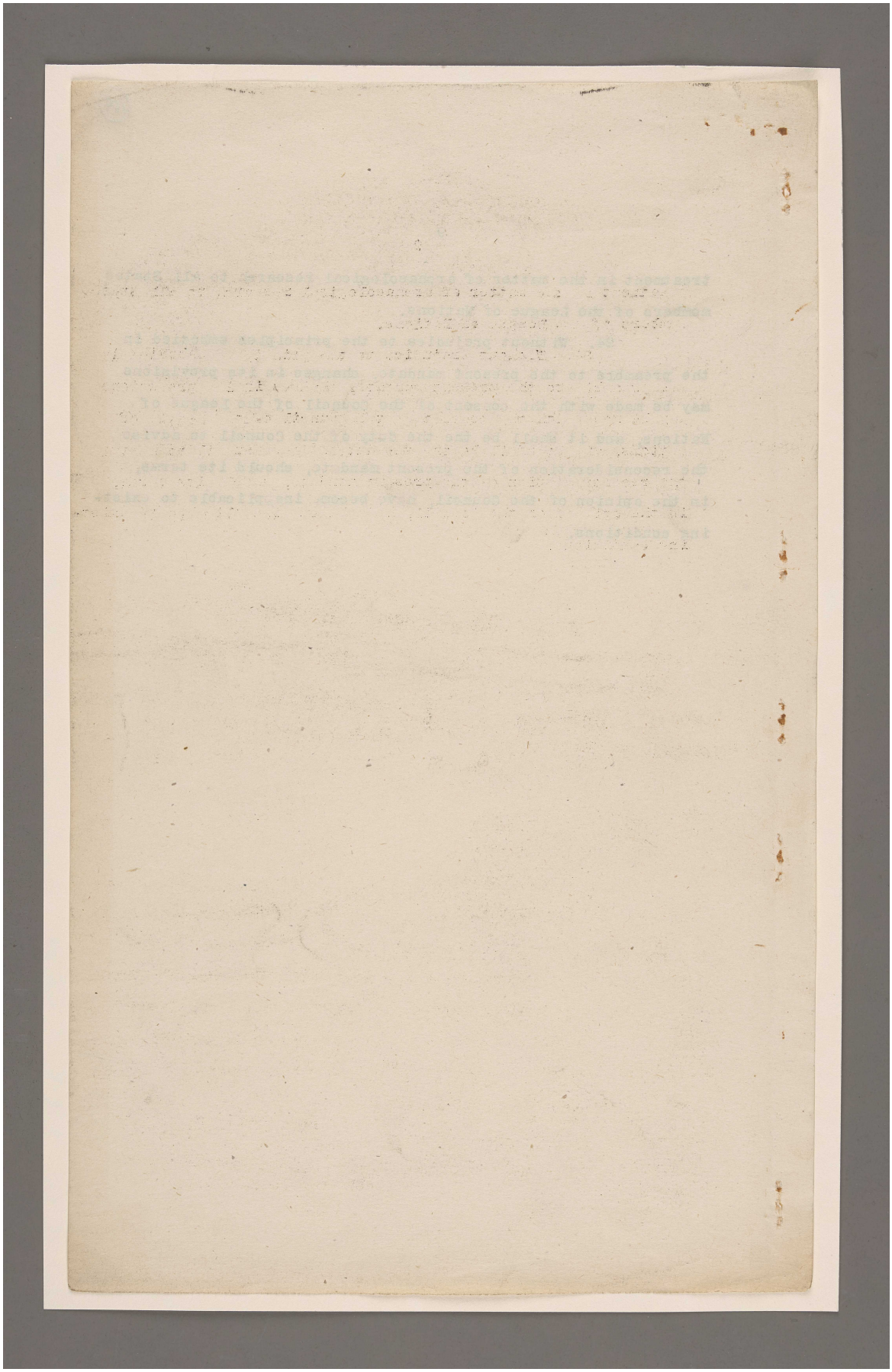

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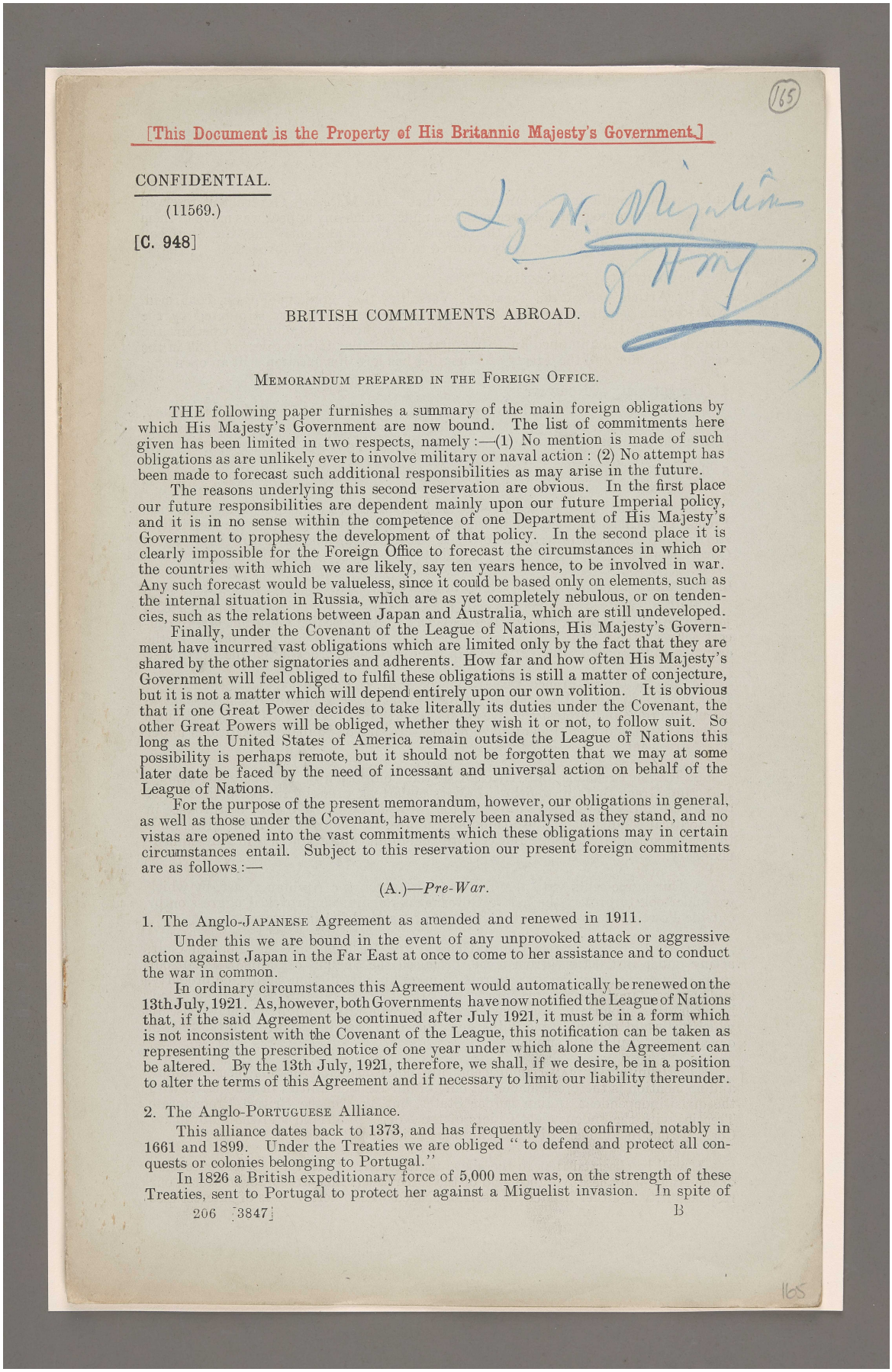

(165)

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CONFIDENTIAL.

(11569.)

[C. 948]

BRITISH COMMITMENTS ABROAD.

MEMORANDUM PREPARED IN THE FOREIGN OFFICE.

THE following paper furnishes a summary of the main foreign obligations by which His Majesty's Government are now bound. The list of commitments here given has been limited in two respects, namely:—(1) No mention is made of such obligations as are unlikely ever to involve military or naval action: (2) No attempt has been made to forecast such additional responsibilities as may arise in the future.

The reasons underlying this second reservation are obvious. In the first place our future responsibilities are dependent mainly upon our future Imperial policy, and it is in no sense within the competence of one Department of His Majesty's Government to prophesy the development of that policy. In the second place it is clearly impossible for the Foreign Office to forecast the circumstances in which or the countries with which we are likely, say ten years hence, to be involved in war. Any such forecast would be valueless, since it could be based only on elements, such as the internal situation in Russia, which are as yet completely nebulous, or on tendencies, such as the relations between Japan and Australia, which are still undeveloped.

Finally, under the Covenant of the League of Nations, His Majesty's Government have incurred vast obligations which are limited only by the fact that they are shared by the other signatories and adherents. How far and how often His Majesty's Government will feel obliged to fulfil these obligations is still a matter of conjecture, but it is not a matter which will depend entirely upon our own volition. It is obvious that if one Great Power decides to take literally its duties under the Covenant, the other Great Powers will be obliged, whether they wish it or not, to follow suit. So long as the United States of America remain outside the League of Nations this possibility is perhaps remote, but it should not be forgotten that we may at some later date be faced by the need of incessant and universal action on behalf of the League of Nations.

For the purpose of the present memorandum, however, our obligations in general, as well as those under the Covenant, have merely been analysed as they stand, and no vistas are opened into the vast commitments which these obligations may in certain circumstances entail. Subject to this reservation our present foreign commitments are as follows:—

(A.)—*Pre-War.*

1. The Anglo-JAPANESE Agreement as amended and renewed in 1911.

Under this we are bound in the event of any unprovoked attack or aggressive action against Japan in the Far East at once to come to her assistance and to conduct the war in common.

In ordinary circumstances this Agreement would automatically be renewed on the 13th July, 1921. As, however, both Governments have now notified the League of Nations that, if the said Agreement be continued after July 1921, it must be in a form which is not inconsistent with the Covenant of the League, this notification can be taken as representing the prescribed notice of one year under which alone the Agreement can be altered. By the 13th July, 1921, therefore, we shall, if we desire, be in a position to alter the terms of this Agreement and if necessary to limit our liability thereunder.

2. The Anglo-PORTUGUESE Alliance.

This alliance dates back to 1373, and has frequently been confirmed, notably in 1661 and 1899. Under the Treaties we are obliged "to defend and protect all conquests or colonies belonging to Portugal."

In 1826 a British expeditionary force of 5,000 men was, on the strength of these Treaties, sent to Portugal to protect her against a Miguelist invasion. In spite of

(165)

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this Lord Granville in 1873 laid it down that " His Majesty's Government reserved to themselves to judge of the circumstances under which any appeal was made to them by Portugal for succour." On the occasion of Portugal's entry into the European War the old Treaties were merely referred to and not actually invoked.

3. The Neutrality of Switzerland.

By Article 435 of the Treaty of Versailles the Signatory Powers confirmed, with certain modifications, the recognition of Swiss neutrality stipulated by the Treaties of 1815. It has, however, never been finally established whether the original recognition implied an actual guarantee similar to that given in 1839 in the case of Belgium, and the Treaty of Versailles has left this question still an open one.

4. The Integrity of Norway.

By the Treaty of the 2nd November, 1907, we undertook, jointly with Germany, France and Russia, to support the Norwegian Government " by such means as may be deemed the most appropriate " in safeguarding the integrity of Norway.

5. The Maintenance of the *status quo* in the Mediterranean and East Atlantic Ocean.

By an exchange of Notes in May 1907, His Majesty's Government and the French Government undertook in the event of any disturbance in the territorial *status quo* of the Mediterranean or East Atlantic to concert with the Spanish Government the course of action to be adopted.

6. The Maintenance of the *status quo* in the North Sea.

By the Treaty of the 23rd April, 1908, His Majesty's Government undertook, jointly with the Danish, French, German, Dutch and Swedish Governments, to concert between them " such measures as they may consider it useful to take " in the event of any menace to the *status quo* in the territories bordering on the North Sea.

7. By the Anglo-French Declaration of 1887, confirmed by the Convention of 1906, France and Great Britian undertook to set up a joint Naval Commission to maintain order and protect the lives and property of French and British Nationals in the New Hebrides. (There have been several naval punitive expeditions under this Agreement.)

8. By the Preamble and Article 1 of the Convention of 1906 between France, Italy and Great Britain, the three Powers undertook to maintain the political and territorial *status quo* in Abyssinia and to " provide for every kind of disturbance in the political conditions of the Ethiopian Empire." The case has never arisen, but the meaning is that the three Powers will take joint military action in Abyssinia if necessary.

9. Our agreements with the Trucial Chiefs on the Arabian Coast, by which we undertook to protect the native Governments against unprovoked aggression by outside Powers, are still in force, although of merely local importance.

10. In 1910 the British Consul-General and Resident in the Persian Gulf, acting under instructions from home, promised the Sheikh of Mohammerah our support in case of any Persian aggression upon his jurisdiction, rights, or property, and our assistance against any unprovoked attack by a foreign Power. He qualified, however, this promise by the provision that circumstances might possibly arise in which we could not intervene with force, in which case we should give the Sheikh our strongest diplomatic support.

11. Definitely Indian commitments are not considered in this memorandum; and no mention is therefore made, not only of our responsibilities in connection with the quasi-independent Indian border States, but also of the British Protectorate Treaties with the Independent Chiefs of the Aden Hinterland and the Hadramaut Coast set out in Volume xiii of Aitchison's Indian Treaties.

It will be observed that in the above undertakings, with the possible exception of the Anglo-Japanese Alliance, and of the three last (which are minor matters), our responsibility is either limited in itself or shared with others. It is of interest also

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to note that we are now likely to be relieved from the following obligations which were incumbent on us before the war :—

(1.) The guarantee of BELGIAN neutrality, the abrogation of which is foreshadowed by Article 317 of the Treaty of Versailles. Although the Belgian Government wish to see the 1839 system of neutrality abolished, yet it is probable that they will use every endeavour to have substituted for it some form of guarantee or protection which might well in the end prove even more onerous.

(2) The guarantee of the neutrality of LUXEMBURG, the abrogation of which is contemplated by Article 40 of the Treaty of Versailles.

(3.) The CYPRUS Convention of 1878, whereby, in certain circumstances we were obliged to come to the assistance of Turkey, and which has lapsed owing to the war.

(4.) The treaties and conventions of 1832 by which we were joint guarantors of the Constitutional Monarchy in GREECE, and which it is proposed to abrogate in the preamble to the present Treaty on Minorities in Greece.

(5.) The two LEBANON agreements of 1861 and 1864.

(6.) Article 61 of the Treaty of Berlin relative to ARMENIA.

(B.)—*Engagements entered into during the War.*

The most important of these commitments have either actually lapsed, or are being merged into other treaties. It is unlikely that we shall remain bound by such obligations as those of the Sykes-Picot agreement, the agreement of St. Jean de Maurienne, or the Italian Treaty of April 1915. Fortunately also the Roumanian Treaty of August 1916, under which we bound ourselves to guarantee the integrity of Roumania, can be regarded as null and void owing to Roumania having concluded a separate peace.

There is one group, however, of obligations entered into during the war which are still valid, namely those relating to the Middle East and particularly the written assurances given to the King of the HEDJAZ. These assurances are not embodied in any agreement or treaty signed, or even acknowledged, by both parties, but they none the less constitute quite binding commitments. The assurances given to King Hussein, which are of a nature to entail our intervention, may be summarised as follows :—

(1.) Lord Kitchener's assurance of October, 1914. "England will guarantee that no internal intervention takes place in Arabia, and will give the Arabs every assistance against external aggression. Great Britain is willing to guarantee the independence, rights and privileges of the Sherifate against all external foreign aggression, in particular that of the Ottomans."

(2.) Sir. H. McMahon's assurances of the 24th October, 1915. "England will guarantee the Holy Places against external aggression and recognise their inviolability." How far these assurances can be said to have become invalid, owing to the adherence of the Hedjaz as an independent member of the League of Nations, is still controversial. King Hussein himself appears from his repeated appeals for assistance against Ibn Saud still to regard them as effective.

Our commitments to Ibn Saud, the Idrissi Sayid, and the Sheikh of Mavia are of a local rather than a general nature and do not require more than incidental mention.

(C.)—*Post-War Commitments.*

Most of our obligations under the recent Treaties of Peace have been fused in our general commitments under the Covenant of the League of Nations, and will be examined in the section devoted to that instrument.

Apart, however, from our general responsibilities as a member of the League of Nations, and the obvious necessity of directly safeguarding the maintenance of the Treaties where British interests are specifically concerned, as in the case of Heligoland, and the Reparation Chapter, there exist certain obligations into which we have entered and which stand outside our general engagements under the Covenant.

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The more important of these engagements are the following :—

1. Assistance to FRANCE.

Under the Treaty of the 28th June, 1919, we undertook "provided a similar obligation is entered into by the United States of America," to come immediately to the assistance of France in the event of any unprovoked movement of aggression being made against her by Germany.

In view of the non-ratification of this Instrument by the United States Senate, it is obvious that our own commitments thereunder are not legally binding. At the same time a quite definite moral responsibility remains, and we must expect France to exploit this moral responsibility in order to obtain, if not the full guarantee of the original Treaty, at least some alternative undertaking which may constitute for us a perfectly definite commitment for the future.

2. Demilitarisation of the RHINE.

By Article 44 of the Treaty of Versailles we are definitely bound to consider it a "hostile act" if Germany erects fortifications or maintains troops on the left bank of the Rhine or on the right bank within the 50 kilometre zone.

3. Occupation of RHINE TERRITORY.

In the chapter on guarantees in the Treaty of Versailles it is established that certain Rhine territories shall be occupied for a period of fifteen years by "Allied and Associated troops" as a guarantee of the execution of the Treaty. If the Treaty is not executed, and it is useless to disguise the fact that there will inevitably be many details which can never be fulfilled, this occupation can either be extended, or, if partial evacuation has already taken place, can be reinforced.

Although, therefore, this obligation would appear to constitute a commitment at once serious and unlimited, the question is largely one of policy and future negotiation. The French will probably hesitate a long time before consenting to evacuate the Kehl bridgehead. They would, however, require very serious justification in order to convince His Majesty's Government, fifteen years from now, that they were also bound to share in this extension of the period of occupation.

4. AUSTRIA.

Although the obligation (to respect the independence of Austria) imposed under Article 80 of the Treaty of Peace with Germany may not be essentially different in character to other obligations imposed upon Germany, the possibility of Germany and Austria together arranging a violation of this Article and of Article 88 of the Treaty of Peace with Austria must be considered within the regions of practical policy, and in such a case we should be bound to use force to prevent the combination.

5. TURKEY.

Under the Turkish Treaty we shall in any case have one definite commitment, namely, the freedom of the Straits, and the maintenance and protection of the forces of occupation in the Straits zone.

Apart from this primary commitment our responsibilities will be a question of policy rather than one of legal obligation. We shall have incurred certain moral responsibilities in regard both to Kurdistan and Armenia, and we can be certain that there is scarcely a paragraph of the Treaty which the Turks will not violate or evade. We may thus at any moment be asked by the Kurds, the Armenians, or the Greeks to exercise the rights given us under Article 36 to eject the Turks from Constantinople. Whether or no we consent to make use of this sanction will be for us and our Allies to decide. The Article merely gives us the right to take certain action if we desire; it does not oblige us to do so.

(D.)—*Commitments as a Member of the League of Nations.*

1. *Obligations under the Covenant.*

One of the essential objects of the Covenant of the League of Nations was to relieve the heavy burdens of military and naval responsibility, which, under present conditions, are inevitably incumbent upon any Great Power. It is thus that the Covenant not only provides the machinery for the avoidance of war, but lays the

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foundation for general disarmament (Article VIII). In the course of time these provisions may, it is to be hoped, definitely restrict our obligations. At present, however, and until the League can be made to reflect the active public opinion of the civilised world, our responsibilities are increased rather than diminished by our adherence to the Covenant.

It cannot be denied that by signing and ratifying the Covenant we have pledged ourselves to take naval or military action in circumstances in which, prior to 1919, we should never have contemplated intervention.

We have in fact entered into the following undertakings :—

(1.) Our main obligation under the Covenant of the League arises under Article X whereby we pledged ourselves to "respect and *preserve* as against external aggression the territorial integrity and existing political independence of all Members of the League." In case of such aggression or in case of any threat or danger of such aggression, the Council "shall advise upon the means by which this obligation shall be fulfilled."

Our commitment under this Article amounts to this, that we are bound to "preserve" the territory of all Members of the League, or in other words, that we have entered into a joint guarantee of the frontiers laid down in the recent Peace Treaties.

Our liability under this Article is therefore unlimited, and cases may occur in which it may be difficult to avoid it without thereby destroying the whole basis of the Covenant. It is true, of course, that our position on the Council will give us the right to block any course of action of which we do not approve, and that in the majority of cases the action recommended by the Council will be confined to diplomatic pressure or the imposition of a pacific blockade. But extreme cases may occur in which we shall be faced by the alternative of either placing British forces at the disposal of the League, or completely destroying the whole fabric of the sanctions on which the action of the League reposes.

(2.) A similar alternative will arise under other articles of the Covenant. By Article XI we are bound, in the event of war, or a threat of war, to join in taking "any action that may be deemed wise and effectual to safeguard the peace of nations." If one party to a dispute which has been submitted to arbitration refuses to abide by the arbitral award, the Council is bound under Article XIII, to "propose what steps should be taken to give effect thereto." Further if any Member of the League resorts to war after failing to submit the dispute either to arbitration or to enquiry by the Council, "it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League," who in their turn shall immediately sever all political and economic relations with the offending State. In this case it will also be "the duty of the Council to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the Covenant of the League" (Article XVI).

It may be urged that in practice it will be possible to avoid the actual employment of force, and that no country will for long be willing to face the condemnation and the boycott of the civilised world. Extreme cases will, however, undoubtedly arise in which the League will find itself obliged to resort to armed intervention, and in any case the imposition of a pacific blockade will throw a certain burden of responsibility upon British naval forces.

2. *Obligations assumed by the League and shared by His Majesty's Government as a Member of that body.*

The responsibilities undertaken by the League of Nations under the several Treaties of Peace are innumerable, and as a Member of the League we are, jointly with the other Members, involved in these responsibilities.

(*a.*) Under the Treaty with Germany alone the League has assumed the following obligations :—

(1.) Eventual decision in regard to Eupen and Malmédy.
(2.) Government of Saar Basin.
(3.) Settlement of German-Polish Convention for transit and communication in East Prussia.

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(4.) Danzig.
(5.) Arbitration in disputes concerning international rivers.
(6.) General supervision of the execution of the Labour Chapter.

Further responsibilities are incurred under the Austrian, Hungarian Bulgarian and Turkish Treaties.

(*b.*) More specific obligations have been or will be incurred by the League under the Minority Treaties with Poland, Jugo-Slavia, Greece, Czecho-Slovakia and probably Turkey. Under these Instruments the rights of the several minorities are formally placed under the "guarantee" of the League of Nations, the responsibility of which under this heading is therefore immense and quite unlimited. In theory at least the closing of a single Albanian school in northern Epirus should set in motion the whole machinery of the League's sanctions, and thereby involve the responsibility and perhaps the intervention of His Majesty's Government.

(E.)—*Obligations not entailed by Treaty.*

Under this heading are grouped such obligations as are not explicitly incumbent on us by virtue of any signed treaty, but which are either implied in the text of such treaties, or generally understood to devolve from the attitude which we have adopted. Our responsibilities to the Kurds and the Armenians, as well as our assurances to King Hussein, properly come under this heading. The main commitments which it remains to discuss in this section are Persia, Mesopotamia, Palestine and Egypt.

1. Persia.

The Anglo-Persian agreement of the 9th August, 1919, does not, it is true, commit us to any military intervention in the event of external aggression against Persian territory. It is unquestionable, however, that for reasons of policy, and in view of Persia's geographical position, we shall find it extremely difficult to avoid intervening in Persia should the independence of that country be seriously menaced by another Power. Our commitments in Persia are still further increased by the large British interests in the Persian oil-fields and by the engagements which, in view of these interests, we have concluded with the Persian Government and with the southern tribes.

2. Mesopotamia.

In accepting the mandate over Mesopotamia we are undoubtedly assuming responsibility for the protection of its frontiers so long as we exercise that mandate. This responsibility has been emphasised locally by the assurances recently given by the Civil Commissioner.

3. Palestine.

The same considerations which apply to Mesopotamia will apply to Palestine. The question as to how far and how soon we shall be able to count upon our direct responsibilities in Mesopotamia and Palestine being relieved by the co-operation of the national energies of the country is a matter rather for the expert opinion of our advisers on the spot.

4. Egypt.

Apart from general questions of policy we are committed in Egypt in two ways, namely :—

(1.) Under the terms of the original proclamation of our protectorate we are obliged to protect Egypt against external aggression.
(2.) Under the assurances which we shall be obliged to give to foreign Powers in connection with the negotiations for the abolition of the capitulations, we shall be pledged to maintain internal order in the country.

5. The Soudan.

The question of our responsibilities in the Soudan is essentially one of general Colonial policy. Although under the Cromer-Boutros Convention of 1899 we did not actually assume the responsibility of protecting the Soudan against external aggression, yet our responsibility is morally engaged, and may become more explicit as a result of the negotiations at present in progress in connection with the political status of Egypt.

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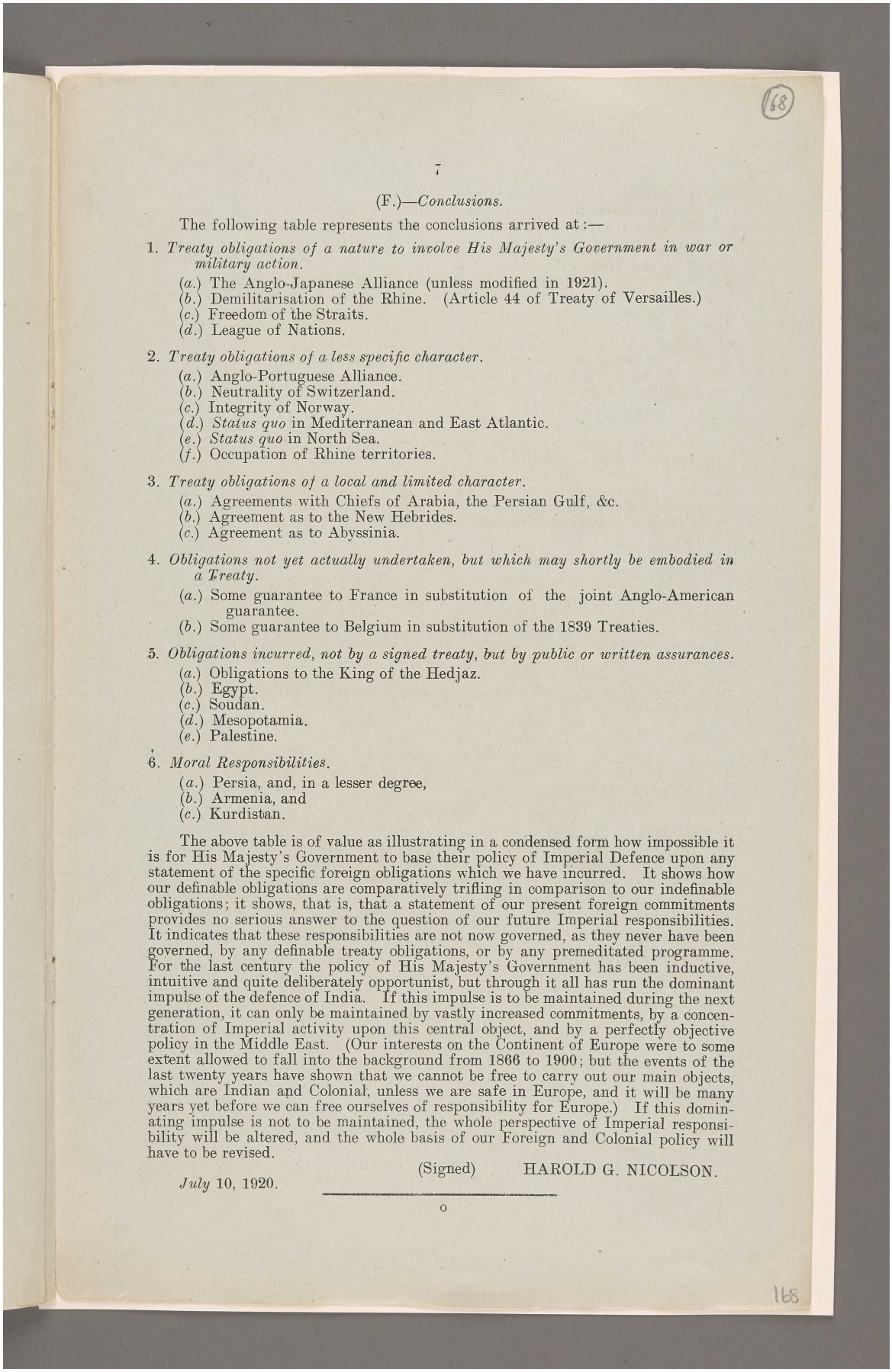

168

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(F.)—*Conclusions.*

The following table represents the conclusions arrived at :—

1. *Treaty obligations of a nature to involve His Majesty's Government in war or military action.*
   - (*a.*) The Anglo-Japanese Alliance (unless modified in 1921).
   - (*b.*) Demilitarisation of the Rhine. (Article 44 of Treaty of Versailles.)
   - (*c.*) Freedom of the Straits.
   - (*d.*) League of Nations.

2. *Treaty obligations of a less specific character.*
   - (*a.*) Anglo-Portuguese Alliance.
   - (*b.*) Neutrality of Switzerland.
   - (*c.*) Integrity of Norway.
   - (*d.*) *Status quo* in Mediterranean and East Atlantic.
   - (*e.*) *Status quo* in North Sea.
   - (*f.*) Occupation of Rhine territories.

3. *Treaty obligations of a local and limited character.*
   - (*a.*) Agreements with Chiefs of Arabia, the Persian Gulf, &c.
   - (*b.*) Agreement as to the New Hebrides.
   - (*c.*) Agreement as to Abyssinia.

4. *Obligations not yet actually undertaken, but which may shortly be embodied in a Treaty.*
   - (*a.*) Some guarantee to France in substitution of the joint Anglo-American guarantee.
   - (*b.*) Some guarantee to Belgium in substitution of the 1839 Treaties.

5. *Obligations incurred, not by a signed treaty, but by public or written assurances.*
   - (*a.*) Obligations to the King of the Hedjaz.
   - (*b.*) Egypt.
   - (*c.*) Soudan.
   - (*d.*) Mesopotamia.
   - (*e.*) Palestine.

6. *Moral Responsibilities.*
   - (*a.*) Persia, and, in a lesser degree,
   - (*b.*) Armenia, and
   - (*c.*) Kurdistan.

The above table is of value as illustrating in a condensed form how impossible it is for His Majesty's Government to base their policy of Imperial Defence upon any statement of the specific foreign obligations which we have incurred. It shows how our definable obligations are comparatively trifling in comparison to our indefinable obligations; it shows, that is, that a statement of our present foreign commitments provides no serious answer to the question of our future Imperial responsibilities. It indicates that these responsibilities are not now governed, as they never have been governed, by any definable treaty obligations, or by any premeditated programme. For the last century the policy of His Majesty's Government has been inductive, intuitive and quite deliberately opportunist, but through it all has run the dominant impulse of the defence of India. If this impulse is to be maintained during the next generation, it can only be maintained by vastly increased commitments, by a concentration of Imperial activity upon this central object, and by a perfectly objective policy in the Middle East. (Our interests on the Continent of Europe were to some extent allowed to fall into the background from 1866 to 1900; but the events of the last twenty years have shown that we cannot be free to carry out our main objects, which are Indian and Colonial, unless we are safe in Europe, and it will be many years yet before we can free ourselves of responsibility for Europe.) If this dominating impulse is not to be maintained, the whole perspective of Imperial responsibility will be altered, and the whole basis of our Foreign and Colonial policy will have to be revised.

(Signed) HAROLD G. NICOLSON.

July 10, 1920.

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168

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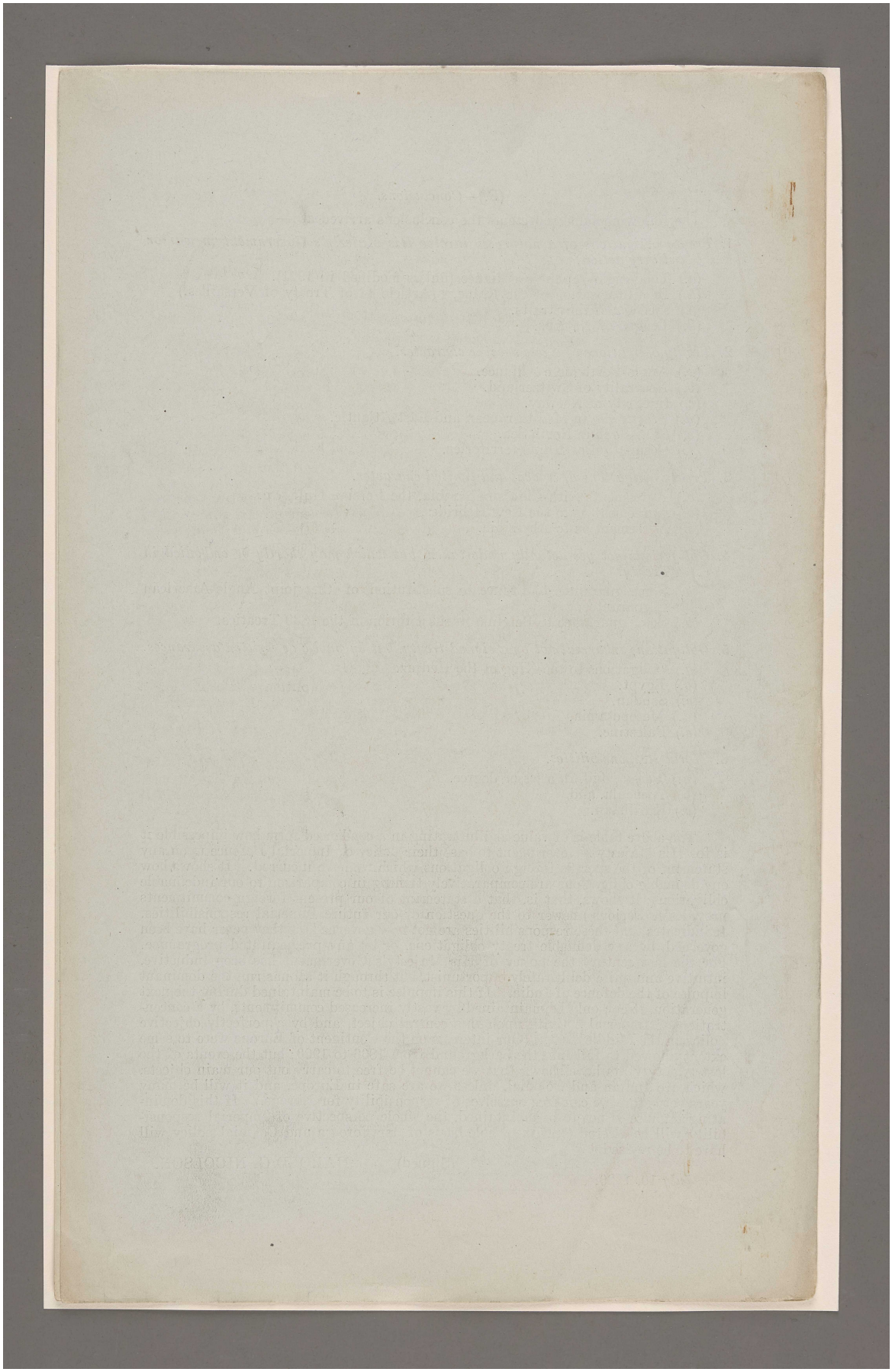

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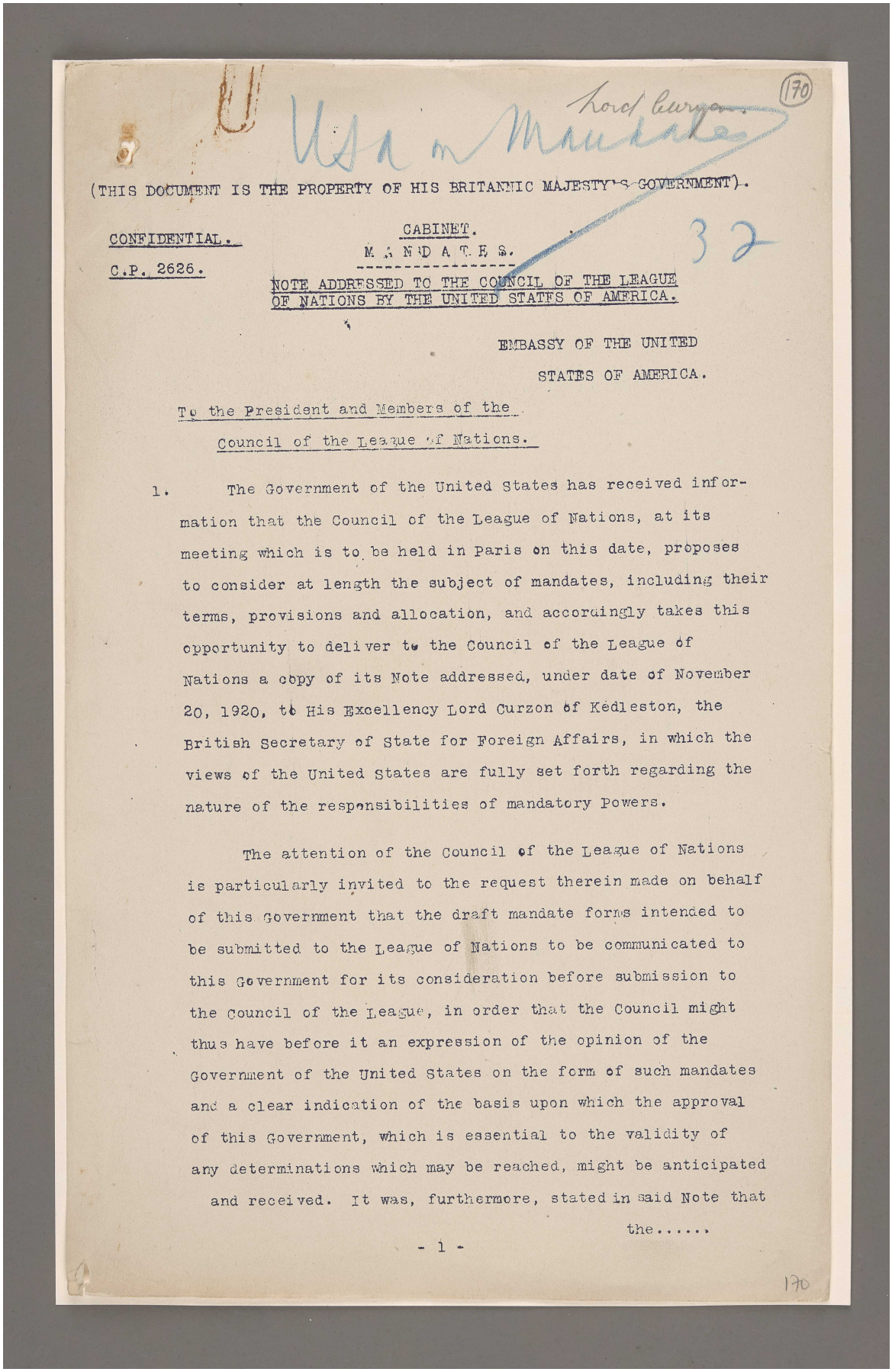

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C.P. 2626.

CABINET.

M A N D A T E S.

NOTE ADDRESSED TO THE COUNCIL OF THE LEAGUE OF NATIONS BY THE UNITED STATES OF AMERICA.

EMBASSY OF THE UNITED
STATES OF AMERICA.

To the President and Members of the
Council of the League of Nations.

1. The Government of the United States has received information that the Council of the League of Nations, at its meeting which is to be held in Paris on this date, proposes to consider at length the subject of mandates, including their terms, provisions and allocation, and accordingly takes this opportunity to deliver to the Council of the League of Nations a copy of its Note addressed, under date of November 20, 1920, to His Excellency Lord Curzon of Kedleston, the British Secretary of State for Foreign Affairs, in which the views of the United States are fully set forth regarding the nature of the responsibilities of mandatory Powers.

The attention of the Council of the League of Nations is particularly invited to the request therein made on behalf of this Government that the draft mandate forms intended to be submitted to the League of Nations to be communicated to this Government for its consideration before submission to the Council of the League, in order that the Council might thus have before it an expression of the opinion of the Government of the United States on the form of such mandates and a clear indication of the basis upon which the approval of this Government, which is essential to the validity of any determinations which may be reached, might be anticipated and received. It was, furthermore, stated in said Note that the.....

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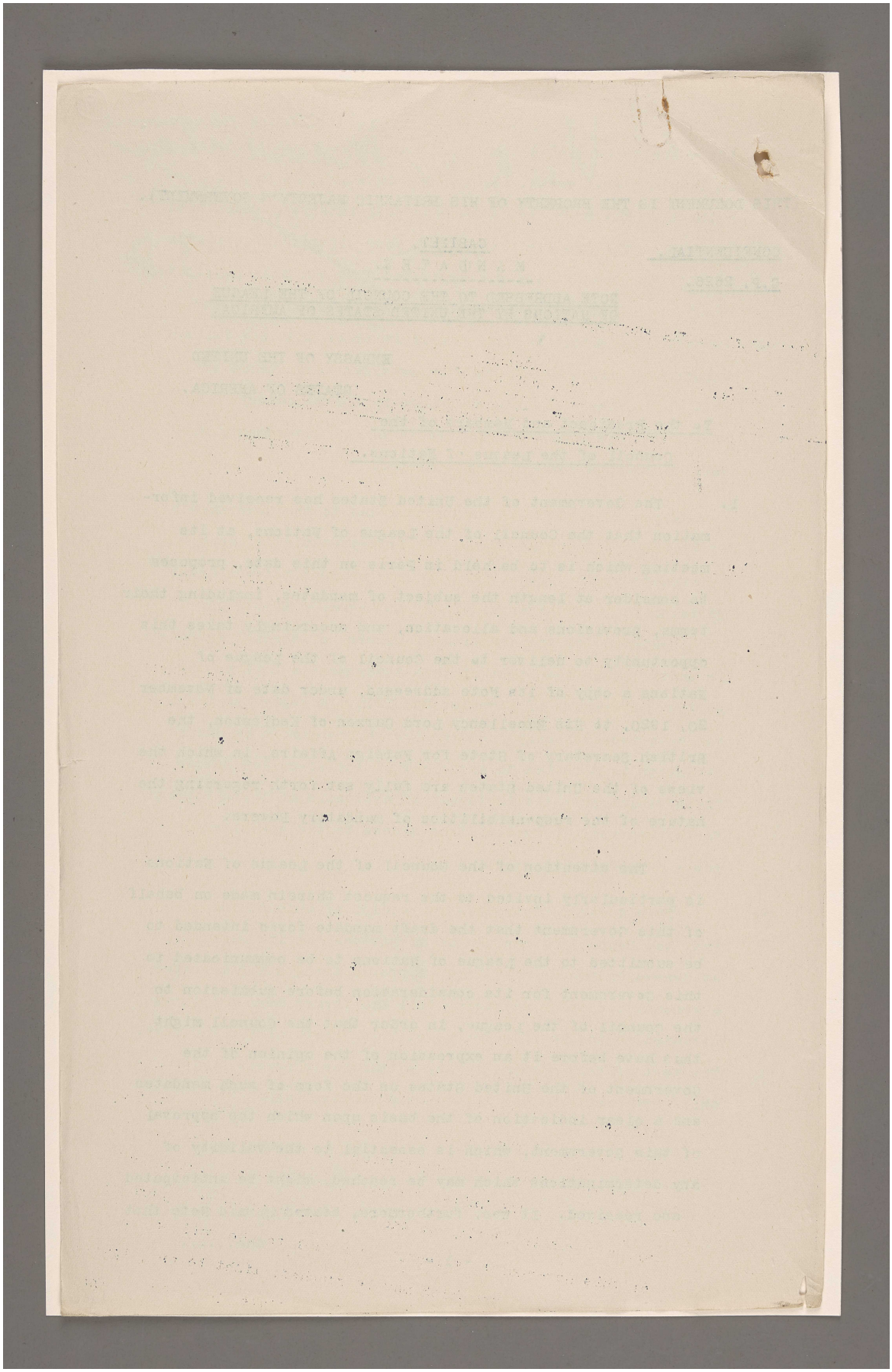

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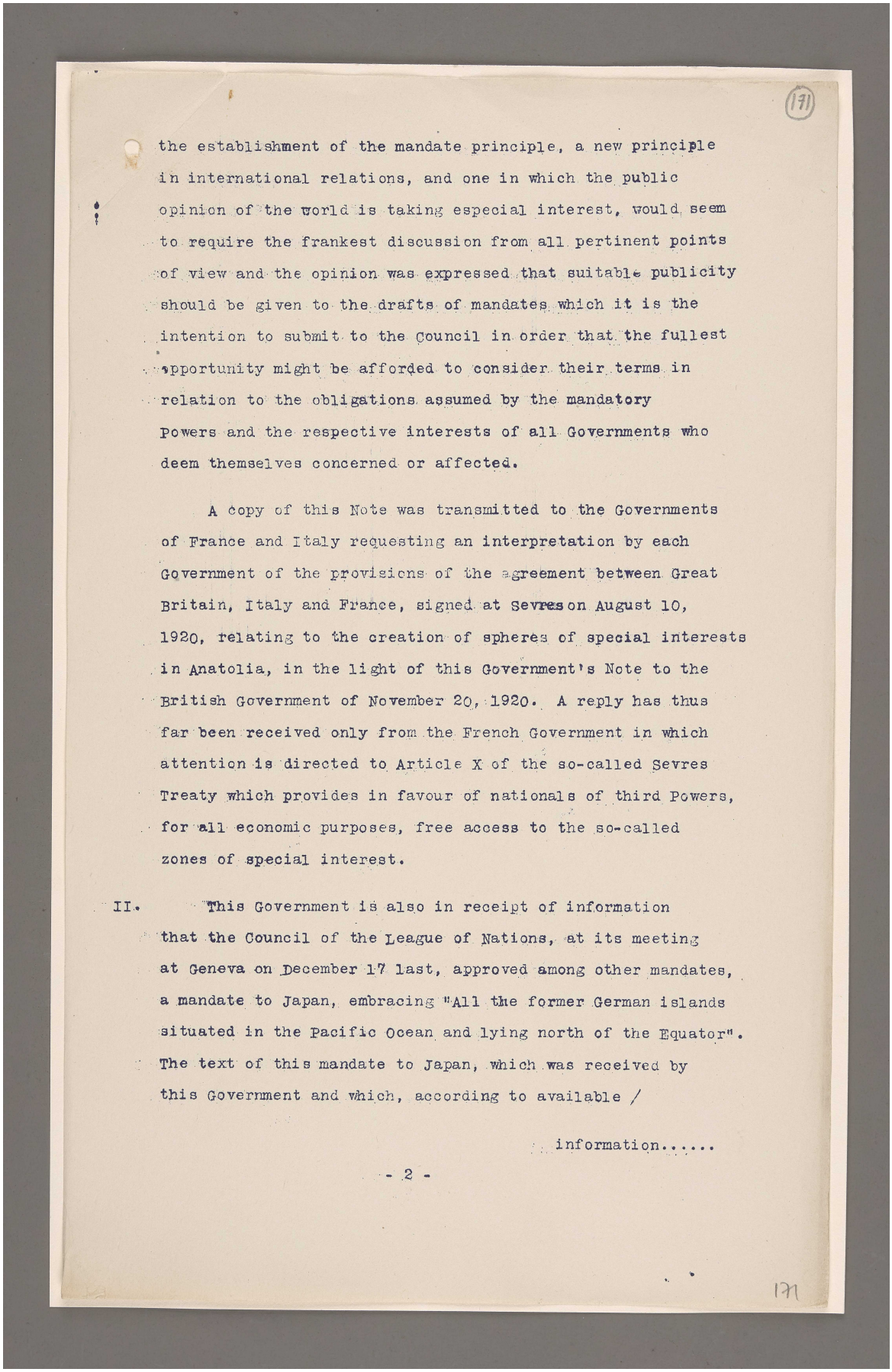

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the establishment of the mandate principle, a new principle in international relations, and one in which the public opinion of the world is taking especial interest, would seem to require the frankest discussion from all pertinent points of view and the opinion was expressed that suitable publicity should be given to the drafts of mandates which it is the intention to submit to the Council in order that the fullest opportunity might be afforded to consider their terms in relation to the obligations assumed by the mandatory Powers and the respective interests of all Governments who deem themselves concerned or affected.

A copy of this Note was transmitted to the Governments of France and Italy requesting an interpretation by each Government of the provisions of the agreement between Great Britain, Italy and France, signed at Sevres on August 10, 1920, relating to the creation of spheres of special interests in Anatolia, in the light of this Government's Note to the British Government of November 20, 1920. A reply has thus far been received only from the French Government in which attention is directed to Article X of the so-called Sevres Treaty which provides in favour of nationals of third Powers, for all economic purposes, free access to the so-called zones of special interest.

II. This Government is also in receipt of information that the Council of the League of Nations, at its meeting at Geneva on December 17 last, approved among other mandates, a mandate to Japan, embracing "All the former German islands situated in the Pacific Ocean and lying north of the Equator". The text of this mandate to Japan, which was received by this Government and which, according to available /

information.....

- 2 -

171

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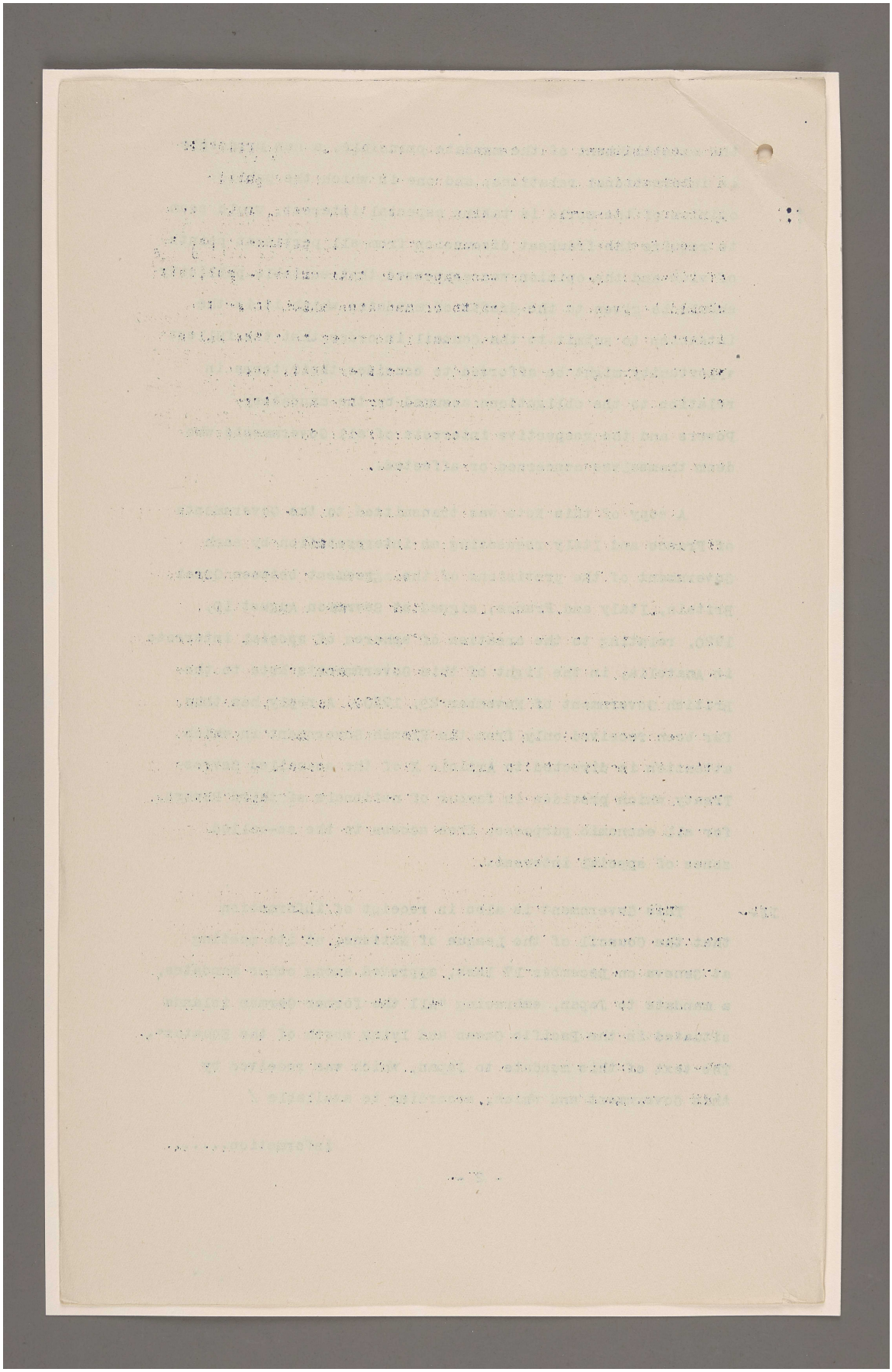

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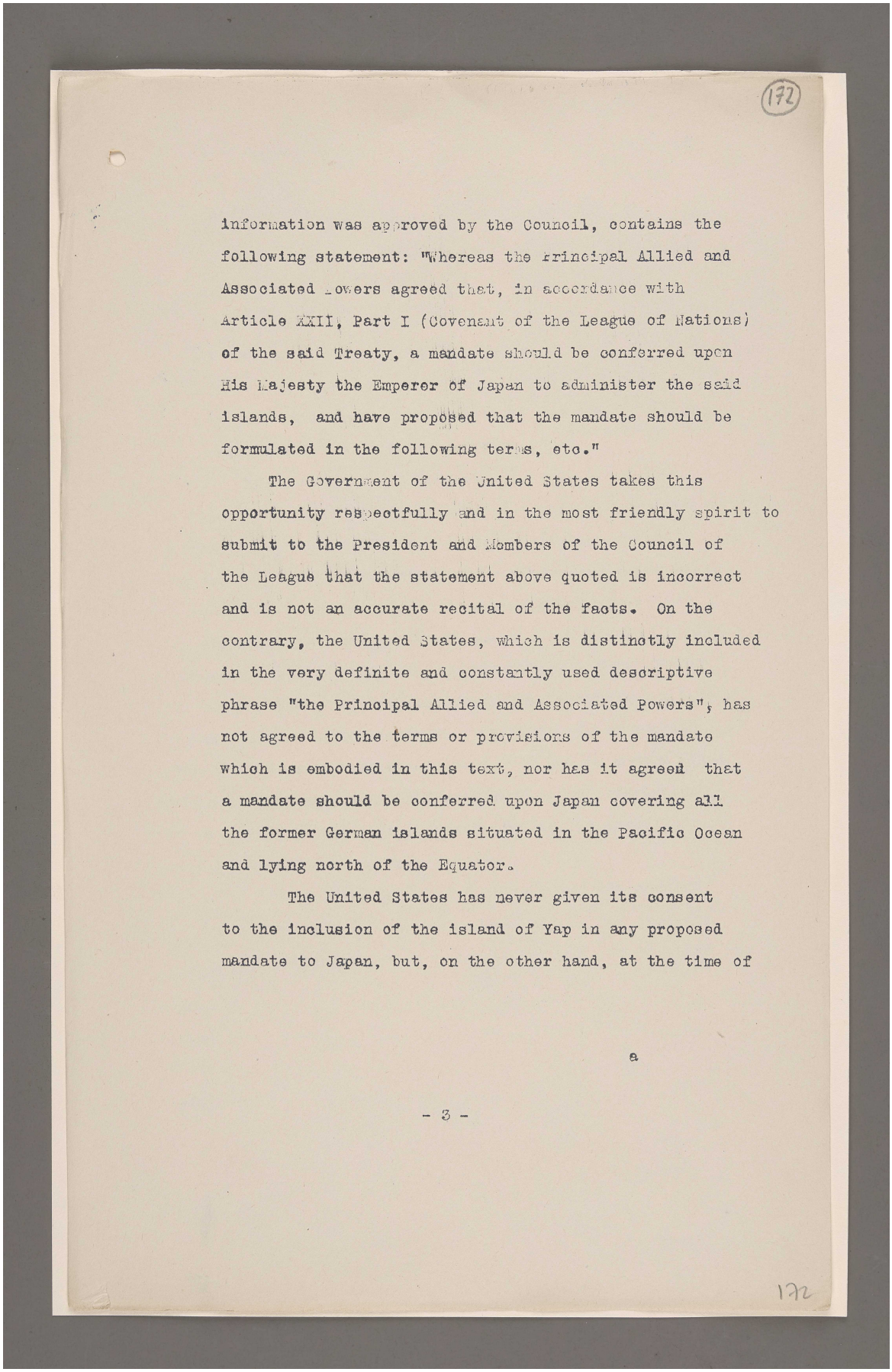

information was approved by the Council, contains the following statement: "Whereas the Principal Allied and Associated Powers agreed that, in accordance with Article XXII, Part I (Covenant of the League of Nations) of the said Treaty, a mandate should be conferred upon His Majesty the Emperor of Japan to administer the said islands, and have proposed that the mandate should be formulated in the following terms, etc."

The Government of the United States takes this opportunity respectfully and in the most friendly spirit to submit to the President and Members of the Council of the League that the statement above quoted is incorrect and is not an accurate recital of the facts. On the contrary, the United States, which is distinctly included in the very definite and constantly used descriptive phrase "the Principal Allied and Associated Powers", has not agreed to the terms or provisions of the mandate which is embodied in this text, nor has it agreed that a mandate should be conferred upon Japan covering all the former German islands situated in the Pacific Ocean and lying north of the Equator.

The United States has never given its consent to the inclusion of the island of Yap in any proposed mandate to Japan, but, on the other hand, at the time of

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- 3 -

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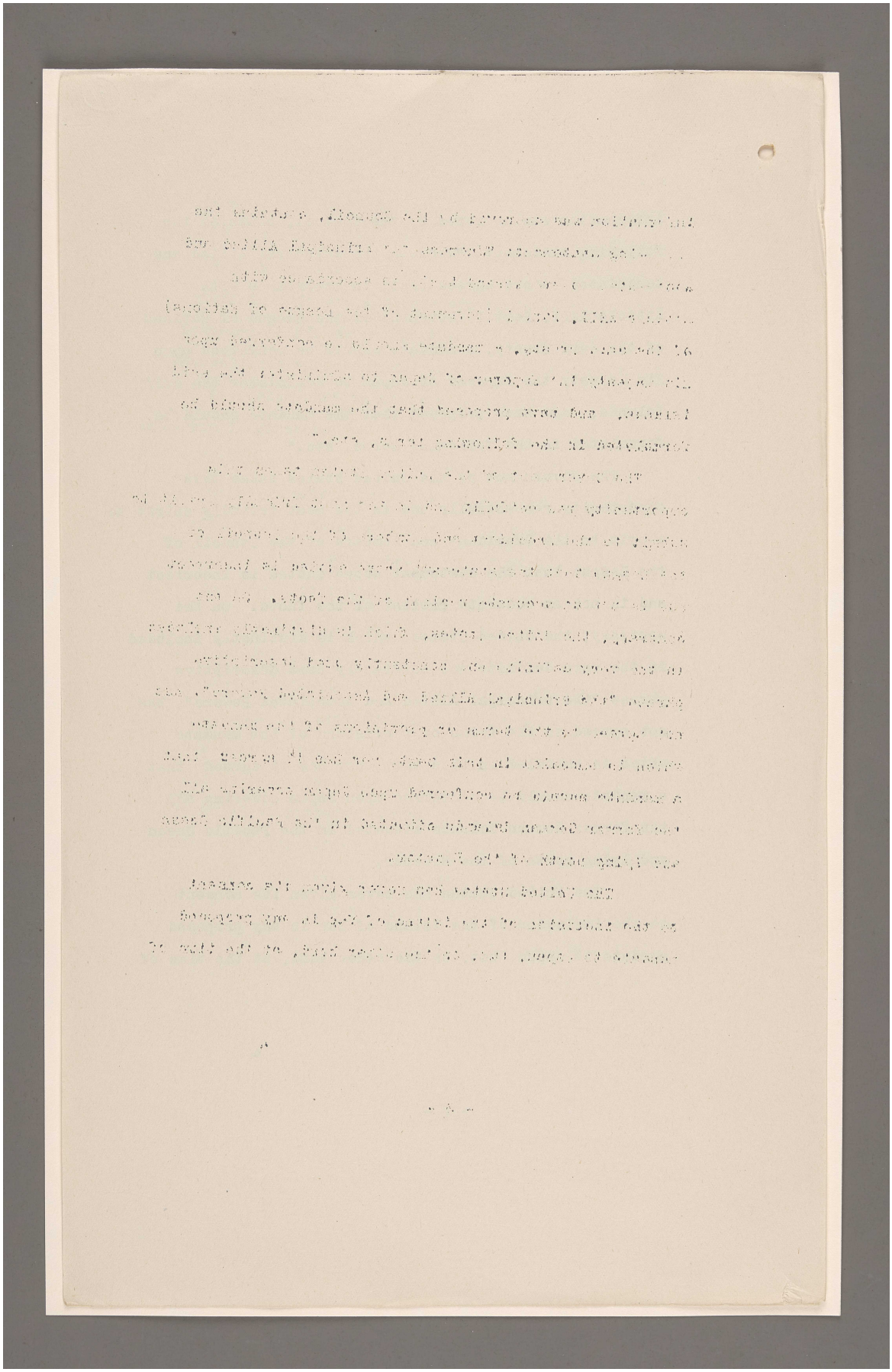

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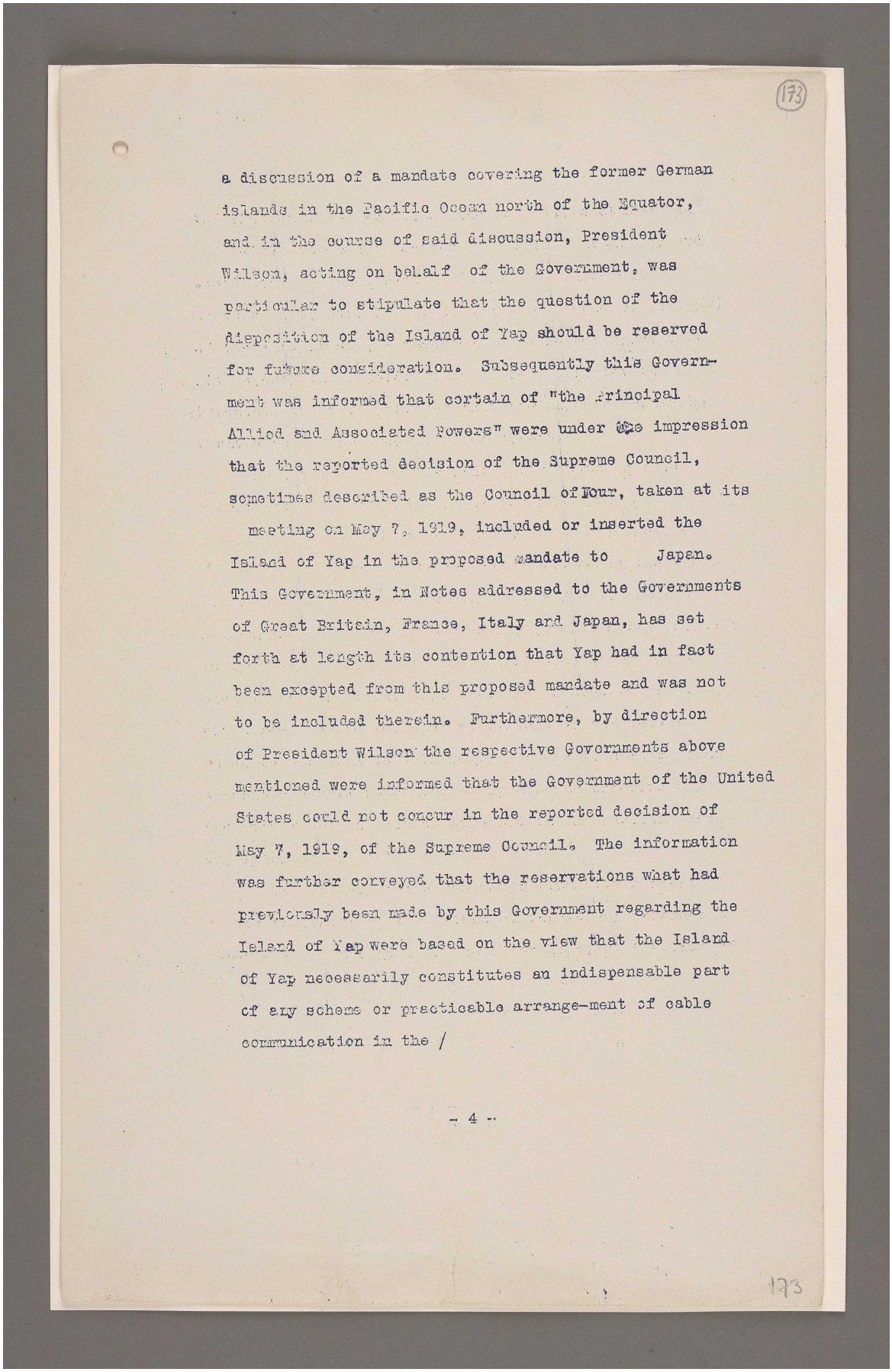

(173)

a discussion of a mandate covering the former German islands in the Pacific Ocean north of the Equator, and in the course of said discussion, President Wilson, acting on behalf of the Government, was particular to stipulate that the question of the disposition of the Island of Yap should be reserved for future consideration. Subsequently this Government was informed that certain of "the principal Allied and Associated Powers" were under the impression that the reported decision of the Supreme Council, sometimes described as the Council of Four, taken at its meeting on May 7, 1919, included or inserted the Island of Yap in the proposed mandate to Japan. This Government, in Notes addressed to the Governments of Great Britain, France, Italy and Japan, has set forth at length its contention that Yap had in fact been excepted from this proposed mandate and was not to be included therein. Furthermore, by direction of President Wilson the respective Governments above mentioned were informed that the Government of the United States could not concur in the reported decision of May 7, 1919, of the Supreme Council. The information was further conveyed that the reservations what had previously been made by this Government regarding the Island of Yap were based on the view that the Island of Yap necessarily constitutes an indispensable part of any scheme or practicable arrange-ment of cable communication in the /

- 4 -

173

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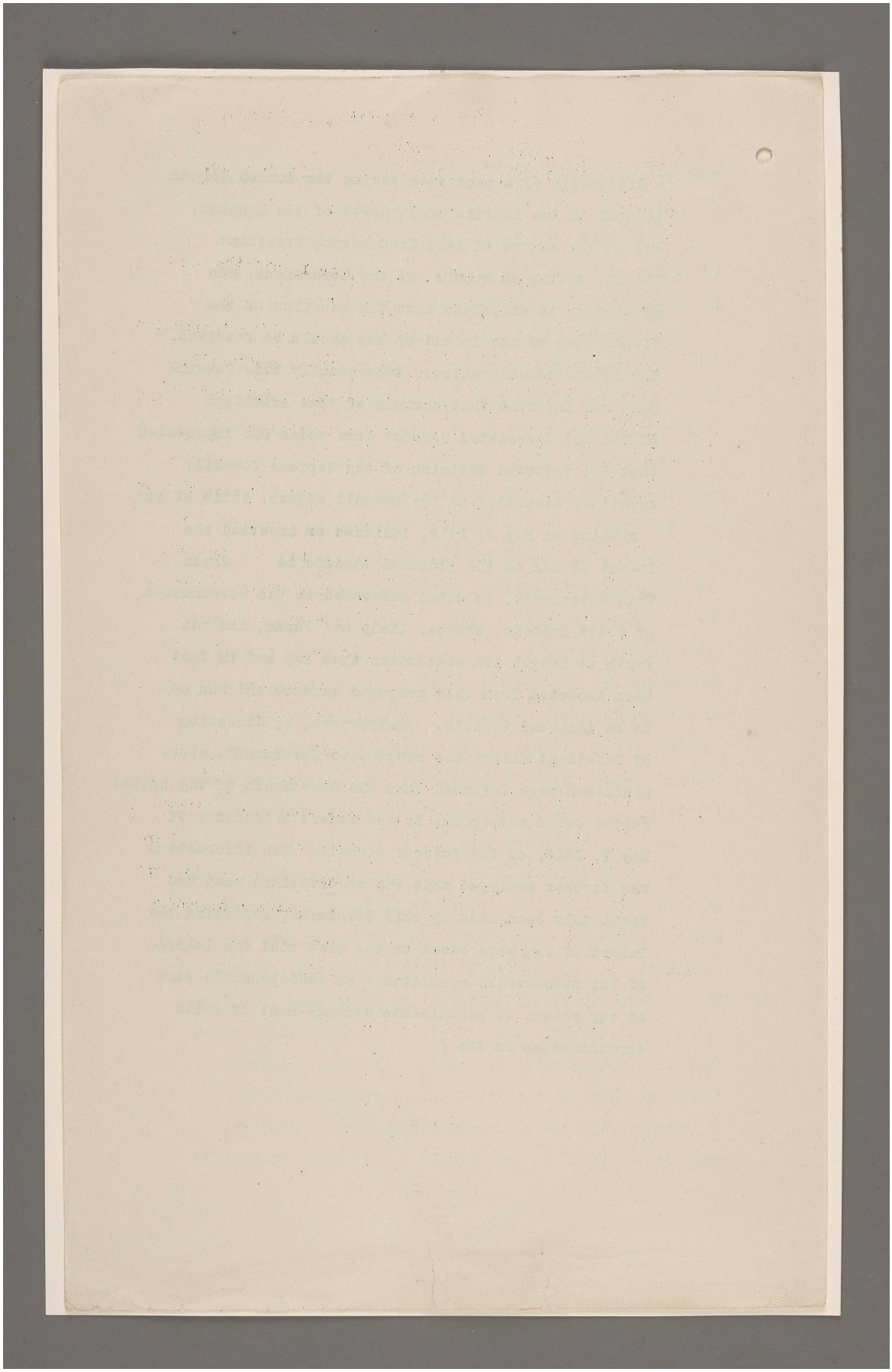

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(174)

Pacific and that its free and unhampered use should not be limited or controlled by any one Power.

While this Government has never assented to the inclusion of the Island of Yap in the proposed mandate to Japan, it may be pointed out that even if one or more of the other Principal Allied and Associated Powers were under a misapprehension as to the inclusion of this Island in the reported decision of May 7, 1919, nevertheless the Notes above mentioned of the Government of the United States make clear the position of this Government in the matter. At the time when the several Notes were addressed to the respective Governments above mentioned a final agreement had not been reached as to the terms and allocation of mandates covering the former German islands in the Pacific. Therefore the position taken in the matter by the President on behalf of this Government and clearly set forth in the Notes referred to necessarily had the result of effectively withdrawing any suggestion of implication of assent mistakenly imputed to this Government long before December 17, 1920, the date of the Council's meeting at Geneva.

As one of the Principal Allied and Associated Powers, the United States has an equal concern and an inseparable interest with the other Principal Allied and Associated Powers in the overseas possessions of Germany and concededly an equal voice in their disposition which it is respectfully submitted cannot be undertaken or effected without its assent. The Government of the United States therefore respectfully states that it cannot regard itself as bound by the terms and provisions of said mandate and desires to record its protest against the reported decision of December 17 last, of the Council of

- 5 -

174

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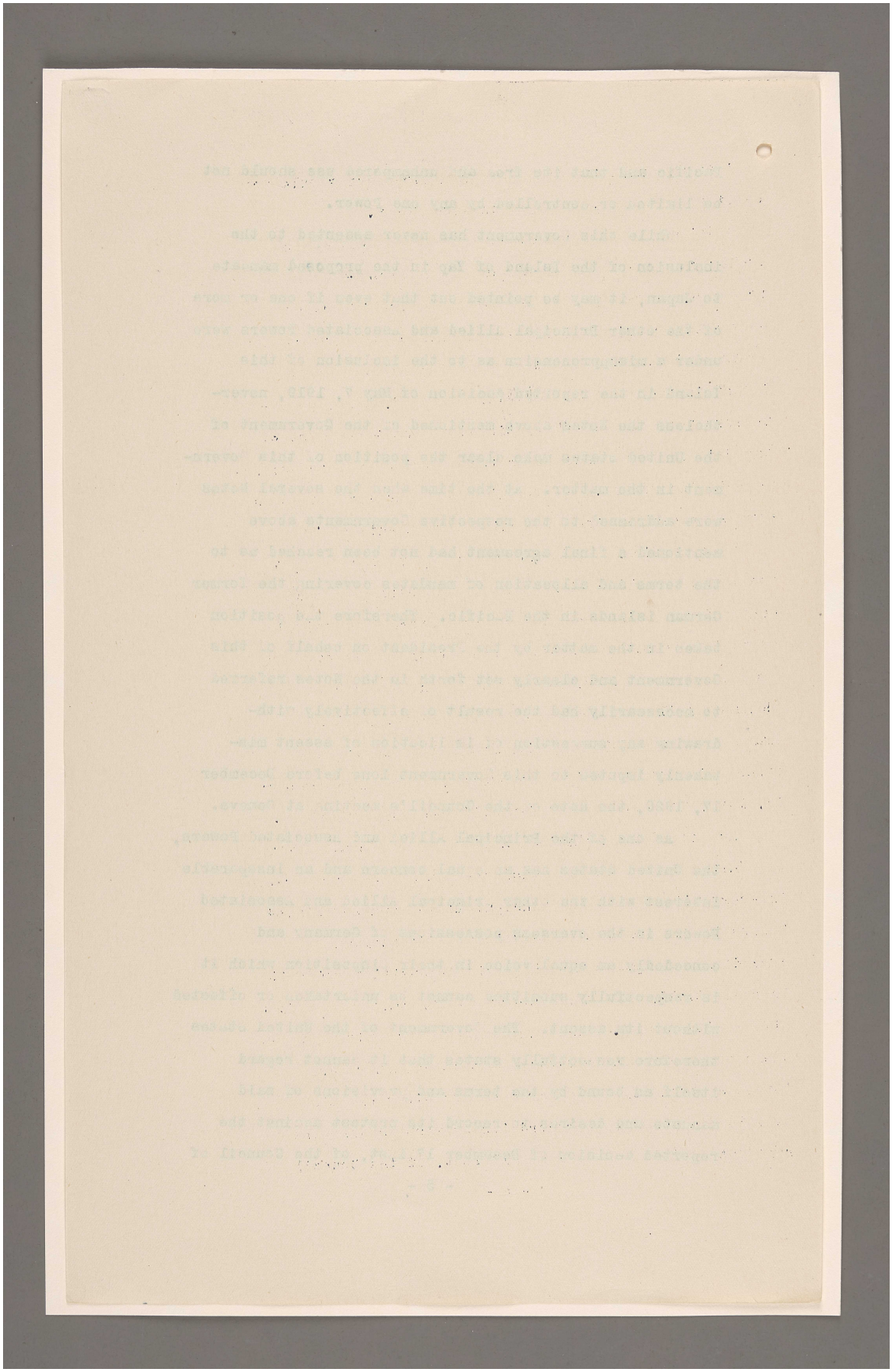

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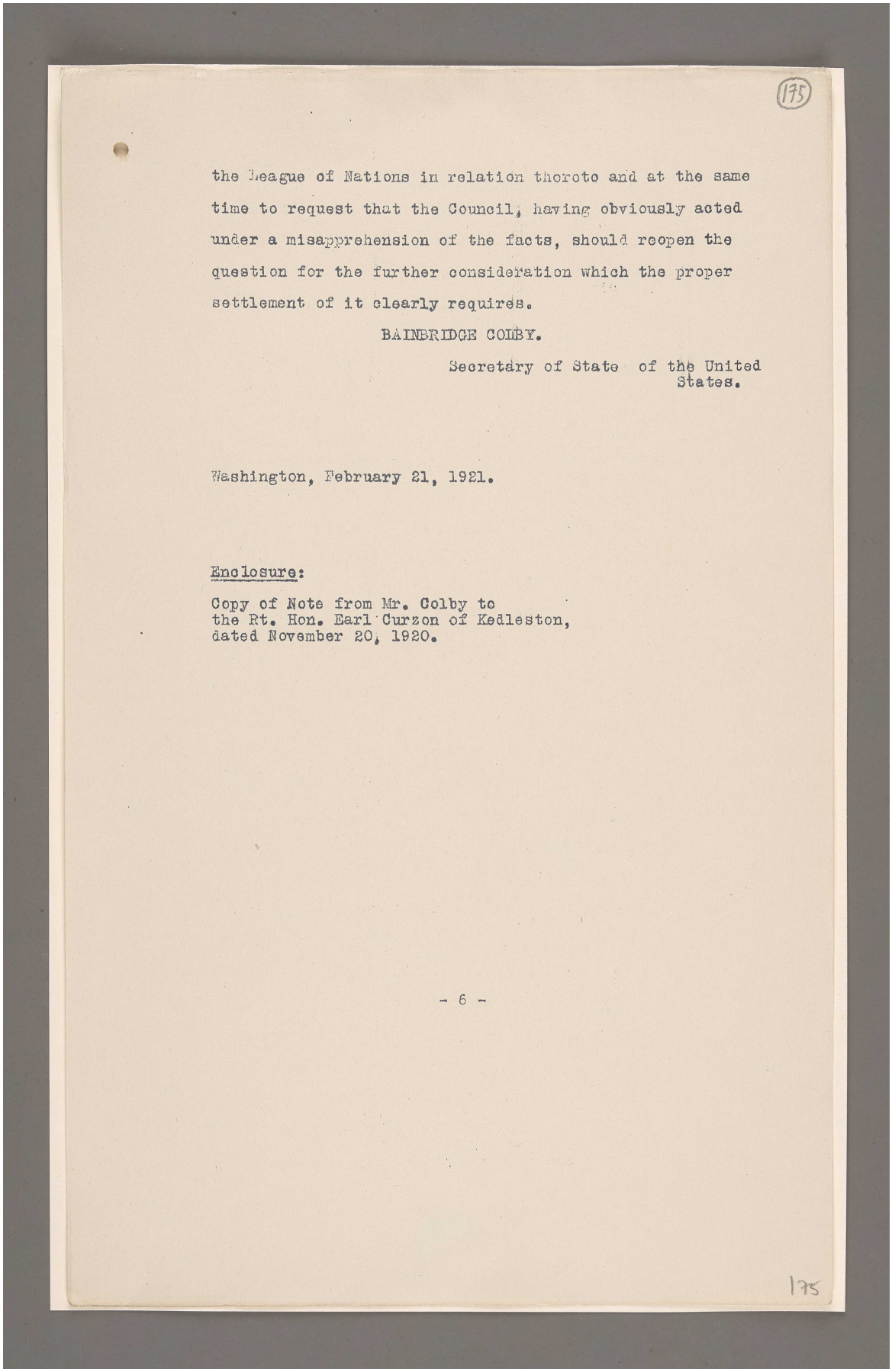

(175)

the League of Nations in relation thereto and at the same time to request that the Council, having obviously acted under a misapprehension of the facts, should reopen the question for the further consideration which the proper settlement of it clearly requires.

BAINBRIDGE COLBY.

Secretary of State of the United States.

Washington, February 21, 1921.

Enclosure:

Copy of Note from Mr. Colby to the Rt. Hon. Earl Curzon of Kedleston, dated November 20, 1920.

- 6 -

175

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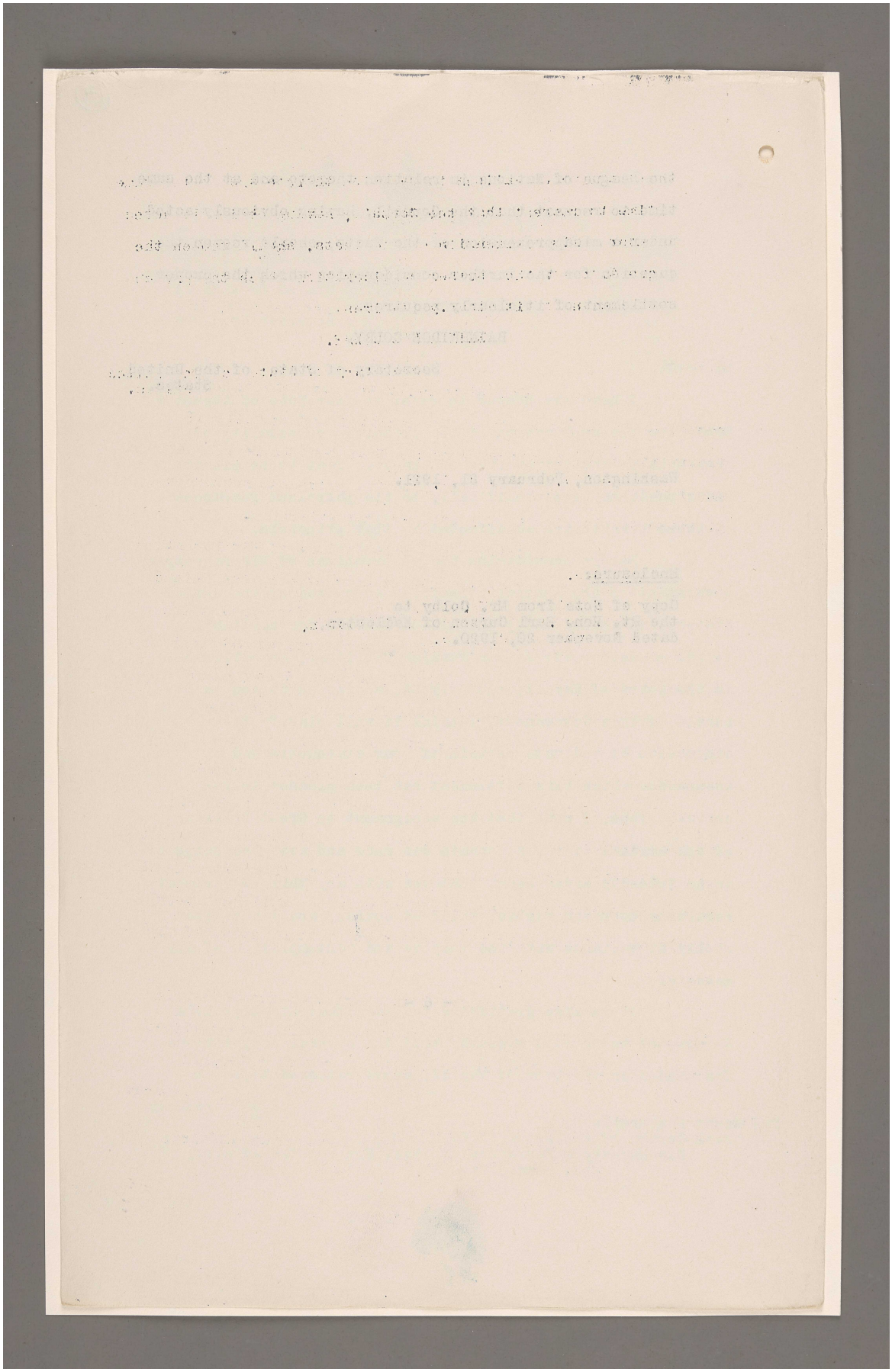

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(176)

ENCLOSURE TO C.P. 2626

EMBASSY OF THE
UNITED STATES OF AMERICA.
November 26, 1920

My Lord:

I have the honour to refer to your Note of August 9 regarding the application of the principle of equality of treatment to the territories of the Near East to be placed under mandates, and specifically to the petroleum resources of those territories as affected by that principle.

Before considering the observations of His Majesty's Government on the general principles advocated by the United States, and agreed to by the Allied Powers, for application to the mandates over former Turkish territory, as outlined in the Notes of May 12, and July 22, addressed to you on behalf of this Government, I think it will clarify the discussion to indicate certain of your statements and assurances which this Government has been pleased to receive. Thus, I note that the assignment to Great Britain of the mandate for Mesopotamia was made and accepted subject to no friendly arrangement whatever with any third Government regarding economic rights, which of course, would have been wholly at variance with the purpose and contemplation of any mandate.

It is also gratifying to learn that His Majesty's Government is in full sympathy with the several propositions formulated in the Note of May 12, above referred to, which

/embody

The Right Honourable
Earl Curzon of Kedleston, K.G.,
His Majesty's Secretary of State for Foreign Affairs,
etc., etc., etc.

-2-

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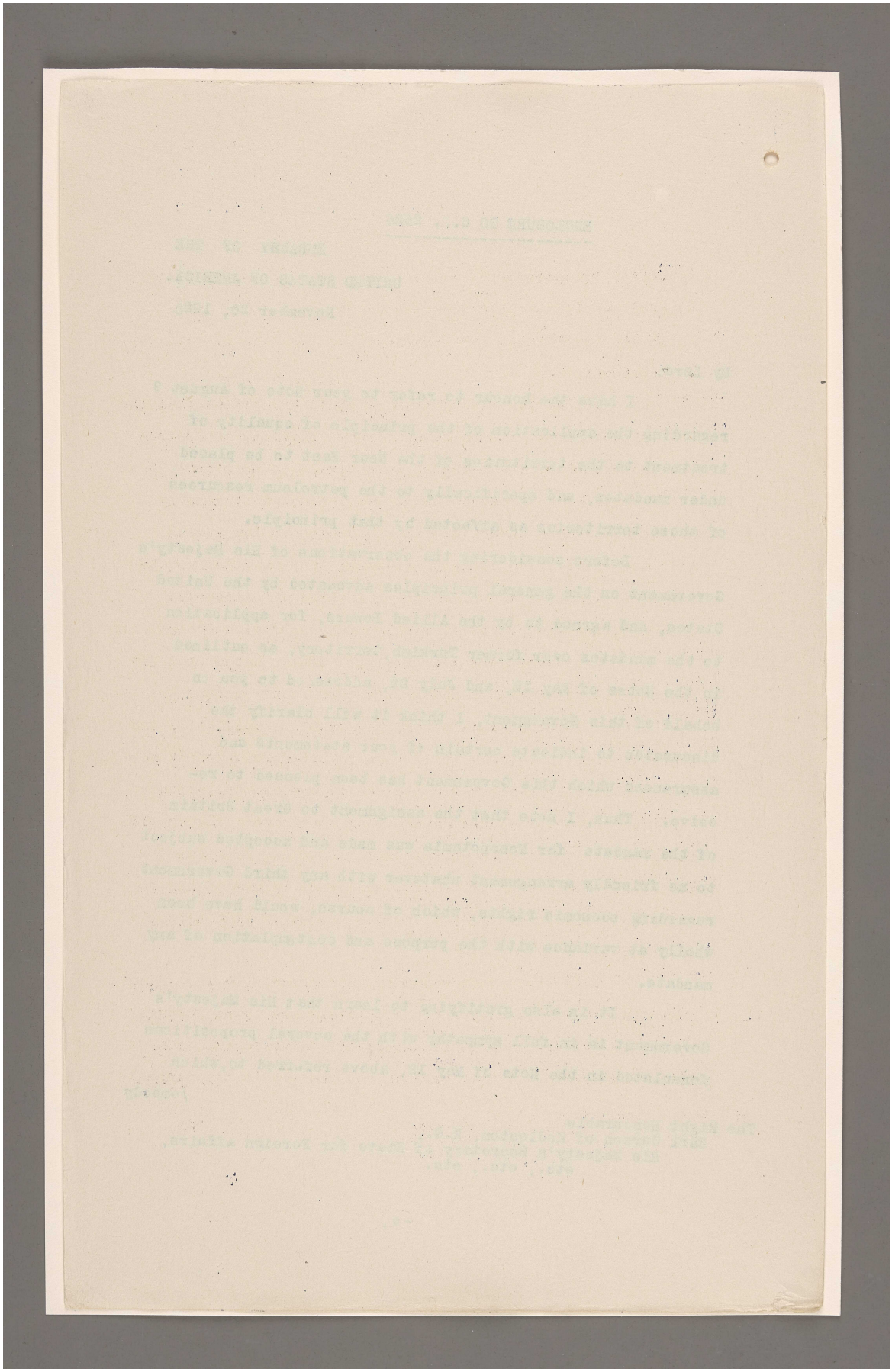

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(177)

embody or illustrate the principles which this Government believe should be applied in the mandated regions, and which are essential to the practical realisation of equality of treatment.

The statements of your Note, to the effect that the British Government has refrained from exploiting the petroleum resources of the mandated territories in question; that the operations referred to have been conducted for purely military purposes under the immediate supervision of the Army authorities and at Army expenses; and that no private interests whatever are in any way involved, are accepted with a full sense of the good faith of the British Government.

The Government of the United States notes that His Majesty's Government has found it necessary to suspend, during the period of occupation, the grant of facilities and opportunities to British as well as to other private interests to investigate the natural resources of the country, either for the purpose of acquiring new claims or strengthening old ones, and that there is no reason for assuming that the administration either of Mesopotamia or of Palestine has at any time failed to carry out the assurances of His Majesty's Government.

This Government welcomes your pledges to the effect that the natural resources of Mesopotamia are to be secured to the people of Mesopotamia and to the future Arab State, to be established in that region, and that it is the purpose

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-8-

177

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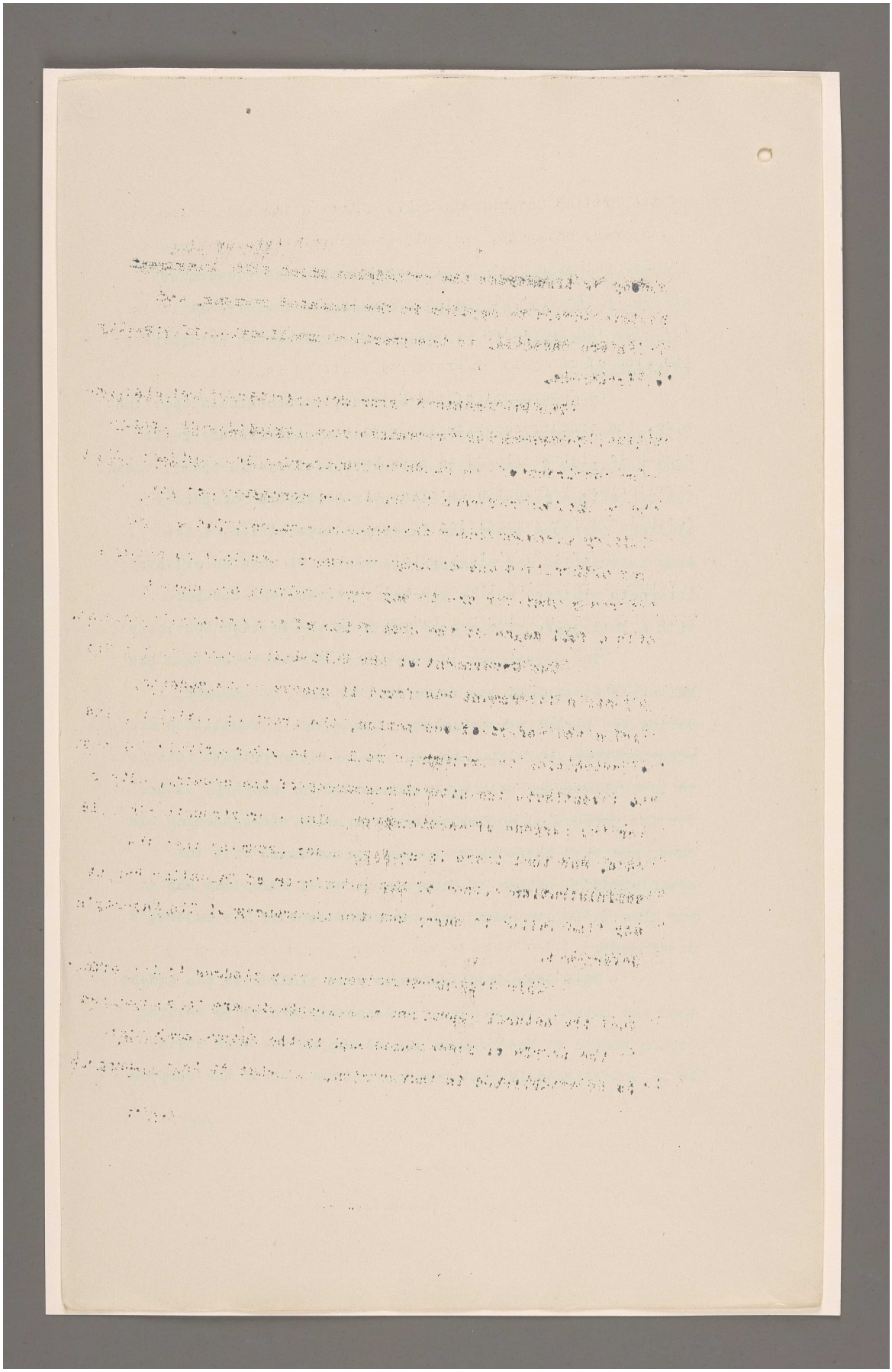

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of the British Government, fully alive to its obligation as a temporary occupant, and only to secure those resources to the Mesopotamian State, but also its absolute freedom of action in the control thereof, and in particular that it is far from the intention of the mandatory Power to establish any kind of monopoly or preferred position in its own interest.

The Government of the United States appreciates, likewise, the concurrence with its view that the merits of all claims to rights alleged to have been acquired in the mandated territories, before the outbreak of hostilities must be duly established for recognition of such claims will be accorded.

Adverting, at this point, to the views of His Majesty's Government regarding the nature of the responsibilities of mandatory Powers under the League of Nations, I desire to call to the attention of His Majesty's Government, the fact that, while this draft mandate, Form A. was not adopted at Paris, it was the understanding of the American representatives there present, that the British Government entertained and has expressed convictions favourable to said form, and that, presumably, its representatives would exercise their influence in conformity with those convictions.

I need hardly refer again to the fact that the Government of the United States has consistently urged that it is of the utmost importance to the future peace of the world that alien territory transferred as a result of the war with the

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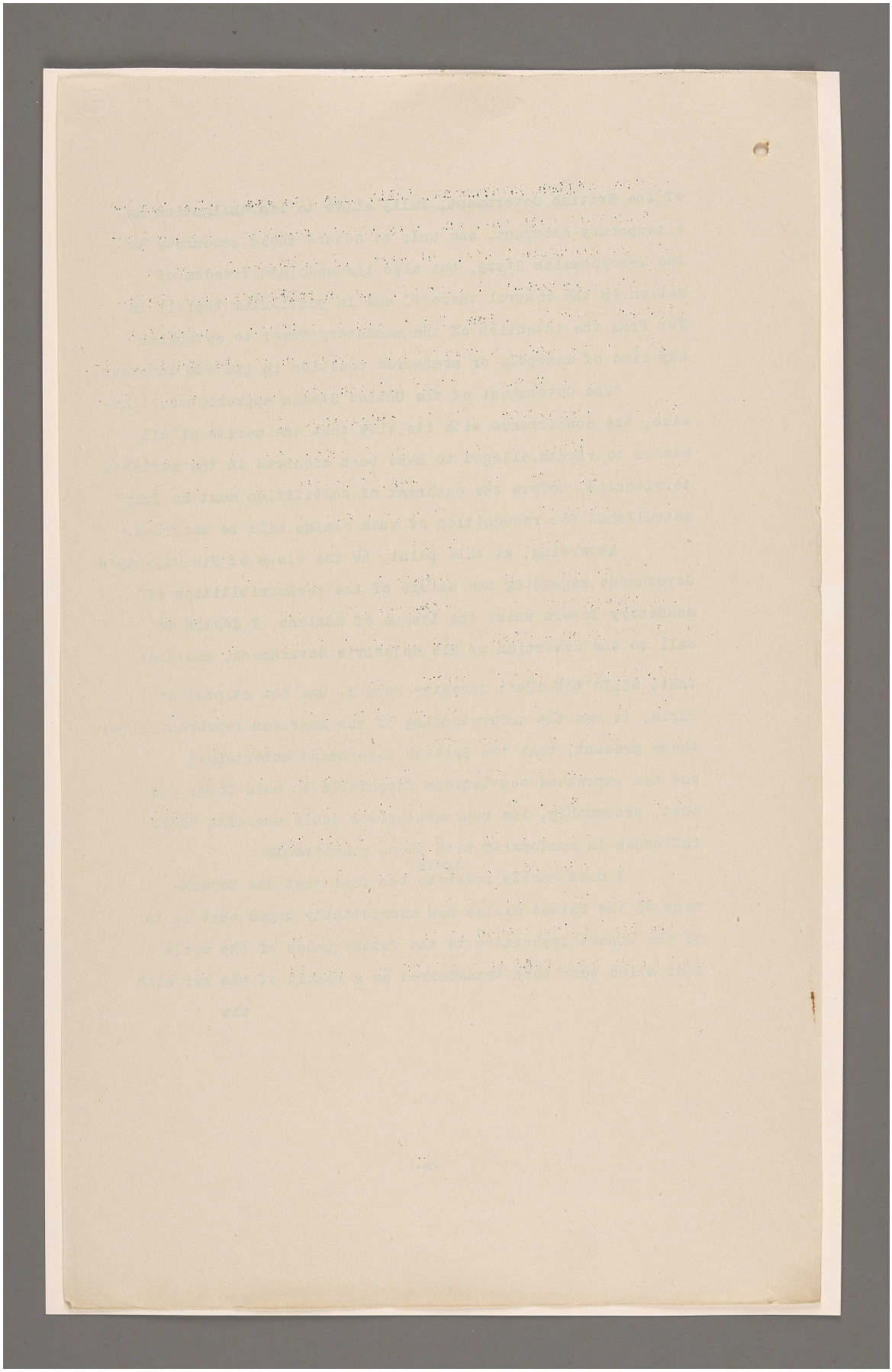

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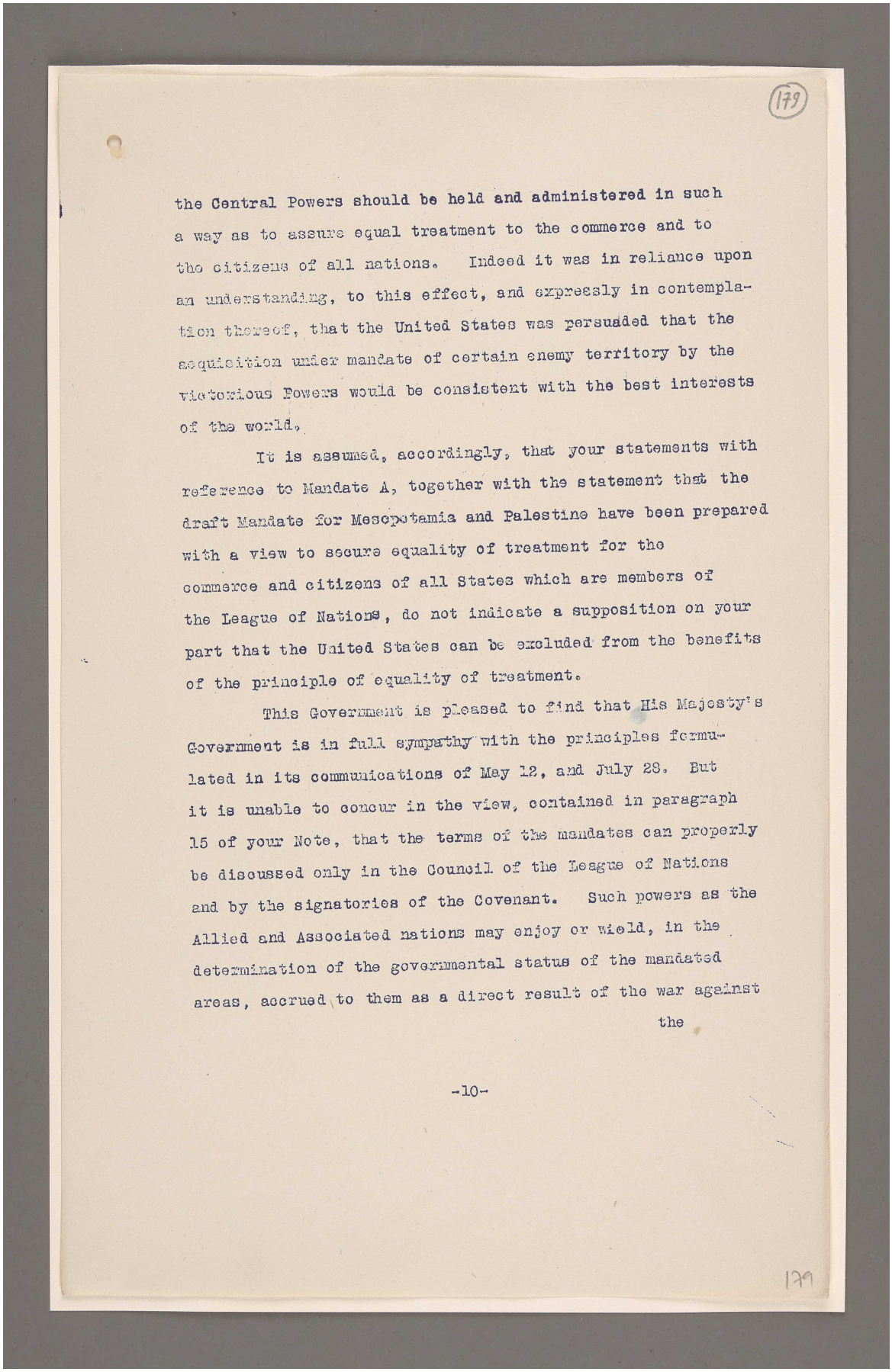

179

the Central Powers should be held and administered in such a way as to assure equal treatment to the commerce and to the citizens of all nations. Indeed it was in reliance upon an understanding, to this effect, and expressly in contemplation thereof, that the United States was persuaded that the acquisition under mandate of certain enemy territory by the victorious Powers would be consistent with the best interests of the world.

It is assumed, accordingly, that your statements with reference to Mandate A, together with the statement that the draft Mandate for Mesopotamia and Palestine have been prepared with a view to secure equality of treatment for the commerce and citizens of all States which are members of the League of Nations, do not indicate a supposition on your part that the United States can be excluded from the benefits of the principle of equality of treatment.

This Government is pleased to find that His Majesty's Government is in full sympathy with the principles formulated in its communications of May 12, and July 28. But it is unable to concur in the view, contained in paragraph 15 of your Note, that the terms of the mandates can properly be discussed only in the Council of the League of Nations and by the signatories of the Covenant. Such powers as the Allied and Associated nations may enjoy or wield, in the determination of the governmental status of the mandated areas, accrued to them as a direct result of the war against the

-10-

179

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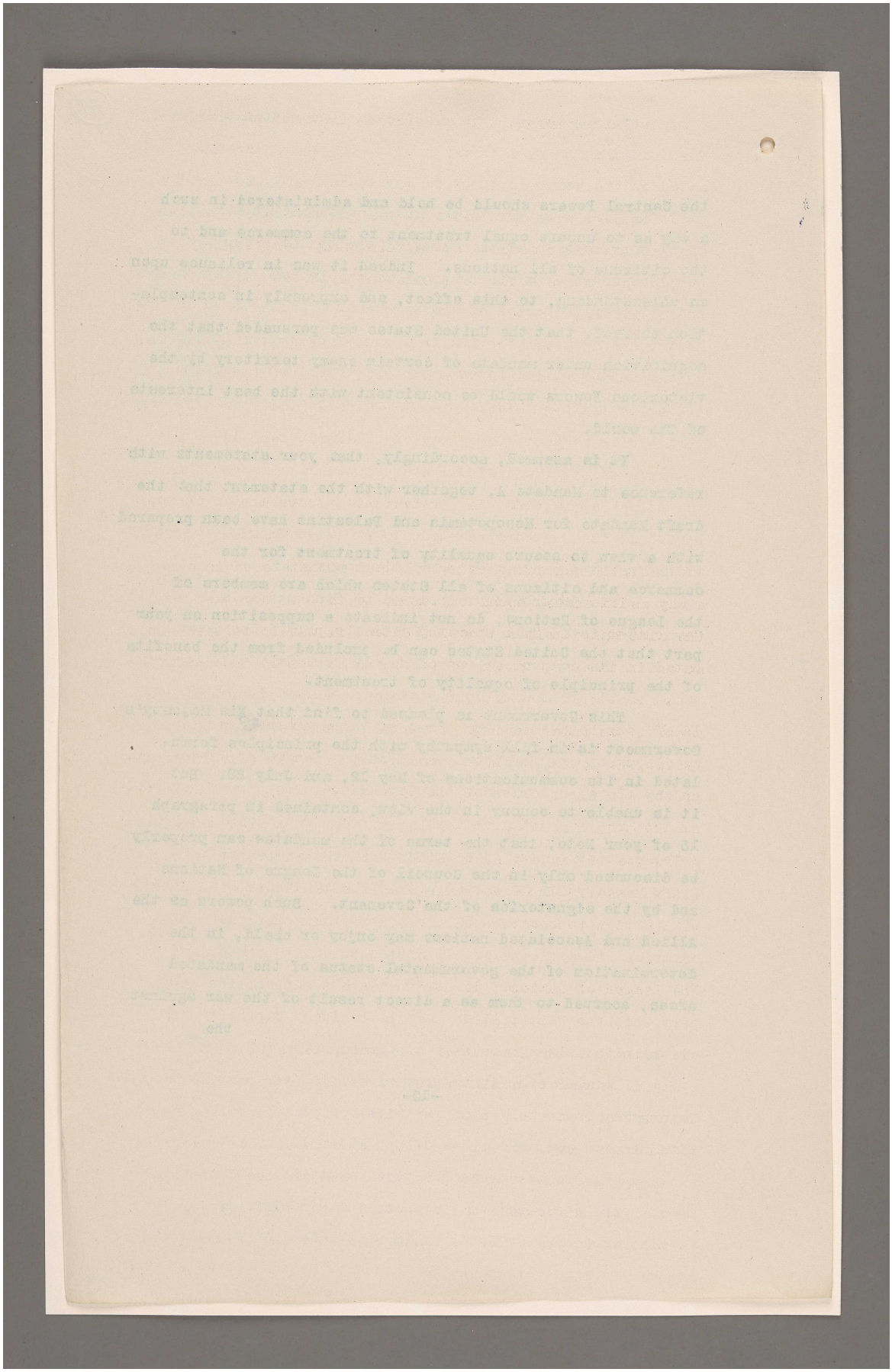

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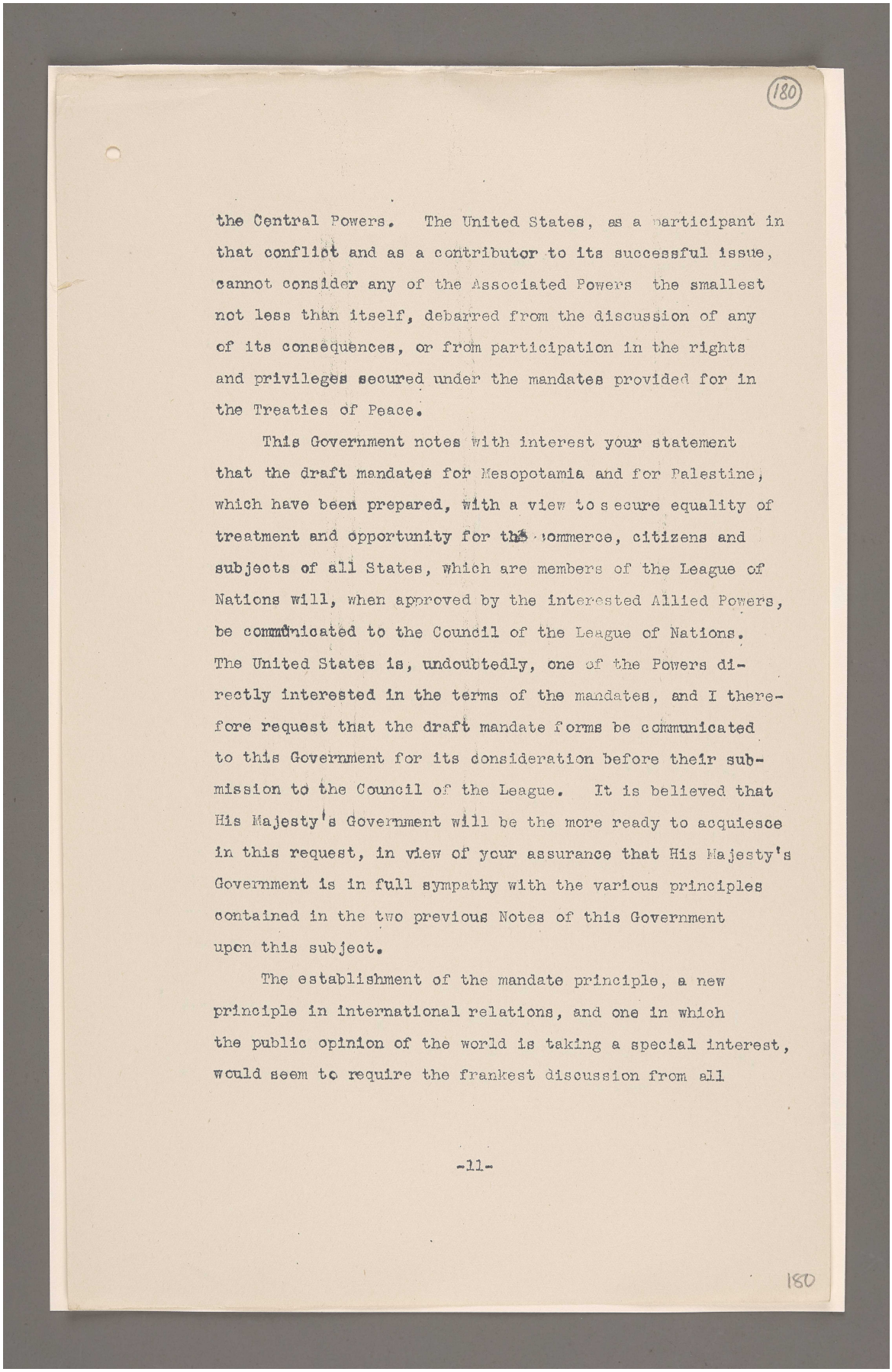

(180)

the Central Powers. The United States, as a participant in that conflict and as a contributor to its successful issue, cannot consider any of the Associated Powers the smallest not less than itself, debarred from the discussion of any of its consequences, or from participation in the rights and privileges secured under the mandates provided for in the Treaties of Peace.

This Government notes with interest your statement that the draft mandates for Mesopotamia and for Palestine, which have been prepared, with a view to secure equality of treatment and opportunity for the commerce, citizens and subjects of all States, which are members of the League of Nations will, when approved by the interested Allied Powers, be communicated to the Council of the League of Nations. The United States is, undoubtedly, one of the Powers directly interested in the terms of the mandates, and I therefore request that the draft mandate forms be communicated to this Government for its consideration before their submission to the Council of the League. It is believed that His Majesty's Government will be the more ready to acquiesce in this request, in view of your assurance that His Majesty's Government is in full sympathy with the various principles contained in the two previous Notes of this Government upon this subject.

The establishment of the mandate principle, a new principle in international relations, and one in which the public opinion of the world is taking a special interest, would seem to require the frankest discussion from all

-11-

180

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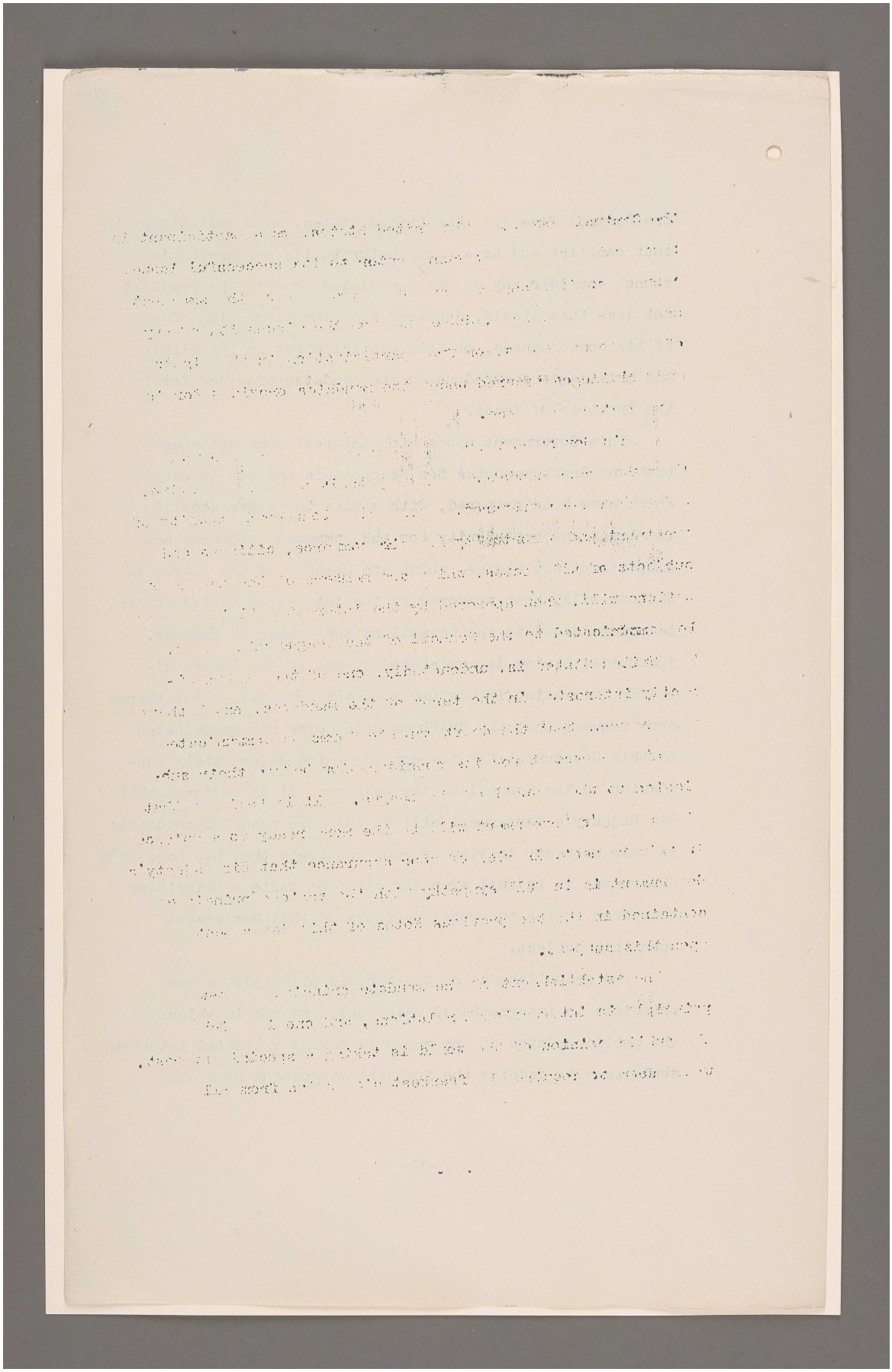

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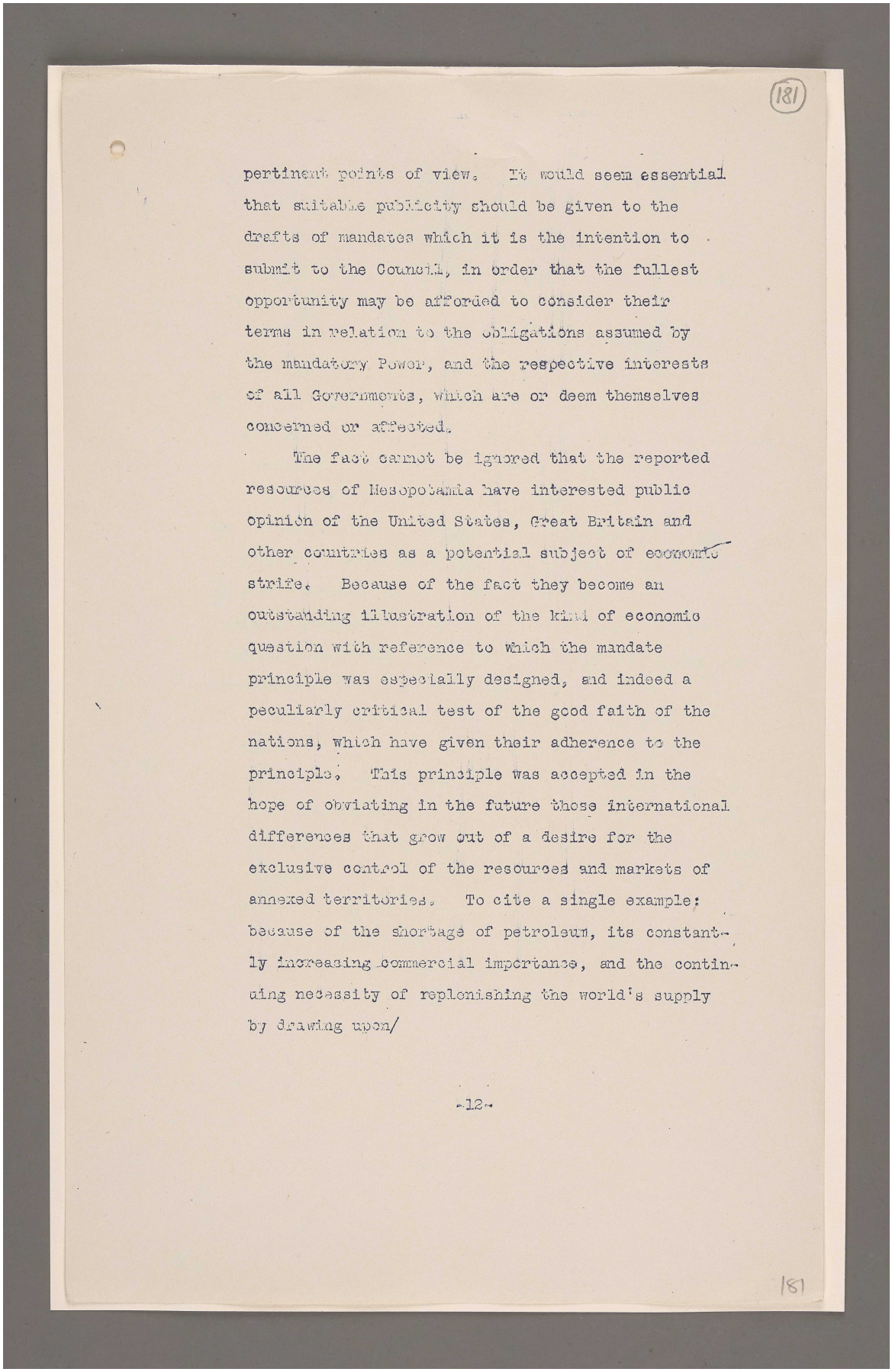

181

pertinent points of view. It would seem essential that suitable publicity should be given to the drafts of mandates which it is the intention to submit to the Council, in order that the fullest opportunity may be afforded to consider their terms in relation to the obligations assumed by the mandatory Power, and the respective interests of all Governments, which are or deem themselves concerned or affected.

The fact cannot be ignored that the reported resources of Mesopotamia have interested public opinion of the United States, Great Britain and other countries as a potential subject of economic strife. Because of the fact they become an outstanding illustration of the kind of economic question with reference to which the mandate principle was especially designed, and indeed a peculiarly critical test of the good faith of the nations, which have given their adherence to the principle. This principle was accepted in the hope of obviating in the future those international differences that grow out of a desire for the exclusive control of the resources and markets of annexed territories. To cite a single example: because of the shortage of petroleum, its constantly increasing commercial importance, and the continuing necessity of replenishing the world's supply by drawing upon/

-12-

181

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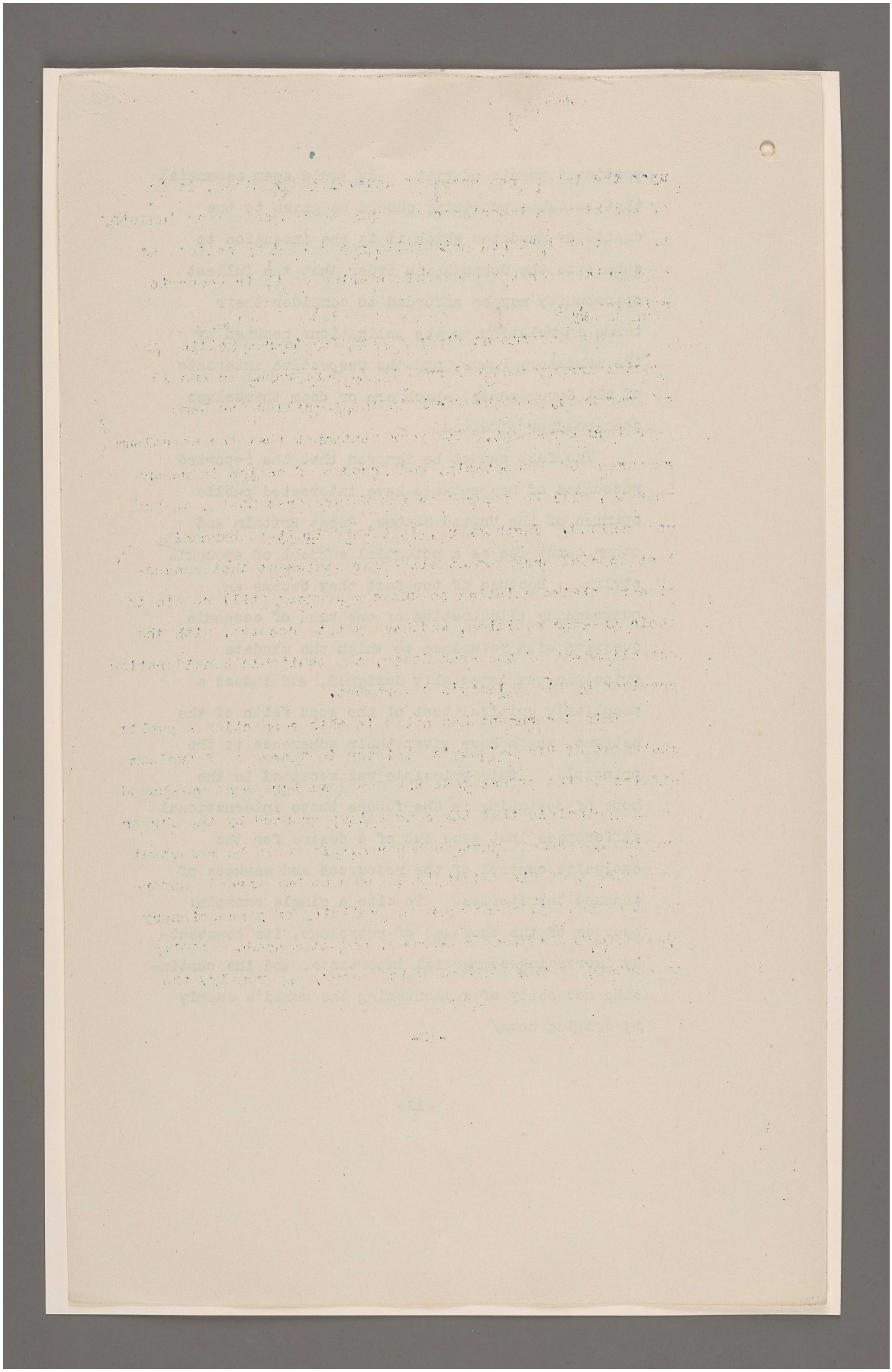

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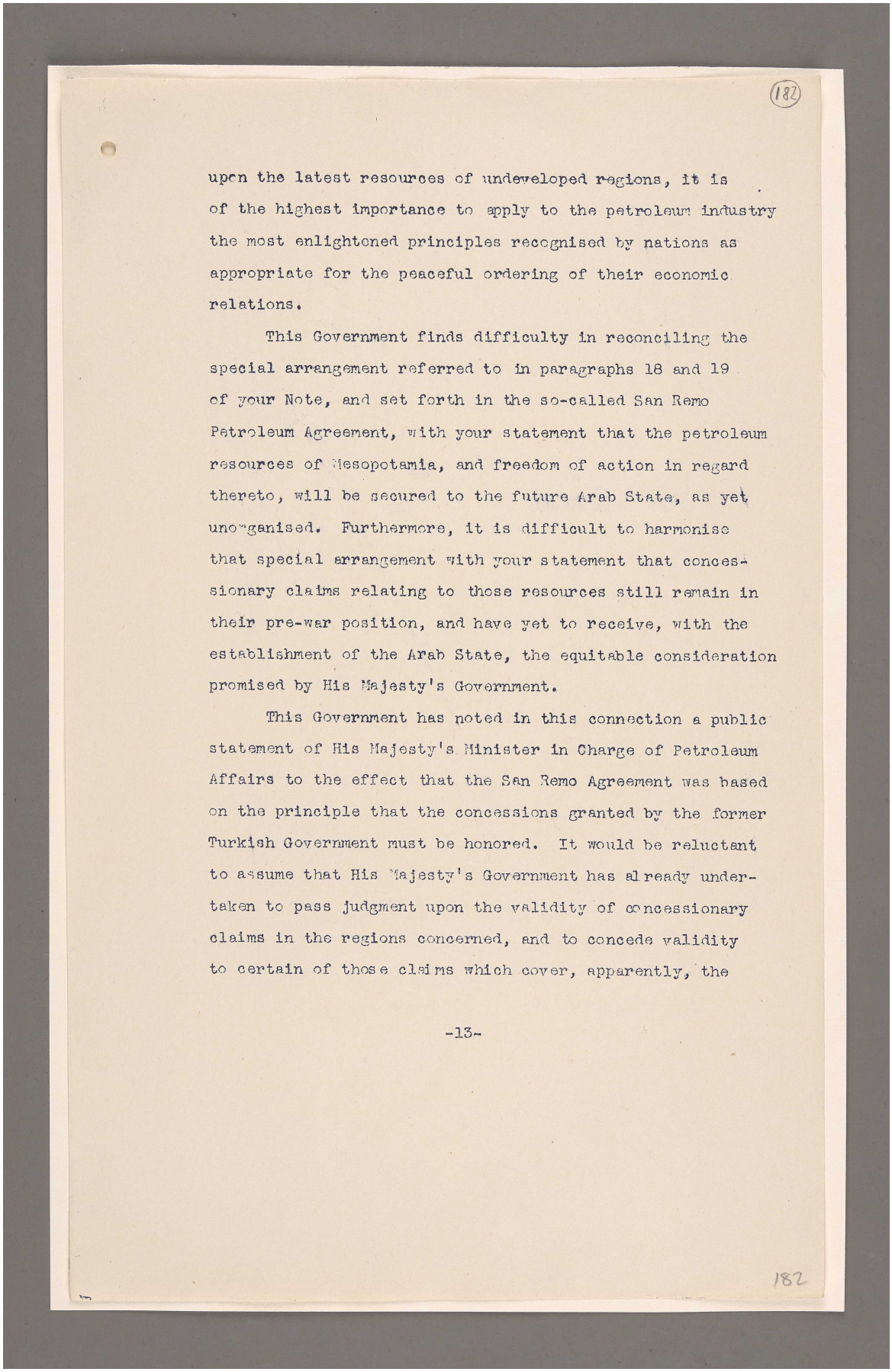

182

upon the latest resources of undeveloped regions, it is of the highest importance to apply to the petroleum industry the most enlightened principles recognised by nations as appropriate for the peaceful ordering of their economic relations.

This Government finds difficulty in reconciling the special arrangement referred to in paragraphs 18 and 19 of your Note, and set forth in the so-called San Remo Petroleum Agreement, with your statement that the petroleum resources of Mesopotamia, and freedom of action in regard thereto, will be secured to the future Arab State, as yet unorganised. Furthermore, it is difficult to harmonise that special arrangement with your statement that concessionary claims relating to those resources still remain in their pre-war position, and have yet to receive, with the establishment of the Arab State, the equitable consideration promised by His Majesty's Government.

This Government has noted in this connection a public statement of His Majesty's Minister in Charge of Petroleum Affairs to the effect that the San Remo Agreement was based on the principle that the concessions granted by the former Turkish Government must be honored. It would be reluctant to assume that His Majesty's Government has already undertaken to pass judgment upon the validity of concessionary claims in the regions concerned, and to concede validity to certain of those claims which cover, apparently, the

-13-

182

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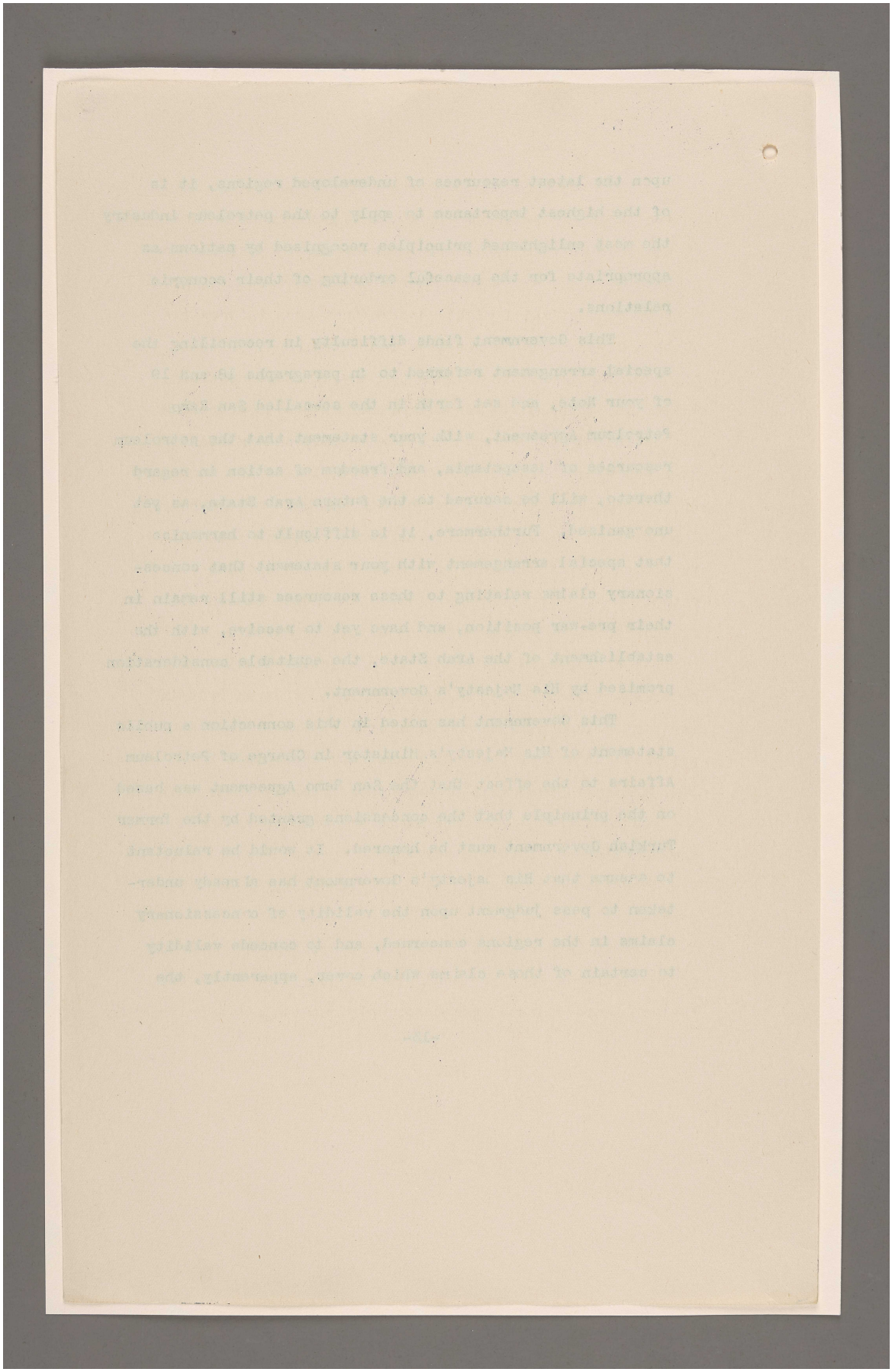

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(183)

entire Mesopotamian area. Indeed this Government understands your Note to deny having taken, and to deny the intention to take, any such ex parte and premature action. In this connection, I might observe that such information as this Government has received indicated that, prior to the war, the Turkish Petroleum Company, to make specific reference possessed in Mesopotamia no rights to petroleum concessions or to the exploitation of oil; and in view of your assurance that it is not the intention of the mandatory Power to establish on its own behalf any kind of monopoly, I am at some loss to understand how to construe the provision of the San Remo Agreement that any private petroleum company which may develop the Mesopotamian oil fields "shall be under permanent British control".

Your Lordship contrasts the present production of petroleum in the United States with that of Great Britain and some allusion is made to American supremacy in the petroleum industry. I should regret any assumption by His Majesty's Government or any other friendly Power that the views of this Government as to the true character of a mandate are dictated in any degree by considerations of the domestic need or production of petroleum, or any other commodity.

I may be permitted to say, however, for the purpose of correcting a misapprehension which your Note reflects, that the United States possesses only one-twelfth approximately

-14-

183

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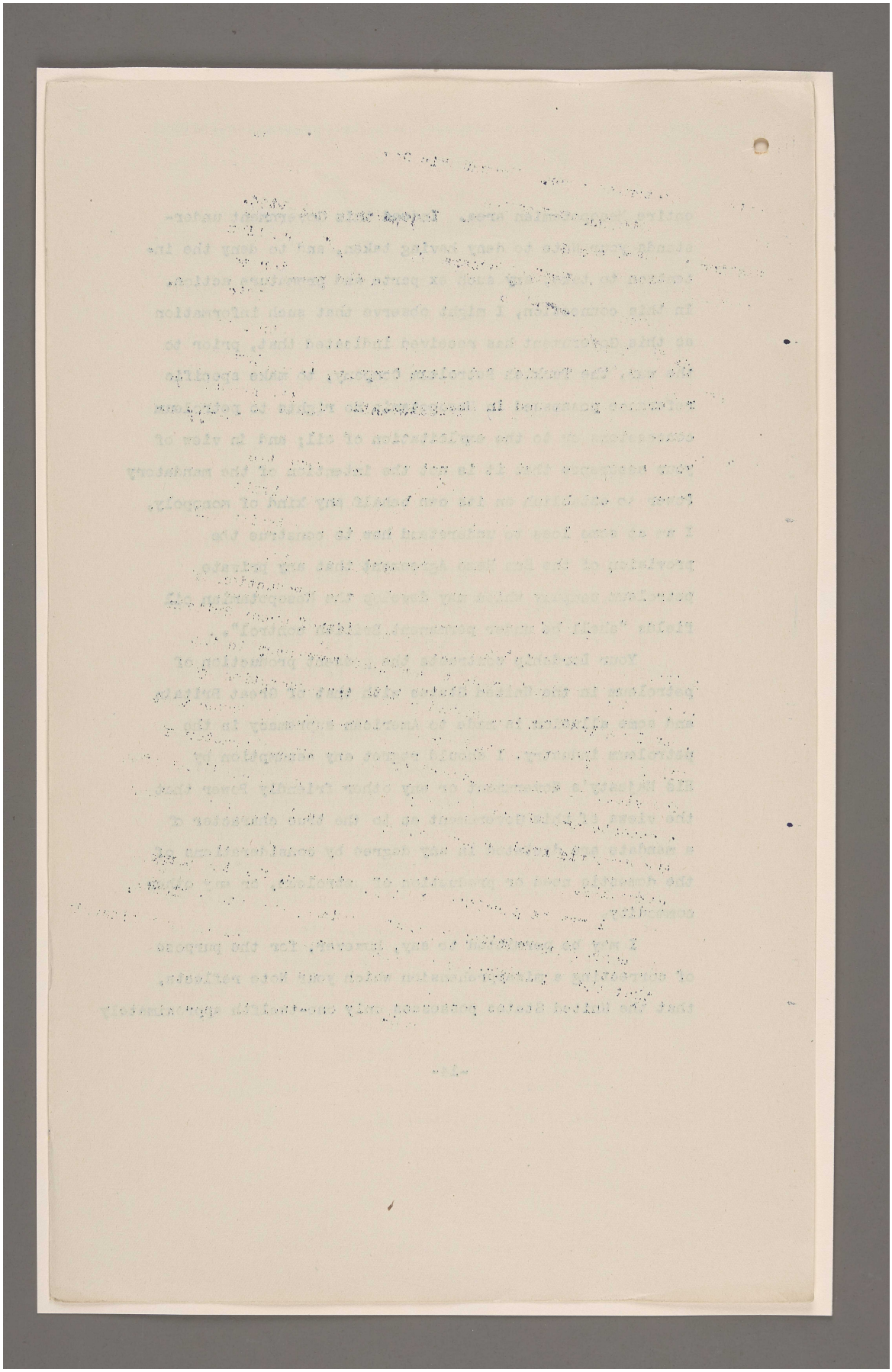

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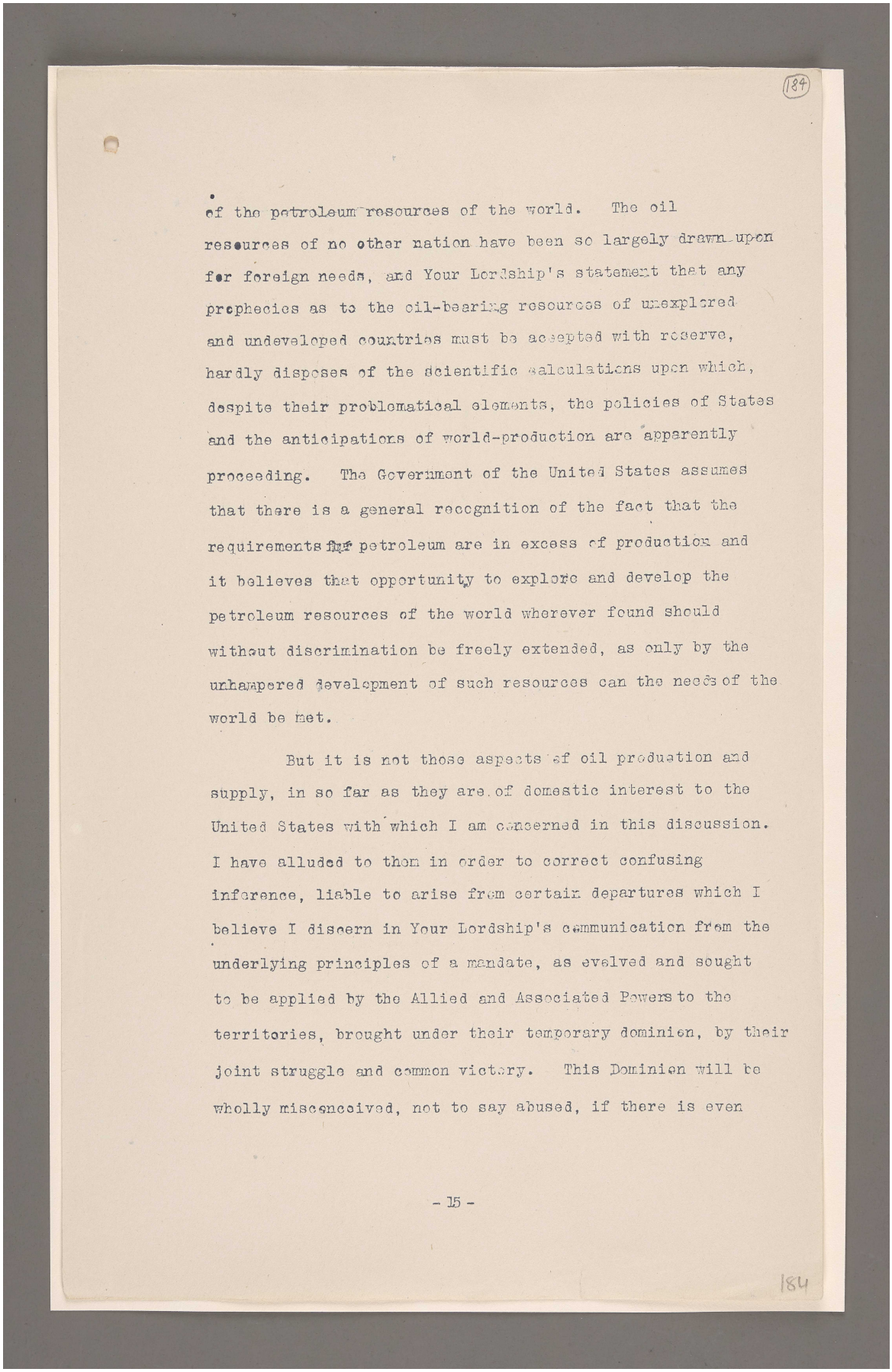


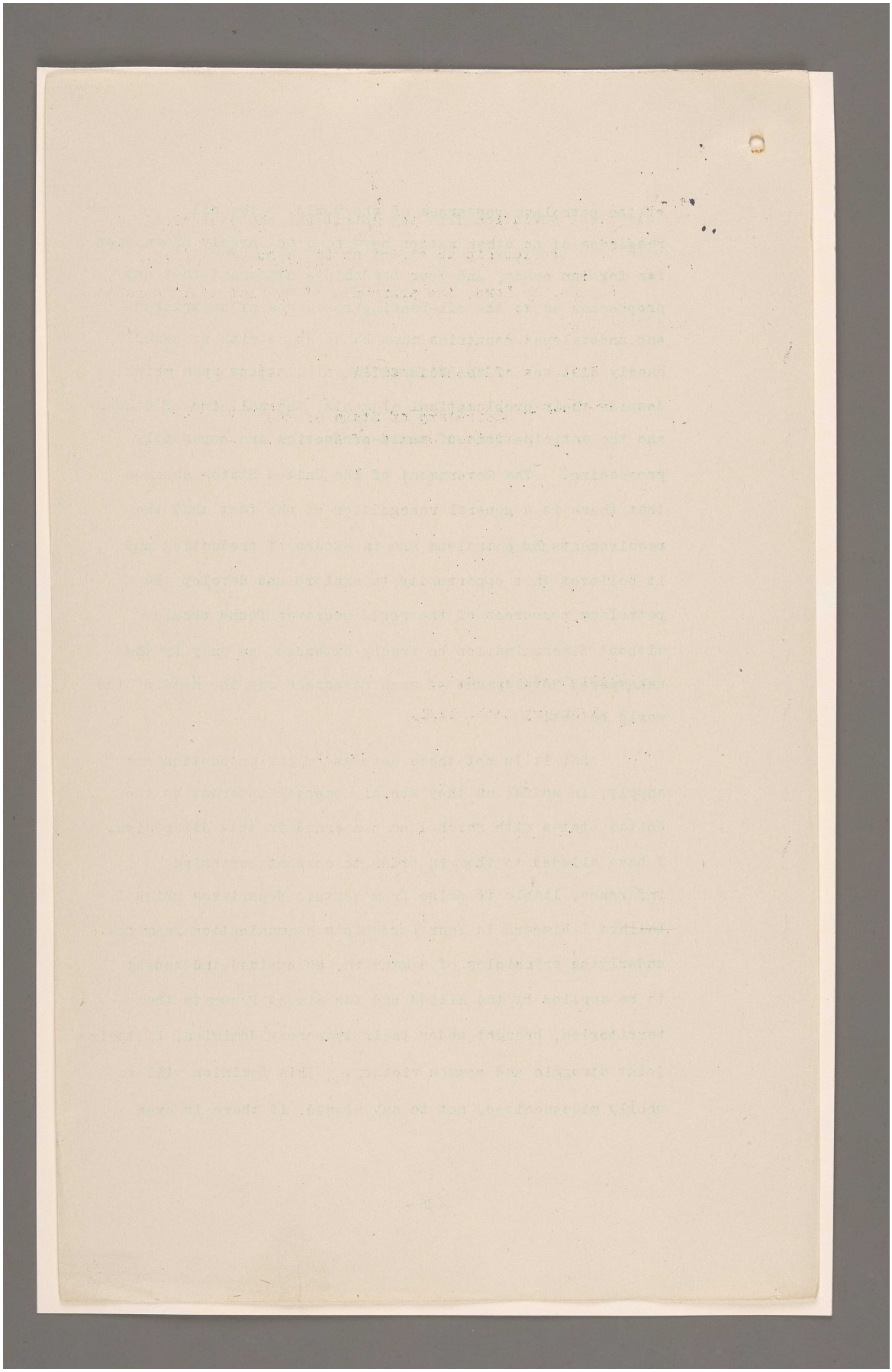
(184)

of the petroleum resources of the world. The oil resources of no other nation have been so largely drawn upon for foreign needs, and Your Lordship's statement that any prophecies as to the oil-bearing resources of unexplored and undeveloped countries must be accepted with reserve, hardly disposes of the scientific calculations upon which, despite their problematical elements, the policies of States and the anticipations of world-production are apparently proceeding. The Government of the United States assumes that there is a general recognition of the fact that the requirements for petroleum are in excess of production and it believes that opportunity to explore and develop the petroleum resources of the world wherever found should without discrimination be freely extended, as only by the unhampered development of such resources can the needs of the world be met.

But it is not those aspects of oil production and supply, in so far as they are of domestic interest to the United States with which I am concerned in this discussion. I have alluded to them in order to correct confusing inference, liable to arise from certain departures which I believe I discern in Your Lordship's communication from the underlying principles of a mandate, as evolved and sought to be applied by the Allied and Associated Powers to the territories, brought under their temporary dominion, by their joint struggle and common victory. This Dominion will be wholly misconceived, not to say abused, if there is even

- 15 -

184



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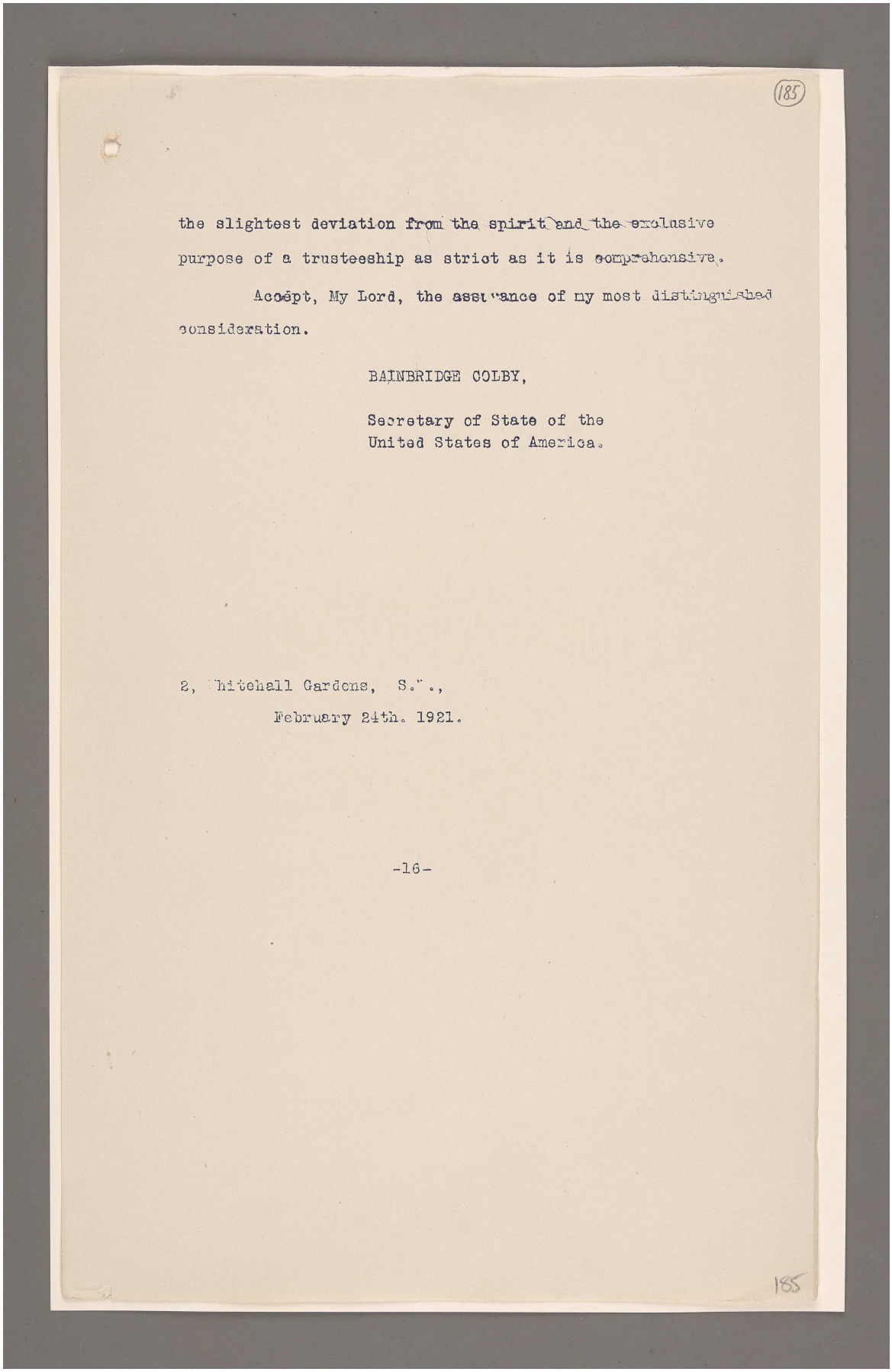

(185)

the slightest deviation from the spirit and the exclusive purpose of a trusteeship as strict as it is comprehensive.

Accept, My Lord, the assurance of my most distinguished consideration.

BAINBRIDGE COLBY,

Secretary of State of the
United States of America.

2, Whitehall Gardens, S.W.,
February 24th. 1921.

-16-

185

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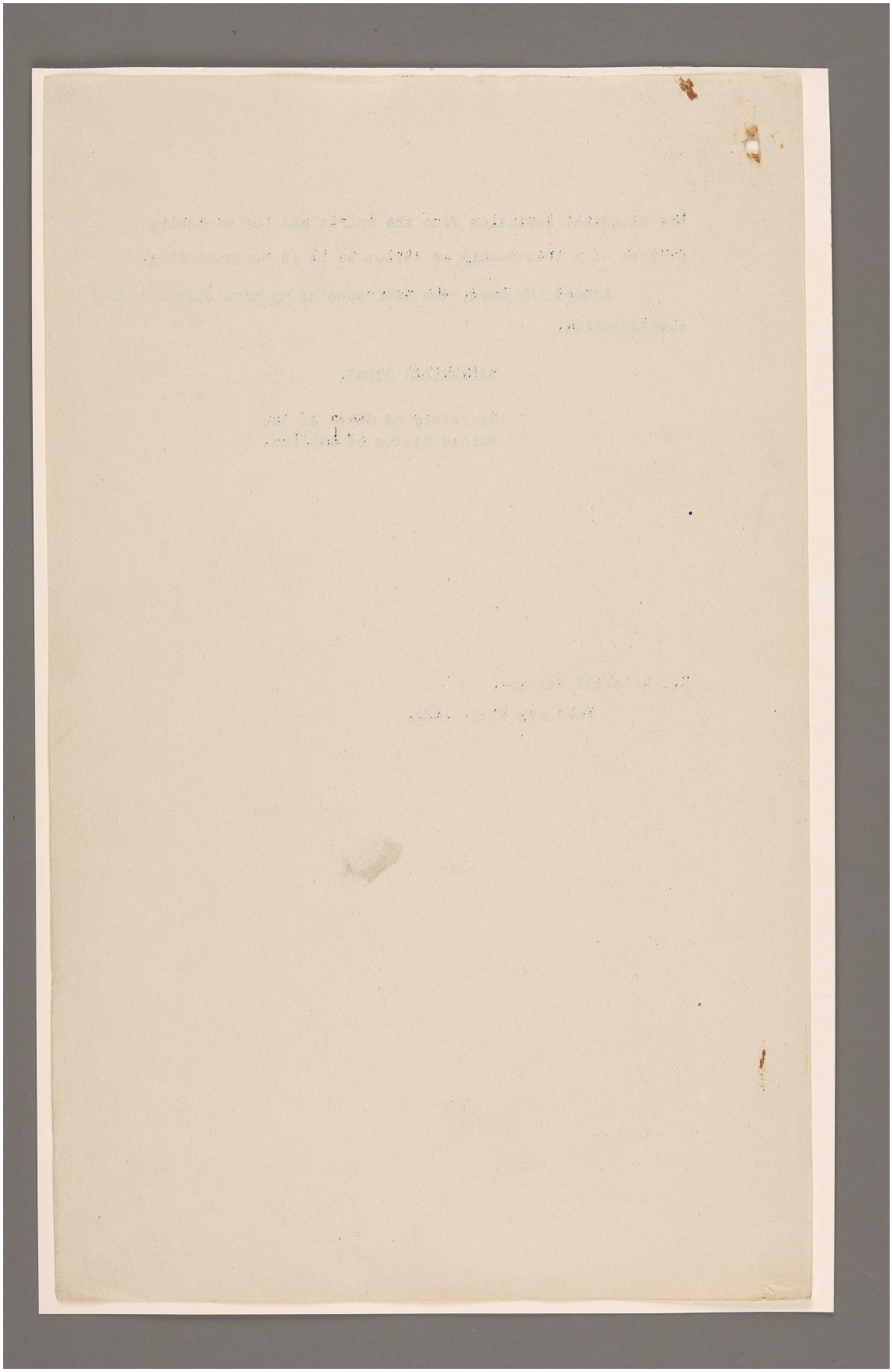

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(186)

SECRET.

Lord Curzon

C.P. 2734. 41

THE CABINET.

EXTERNAL USE OF NATIVE TROOPS RAISED IN MANDATED TERRITORIES.

MEMORANDUM BY THE SECRETARY OF STATE FOR WAR.

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2696

With reference to a previous memorandum (C.P. 2361) by the General Staff on the external use of native troops raised in mandated territories, I circulate herewith a further memorandum by the General Staff, calling attention to the disadvantage in which we are at present placed as compared with the French, and requesting that amendments be made in the "B" mandates to rectify the present state of affairs.

L. W.-E.

THE WAR OFFICE,
18*th March*, 1921.

1. In December of last year, and as soon as the General Staff became aware of the terms of the "B" mandates, the Secretary of State for War circulated a memorandum by the General Staff (C.P. 2361), in which expression was given to their anxiety that—

(*a.*) No clause should be inserted in any mandate which would preclude entirely the external use of troops raised within mandated territory.

(*b.*) There should in no circumstances be any discrimination against this country in respect of the nature of mandates granted to different nations as far as military considerations were concerned.

The British position has already been safeguarded in the "A" mandates for Mesopotamia and Palestine, but this is not so in the case of the British "B" mandates for African territories, and the British "C" mandates for German South-West Africa and islands in the Pacific. The case of the "C" mandates is one which concerns intimately the Dominion Governments of Australia, New Zealand, and the Government of the Union of South Africa, and the General Staff have no desire to insist on any alteration in the terms of these mandates if these Governments are satisfied.

As regards the British "B" mandates for Africa, they desire again to draw attention to the danger which the Empire will run if the French are free to employ troops raised in their African territories outside the mandated areas, while Great Britain is forbidden to do so. The arguments for retention of similar rights to those conferred upon the French are stated in the Cabinet Paper referred to above.

2. Article 22 of the Covenant of the League of Nations in defining the different classes of mandates and speaking of the "B" mandates reads as follows:—

> "Other peoples especially those of Central Africa are at such a stage that the mandatory must be responsible for the administration of the territory under conditions which will guarantee . . . . . the prevention of the establishment of fortifications or military and naval bases, and of military training of the natives for other than police purposes and the defence of territory."

This clause was discussed by the representatives of the British Empire, of France, America and Italy at a meeting of the Peace Congress on 30th January, 1919, and it was agreed between Mr. Lloyd George, M. Clemenceau and President Wilson that it

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186

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should be interpreted to mean that troops raised in a mandated territory might be used for the defence of territory outside the mandated area. The French have inserted a specific clause to this effect in their "B" mandate which reads as follows :—

"Toutefois il est entendu que les troupes aussi levées peuvent en cas de guerre générale être utilisées pour repousser une agression ou pour la défense du territoire en dehors de la région soumise au mandat."

The corresponding article in our "B" mandates contains no such saving clause and reads :—

"The mandatory shall . . . . . not organize any native military forces in the territory except for local police purposes and for the defence of *the* territory."

The present position appears to the General Staff therefore to be that we cannot raise local forces in our "B" mandate areas except for the defence of the territory itself, while the French are free to raise forces and employ them anywhere.

3. On 8th February, 1921, a Departmental Conference was held at the Privy Council Offices, at which Mr. Balfour stated that in his opinion there was nothing in the "B" mandate to preclude the military authorities from carrying out in any particular case defensive military operations involving the use of troops raised in the mandated territory, outside the borders of that territory

Finally, at a conference presided over by Mr. Balfour and attended by Lord Curzon and Mr. Churchill on 17th February, it was decided that "there was no advantage in pressing for a definite recognition of the right to use native troops raised in Africa outside that country for purposes of defence, and the question might be allowed to rest in its present position until some emergency arose."

This last statement does not bear out the contention of Mr. Balfour at the conference of 8th February that there was nothing to preclude the military authorities from using troops raised in mandated areas outside those areas. The General Staff, on the contrary, consider that such a course is definitely precluded by the present terms of the British "B" mandate, which certainly will not bear the interpretation given by Mr. Lloyd George himself to the original wording of Article 22 of the Covenant of the League at the meeting of the Peace Congress referred to in paragraph 2.

It is imperative to know where we stand in this matter, as adequate plans for the co-ordinated defence of the Empire cannot be prepared unless it is known what resources can be utilized. It would be fatal to await the advent of an emergency before deciding as to the legality of the employment of the native troops in question, apart from the fact that their employment, in the absence of adequate training and preparation, might very conceivably constitute a danger rather than an asset.

4. In conclusion, the General Staff desire emphatically to say that we must not be placed at a disadvantage compared with the French, and recommend that the question should be reconsidered immediately, in order that amendments may be made in the mandates before it is too late.

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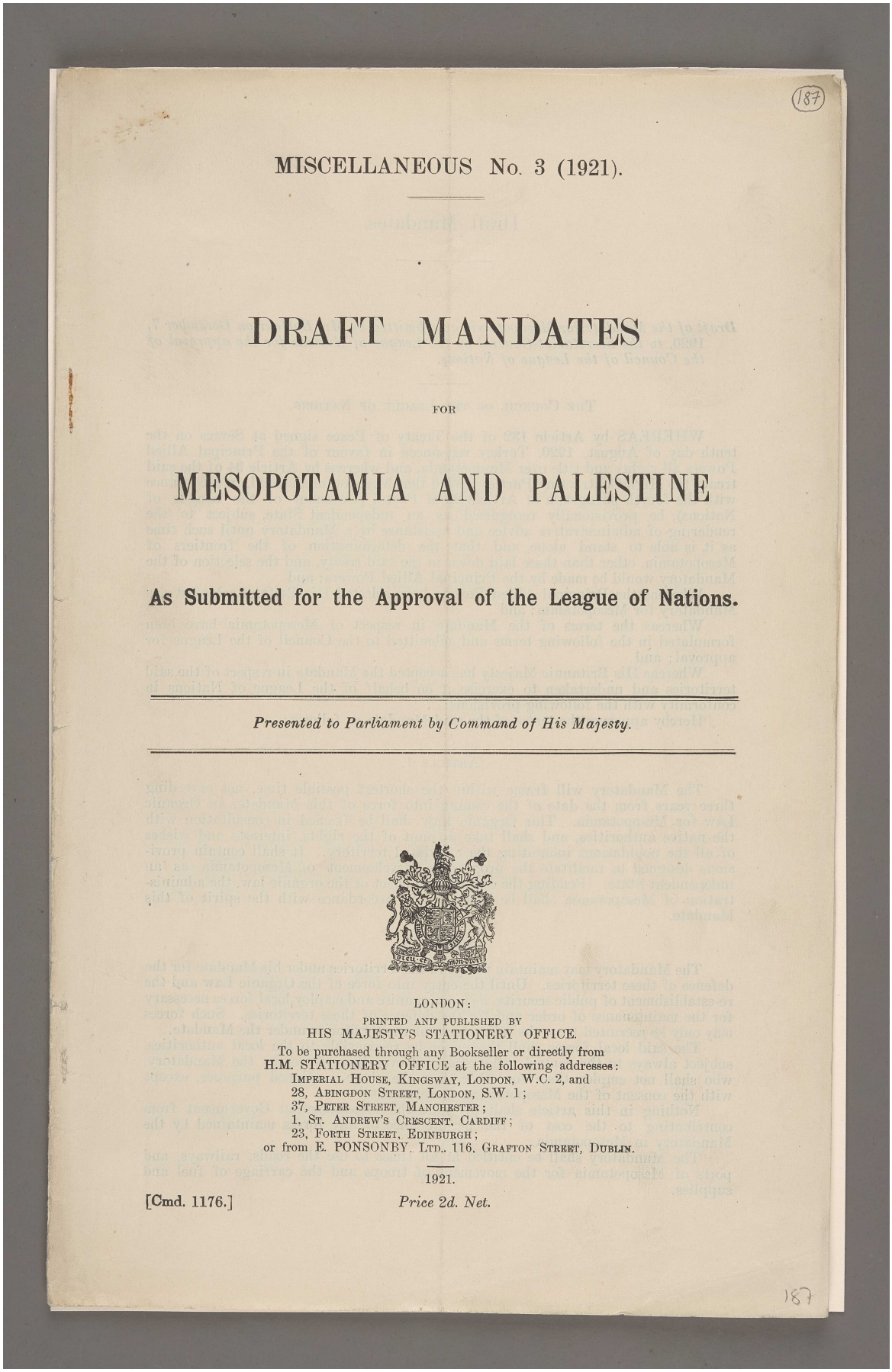

(187)

MISCELLANEOUS No. 3 (1921).

DRAFT MANDATES

FOR

MESOPOTAMIA AND PALESTINE

As Submitted for the Approval of the League of Nations.

Presented to Parliament by Command of His Majesty.

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Draft Mandates.

No. 1.

Draft of the Mandate for Mesopotamia as submitted by Mr. Balfour on December 7, 1920, to the Secretariat-General of the League of Nations for the approval of the Council of the League of Nations.

THE COUNCIL OF THE LEAGUE OF NATIONS.

WHEREAS by Article 132 of the Treaty of Peace signed at Sèvres on the tenth day of August, 1920, Turkey renounced in favour of the Principal Allied Powers all rights and title over Mesopotamia, and whereas by Article 94 of the said treaty the High Contracting Parties agreed that Mesopotamia should, in accordance with the fourth paragraph of Article 22 of Part I (Covenant of the League of Nations), be provisionally recognised as an independent State, subject to the rendering of administrative advice and assistance by a Mandatory until such time as it is able to stand alone, and that the determination of the frontiers of Mesopotamia, other than those laid down in the said treaty, and the selection of the Mandatory would be made by the Principal Allied Powers; and

Whereas the Principal Allied Powers have selected His Britannic Majesty as Mandatory for Mesopotamia; and

Whereas the terms of the Mandate in respect of Mesopotamia have been formulated in the following terms and submitted to the Council of the League for approval; and

Whereas His Britannic Majesty has accepted the Mandate in respect of the said territories and undertaken to exercise it on behalf of the League of Nations in conformity with the following provisions;

Hereby approves the terms of the said Mandate as follows:—

ARTICLE 1.

The Mandatory will frame within the shortest possible time, not exceeding three years from the date of the coming into force of this Mandate, an Organic Law for Mesopotamia. This Organic Law shall be framed in consultation with the native authorities, and shall take account of the rights, interests and wishes of all the populations inhabiting the mandated territory. It shall contain provisions designed to facilitate the progressive development of Mesopotamia as an independent State. Pending the coming into effect of the organic law, the administration of Mesopotamia shall be conducted in accordance with the spirit of this Mandate.

ARTICLE 2.

The Mandatory may maintain troops in the territories under his Mandate for the defence of these territories. Until the entry into force of the Organic Law and the re-establishment of public security, he may organise and employ local forces necessary for the maintenance of order and for the defence of these territories. Such forces may only be recruited from the inhabitants of the territories under the Mandate.

The said local forces shall thereafter be responsible to the local authorities, subject always to the control to be exercised over these forces by the Mandatory, who shall not employ them for other than the above-mentioned purposes, except with the consent of the Mesopotamian Government.

Nothing in this article shall preclude the Mesopotamian Government from contributing to the cost of the maintenance of any forces maintained by the Mandatory in Mesopotamia.

The Mandatory shall be entitled at all times to use the roads, railways, and ports of Mesopotamia for the movement of troops and the carriage of fuel and supplies.

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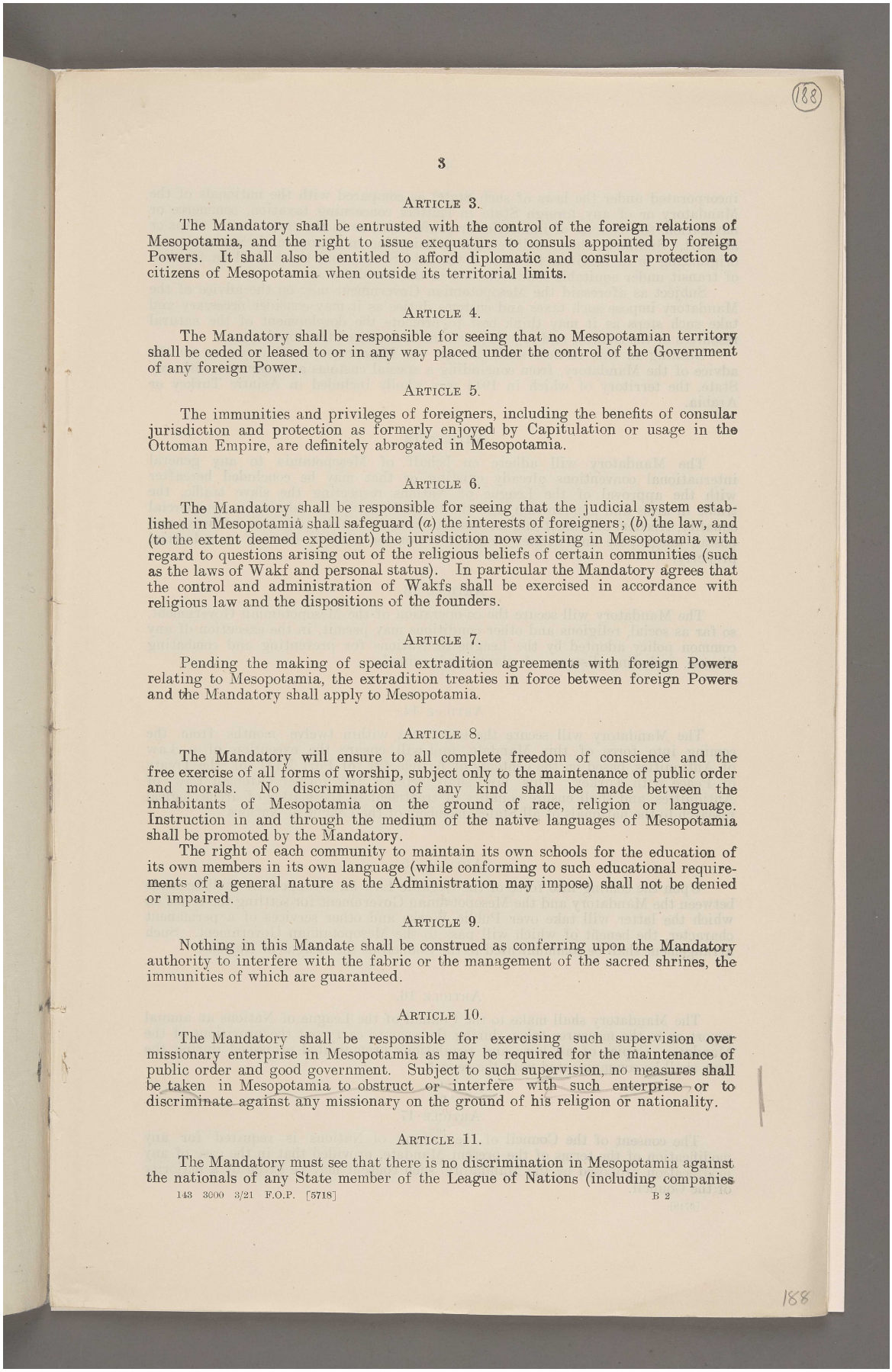

ARTICLE 3.

The Mandatory shall be entrusted with the control of the foreign relations of Mesopotamia, and the right to issue exequaturs to consuls appointed by foreign Powers. It shall also be entitled to afford diplomatic and consular protection to citizens of Mesopotamia when outside its territorial limits.

ARTICLE 4.

The Mandatory shall be responsible for seeing that no Mesopotamian territory shall be ceded or leased to or in any way placed under the control of the Government of any foreign Power.

ARTICLE 5.

The immunities and privileges of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by Capitulation or usage in the Ottoman Empire, are definitely abrogated in Mesopotamia.

ARTICLE 6.

The Mandatory shall be responsible for seeing that the judicial system established in Mesopotamia shall safeguard (*a*) the interests of foreigners; (*b*) the law, and (to the extent deemed expedient) the jurisdiction now existing in Mesopotamia with regard to questions arising out of the religious beliefs of certain communities (such as the laws of Wakf and personal status). In particular the Mandatory agrees that the control and administration of Wakfs shall be exercised in accordance with religious law and the dispositions of the founders.

ARTICLE 7.

Pending the making of special extradition agreements with foreign Powers relating to Mesopotamia, the extradition treaties in force between foreign Powers and the Mandatory shall apply to Mesopotamia.

ARTICLE 8.

The Mandatory will ensure to all complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals. No discrimination of any kind shall be made between the inhabitants of Mesopotamia on the ground of race, religion or language. Instruction in and through the medium of the native languages of Mesopotamia shall be promoted by the Mandatory.

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

ARTICLE 9.

Nothing in this Mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of the sacred shrines, the immunities of which are guaranteed.

ARTICLE 10.

The Mandatory shall be responsible for exercising such supervision over missionary enterprise in Mesopotamia as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Mesopotamia to obstruct or interfere with such enterprise or to discriminate against any missionary on the ground of his religion or nationality.

ARTICLE 11.

The Mandatory must see that there is no discrimination in Mesopotamia against the nationals of any State member of the League of Nations (including companies

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incorporated under the laws of such State) as compared with the nationals of the Mandatory or of any foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of ships or aircraft. Similarly, there shall be no discrimination in Mesopotamia against goods originating in or destined for any of the said States, and there shall be freedom of transit under equitable conditions across the mandated area.

Subject as aforesaid the Mesopotamian Government may on the advice of the Mandatory impose such taxes and customs duties as it may consider necessary and 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.

Nothing in this Article shall prevent the Mesopotamian Government on the advice of the Mandatory, from concluding a special customs arrangement with any State, the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

ARTICLE 12.

The Mandatory will adhere on behalf of Mesopotamia to any general international conventions already existing or that may be concluded hereafter with the approval of the League of Nations respecting the slave traffic, the traffic in arms and ammunition, and the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, laws of aerial navigation, railways and postal, telegraphic and wireless communication, or artistic, literary or industrial property.

ARTICLE 13.

The Mandatory will secure the co-operation of the Mesopotamian Government, so far as social, religious and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

ARTICLE 14.

The Mandatory will secure the enactment within twelve months from the coming into force of this Mandate, and will ensure the execution of a Law of Antiquities, based on the contents of Article 421 of Part XIII of the Treaty of Peace with Turkey. This law shall replace the former Ottoman Law of Antiquities, and shall ensure equality of treatment in the matter of archæological research to the nationals of all States, members of the League of Nations.

ARTICLE 15.

Upon the coming into force of the Organic Law an arrangement shall be made between the Mandatory and the Mesopotamian Government for settling the terms on which the latter will take over Public Works and other services of a permanent character, the benefit of which will pass to the Mesopotamian Government. Such arrangement shall be communicated to the Council of the League of Nations.

ARTICLE 16.

The Mandatory shall make to the Council of the League of Nations an annual report as to the measures taken during the year to carry out the provisions of the Mandate. Copies of all laws and regulations promulgated or issued during the year shall be communicated with the report.

ARTICLE 17.

The consent of the Council of the League of Nations is required for any modification of the terms of the present Mandate, provided that in the case of any modification proposed by the Mandatory such consent may be given by a majority of the Council.

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If any dispute whatever should arise between the members of the League of Nations relating to the interpretation or the application of these provisions which cannot be settled by negotiation, this dispute shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present copy shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers Signatories of the Treaty of Peace with Turkey.

Made at the day of

No. 2.

Draft of the Mandate for Palestine as submitted by Mr. Balfour on December 7, 1920, to the Secretariat-General of the League of Nations for the approval of the Council of the League of Nations.

THE COUNCIL OF THE LEAGUE OF NATIONS.

WHEREAS by Article 132 of the Treaty of Peace signed at Sèvres on the tenth day of August, 1920, Turkey renounced in favour of the Principal Allied Powers all rights and title over Palestine; and

Whereas by Article 95 of the said treaty the High Contracting Parties agreed to entrust, by application of the provisions of Article 22, the Administration of Palestine, within such boundaries as might be determined by the Principal Allied Powers, to a Mandatory to be selected by the said Powers; and

Whereas by the same article the High Contracting Parties further agreed that the Mandatory should be responsible for putting into effect the declaration originally made on November 2, 1917, by the Government of His Britannic Majesty, and adopted by the other Allied Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country; and

Whereas recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their National Home in that country; and

Whereas the Principal Allied Powers have selected His Britannic Majesty as the Mandatory for Palestine; and

Whereas the terms of the Mandate in respect of Palestine have been formulated in the following terms and submitted to the Council of the League for approval; and

Whereas His Britannic Majesty has accepted the Mandate in respect of Palestine and undertaken to exercise it on behalf of the League of Nations in conformity with the following provisions;

Hereby approves the terms of the said mandate as follows:—

ARTICLE 1.

His Britannic Majesty shall have the right to exercise as Mandatory all the powers inherent in the Government of a sovereign State, save as they may be limited by the terms of the present Mandate.

ARTICLE 2.

The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safe-guarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.

ARTICLE 3.

The Mandatory shall encourage the widest measure of self-government for localities consistent with the prevailing conditions.

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ARTICLE 4.

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, and, subject always to the control of the Administration, to assist and take part in the development of the country.

The Zionist organisation, so long as its organisation and constitution are in the opinion of the Mandatory appropriate, shall be recognised as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish national home.

ARTICLE 5.

The Mandatory shall be responsible for seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of the Government of any foreign Power.

ARTICLE 6.

The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage in co-operation with the Jewish agency referred to in Article 4 close settlement by Jews on the land, including State lands and waste lands not required for public purposes.

ARTICLE 7.

The Administration of Palestine will be responsible for enacting a nationality law. There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine.

ARTICLE 8.

The immunities and privileges of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by Capitulation or usage in the Ottoman Empire, are definitely abrogated in Palestine.

ARTICLE 9.

The Mandatory shall be responsible for seeing that the judicial system established in Palestine shall safeguard (*a*) the interests of foreigners; (*b*) the law, and (to the extent deemed expedient) the jurisdiction now existing in Palestine with regard to questions arising out of the religious beliefs of certain communities (such as the laws of Wakf and personal status). In particular the Mandatory agrees that the control and administration of Wakfs shall be exercised in accordance with religious law and the dispositions of the founders.

ARTICLE 10.

Pending the making of special extradition agreements relating to Palestine, the extradition treaties in force between the Mandatory and other foreign Powers shall apply to Palestine.

ARTICLE 11.

The Administration of Palestine shall take all necessary measures to safeguard the interests of the community in connection with the development of the country and, subject to Article 311 of the Treaty of Peace with Turkey, shall have full power to provide for public ownership or control of any of the natural resources of the country or of the public works, services and utilities established or to be established therein. It shall introduce a land system appropriate to the needs of the country, having regard, among other things, to the desirability of promoting the close settlement and intensive cultivation of the land.

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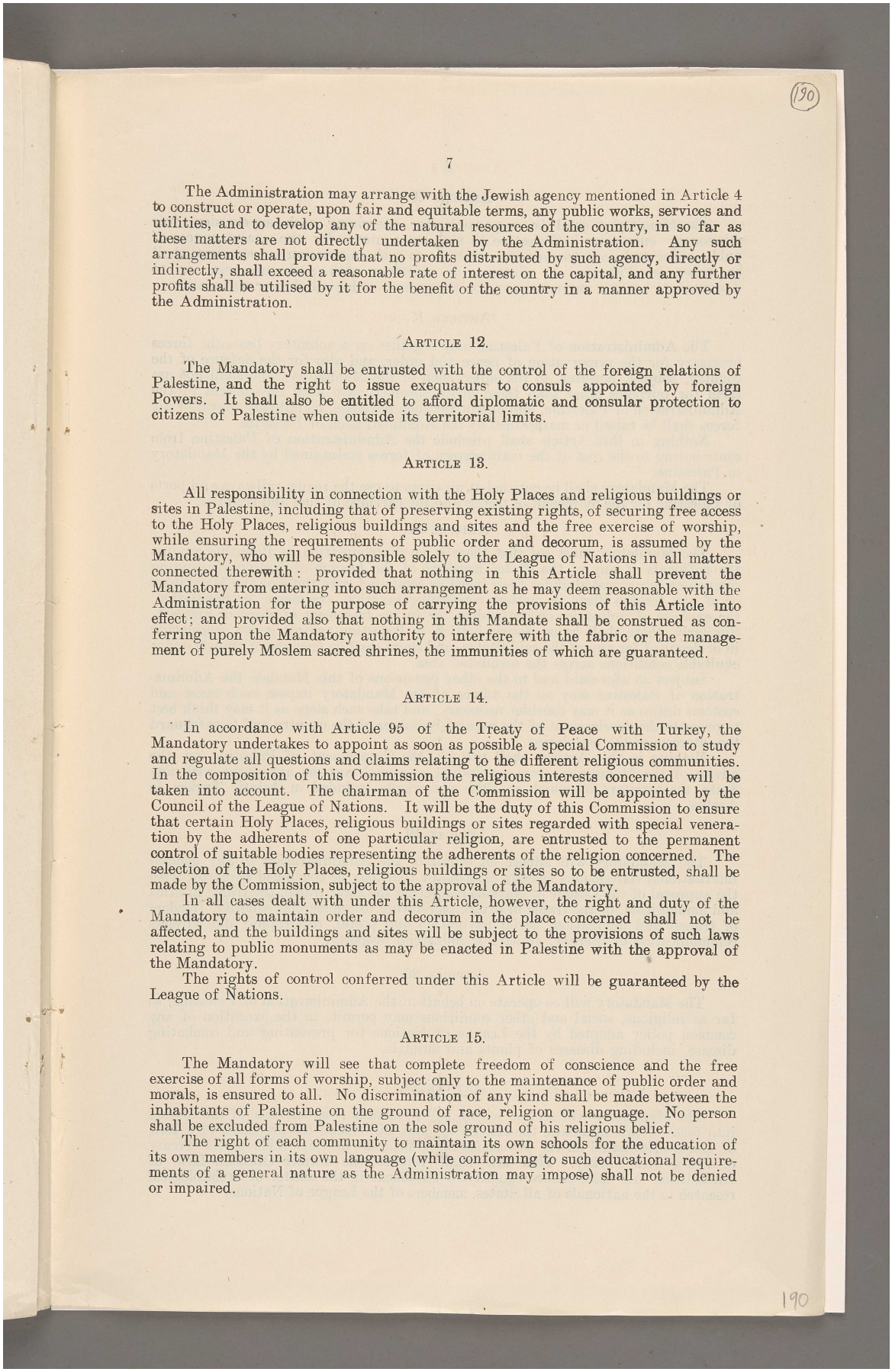

The Administration may arrange with the Jewish agency mentioned in Article 4 to construct or operate, upon fair and equitable terms, any public works, services and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly undertaken by the Administration. Any such arrangements shall provide that no profits distributed by such agency, directly or indirectly, shall exceed a reasonable rate of interest on the capital, and any further profits shall be utilised by it for the benefit of the country in a manner approved by the Administration.

ARTICLE 12.

The Mandatory shall be entrusted with the control of the foreign relations of Palestine, and the right to issue exequaturs to consuls appointed by foreign Powers. It shall also be entitled to afford diplomatic and consular protection to citizens of Palestine when outside its territorial limits.

ARTICLE 13.

All responsibility in connection with the Holy Places and religious buildings or sites in Palestine, including that of preserving existing rights, of securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the Mandatory, who will be responsible solely to the League of Nations in all matters connected therewith: provided that nothing in this Article shall prevent the Mandatory from entering into such arrangement as he may deem reasonable with the Administration for the purpose of carrying the provisions of this Article into effect; and provided also that nothing in this Mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed.

ARTICLE 14.

In accordance with Article 95 of the Treaty of Peace with Turkey, the Mandatory undertakes to appoint as soon as possible a special Commission to study and regulate all questions and claims relating to the different religious communities. In the composition of this Commission the religious interests concerned will be taken into account. The chairman of the Commission will be appointed by the Council of the League of Nations. It will be the duty of this Commission to ensure that certain Holy Places, religious buildings or sites regarded with special veneration by the adherents of one particular religion, are entrusted to the permanent control of suitable bodies representing the adherents of the religion concerned. The selection of the Holy Places, religious buildings or sites so to be entrusted, shall be made by the Commission, subject to the approval of the Mandatory.

In all cases dealt with under this Article, however, the right and duty of the Mandatory to maintain order and decorum in the place concerned shall not be affected, and the buildings and sites will be subject to the provisions of such laws relating to public monuments as may be enacted in Palestine with the approval of the Mandatory.

The rights of control conferred under this Article will be guaranteed by the League of Nations.

ARTICLE 15.

The Mandatory will see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, is ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

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

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ARTICLE 16.

The Mandatory shall be responsible for exercising such supervision over missionary enterprise in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with such enterprise or to discriminate against any missionary on the ground of his religion or nationality.

ARTICLE 17.

The Administration of Palestine may organise on a voluntary basis the forces necessary for the preservation of peace and order, and also for the defence of the country, subject, however, to the supervision of the Mandatory, who shall not use them for purposes other than those above specified save with the consent of the Administration of Palestine, and except for such purposes, no military, naval or air forces shall be raised or maintained by the Administration of Palestine.

Nothing in this Article shall preclude the Administration of Palestine from contributing to the cost of the maintenance of forces maintained by the Mandatory in Palestine.

The Mandatory shall be entitled at all times to use the roads, railways and ports of Palestine for the movement of troops and the carriage of fuel and supplies.

ARTICLE 18.

The Mandatory must see that there is no discrimination in Palestine against the nationals of any of the States members of the League of Nations (including companies incorporated under their laws) as compared with those of the Mandatory or of any foreign State in matters concerning taxation, commerce, or navigation, the exercise of industries or professions, or in the treatment of ships or aircraft. Similarly, there shall be no discrimination in Palestine against goods originating in or destined for any of the said States, and there shall be freedom of transit under equitable conditions across the mandated area.

Subject as aforesaid and to the other provisions of this Mandate the Administration of Palestine may on the advice of the Mandatory impose such taxes and customs duties as it may consider necessary, and 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.

Nothing in this Article shall prevent the Government of Palestine on the advice of the Mandatory from concluding a special customs agreement with any State, the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

ARTICLE 19.

The Mandatory will adhere on behalf of the Administration to any general international conventions already existing or that may be concluded hereafter with the approval of the League of Nations respecting the slave traffic, the traffic in arms and ammunition, or the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation and postal, telegraphic and wireless communication or literary, artistic or industrial property.

ARTICLE 20.

The Mandatory will co-operate on behalf of the Administration of Palestine, so far as religious, social and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

ARTICLE 21.

The Mandatory will secure, within twelve months from the date of the coming into force of this Mandate, the enactment, and will ensure the execution of a Law of Antiquities based on the provisions of Article 421 of Part XIII of the Treaty of Peace with Turkey. This law shall replace the former Ottoman Law of Antiquities, and shall ensure equality of treatment in the matter of archæological research to the nationals of all States, members of the League of Nations.

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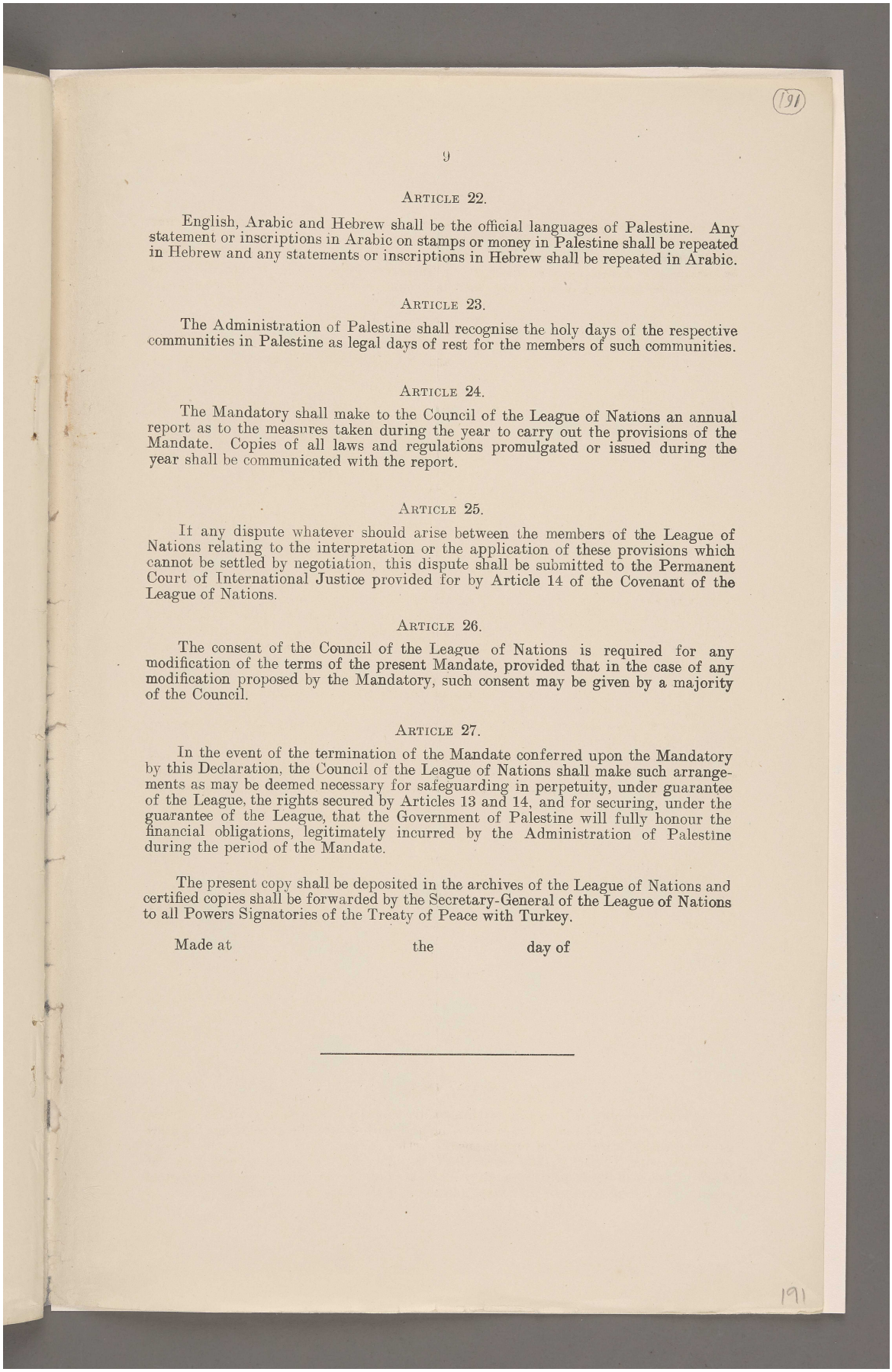

ARTICLE 22.

English, Arabic and Hebrew shall be the official languages of Palestine. Any statement or inscriptions in Arabic on stamps or money in Palestine shall be repeated in Hebrew and any statements or inscriptions in Hebrew shall be repeated in Arabic.

ARTICLE 23.

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.

ARTICLE 24.

The Mandatory shall make to the Council of the League of Nations an annual report as to the measures taken during the year to carry out the provisions of the Mandate. Copies of all laws and regulations promulgated or issued during the year shall be communicated with the report.

ARTICLE 25.

If any dispute whatever should arise between the members of the League of Nations relating to the interpretation or the application of these provisions which cannot be settled by negotiation, this dispute shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

ARTICLE 26.

The consent of the Council of the League of Nations is required for any modification of the terms of the present Mandate, provided that in the case of any modification proposed by the Mandatory, such consent may be given by a majority of the Council.

ARTICLE 27.

In the event of the termination of the Mandate conferred upon the Mandatory by this Declaration, the Council of the League of Nations shall make such arrangements as may be deemed necessary for safeguarding in perpetuity, under guarantee of the League, the rights secured by Articles 13 and 14, and for securing, under the guarantee of the League, that the Government of Palestine will fully honour the financial obligations, legitimately incurred by the Administration of Palestine during the period of the Mandate.

The present copy shall be deposited in the archives of the League of Nations and certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers Signatories of the Treaty of Peace with Turkey.

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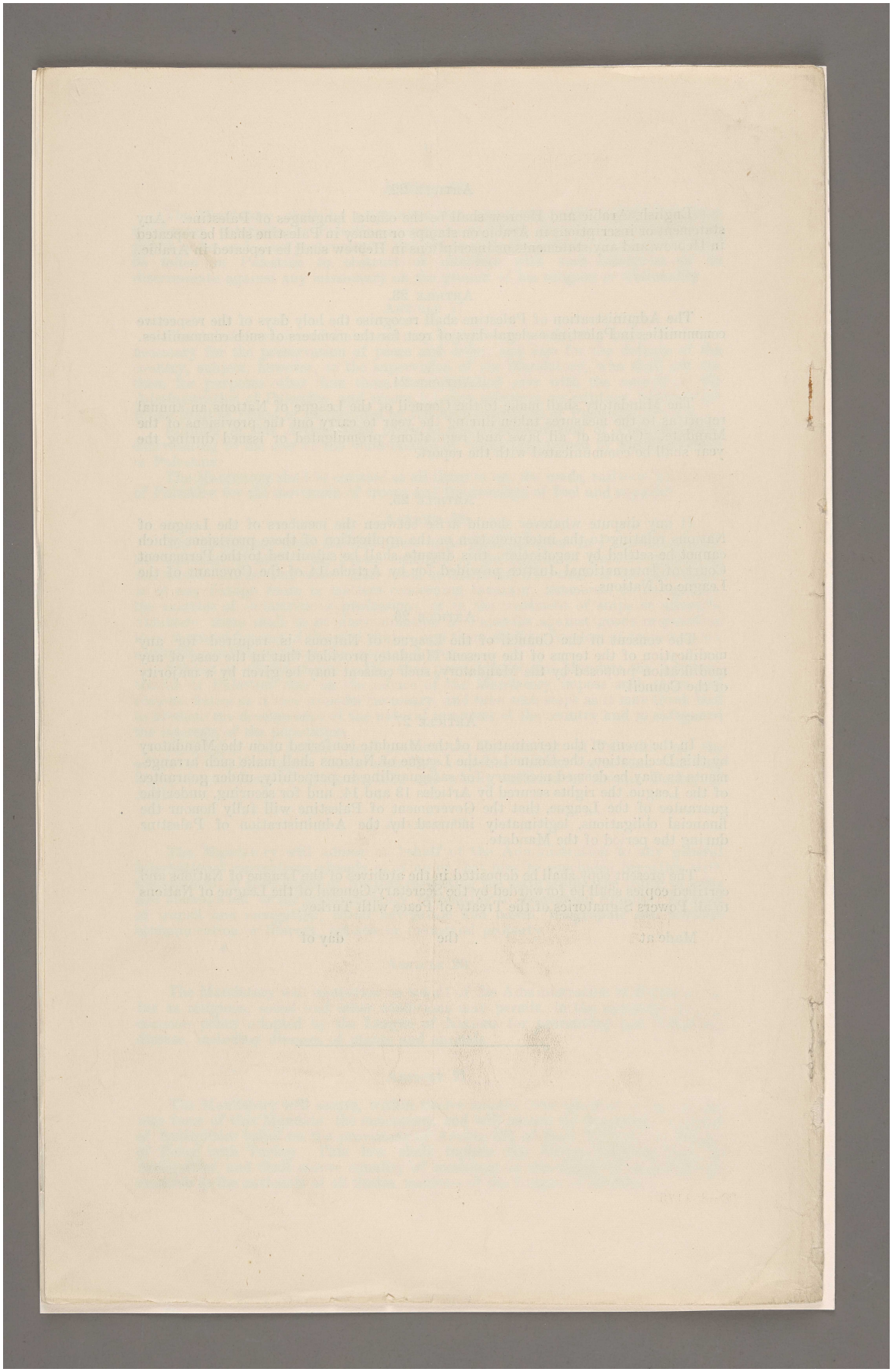

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192

MISCELLANEOUS No. 4 (1921).

FRANCO-BRITISH CONVENTION

OF

DECEMBER 23, 1920,

ON

CERTAIN POINTS CONNECTED WITH THE MANDATES FOR SYRIA AND THE LEBANON, PALESTINE AND MESOPOTAMIA.

Presented to Parliament by Command of His Majesty.

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Franco-British Convention of December 23, 1920, on certain points connected with the Mandates for Syria and the Lebanon, Palestine and Mesopotamia.

THE British and French Governments, respectively represented by the undersigned Plenipotentiaries, wishing to settle completely the problems raised by the attribution to Great Britain of the mandates for Palestine and Mesopotamia and by the attribution to France of the mandate over Syria and the Lebanon, all three conferred by the Supreme Council at San Remo, have agreed on the following provisions :—

ARTICLE 1.

The boundaries between the territories under the French mandate of Syria and the Lebanon on the one hand and the British mandates of Mesopotamia and Palestine on the other are determined as follows :—

On the east, the Tigris from Jeziret-ibn-Omar to the boundaries of the former vilayets of Diarbekir and Mosul.

On the south-east and south, the aforesaid boundary of the former vilayets southwards as far as Roumelan Koeui; thence a line leaving in the territory under the French mandate the entire basin of the western Kabur and passing in a straight line towards the Euphrates, which it crosses at Abu Kemal, thence a straight line to Imtar to the south of Jebul Druse, then a line to the south of Nasib on the Hedjaz Railway, then a line to Semakh on the Lake of Tiberias, traced to the south of the railway, which descends towards the lake and parallel to the railway. Deraa and its environs will remain in the territory under the French mandate; the frontier will in principle leave the valley of the Yarmuk in the territory under the French mandate, but will be drawn as close as possible to the railway in such a manner as to allow the construction in the valley of the Yarmuk of a railway entirely situated in the territory under the British mandate. At Semakh the frontier will be fixed in such a manner as to allow each of the two High Contracting Parties to construct and establish a harbour and railway station giving free access to the Lake of Tiberias.

On the west, the frontier will pass from Semakh across the Lake of Tiberias to the mouth of the Wadi Massadyie. It will then follow the course of this river upstream, and then the Wadi Jeraba to its source. From that point it will reach the track from El Kuneitra to Banias at the point marked Skek, thence it will follow the said track, which will remain in the territory under the French mandate as far as Banias. Thence the frontier will be drawn westwards as far as Metullah, which will remain in Palestinian territory. This portion of the frontier will be traced in detail in such a manner as to ensure for the territory under the French mandate easy communication entirely within such territory with the regions of Tyre and Sidon, as well as continuity of road communication to the west and to the east of Banias.

From Metullah the frontier will reach the watershed of the valley of the Jordan and the basin of the Litani. Thence it will follow this watershed southwards. Thereafter it will follow in principle the watershed between the Wadis Farah-Houroun and Kerkera, which will remain in the territory under the British mandate, and the Wadis El Doubleh, El Aioun and Es Zerka, which will remain in the territory under the French mandate. The frontier will reach the Mediterranean Sea at the port of Ras-el-Nakura, which will remain in the territory under the French mandate.

ARTICLE 2.

A commission shall be established within three months from the signature of the present convention to trace on the spot the boundary line laid down in article 1 between the French and British mandatory territories. This commission shall be composed of four members. Two of these members shall be nominated by the British and French Governments respectively, the two others shall be nominated, with the consent of the mandatory Power, by the local Governments concerned in the French and British mandatory territories respectively.

In case any dispute should arise in connection with the work of the commission, the question shall be referred to the Council of the League of Nations, whose decision shall be final.

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The final reports by the commission shall give the definite description of the boundary as it has been actually demarcated on the ground; the necessary maps shall be annexed thereto and signed by the commission. The reports, with their annexes, shall be made in triplicate; one copy shall be deposited in the archives of the League of Nations, one copy shall be kept by the mandatory, and one by the other Government concerned.

ARTICLE 3.

The British and French Governments shall come to an agreement regarding the nomination of a commission, whose duty it will be to make a preliminary examination of any plan of irrigation formed by the Government of the French mandatory territory, the execution of which would be of a nature to diminish in any considerable degree the waters of the Tigris and Euphrates at the point where they enter the area of the British mandate in Mesopotamia.

ARTICLE 4.

In virtue of the geographic and strategic position of the island of Cyprus, off the Gulf of Alexandretta, the British Government agrees not to open any negotiations for the cession or alienation of the said island of Cyprus without the previous consent of the French Government.

ARTICLE 5.

1. The French Government agrees to facilitate by a liberal arrangement the joint use of the section of the existing railway between the Lake of Tiberias and Nasib. This arrangement shall be concluded between the railway administrations of the areas under the French and British mandates respectively as soon as possible after the coming into force of the mandates for Palestine and Syria. In particular the agreement shall allow the administration in the British zone to run their own trains with their own traction and train crews over the above section of the railway in both directions for all purposes other than the local traffic of the territory under the French mandate. The agreement shall determine at the same time the financial, administrative and technical conditions governing the running of the British trains. In the event of the two administrations being unable to reach an agreement within three months from the coming into force of the two above-mentioned mandates, an arbitrator shall be appointed by the Council of the League of Nations to settle the points as to which a difference of opinion exists and immediate effect shall be given as far as possible to those parts of the agreement on which an understanding has already been reached.

The said agreement shall be concluded for an indefinite period and shall be subject to periodical revision as need arises.

2. The British Government may carry a pipe line along the existing railway track and shall have in perpetuity and at any moment the right to transport troops by the railway.

3. The French Government consents to the nomination of a special commission, which, after having examined the ground, may readjust the above-mentioned frontier line in the valley of the Yarmuk as far as Nasib in such a manner as to render possible the construction of the British railway and pipe line connecting Palestine with the Hedjaz Railway and the valley of the Euphrates, and running entirely within the limits of the areas under the British mandate. It is agreed, however, that the existing railway in the Yarmuk valley is to remain entirely in the territory under the French mandate. The right provided by the present paragraph for the benefit of the British Government must be utilised within a maximum period of ten years.

The above-mentioned commission shall be composed of a representative of the French Government and a representative of the British Government, to whom may be added representatives of the local Governments and experts as technical advisers to the extent considered necessary by the British and French Governments.

4. In the event of the track of the British railway being compelled for technical reasons to enter in certain places the territory under French mandate, the French Government will recognise the full and complete extra-territoriality of the sections thus lying in the territory under the French mandate, and will give the British Government or its technical agents full and easy access for all railway purposes.

5. In the event of the British Government making use of the right mentioned in paragraph 3 to construct a railway in the valley of the Yarmuk, the obligations

167 3000 3/21 F.O.P. [5818]

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assumed by the French Government in accordance with paragraphs 1 and 2 of the present article will determine three months after the completion of the construction of the said railway.

6. The French Government agrees to arrange that the rights provided for above for the benefit of the British Government shall be recognised by the local Governments in the territory under the French mandate.

ARTICLE 6.

It is expressly stipulated that the facilities accorded to the British Government by the preceding articles imply the maintenance for the benefit of France of the provisions of the Franco-British Agreement of San Remo regarding oil.

ARTICLE 7.

The French and British Governments will put no obstacle in their respective mandatory areas in the way of the recruitment of railway staff for any section of the Hedjaz Railway.

Every facility will be given for the passage of employees of the Hedjaz Railway over the British and French mandatory areas in order that the working of the said railway may be in no way prejudiced.

The French and British Governments agree, where necessary, and in eventual agreement with the local Governments, to conclude an arrangement whereby the stores and railway material passing from one mandatory area to another and intended for the use of the Hedjaz Railway will not for this reason be submitted to any additional customs dues and will be exempted so far as possible from customs formalities.

ARTICLE 8.

Experts nominated respectively by the Administrations of Syria and Palestine shall examine in common within six months after the signature of the present convention the employment, for the purposes of irrigation and the production of hydro-electric power, of the waters of the Upper Jordan and the Yarmuk and of their tributaries, after satisfaction of the needs of the territories under the French mandate.

In connection with this examination the French Government will give its representatives the most liberal instructions for the employment of the surplus of these waters for the benefit of Palestine.

In the event of no agreement being reached as a result of this examination, these questions shall be referred to the French and British Governments for decision.

To the extent to which the contemplated works are to benefit Palestine, the Administration of Palestine shall defray the expenses of the construction of all canals, weirs, dams, tunnels, pipe lines and reservoirs or other works of a similar nature, or measures taken with the object of reafforestation and the management of forests.

ARTICLE 9.

Subject to the provisions of Articles 15 and 16 of the mandate for Palestine, of Articles 8 and 10 of the mandate for Mesopotamia, and of Article 8 of the mandate for Syria and the Lebanon, and subject also to the general right of control in relation to education and public instruction, of the local Administrations concerned, the British and French Governments agree to allow the schools which French and British nationals possess and direct at the present moment in their respective mandatory areas to continue their work freely; the teaching of French and English will be freely permitted in these schools.

The present article does not in any way imply the right of nationals of either of the two parties to open new schools in the mandatory area of the other.

The present convention has been drawn up in English and French, each of the two texts having equal force.

Done at Paris, the 23rd December, 1920, in a double copy, one of which will remain deposited in the archives of the Government of the French Republic, and the other in those of the Government of His Britannic Majesty.

HARDINGE OF PENSHURST.
G. LEYGUES.

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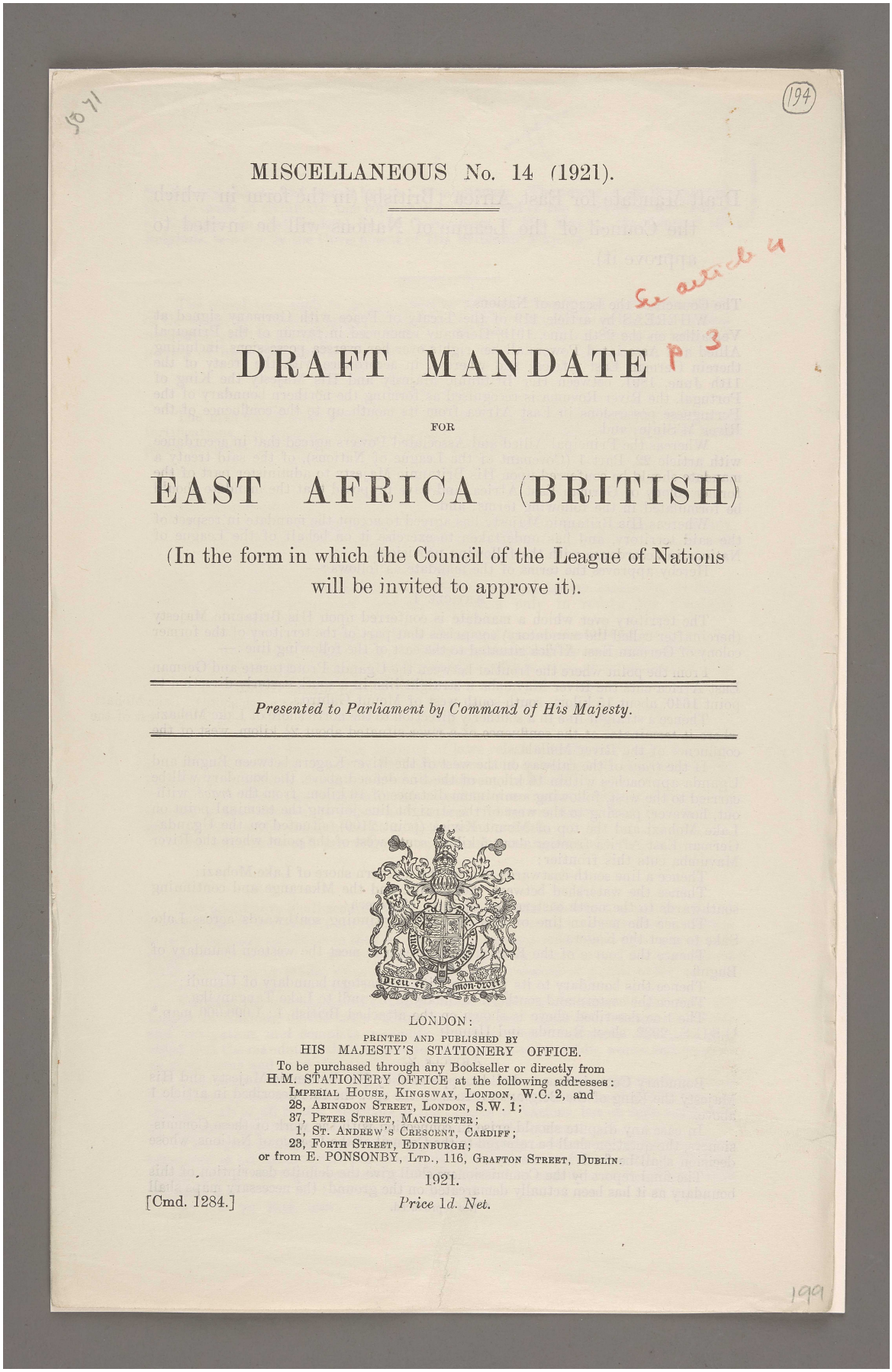

MISCELLANEOUS No. 14 (1921).

DRAFT MANDATE

FOR

EAST AFRICA (BRITISH)

(In the form in which the Council of the League of Nations will be invited to approve it).

Presented to Parliament by Command of His Majesty.

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Draft Mandate for East Africa (British) (in the form in which the Council of the League of Nations will be invited to approve it).

The Council of the League of Nations:

WHEREAS by article 119 of the Treaty of Peace with Germany signed at Versailles on the 28th June, 1919, Germany renounced in favour of the Principal Allied and Associated Powers all her rights over her oversea possessions, including therein German East Africa; and whereas, in accordance with the treaty of the 11th June, 1891, between Her Britannic Majesty and His Majesty the King of Portugal, the River Rovuma is recognised as forming the northern boundary of the Portuguese possessions in East Africa from its mouth up to the confluence of the River M'Sinje; and

Whereas the Principal Allied and Associated Powers agreed that in accordance with article 22, Part 1 (Covenant of the League of Nations), of the said treaty a mandate should be conferred upon His Britannic Majesty to administer part of the former colony of German East Africa, and have proposed that the mandate should be formulated in the following terms; and

Whereas His Britannic Majesty has agreed to accept the mandate in respect of the said territory, and has undertaken to exercise it on behalf of the League of Nations in accordance with the following provisions;

Hereby approves the terms of the mandate as follows:—

Article 1.

The territory over which a mandate is conferred upon His Britannic Majesty (hereinafter called the mandatory) comprises that part of the territory of the former colony of German East Africa situated to the east of the following line:—

From the point where the frontier between the Uganda Protectorate and German East Africa cuts the River Mavumba a straight line in a south-easterly direction to point 1640, about 15 kilom. south-south-west of Mount Gabiro;

Thence a straight line in a southerly direction to the north shore of Lake Mohazi, where it terminates at the confluence of a river situated about 2½ kilom. west of the confluence of the River Msilala;

If the *tracé* of the railway on the west of the River Kagera between Bugufi and Uganda approaches within 16 kilom. of the line defined above, the boundary will be carried to the west, following a minimum distance of 16 kilom. from the *tracé*, without, however, passing to the west of the straight line joining the terminal point on Lake Mohazi and the top of Mount Kivisa (point 2100), situated on the Uganda–German East Africa frontier about 5 kilom. south-west of the point where the River Mavumba cuts this frontier;

Thence a line south-eastwards to meet the southern shore of Lake Mohazi;

Thence the watershed between the Taruka and the Mkarange and continuing southwards to the north-eastern end of Lake Mugesera;

Thence the median line of this lake and continuing southwards across Lake Sake to meet the Kagera;

Thence the course of the Kagera downstream to meet the western boundary of Bugufi;

Thence this boundary to its junction with the eastern boundary of Urundi;

Thence the eastern and southern boundary of Urundi to Lake Tanganyika.

The line described above is shown on the attached British 1: 1,000,000 map,* G.S.G.S. 2932, sheet Ruanda and Urundi.

Article 2.

Boundary Commissioners shall be appointed by His Britannic Majesty and His Majesty the King of the Belgians to trace on the spot the line described in article 1 above.

In case any dispute should arise in connection with the work of these Commissioners, the question shall be referred to the Council of the League of Nations, whose decision shall be final.

The final report by the Commissioners shall give the definite description of this boundary as it has been actually demarcated on the ground; the necessary maps shall

* Not reproduced.

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be annexed thereto and signed by the Commissioners. The report, with its annexes, shall be made in triplicate; one copy shall be deposited in the archives of the League of Nations, one shall be kept by the Government of His Majesty the King of the Belgians, and one by the Government of His Britannic Majesty.

ARTICLE 3.

The mandatory shall be responsible for the peace, order and good government of the territory, and shall undertake to promote to the utmost the material and moral well-being and the social progress of its inhabitants. The mandatory shall have full powers of legislation and administration.

ARTICLE 4.

The mandatory shall not establish any military or naval bases, nor erect any fortifications, nor organise any native military force in the territory except for local police purposes and for the defence of the territory.

ARTICLE 5.

The mandatory—

(i.) Shall provide for the eventual emancipation of all slaves, and for as speedy an elimination of domestic and other slavery as social conditions will allow;

(ii.) Shall suppress all forms of slave trade;

(iii.) Shall prohibit all forms of forced or compulsory labour, except for essential public works and services, and then only in return for adequate remuneration;

(iv.) Shall protect the natives from abuse and measures of fraud and force by the careful supervision of labour contracts and the recruiting of labour;

(v.) Shall exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

ARTICLE 6.

The mandatory shall in the framing of laws relating to the holding or transference of land take into consideration native laws and customs, and shall respect the rights and safeguard the interests of the native population.

No native land may be transferred, except between natives, without the previous consent of the public authorities, and no real rights over native land in favour of non-natives may be created except with the same consent.

The mandatory will promulgate strict regulations against usury.

ARTICLE 7.

The mandatory shall secure to all nationals of States Members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect to entry into and residence in the territory, the protection afforded to their person and property, the acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

Further, the mandatory shall ensure to all nationals of States Members of the League of Nations, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality; provided that the mandatory shall be free to organise essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the mandatory without distinction on grounds of nationality between the nationals of all States Members of the League of Nations, but on such conditions as will maintain intact the authority of the local Government.

The rights conferred by this article extend equally to companies and associations organised in accordance with the law of any of the Members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

313 3000 5/21 F.O.P. [6228]

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ARTICLE 8.

The mandatory shall ensure complete freedom of conscience, and the free exercise of all forms of worship which are consonant with public order and morality.

Missionaries of all such religions shall be free to enter the territory, and to travel and reside therein, to acquire and possess property, to erect religious buildings, and to open schools throughout the territory.

The mandatory shall, however, have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

ARTICLE 9.

The mandatory shall apply to the territory any general international conventions already existing, or which may be concluded hereafter, with the approval of the League of Nations respecting the slave trade, the traffic in arms and ammunition, the liquor traffic, and the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation, railways, postal, telegraphic, and wireless communication, and industrial, literary and artistic property.

The mandatory shall co-operate in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

ARTICLE 10.

The mandatory shall be authorised to constitute the territory into a customs, fiscal and administrative union or federation, with the adjacent territories under his own sovereignty or control; provided always that the measures adopted to that end do not infringe the provisions of this mandate.

ARTICLE 11.

The mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council, containing full information concerning the measures taken to apply the provisions of this mandate.

A copy of all laws and regulations made in the course of the year and affecting property, commerce, navigation or the moral and material well-being of the natives shall be annexed to this report.

ARTICLE 12.

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate; provided that in the case of any modification proposed by the mandatory such consent may be given by a majority.

ARTICLE 13.

If any dispute whatever should arise between the Members of the League of Nations relating to the interpretation or application of the present mandate, which cannot be settled by negotiations, this dispute shall be submitted to the Permanent Court of International Justice provided for by article 14 of the Covenant of the League of Nations.

States Members of the League of Nations may likewise bring any claims on behalf of their nationals for infractions of their rights under this mandate before the said court for decision.

The present copy shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers signatories of the Treaty of Peace with Germany.

Made at the day of

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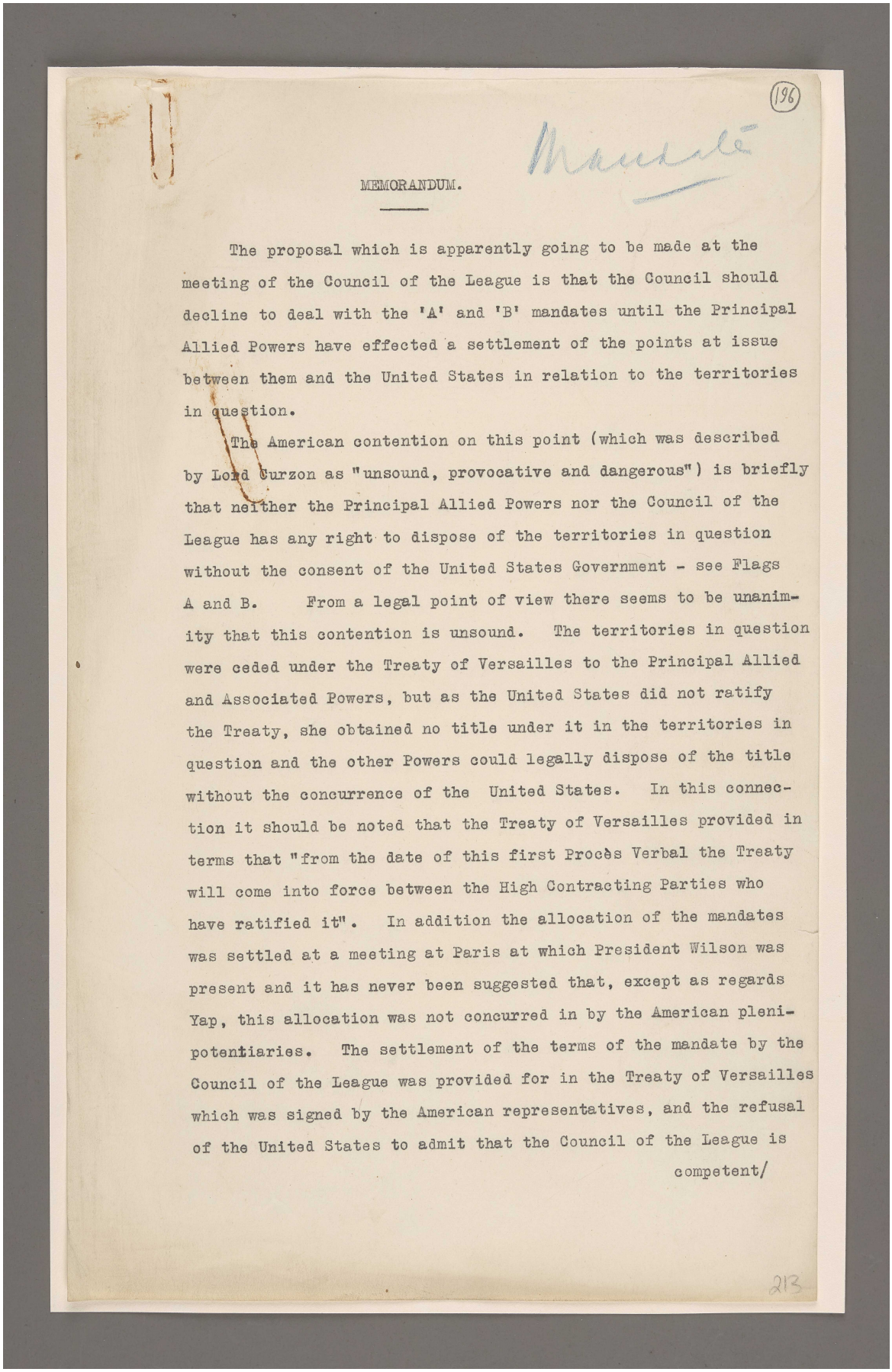

196

MEMORANDUM.

The proposal which is apparently going to be made at the meeting of the Council of the League is that the Council should decline to deal with the 'A' and 'B' mandates until the Principal Allied Powers have effected a settlement of the points at issue between them and the United States in relation to the territories in question.

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competent/

213

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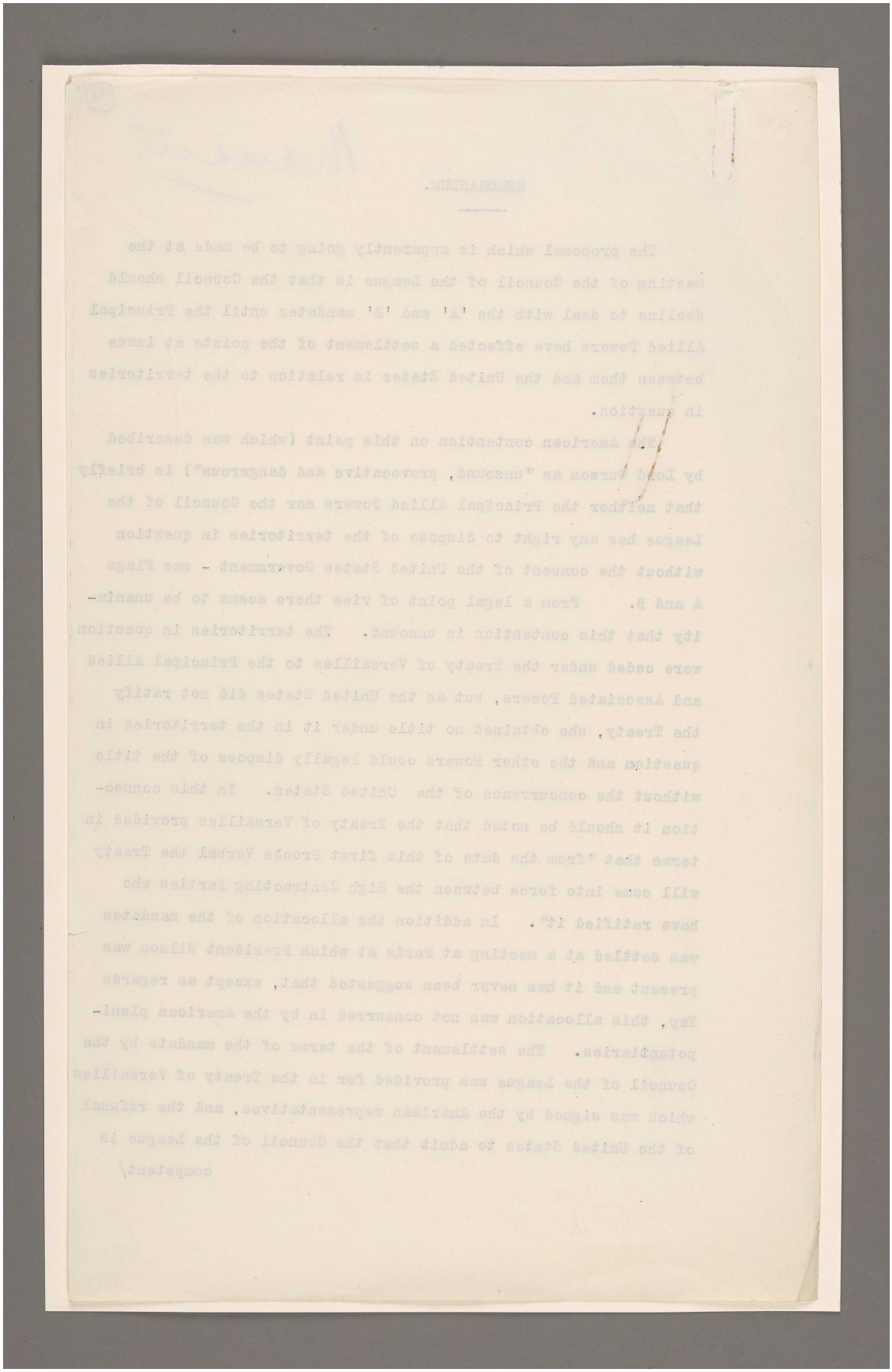

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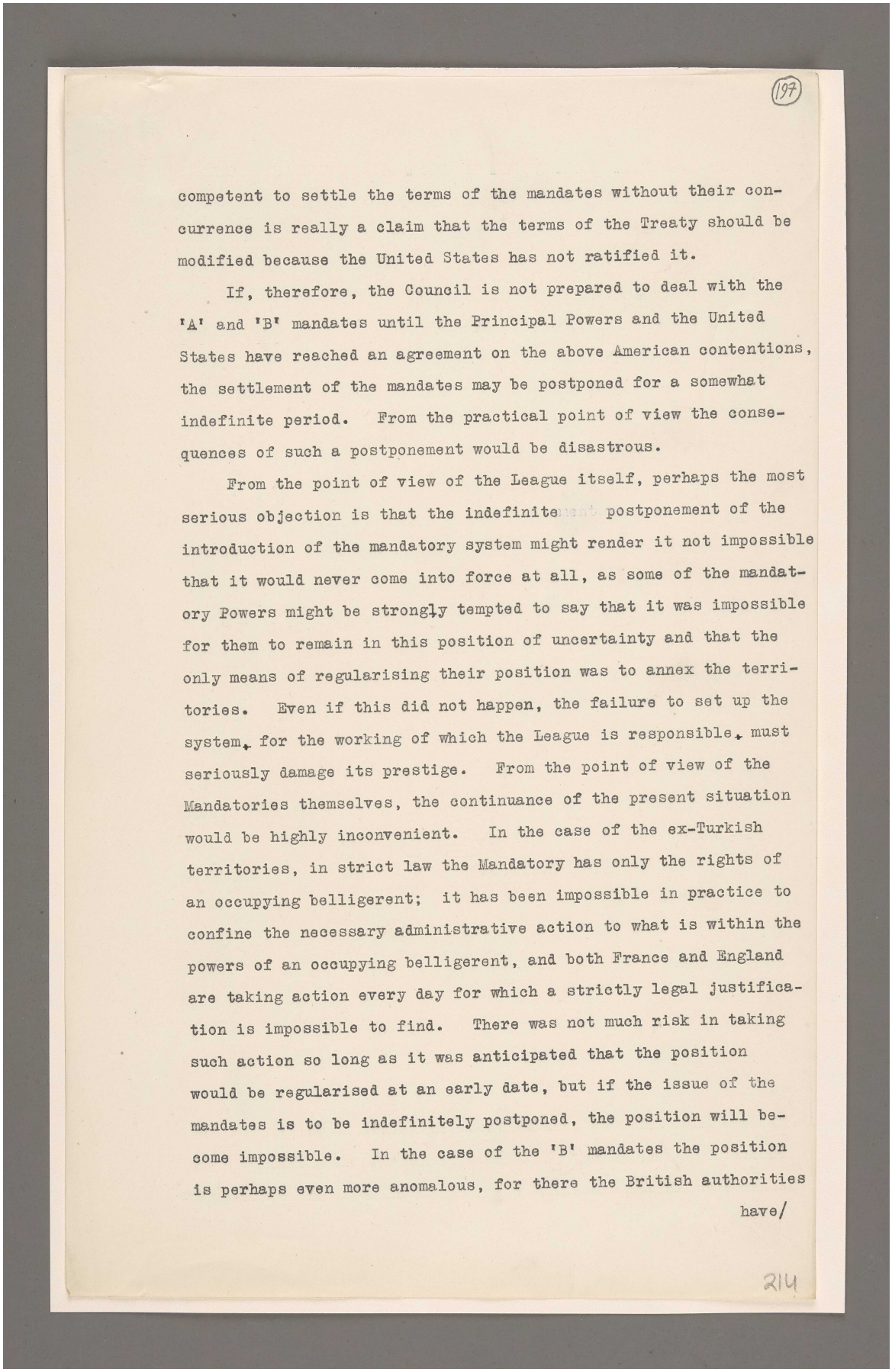

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competent to settle the terms of the mandates without their concurrence is really a claim that the terms of the Treaty should be modified because the United States has not ratified it.

If, therefore, the Council is not prepared to deal with the 'A' and 'B' mandates until the Principal Powers and the United States have reached an agreement on the above American contentions, the settlement of the mandates may be postponed for a somewhat indefinite period. From the practical point of view the consequences of such a postponement would be disastrous.

From the point of view of the League itself, perhaps the most serious objection is that the indefinite postponement of the introduction of the mandatory system might render it not impossible that it would never come into force at all, as some of the mandatory Powers might be strongly tempted to say that it was impossible for them to remain in this position of uncertainty and that the only means of regularising their position was to annex the territories. Even if this did not happen, the failure to set up the system, for the working of which the League is responsible, must seriously damage its prestige. From the point of view of the Mandatories themselves, the continuance of the present situation would be highly inconvenient. In the case of the ex-Turkish territories, in strict law the Mandatory has only the rights of an occupying belligerent; it has been impossible in practice to confine the necessary administrative action to what is within the powers of an occupying belligerent, and both France and England are taking action every day for which a strictly legal justification is impossible to find. There was not much risk in taking such action so long as it was anticipated that the position would be regularised at an early date, but if the issue of the mandates is to be indefinitely postponed, the position will become impossible. In the case of the 'B' mandates the position is perhaps even more anomalous, for there the British authorities have/

214

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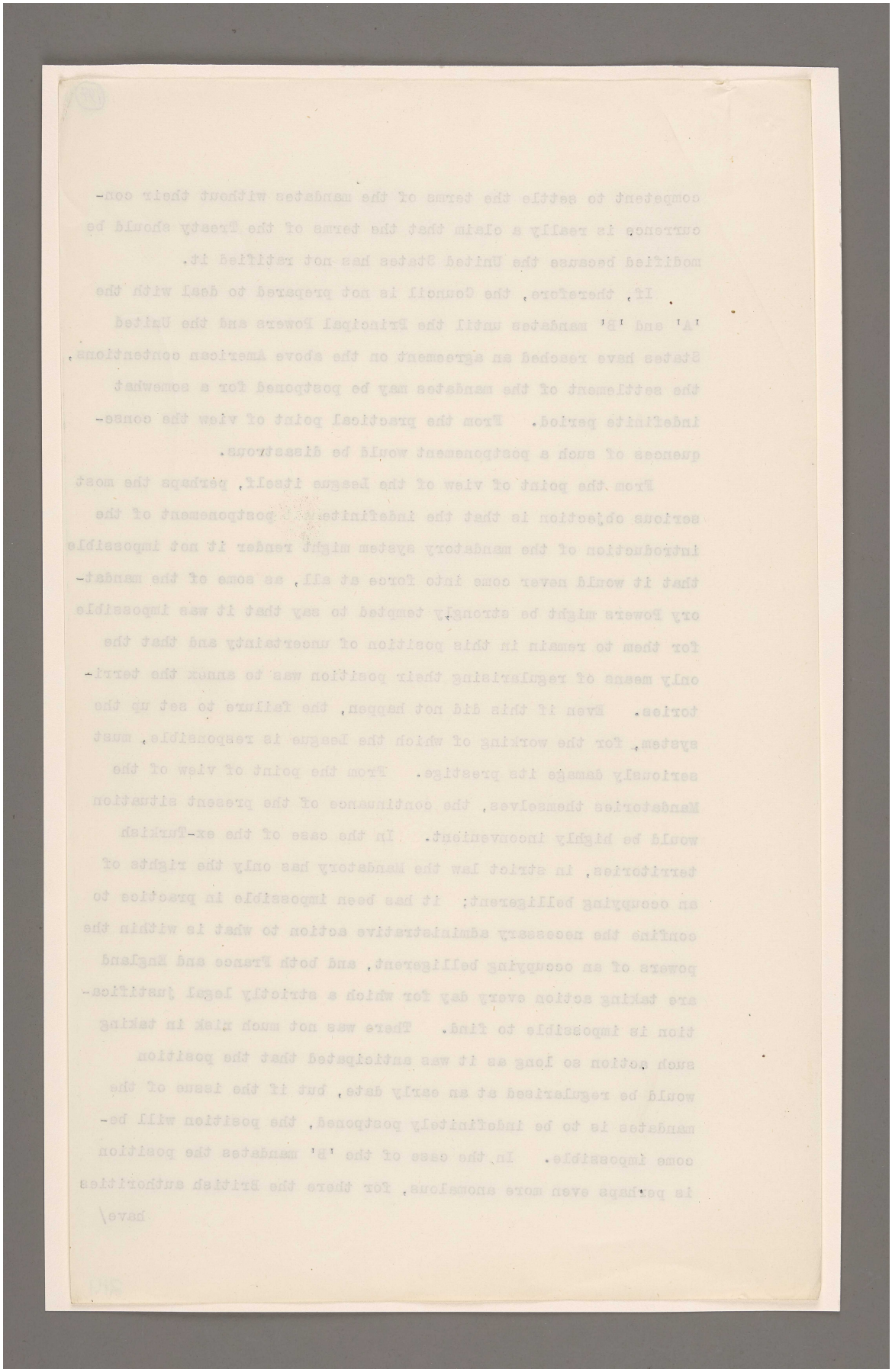

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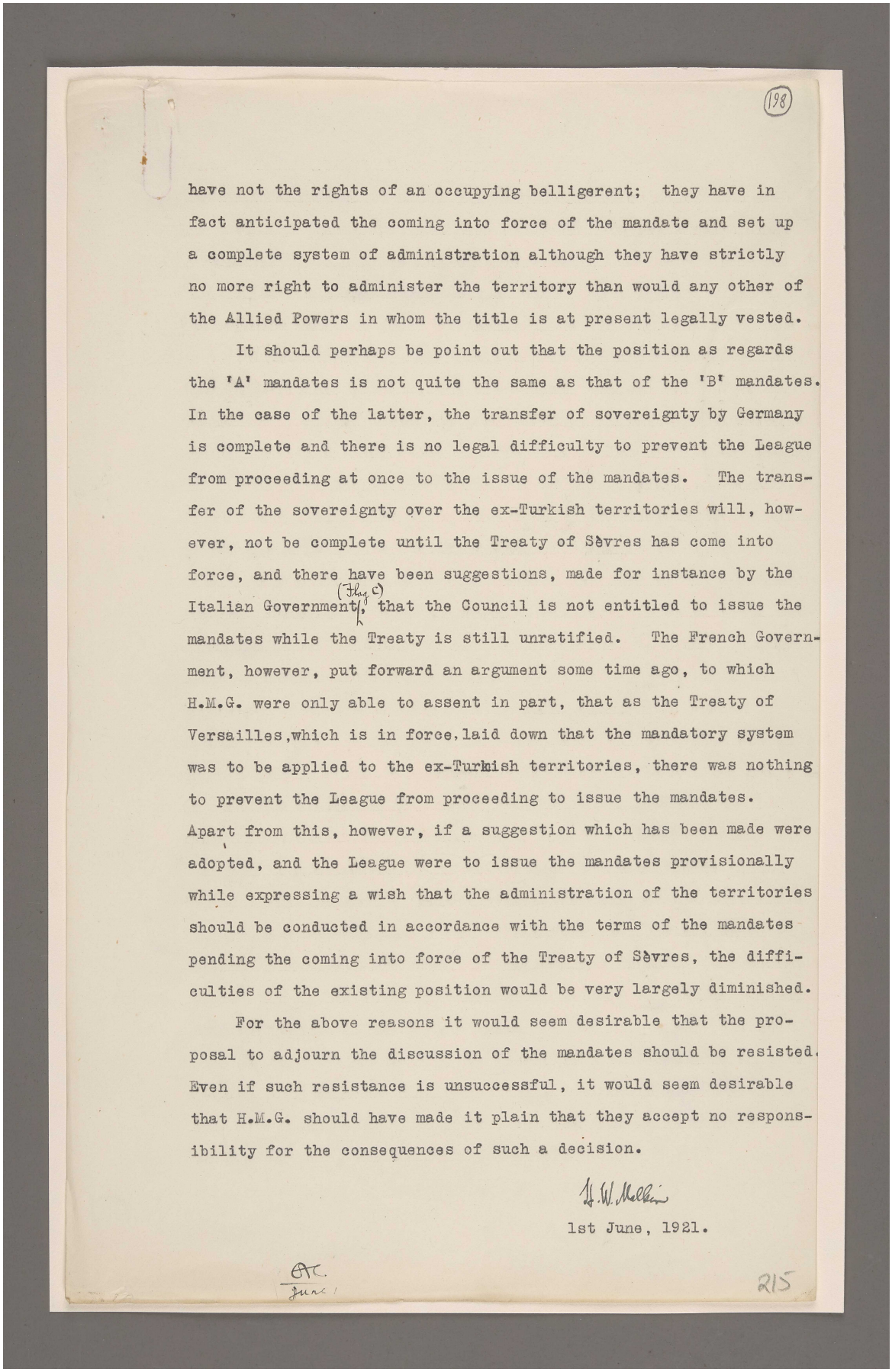

198

have not the rights of an occupying belligerent; they have in fact anticipated the coming into force of the mandate and set up a complete system of administration although they have strictly no more right to administer the territory than would any other of the Allied Powers in whom the title is at present legally vested.

It should perhaps be point out that the position as regards the 'A' mandates is not quite the same as that of the 'B' mandates. In the case of the latter, the transfer of sovereignty by Germany is complete and there is no legal difficulty to prevent the League from proceeding at once to the issue of the mandates. The transfer of the sovereignty over the ex-Turkish territories will, however, not be complete until the Treaty of Sèvres has come into force, and there have been suggestions, made for instance by the Italian Government (Flag C), that the Council is not entitled to issue the mandates while the Treaty is still unratified. The French Government, however, put forward an argument some time ago, to which H.M.G. were only able to assent in part, that as the Treaty of Versailles, which is in force, laid down that the mandatory system was to be applied to the ex-Turkish territories, there was nothing to prevent the League from proceeding to issue the mandates. Apart from this, however, if a suggestion which has been made were adopted, and the League were to issue the mandates provisionally while expressing a wish that the administration of the territories should be conducted in accordance with the terms of the mandates pending the coming into force of the Treaty of Sèvres, the difficulties of the existing position would be very largely diminished.

For the above reasons it would seem desirable that the proposal to adjourn the discussion of the mandates should be resisted. Even if such resistance is unsuccessful, it would seem desirable that H.M.G. should have made it plain that they accept no responsibility for the consequences of such a decision.

H. W. Malkin

1st June, 1921.

E.C. June 1

215

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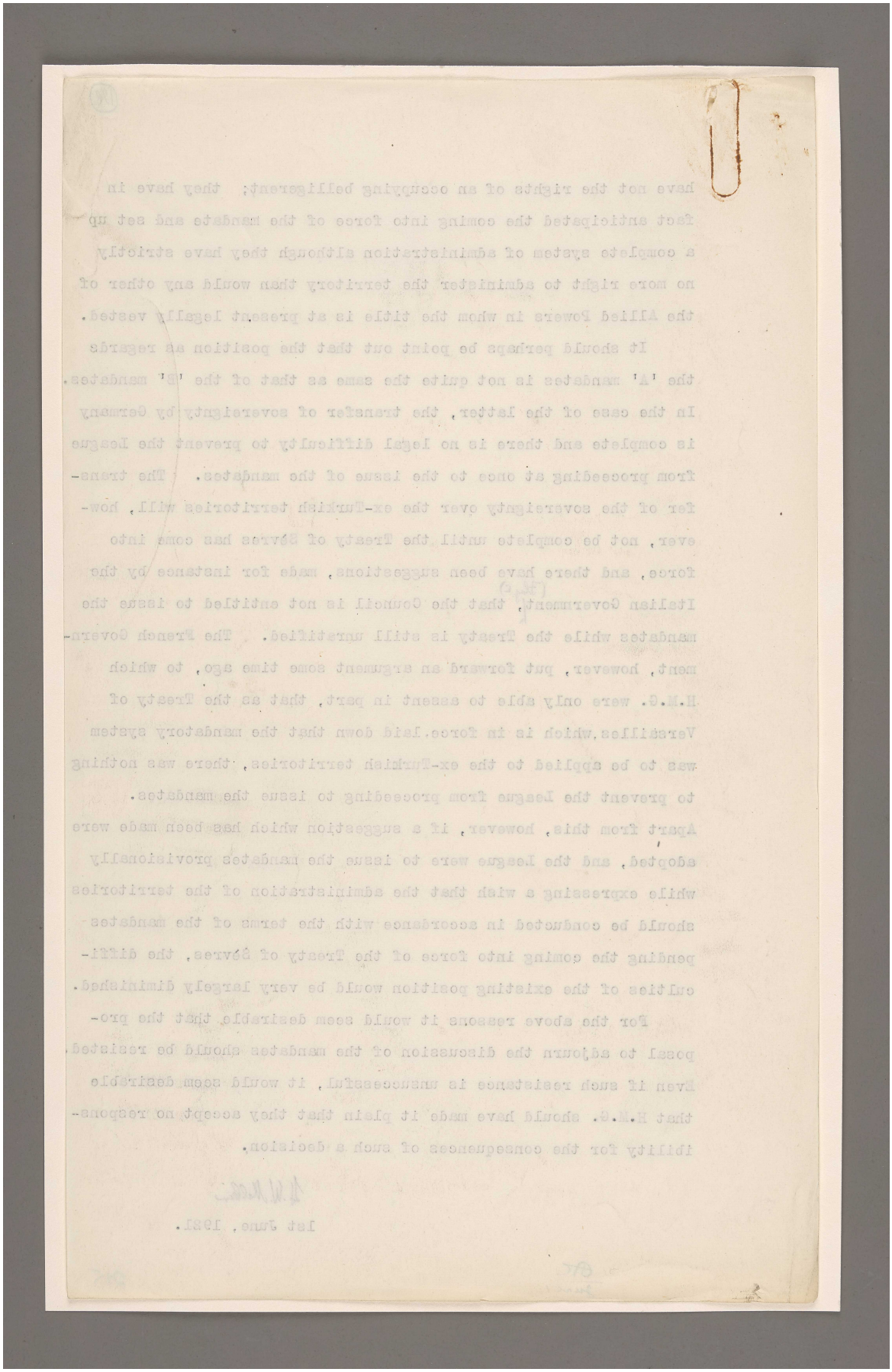

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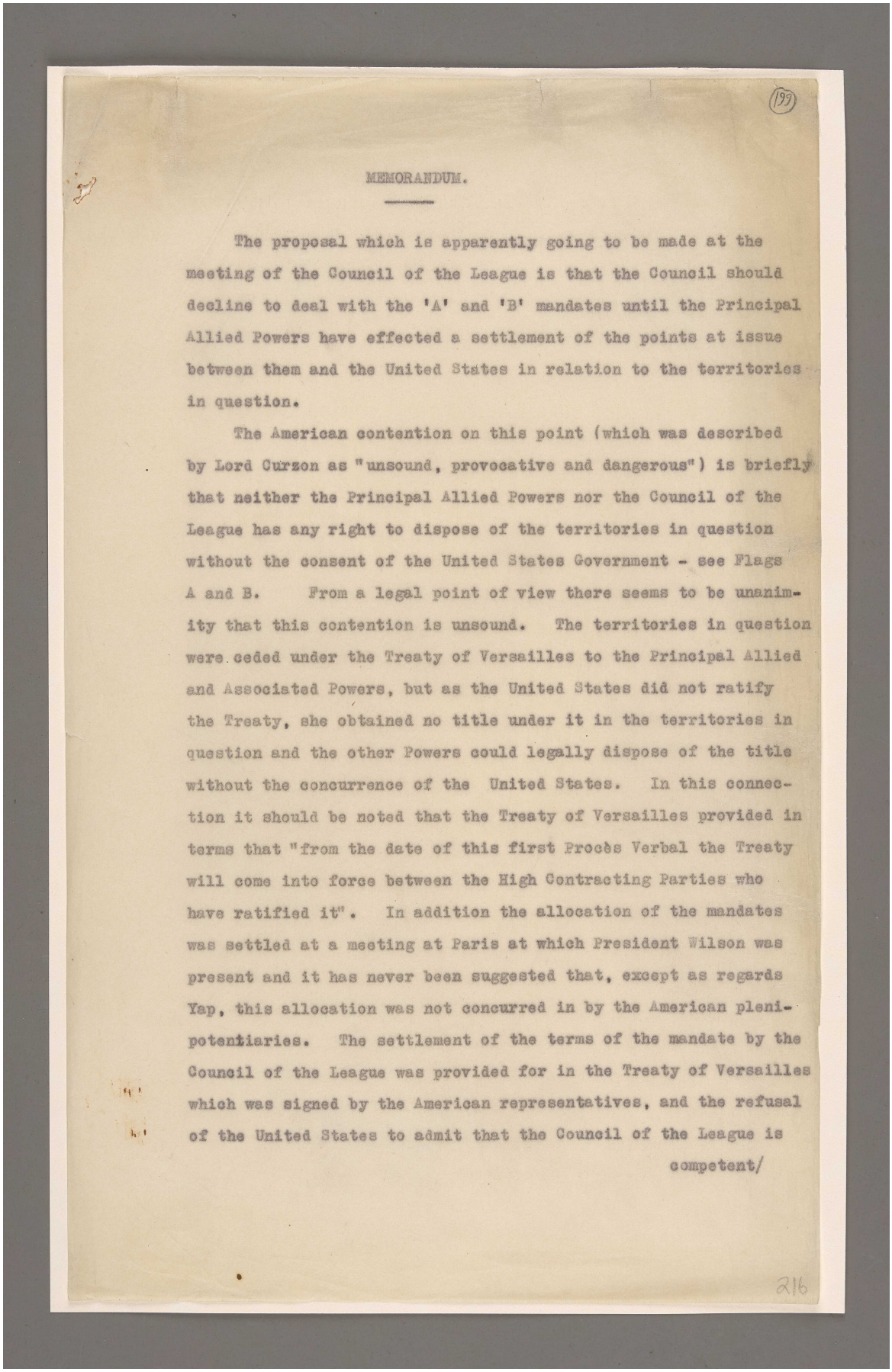

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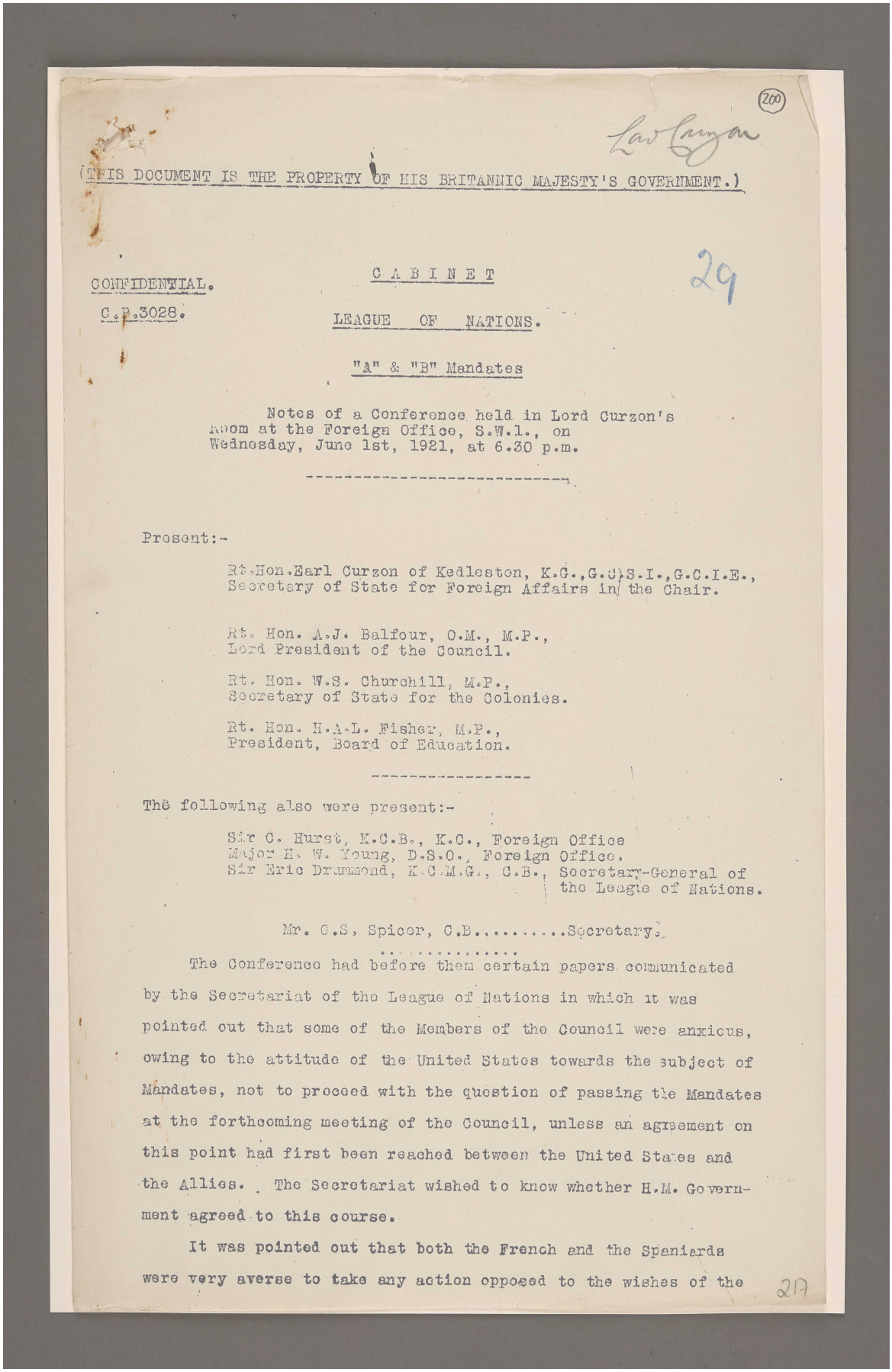

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Lav Curzon

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29

CONFIDENTIAL.

C.P.3028.

CABINET

LEAGUE OF NATIONS.

"A" & "B" Mandates

Notes of a Conference held in Lord Curzon's Room at the Foreign Office, S.W.1., on Wednesday, June 1st, 1921, at 6.30 p.m.

Present:-

Rt.Hon.Earl Curzon of Kedleston, K.G.,G.C.S.I.,G.C.I.E., Secretary of State for Foreign Affairs in the Chair.

Rt. Hon. A.J. Balfour, O.M., M.P., Lord President of the Council.

Rt. Hon. W.S. Churchill, M.P., Secretary of State for the Colonies.

Rt. Hon. H.A.L. Fisher, M.P., President, Board of Education.

The following also were present:-

Sir C. Hurst, K.C.B., K.C., Foreign Office
Major H. W. Young, D.S.O., Foreign Office.
Sir Eric Drummond, K.C.M.G., C.B., Secretary-General of the League of Nations.

Mr. C.S. Spicer, C.B.....Secretary.

.....

The Conference had before them certain papers communicated by the Secretariat of the League of Nations in which it was pointed out that some of the Members of the Council were anxious, owing to the attitude of the United States towards the subject of Mandates, not to proceed with the question of passing the Mandates at the forthcoming meeting of the Council, unless an agreement on this point had first been reached between the United States and the Allies. The Secretariat wished to know whether H.M. Government agreed to this course.

It was pointed out that both the French and the Spaniards were very averse to take any action opposed to the wishes of the

21

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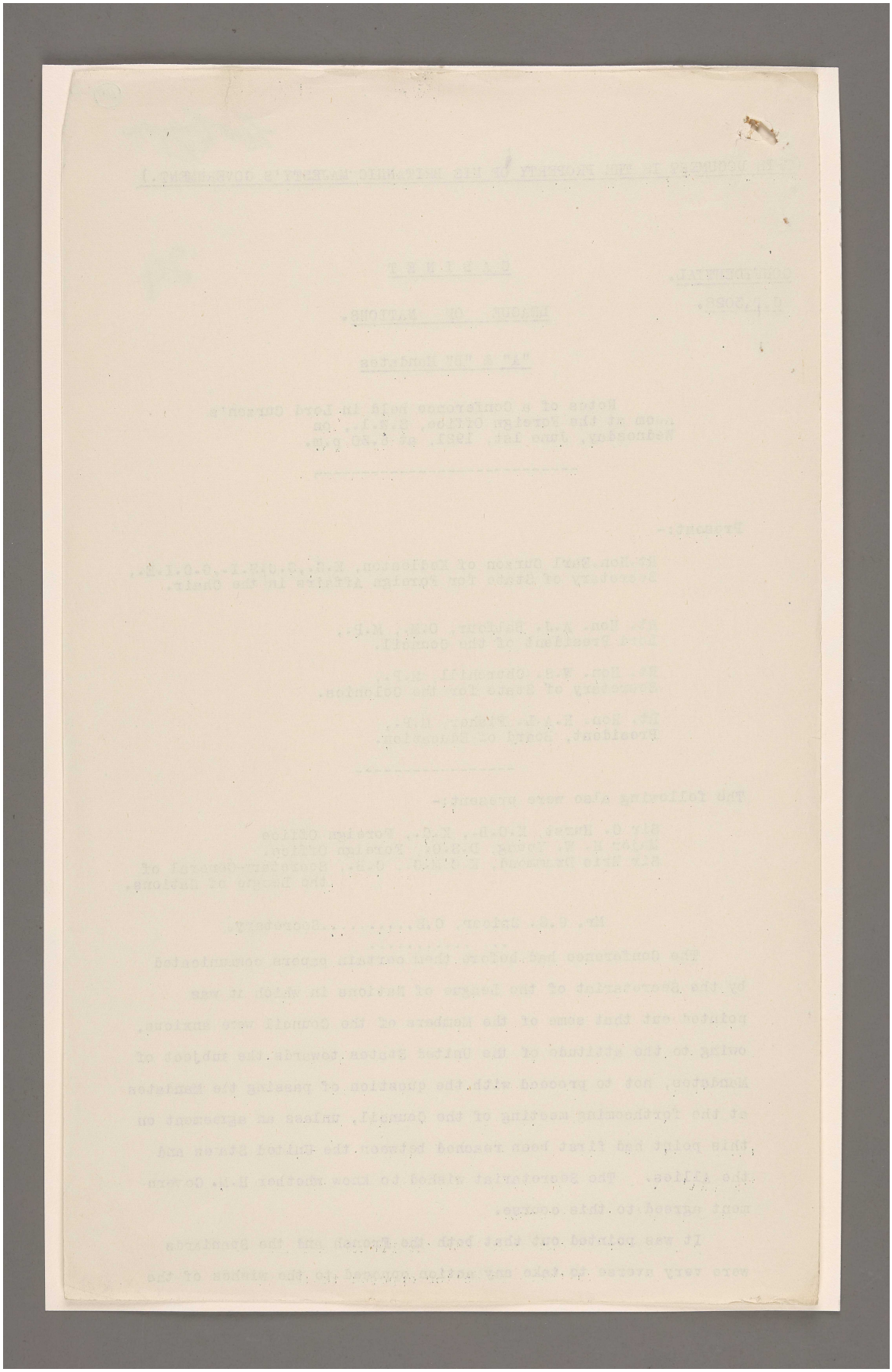

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United States and would probably be supported by the Belgians and the Chinese, and that the Italians would adopt a similar attitude, though for different reasons, due to their apprehensions as regards the fate of the Tripartite Agreement.

It was agreed that it was important to do everything possible to get the mandates passed without delay. It was urged on the one hand that failure to accomplish this would seriously prejudice and endanger our whole position in Palestine and Mesopotamia: that it might be emphasized that so far from receiving any benefit whatever from these Mandates Great Britain would reap nothing but trouble and expense for a generation or more, and that if we could not secure the Mandates at once we had better make it clear that we must decline any further responsibility and withdraw altogether from those territories.

On the other hand it was pointed out that it would be exceedingly difficult in practice, however desirable in theory to withdraw from Palestine and Mesopotamia and hand those countries over to anarchy, and it was questioned whether there was any serious disadvantage in continuing for a while to administer those regions without the formal passing of the Mandate by the Council.

The Conference felt generally that it was highly desirable to make every effort to secure a majority at the next meeting of the Council in favour of proceeding with the Mandates, but decided in the first instance to refer the question to the Cabinet, and requested the Secretary of State for the Colonies to prepare a memorandum for that purpose.

2, Whitehall Gardens, S.W.1.

2nd June, 1921.

N O T E :- The papers referred to in paragraph 1 which were under consideration by the Conference are not attached hereto. Copies will be furnished, however, on application to the Cabinet Secretariat.

218

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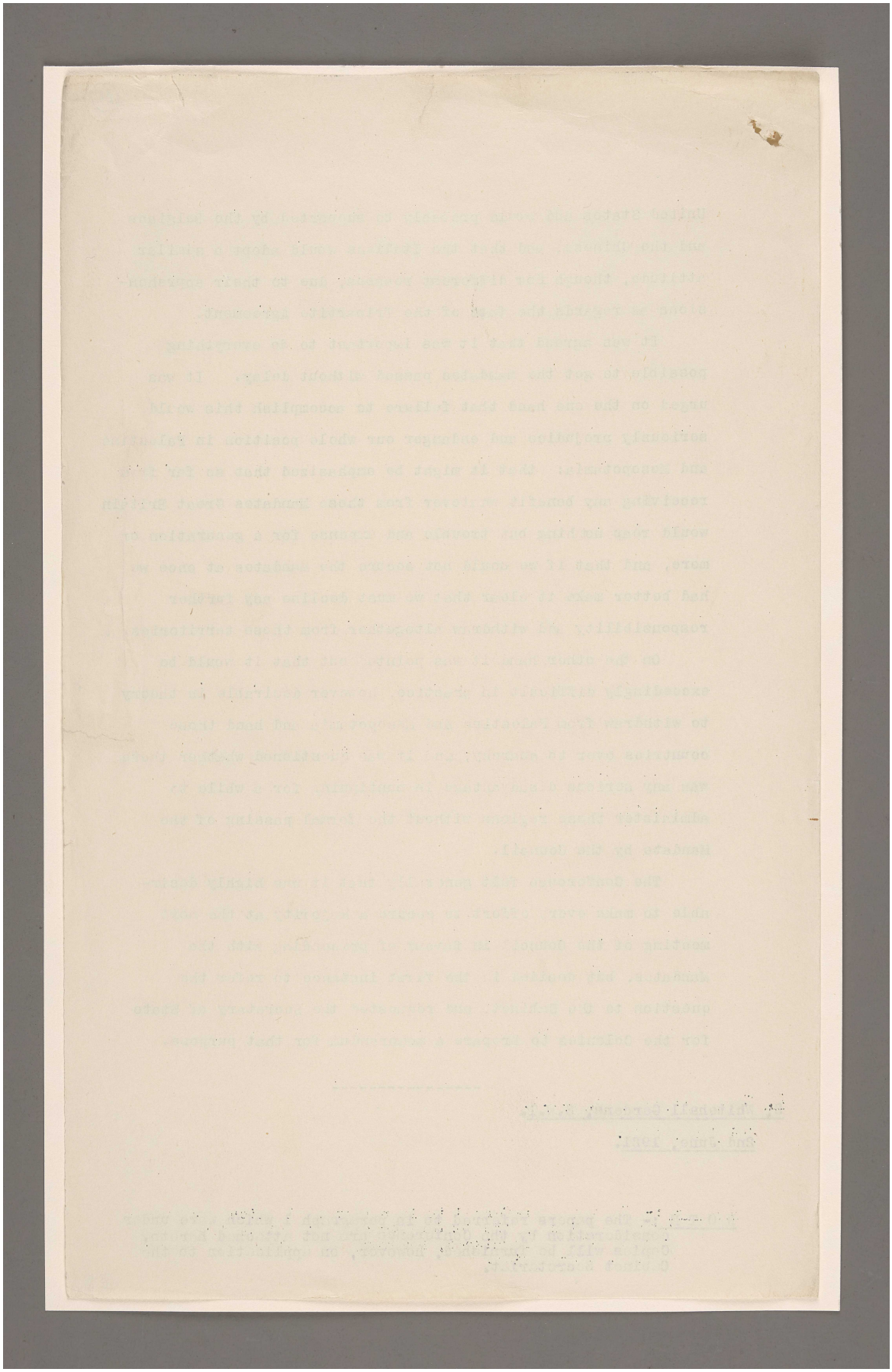

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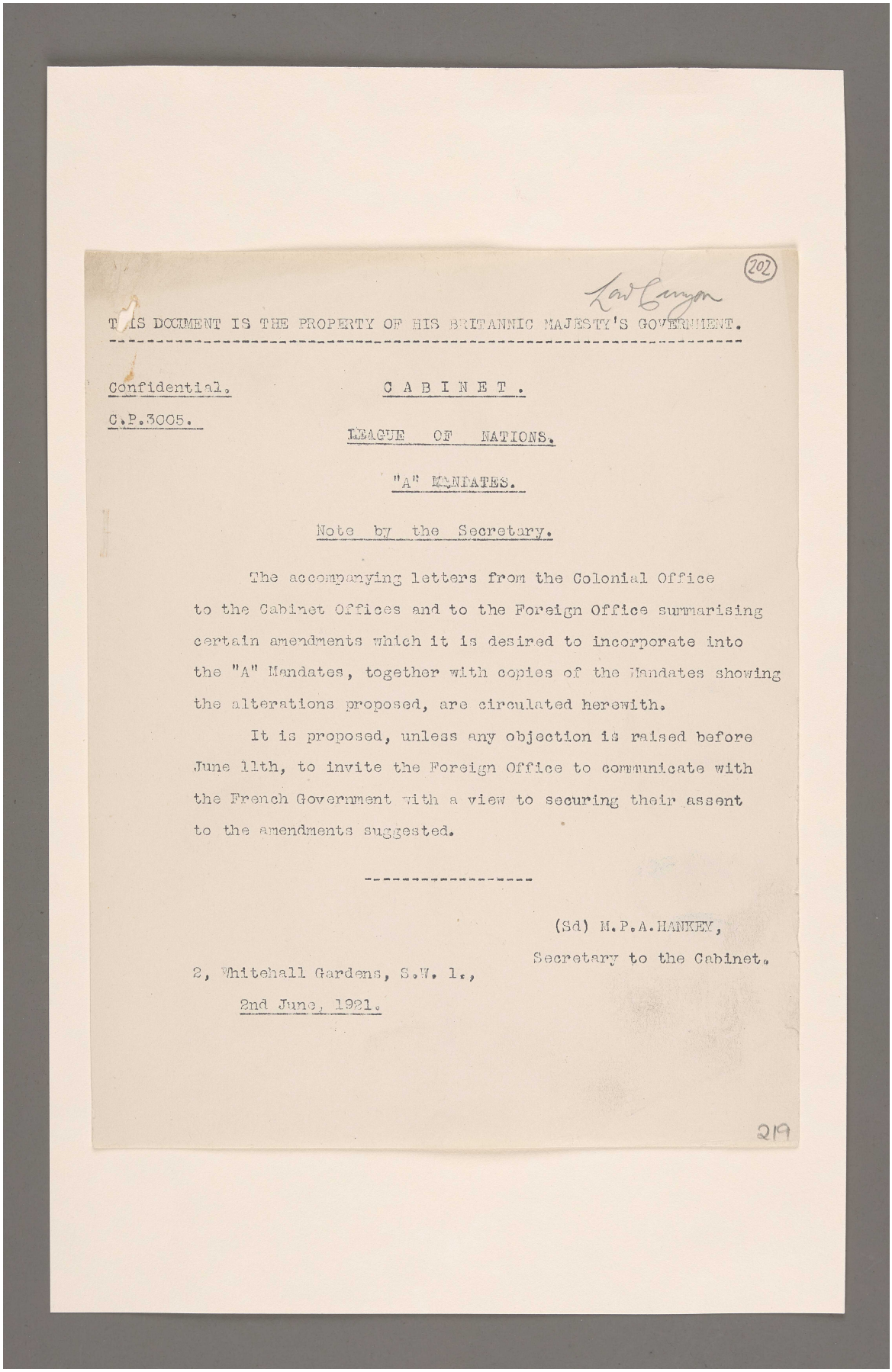

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Lord Curzon

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C.P.3005.

C A B I N E T .

LEAGUE OF NATIONS.

"A" MANDATES.

Note by the Secretary.

The accompanying letters from the Colonial Office to the Cabinet Offices and to the Foreign Office summarising certain amendments which it is desired to incorporate into the "A" Mandates, together with copies of the Mandates showing the alterations proposed, are circulated herewith.

It is proposed, unless any objection is raised before June 11th, to invite the Foreign Office to communicate with the French Government with a view to securing their assent to the amendments suggested.

(Sd) M.P.A.HANKEY,
Secretary to the Cabinet.

2, Whitehall Gardens, S.W. 1.,
2nd June, 1921.

219

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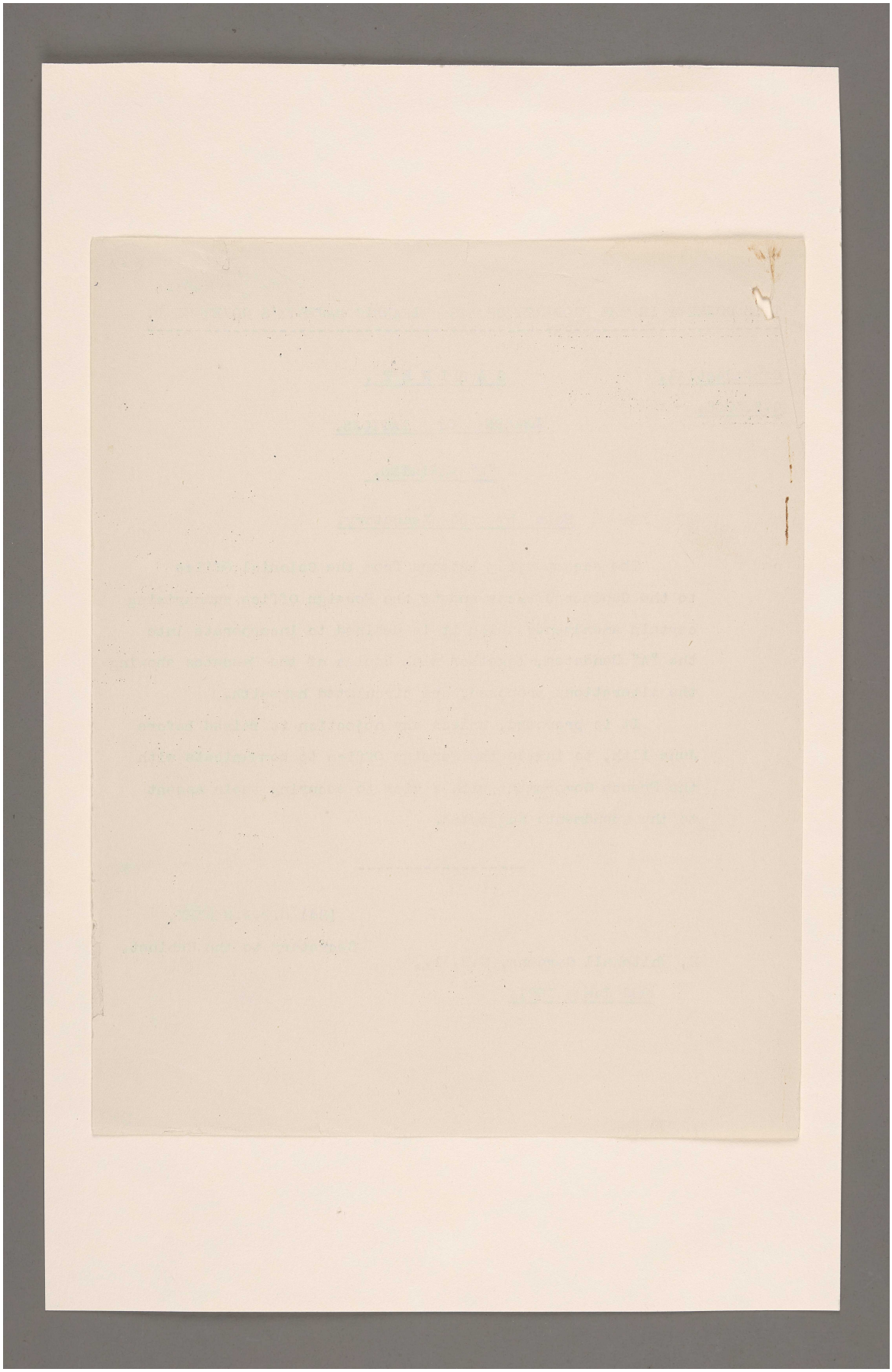

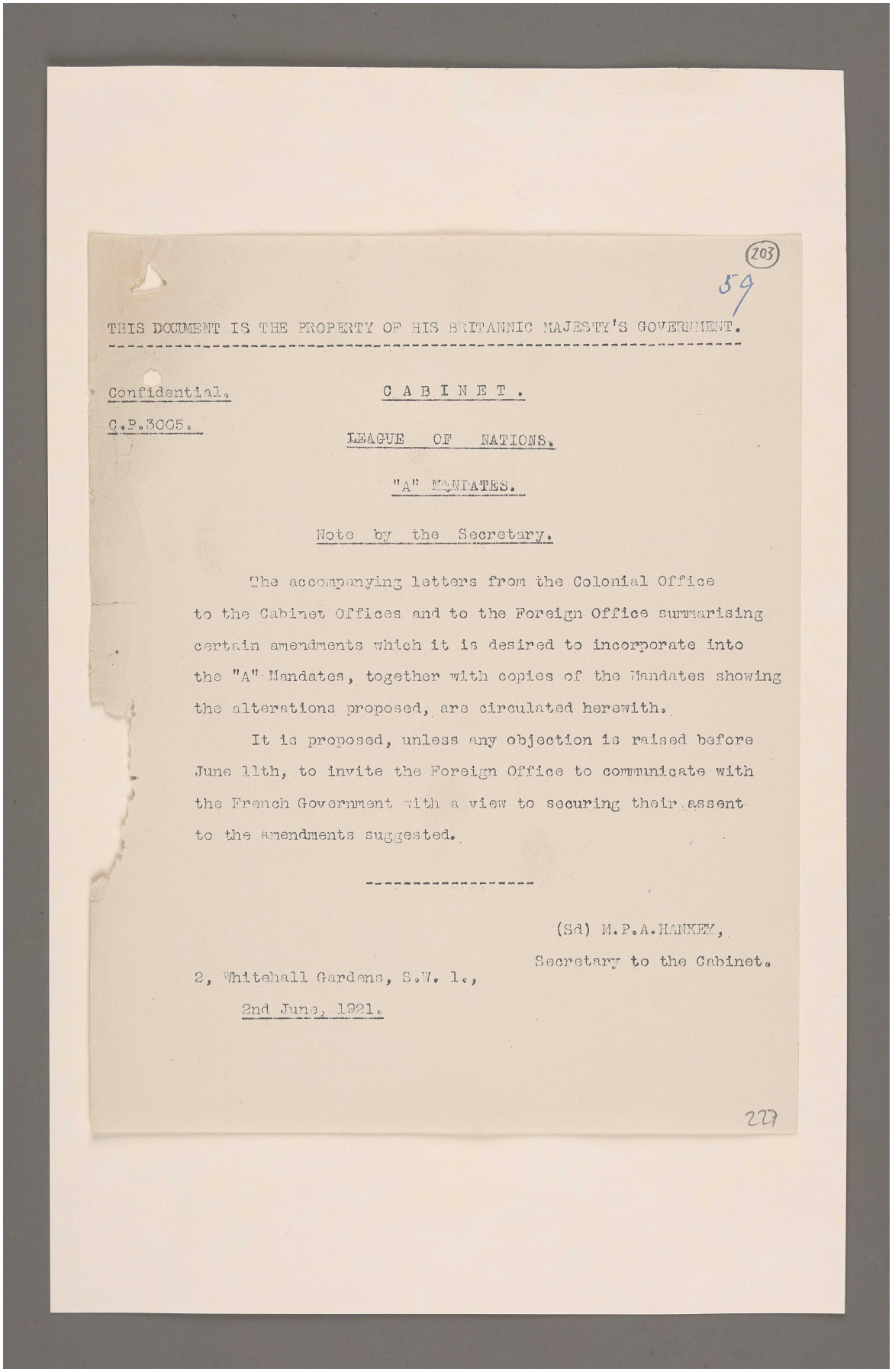

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227

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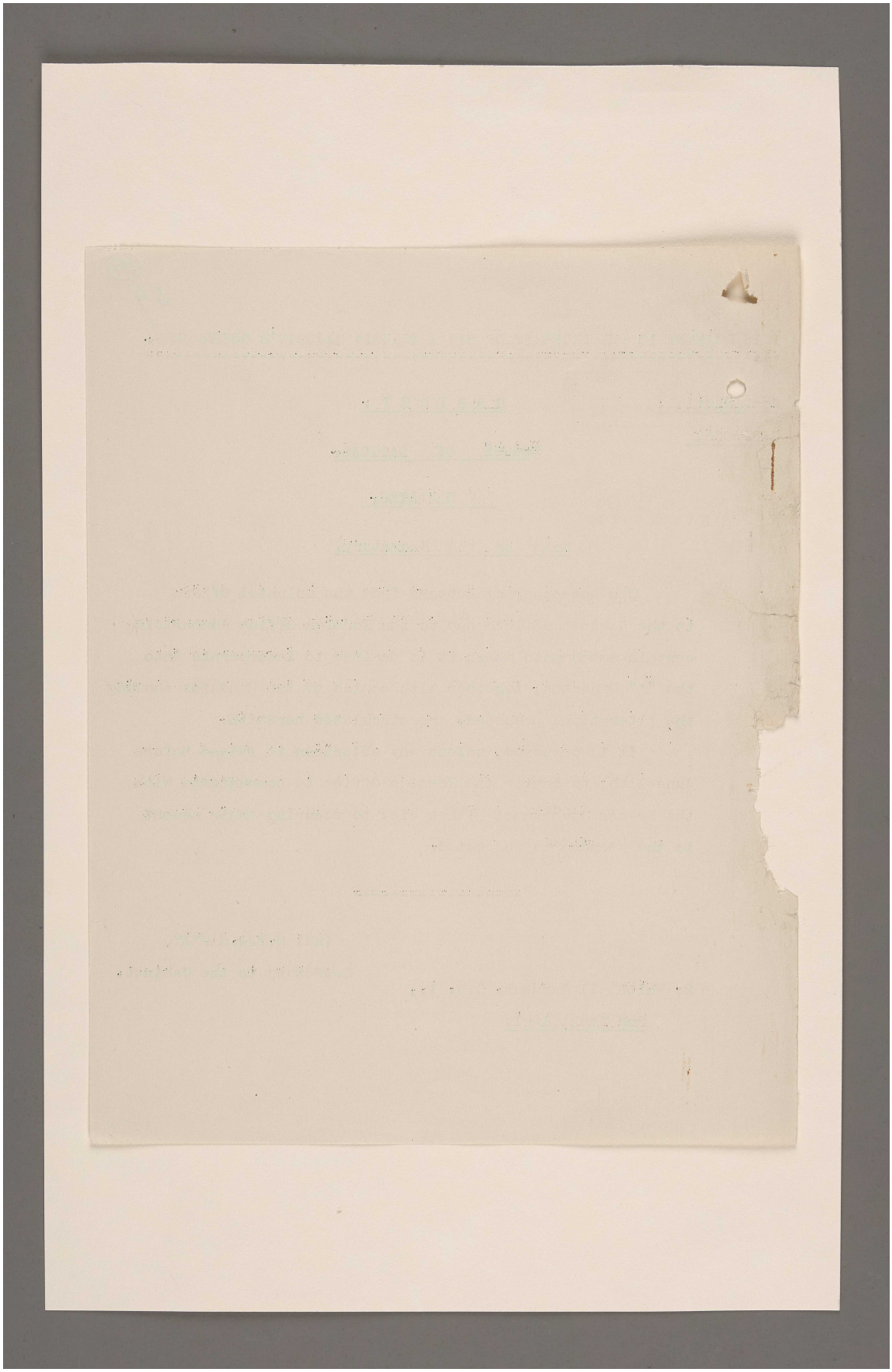

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30
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[E 15390/4164/44]

(A.)

PROPOSED MODIFICATIONS IN DRAFT OF THE MANDATE FOR MESOPOTAMIA AS SUBMITTED BY MR. BALFOUR ON DECEMBER 7, 1920, TO THE SECRETARIAT-GENERAL OF THE LEAGUE OF NATIONS FOR THE APPROVAL OF THE COUNCIL OF THE LEAGUE OF NATIONS.

THE COUNCIL OF THE LEAGUE OF NATIONS.

WHEREAS by Article 132 of the Treaty of Peace signed at Sèvres on the tenth day of August, 1920, Turkey renounced in favour of the Principal Allied Powers all rights and title over Mesopotamia, and whereas by Article 94 of the said treaty the High Contracting Parties agreed that Mesopotamia should, in accordance with the fourth paragraph of Article 22 of Part I (Covenant of the League of Nations), be provisionally recognised as an independent State, subject to the rendering of administrative advice and assistance by a Mandatory until such time as it is able to stand alone, and that the determination of the frontiers of Mesopotamia, other than those laid down in the said treaty, and the selection of the Mandatory would be made by the Principal Allied Powers; and

Whereas the Principal Allied Powers have selected His Britannic Majesty as Mandatory for Mesopotamia; and

Whereas the terms of the Mandate in respect of Mesopotamia have been formulated in the following terms and submitted to the Council of the League for approval; and

Whereas His Britannic Majesty has accepted the Mandate in respect of the said territories and undertaken to exercise it on behalf of the League of Nations in conformity with the following provisions;

Hereby approves the terms of the said Mandate as follows:—

ARTICLE 1.

The Mandatory will frame within the shortest possible time, not exceeding three years from the date of the coming into force of this Mandate, an Organic Law for Mesopotamia, *which shall be submitted to the Council of the League of Nations for approval, and shall, as soon as possible, be published by it.* This Organic Law shall be framed in consultation with the native authorities, and shall take account of the rights, interests and wishes of all the populations inhabiting the mandated territory. It shall contain provisions designed to facilitate the progressive development of Mesopotamia as an independent State. Pending the coming into effect of the Organic Law, the administration of Mesopotamia shall be conducted in accordance with the spirit of this Mandate.

ARTICLE 2.

The Mandatory may maintain troops in the territories under his Mandate for the defence of these territories. Until the entry into force of the Organic Law and the re-establishment of public security, he may organise and employ local forces necessary for the maintenance of order and for the defence of these territories. Such forces may only be recruited from the inhabitants of the territories under the Mandate.

[6371] [6319]

220

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The said local forces shall thereafter be responsible to the local authorities, subject always to the control to be exercised over these forces by the Mandatory. ~~who~~ *The Mesopotamian Government* shall not employ them for other than the above-mentioned purposes, except with the consent of the ~~Mesopotamian~~ ~~Government~~ *Mandatory*.

Nothing in this article shall preclude the Mesopotamian Government from contributing to the cost of the maintenance of any forces maintained by the Mandatory in Mesopotamia.

The Mandatory shall be entitled at all times to use the roads, railways, and ports of Mesopotamia for the movement of troops and the carriage of fuel and supplies.

ARTICLE 3.

The Mandatory shall be entrusted with the control of the foreign relations of Mesopotamia, and the right to issue exequaturs to consuls appointed by foreign Powers. It shall also be entitled to afford diplomatic and consular protection to citizens of Mesopotamia when outside its territorial limits.

ARTICLE 4.

The Mandatory shall be responsible for seeing that no Mesopotamian territory shall be ceded or leased to or in any way placed under the control of the Government of any foreign Power.

ARTICLE 5.

The immunities and privileges of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by Capitulation or usage in the Ottoman Empire, are definitely abrogated in Mesopotamia.

ARTICLE 6.

The Mandatory shall be responsible for seeing that the judicial system established in Mesopotamia shall safeguard (*a*) the interests of foreigners; (*b*) the law, and (to the extent deemed expedient) the jurisdiction now existing in Mesopotamia with regard to questions arising out of the religious beliefs of certain communities (such as the laws of Wakf and personal status). In particular the Mandatory agrees that the control and administration of Wakf shall be exercised in accordance with religious law and the dispositions of the founders.

ARTICLE 7.

Pending the making of special extradition agreements with foreign Powers relating to Mesopotamia, the extradition treaties in force between foreign Powers and the Mandatory shall apply to Mesopotamia.

ARTICLE 8.

The Mandatory will ensure to all complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals. No discrimination of any kind shall be made between the inhabitants of Mesopotamia on the ground of race, religion or language. Instruction in and through the medium of the native languages of Mesopotamia shall be promoted by the Mandatory.

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

ARTICLE 9.

Nothing in this Mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of the sacred shrines, the immunities of which are guaranteed.

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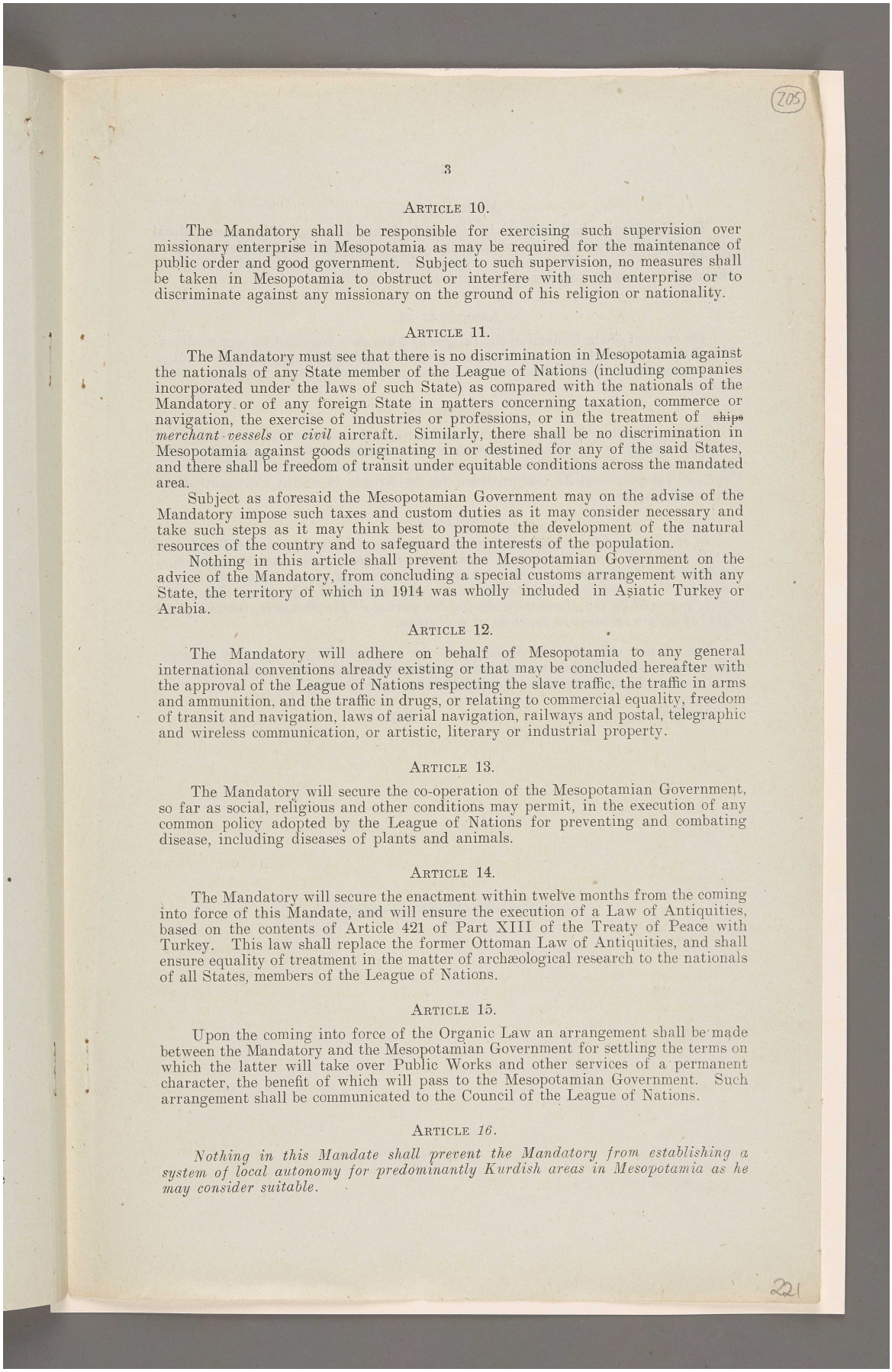

ARTICLE 10.

The Mandatory shall be responsible for exercising such supervision over missionary enterprise in Mesopotamia as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Mesopotamia to obstruct or interfere with such enterprise or to discriminate against any missionary on the ground of his religion or nationality.

ARTICLE 11.

The Mandatory must see that there is no discrimination in Mesopotamia against the nationals of any State member of the League of Nations (including companies incorporated under the laws of such State) as compared with the nationals of the Mandatory or of any foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of ~~ships~~ *merchant vessels* or *civil* aircraft. Similarly, there shall be no discrimination in Mesopotamia against goods originating in or destined for any of the said States, and there shall be freedom of transit under equitable conditions across the mandated area.

Subject as aforesaid the Mesopotamian Government may on the advise of the Mandatory impose such taxes and custom duties as it may consider necessary and 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.

Nothing in this article shall prevent the Mesopotamian Government on the advice of the Mandatory, from concluding a special customs arrangement with any State, the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

ARTICLE 12.

The Mandatory will adhere on behalf of Mesopotamia to any general international conventions already existing or that may be concluded hereafter with the approval of the League of Nations respecting the slave traffic, the traffic in arms and ammunition, and the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, laws of aerial navigation, railways and postal, telegraphic and wireless communication, or artistic, literary or industrial property.

ARTICLE 13.

The Mandatory will secure the co-operation of the Mesopotamian Government, so far as social, religious and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

ARTICLE 14.

The Mandatory will secure the enactment within twelve months from the coming into force of this Mandate, and will ensure the execution of a Law of Antiquities, based on the contents of Article 421 of Part XIII of the Treaty of Peace with Turkey. This law shall replace the former Ottoman Law of Antiquities, and shall ensure equality of treatment in the matter of archæological research to the nationals of all States, members of the League of Nations.

ARTICLE 15.

Upon the coming into force of the Organic Law an arrangement shall be made between the Mandatory and the Mesopotamian Government for settling the terms on which the latter will take over Public Works and other services of a permanent character, the benefit of which will pass to the Mesopotamian Government. Such arrangement shall be communicated to the Council of the League of Nations.

ARTICLE *16*.

Nothing in this Mandate shall prevent the Mandatory from establishing a system of local autonomy for predominantly Kurdish areas in Mesopotamia as he may consider suitable.

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ARTICLE ~~16~~ *17*.

The Mandatory shall make to the Council of the League of Nations an annual report as to the measures taken during the year to carry out the provisions of the Mandate. Copies of all laws and regulations promulgated or issued during the year shall be communicated with the report.

ARTICLE ~~17~~ *18*.

The consent of the Council of the League of Nations is required for any modification of the terms of the present Mandate, provided that in the case of any modification proposed by the Mandatory such consent may be given by a majority of the Council.

ARTICLE 19.

If any dispute whatever should arise between the members of the League of Nations relating to the interpretation or the application of these provisions which cannot be settled by negotiation, this dispute shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

ARTICLE *20*.

In the event of the termination of the Mandate conferred upon the Mandatory by this Declaration, the Council of the League of Nations shall make such arrangements as may be deemed necessary for securing under the guarantee of the League that the Mesopotamian Government will fully honour the financial obligations legally incurred by the Mandatory during the period of the Mandate, including the rights of public servants to pensions or gratuities.

The present copy shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers Signatories of the Treaty of Peace with Turkey.

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206

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[E 15390/4164/44]

(B.)

PROPOSED MODIFICATION IN DRAFT OF THE MANDATE FOR PALESTINE AS SUBMITTED BY MR. BALFOUR ON DECEMBER 7, 1920, TO THE SECRETARIAT-GENERAL OF THE LEAGUE OF NATIONS FOR THE APPROVAL OF THE COUNCIL OF THE LEAGUE OF NATIONS.

THE COUNCIL OF THE LEAGUE OF NATIONS.

WHEREAS by Article 132 of the Treaty of Peace signed at Sèvres on the tenth day of August, 1920, Turkey renounced in favour of the Principal Allied Powers all rights and title over Palestine; and

Whereas by Article 95 of the said treaty the High Contracting Parties agreed to entrust, by application of the provisions of Article 22, the Administration of Palestine, within such boundaries as might be determined by the Principal Allied Powers, to a Mandatory to be selected by the said Powers; and

Whereas by the same article the High Contracting Parties further agreed that the Mandatory should be responsible for putting into effect the declaration originally made on November 2, 1917, by the Government of His Britannic Majesty, and adopted by the other Allied Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country; and

Whereas recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their National Home in that country; and

Whereas the Principal Allied Powers have selected His Britannic Majesty as the Mandatory for Palestine; and

Whereas the terms of the Mandate in respect of Palestine have been formulated in the following terms and submitted to the Council of the League for approval; and

Whereas His Britannic Majesty has accepted the Mandate in respect of Palestine and undertaken to exercise it on behalf of the League of Nations in conformity with the following provisions;

Hereby approves the terms of the said Mandate as follows :—

ARTICLE 1.

His Britannic Majesty shall have the right to exercise as Mandatory all the powers inherent in the Government of a Sovereign State, save as they may be limited by the terms of the present Mandate.

ARTICLE 2.

The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safe-guarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.

222

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ARTICLE 3.

The Mandatory shall encourage the widest measure of self-government for localities consistent with the prevailing conditions.

ARTICLE 4.

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 effect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country.

The Zionist organisation, so long as its organisation and constitution are in the opinion of the Mandatory appropriate, shall be recognised as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish national home.

ARTICLE 5.

The Mandatory shall be responsible for seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of the Government of any foreign Power.

ARTICLE 6.

The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage in co-operation with the Jewish agency referred to in Article 4 close settlement by Jews on the land, including State lands and waste lands not required for public purposes.

ARTICLE 7.

The Administration of Palestine will be responsible for enacting a nationality law. There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine.

ARTICLE 8.

The immunities and privileges of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by Capitulation or usuage in the Ottoman Empire, are definitely abrogated in Palestine.

ARTICLE 9.

The Mandatory shall be responsible for seeing that the judicial system established in Palestine shall safeguard (*a*) the interests of foreigners; (*b*) the law, and (to the extent deemed expedient) the jurisdiction now existing in Palestine with regard to questions arising out of the religious beliefs of certain communities (such as the laws of Wakf and personal status). In particular the Mandatory agrees that the control and administration of Wakfs shall be exercised in accordance with religious law and the dispositions of the founders.

ARTICLE 10.

Pending the making of special extradition agreements relating to Palestine, the extradition treaties in force between the Mandatory and other foreign Powers shall apply to Palestine.

ARTICLE 11.

The Administration of Palestine shall take all necessary measures to safeguard the interests of the community in connection with the development of the country and, subject to Article 311 of the Treaty of Peace with Turkey, shall have full power to provide for public ownership or control of any of the natural resources of the country or of the public works, services and utilities established or to be established

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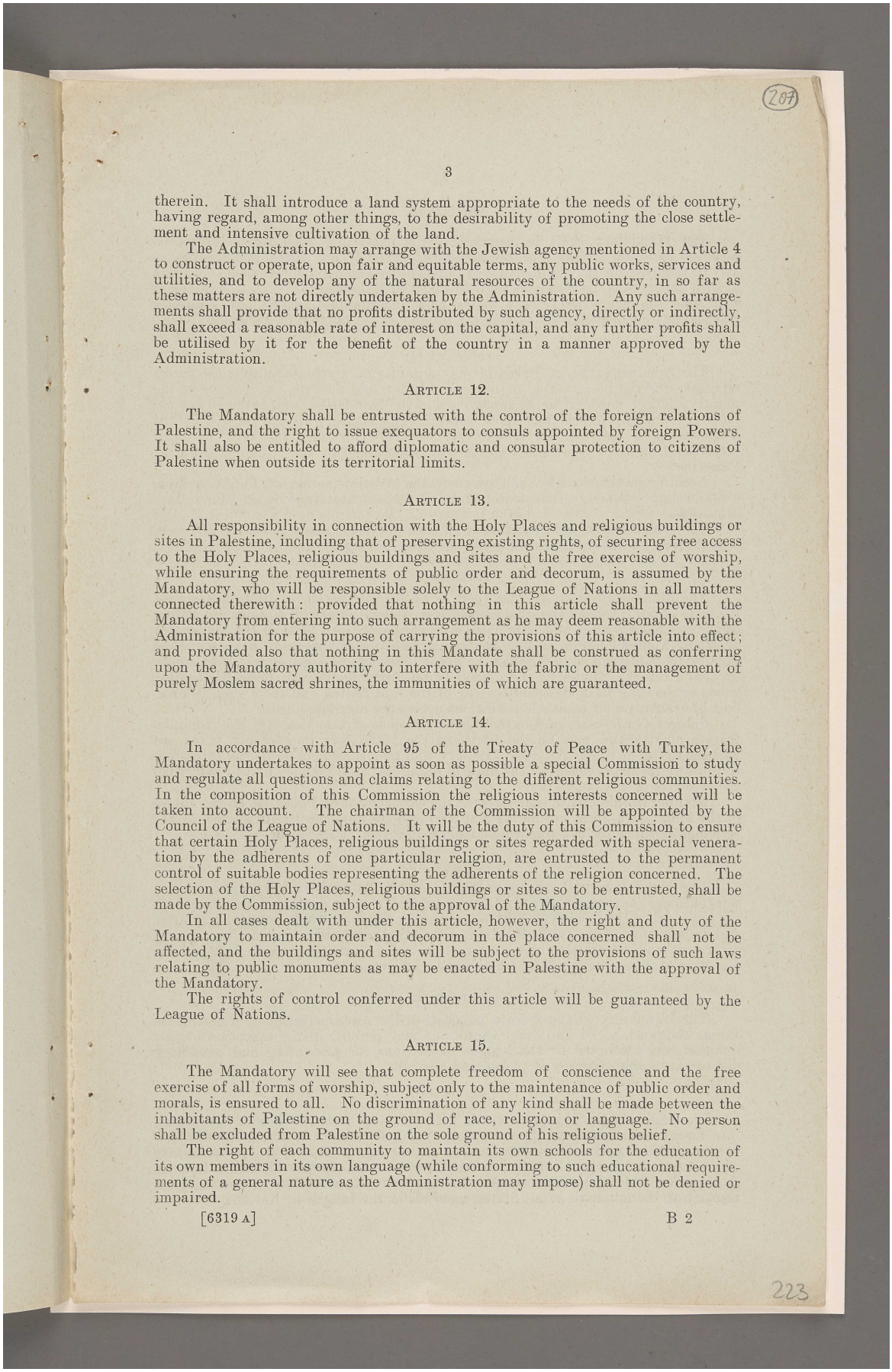

therein. It shall introduce a land system appropriate to the needs of the country, having regard, among other things, to the desirability of promoting the close settlement and intensive cultivation of the land.

The Administration may arrange with the Jewish agency mentioned in Article 4 to construct or operate, upon fair and equitable terms, any public works, services and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly undertaken by the Administration. Any such arrangements shall provide that no profits distributed by such agency, directly or indirectly, shall exceed a reasonable rate of interest on the capital, and any further profits shall be utilised by it for the benefit of the country in a manner approved by the Administration.

ARTICLE 12.

The Mandatory shall be entrusted with the control of the foreign relations of Palestine, and the right to issue exequators to consuls appointed by foreign Powers. It shall also be entitled to afford diplomatic and consular protection to citizens of Palestine when outside its territorial limits.

ARTICLE 13.

All responsibility in connection with the Holy Places and religious buildings or sites in Palestine, including that of preserving existing rights, of securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the Mandatory, who will be responsible solely to the League of Nations in all matters connected therewith: provided that nothing in this article shall prevent the Mandatory from entering into such arrangement as he may deem reasonable with the Administration for the purpose of carrying the provisions of this article into effect; and provided also that nothing in this Mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed.

ARTICLE 14.

In accordance with Article 95 of the Treaty of Peace with Turkey, the Mandatory undertakes to appoint as soon as possible a special Commission to study and regulate all questions and claims relating to the different religious communities. In the composition of this Commission the religious interests concerned will be taken into account. The chairman of the Commission will be appointed by the Council of the League of Nations. It will be the duty of this Commission to ensure that certain Holy Places, religious buildings or sites regarded with special veneration by the adherents of one particular religion, are entrusted to the permanent control of suitable bodies representing the adherents of the religion concerned. The selection of the Holy Places, religious buildings or sites so to be entrusted, shall be made by the Commission, subject to the approval of the Mandatory.

In all cases dealt with under this article, however, the right and duty of the Mandatory to maintain order and decorum in the place concerned shall not be affected, and the buildings and sites will be subject to the provisions of such laws relating to public monuments as may be enacted in Palestine with the approval of the Mandatory.

The rights of control conferred under this article will be guaranteed by the League of Nations.

ARTICLE 15.

The Mandatory will see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, is ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

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

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ARTICLE 16.

The Mandatory shall be responsible for exercising such supervision over ~~missionary enterprise~~ *religious or eleemosynary bodies of all faiths* in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with ~~such~~ *the* enterprise *of such bodies* or to discriminate against any ~~missionary~~ *representative or member of them* on the ground of his religion or nationality.

ARTICLE 17.

The Administration of Palestine may organise on a voluntary basis the forces necessary for the preservation of peace and order, and also for the defence of the country, subject, however, to the supervision of the Mandatory, ~~who~~ *but* shall not use them for purposes other than those above specified save with the consent of the ~~Administration of Palestine and~~ *Mandatory*. Except for such purposes, no military, naval or air forces shall be raised or maintained by the Administration of Palestine.

Nothing in this article shall preclude the Administration of Palestine from contributing to the cost of the maintenance of forces maintained by the Mandatory. ~~in Palestine~~.

The Mandatory shall be entitled at all time to use the roads, railways and ports of Palestine for the movement of troops and the carriage of fuel and supplies.

ARTICLE 18.

The Mandatory must see that there is no discrimination in Palestine against the nationals of any of the States members of the League of Nations (including companies incorporated under their laws) as compared with those of the Mandatory or of any foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of ~~ships or~~ *merchant vessels or civil* aircraft. Similarly, there shall be no discrimination in Palestine against goods originating in or destined for any of the said States, and there shall be freedom of transit under equitable conditions across the mandated area.

Subject as aforesaid and to the other provisions of this Mandate, the Administration of Palestine may on the advice of the Mandatory impose such taxes and customs duties as it may consider necessary, and 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.

Nothing in this article shall prevent the Government of Palestine, on the advice of the Mandatory, from concluding a special customs agreement with any State, the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

ARTICLE 19.

The Mandatory will adhere on behalf of the Administration to any general international conventions already existing or that may be concluded hereafter with the approval of the League of Nations respecting the slave traffic, the traffic in arms and ammunition, or the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation and postal, telegraphic and wireless communication or literary, artistic or industrial property.

ARTICLE 20.

The Mandatory will co-operate on behalf of the Administration of Palestine, so far as religious, social and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

ARTICLE 21.

The Mandatory will secure, within twelve months from the date of the coming into force of this Mandate, the enactment, and will ensure the execution of a Law of Antiquities based on the provisions of Article 421 of Part XIII of the Treaty of Peace with Turkey. This law shall replace the former Ottoman Law of Antiquities, and shall ensure equality of treatment in the matter of archæological research to the nationals of all States, members of the League of Nations.

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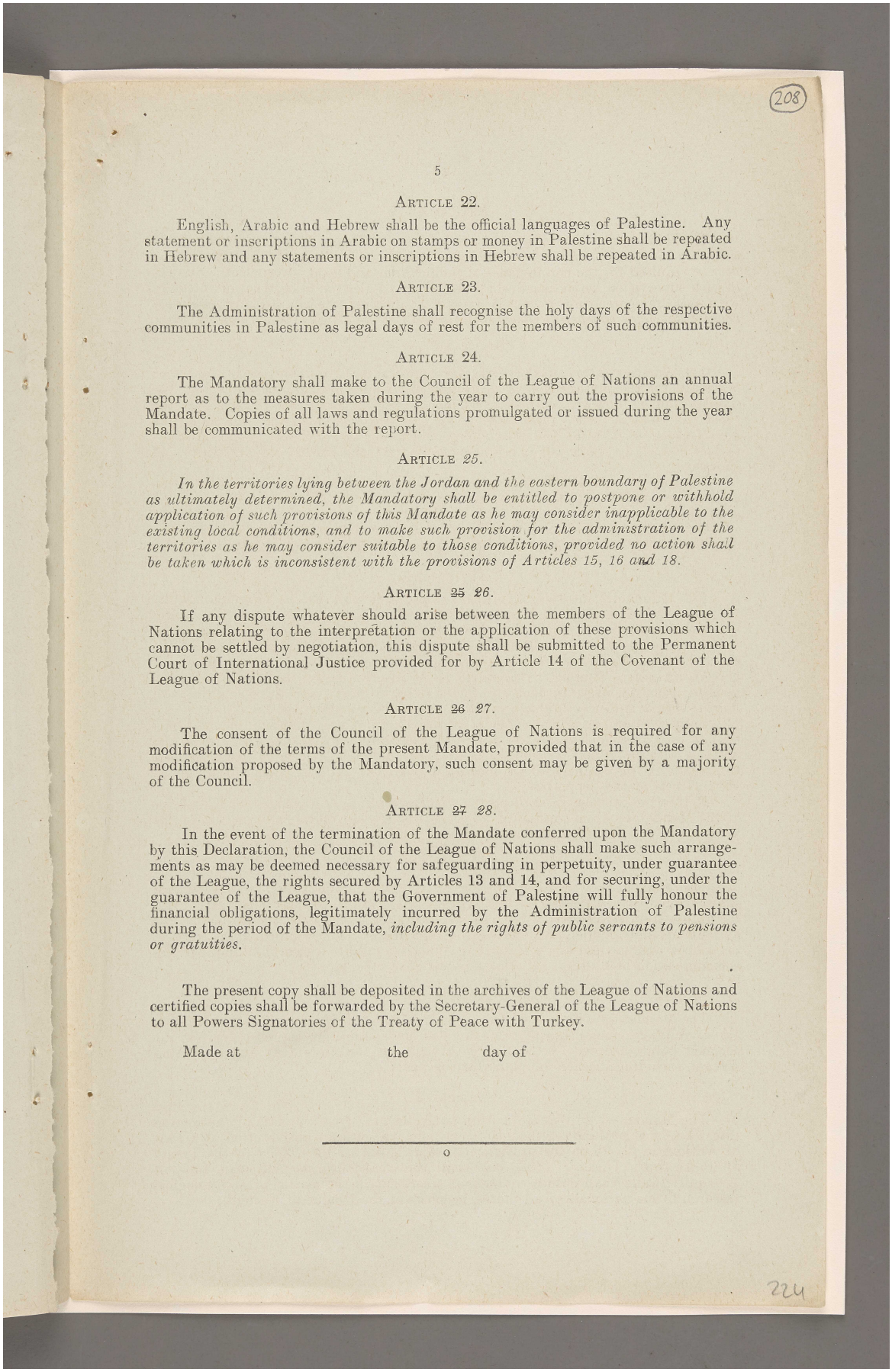

208

ARTICLE 22.

English, Arabic and Hebrew shall be the official languages of Palestine. Any statement or inscriptions in Arabic on stamps or money in Palestine shall be repeated in Hebrew and any statements or inscriptions in Hebrew shall be repeated in Arabic.

ARTICLE 23.

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.

ARTICLE 24.

The Mandatory shall make to the Council of the League of Nations an annual report as to the measures taken during the year to carry out the provisions of the Mandate. Copies of all laws and regulations promulgated or issued during the year shall be communicated with the report.

ARTICLE *25*.

In the territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined, the Mandatory shall be entitled to postpone or withhold application of such provisions of this Mandate as he may consider inapplicable to the existing local conditions, and to make such provision for the administration of the territories as he may consider suitable to those conditions, provided no action shall be taken which is inconsistent with the provisions of Articles 15, 16 and 18.

ARTICLE ~~25~~ *26*.

If any dispute whatever should arise between the members of the League of Nations relating to the interpretation or the application of these provisions which cannot be settled by negotiation, this dispute shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

ARTICLE ~~26~~ *27*.

The consent of the Council of the League of Nations is required for any modification of the terms of the present Mandate, provided that in the case of any modification proposed by the Mandatory, such consent may be given by a majority of the Council.

ARTICLE ~~27~~ *28*.

In the event of the termination of the Mandate conferred upon the Mandatory by this Declaration, the Council of the League of Nations shall make such arrangements as may be deemed necessary for safeguarding in perpetuity, under guarantee of the League, the rights secured by Articles 13 and 14, and for securing, under the guarantee of the League, that the Government of Palestine will fully honour the financial obligations, legitimately incurred by the Administration of Palestine during the period of the Mandate, *including the rights of public servants to pensions or gratuities.*

The present copy shall be deposited in the archives of the League of Nations and certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers Signatories of the Treaty of Peace with Turkey.

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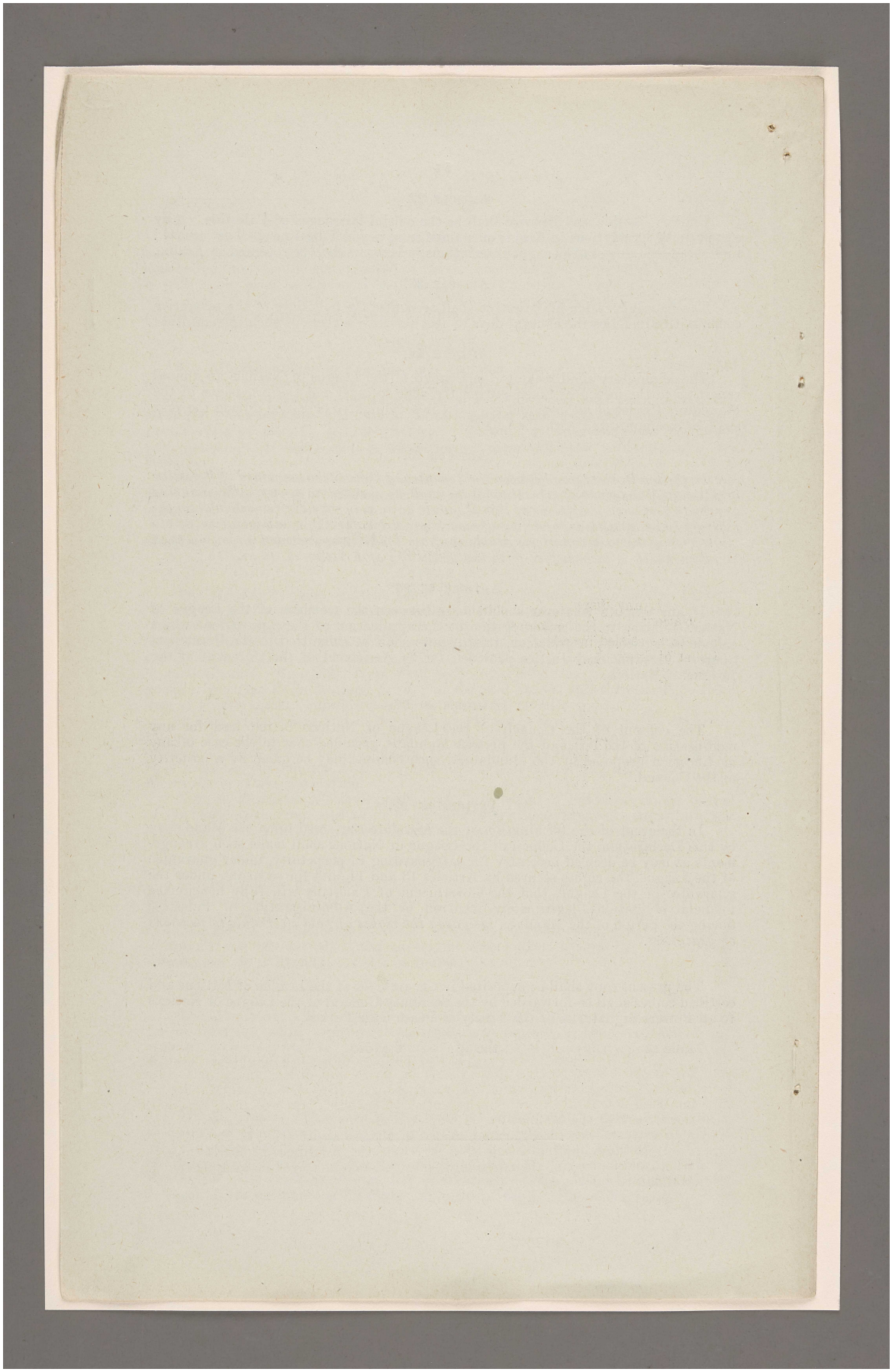

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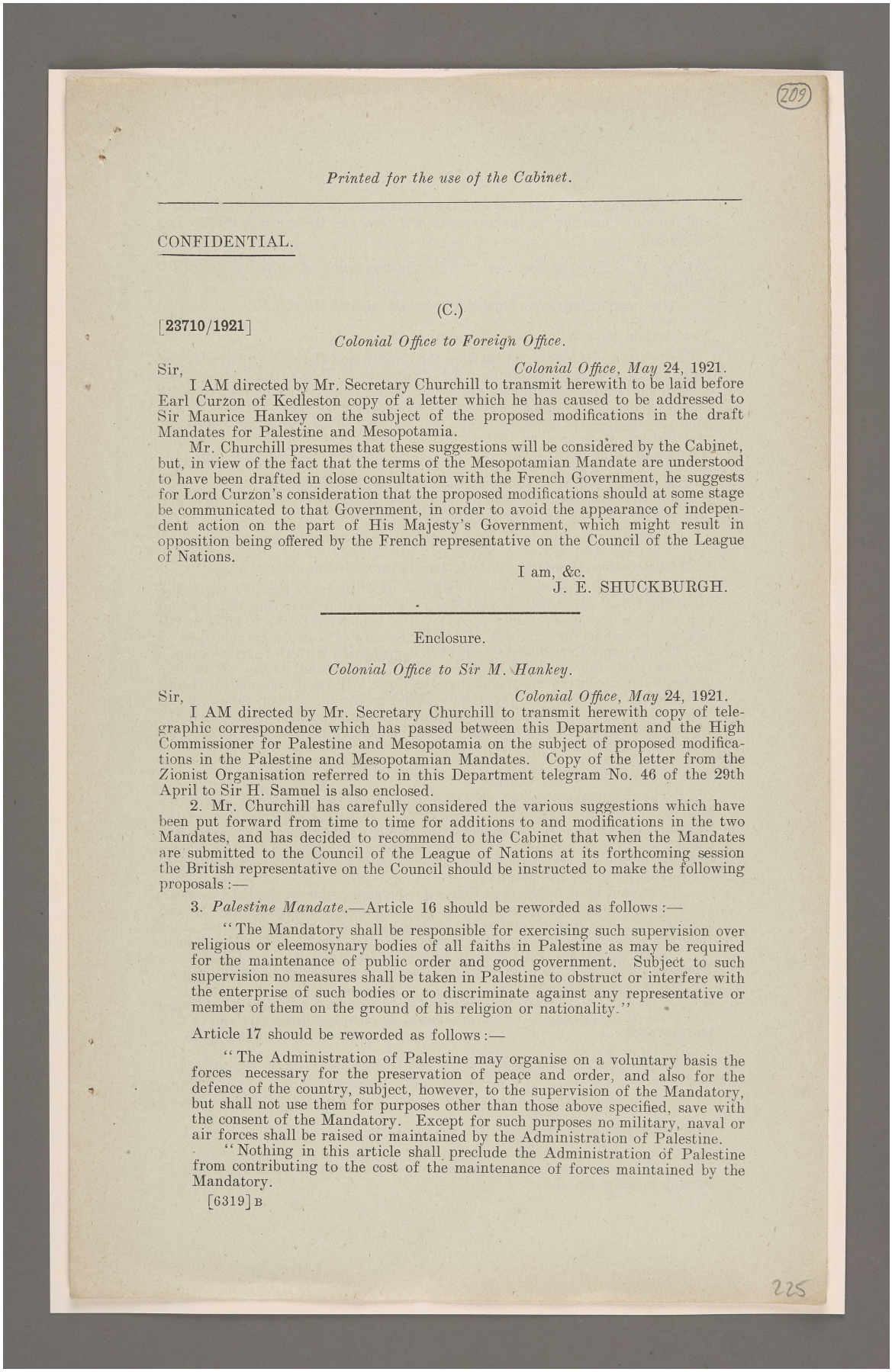

209

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(C.)

[23710/1921]

Colonial Office to Foreign Office.

Sir, *Colonial Office, May* 24, 1921.

I AM directed by Mr. Secretary Churchill to transmit herewith to be laid before Earl Curzon of Kedleston copy of a letter which he has caused to be addressed to Sir Maurice Hankey on the subject of the proposed modifications in the draft Mandates for Palestine and Mesopotamia.

Mr. Churchill presumes that these suggestions will be considered by the Cabinet, but, in view of the fact that the terms of the Mesopotamian Mandate are understood to have been drafted in close consultation with the French Government, he suggests for Lord Curzon's consideration that the proposed modifications should at some stage be communicated to that Government, in order to avoid the appearance of independent action on the part of His Majesty's Government, which might result in opposition being offered by the French representative on the Council of the League of Nations.

I am, &c.
J. E. SHUCKBURGH.

Enclosure.

Colonial Office to Sir M. Hankey.

Sir, *Colonial Office, May* 24, 1921.

I AM directed by Mr. Secretary Churchill to transmit herewith copy of telegraphic correspondence which has passed between this Department and the High Commissioner for Palestine and Mesopotamia on the subject of proposed modifications in the Palestine and Mesopotamian Mandates. Copy of the letter from the Zionist Organisation referred to in this Department telegram No. 46 of the 29th April to Sir H. Samuel is also enclosed.

2. Mr. Churchill has carefully considered the various suggestions which have been put forward from time to time for additions to and modifications in the two Mandates, and has decided to recommend to the Cabinet that when the Mandates are submitted to the Council of the League of Nations at its forthcoming session the British representative on the Council should be instructed to make the following proposals:—

3. *Palestine Mandate.*—Article 16 should be reworded as follows:—

"The Mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision no measures shall be taken in Palestine to obstruct or interfere with the enterprise of such bodies or to discriminate against any representative or member of them on the ground of his religion or nationality."

Article 17 should be reworded as follows:—

"The Administration of Palestine may organise on a voluntary basis the forces necessary for the preservation of peace and order, and also for the defence of the country, subject, however, to the supervision of the Mandatory, but shall not use them for purposes other than those above specified, save with the consent of the Mandatory. Except for such purposes no military, naval or air forces shall be raised or maintained by the Administration of Palestine.

"Nothing in this article shall preclude the Administration of Palestine from contributing to the cost of the maintenance of forces maintained by the Mandatory.

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225

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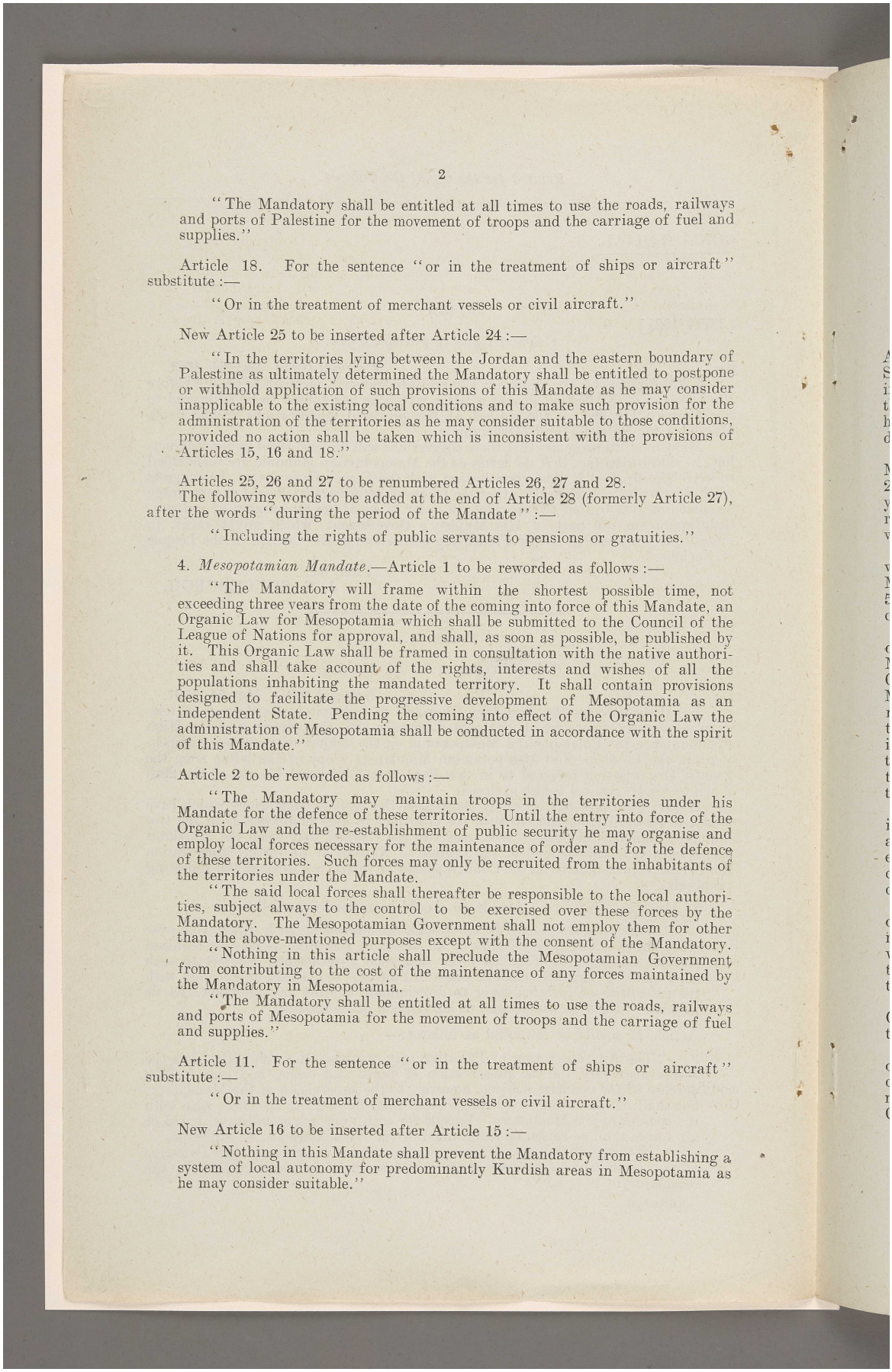

"The Mandatory shall be entitled at all times to use the roads, railways and ports of Palestine for the movement of troops and the carriage of fuel and supplies."

Article 18. For the sentence "or in the treatment of ships or aircraft" substitute :—

"Or in the treatment of merchant vessels or civil aircraft."

New Article 25 to be inserted after Article 24 :—

"In the territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined the Mandatory shall be entitled to postpone or withhold application of such provisions of this Mandate as he may consider inapplicable to the existing local conditions and to make such provision for the administration of the territories as he may consider suitable to those conditions, provided no action shall be taken which is inconsistent with the provisions of Articles 15, 16 and 18."

Articles 25, 26 and 27 to be renumbered Articles 26, 27 and 28.

The following words to be added at the end of Article 28 (formerly Article 27), after the words "during the period of the Mandate" :—

"Including the rights of public servants to pensions or gratuities."

4. *Mesopotamian Mandate.*—Article 1 to be reworded as follows :—

"The Mandatory will frame within the shortest possible time, not exceeding three years from the date of the coming into force of this Mandate, an Organic Law for Mesopotamia which shall be submitted to the Council of the League of Nations for approval, and shall, as soon as possible, be published by it. This Organic Law shall be framed in consultation with the native authorities and shall take account of the rights, interests and wishes of all the populations inhabiting the mandated territory. It shall contain provisions designed to facilitate the progressive development of Mesopotamia as an independent State. Pending the coming into effect of the Organic Law the administration of Mesopotamia shall be conducted in accordance with the spirit of this Mandate."

Article 2 to be reworded as follows :—

"The Mandatory may maintain troops in the territories under his Mandate for the defence of these territories. Until the entry into force of the Organic Law and the re-establishment of public security he may organise and employ local forces necessary for the maintenance of order and for the defence of these territories. Such forces may only be recruited from the inhabitants of the territories under the Mandate.

"The said local forces shall thereafter be responsible to the local authorities, subject always to the control to be exercised over these forces by the Mandatory. The Mesopotamian Government shall not employ them for other than the above-mentioned purposes except with the consent of the Mandatory.

"Nothing in this article shall preclude the Mesopotamian Government from contributing to the cost of the maintenance of any forces maintained by the Mandatory in Mesopotamia.

"The Mandatory shall be entitled at all times to use the roads, railways and ports of Mesopotamia for the movement of troops and the carriage of fuel and supplies."

Article 11. For the sentence "or in the treatment of ships or aircraft" substitute :—

"Or in the treatment of merchant vessels or civil aircraft."

New Article 16 to be inserted after Article 15 :—

"Nothing in this Mandate shall prevent the Mandatory from establishing a system of local autonomy for predominantly Kurdish areas in Mesopotamia as he may consider suitable."

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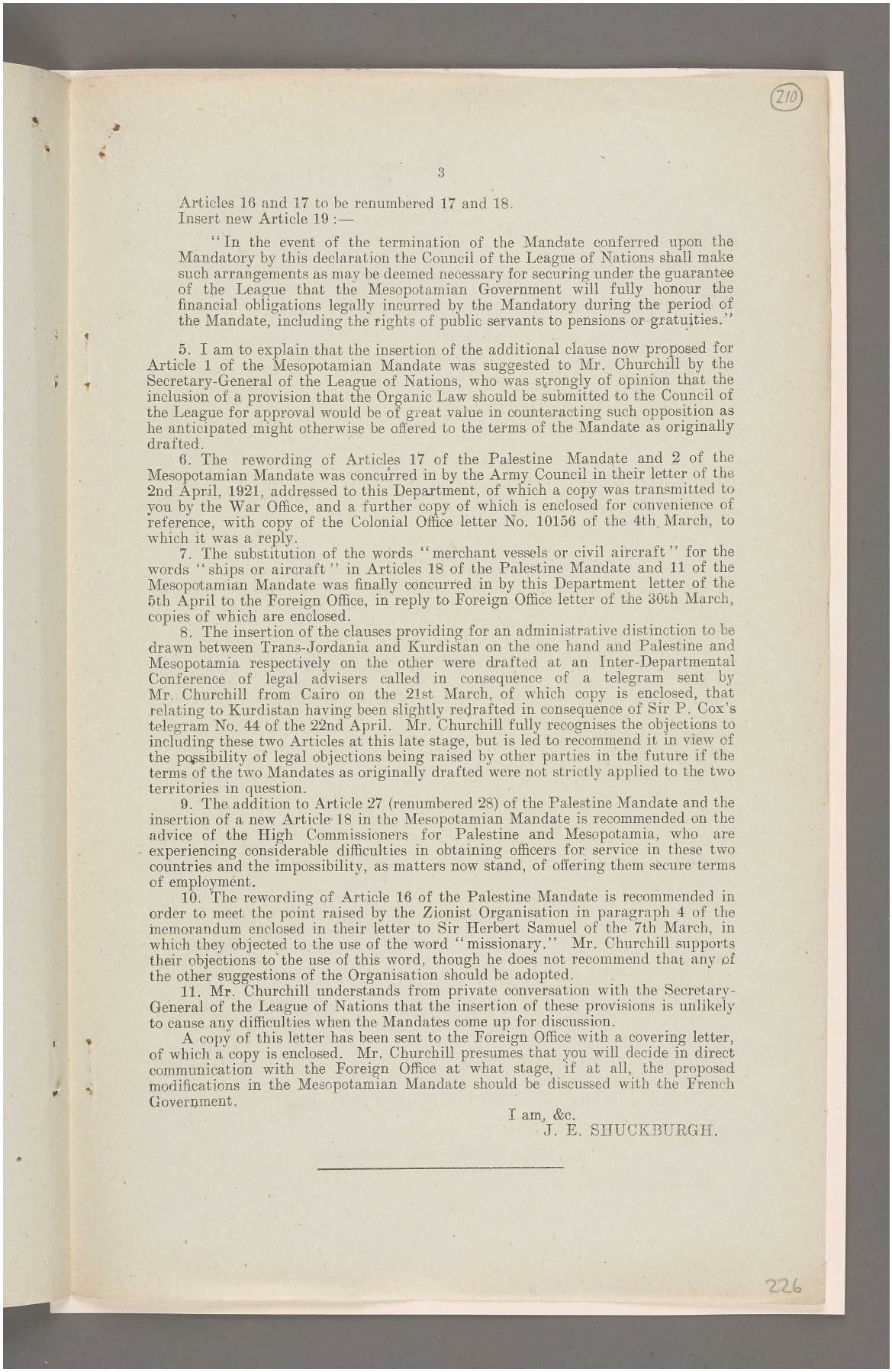

Articles 16 and 17 to be renumbered 17 and 18.
Insert new Article 19 :—

"In the event of the termination of the Mandate conferred upon the Mandatory by this declaration the Council of the League of Nations shall make such arrangements as may be deemed necessary for securing under the guarantee of the League that the Mesopotamian Government will fully honour the financial obligations legally incurred by the Mandatory during the period of the Mandate, including the rights of public servants to pensions or gratuities."

5. I am to explain that the insertion of the additional clause now proposed for Article 1 of the Mesopotamian Mandate was suggested to Mr. Churchill by the Secretary-General of the League of Nations, who was strongly of opinion that the inclusion of a provision that the Organic Law should be submitted to the Council of the League for approval would be of great value in counteracting such opposition as he anticipated might otherwise be offered to the terms of the Mandate as originally drafted.

6. The rewording of Articles 17 of the Palestine Mandate and 2 of the Mesopotamian Mandate was concurred in by the Army Council in their letter of the 2nd April, 1921, addressed to this Department, of which a copy was transmitted to you by the War Office, and a further copy of which is enclosed for convenience of reference, with copy of the Colonial Office letter No. 10156 of the 4th March, to which it was a reply.

7. The substitution of the words "merchant vessels or civil aircraft" for the words "ships or aircraft" in Articles 18 of the Palestine Mandate and 11 of the Mesopotamian Mandate was finally concurred in by this Department letter of the 5th April to the Foreign Office, in reply to Foreign Office letter of the 30th March, copies of which are enclosed.

8. The insertion of the clauses providing for an administrative distinction to be drawn between Trans-Jordania and Kurdistan on the one hand and Palestine and Mesopotamia respectively on the other were drafted at an Inter-Departmental Conference of legal advisers called in consequence of a telegram sent by Mr. Churchill from Cairo on the 21st March, of which copy is enclosed, that relating to Kurdistan having been slightly redrafted in consequence of Sir P. Cox's telegram No. 44 of the 22nd April. Mr. Churchill fully recognises the objections to including these two Articles at this late stage, but is led to recommend it in view of the possibility of legal objections being raised by other parties in the future if the terms of the two Mandates as originally drafted were not strictly applied to the two territories in question.

9. The addition to Article 27 (renumbered 28) of the Palestine Mandate and the insertion of a new Article 18 in the Mesopotamian Mandate is recommended on the advice of the High Commissioners for Palestine and Mesopotamia, who are experiencing considerable difficulties in obtaining officers for service in these two countries and the impossibility, as matters now stand, of offering them secure terms of employment.

10. The rewording of Article 16 of the Palestine Mandate is recommended in order to meet the point raised by the Zionist Organisation in paragraph 4 of the memorandum enclosed in their letter to Sir Herbert Samuel of the 7th March, in which they objected to the use of the word "missionary." Mr. Churchill supports their objections to the use of this word, though he does not recommend that any of the other suggestions of the Organisation should be adopted.

11. Mr. Churchill understands from private conversation with the Secretary-General of the League of Nations that the insertion of these provisions is unlikely to cause any difficulties when the Mandates come up for discussion.

A copy of this letter has been sent to the Foreign Office with a covering letter, of which a copy is enclosed. Mr. Churchill presumes that you will decide in direct communication with the Foreign Office at what stage, if at all, the proposed modifications in the Mesopotamian Mandate should be discussed with the French Government.

I am, &c.
J. E. SHUCKBURGH.

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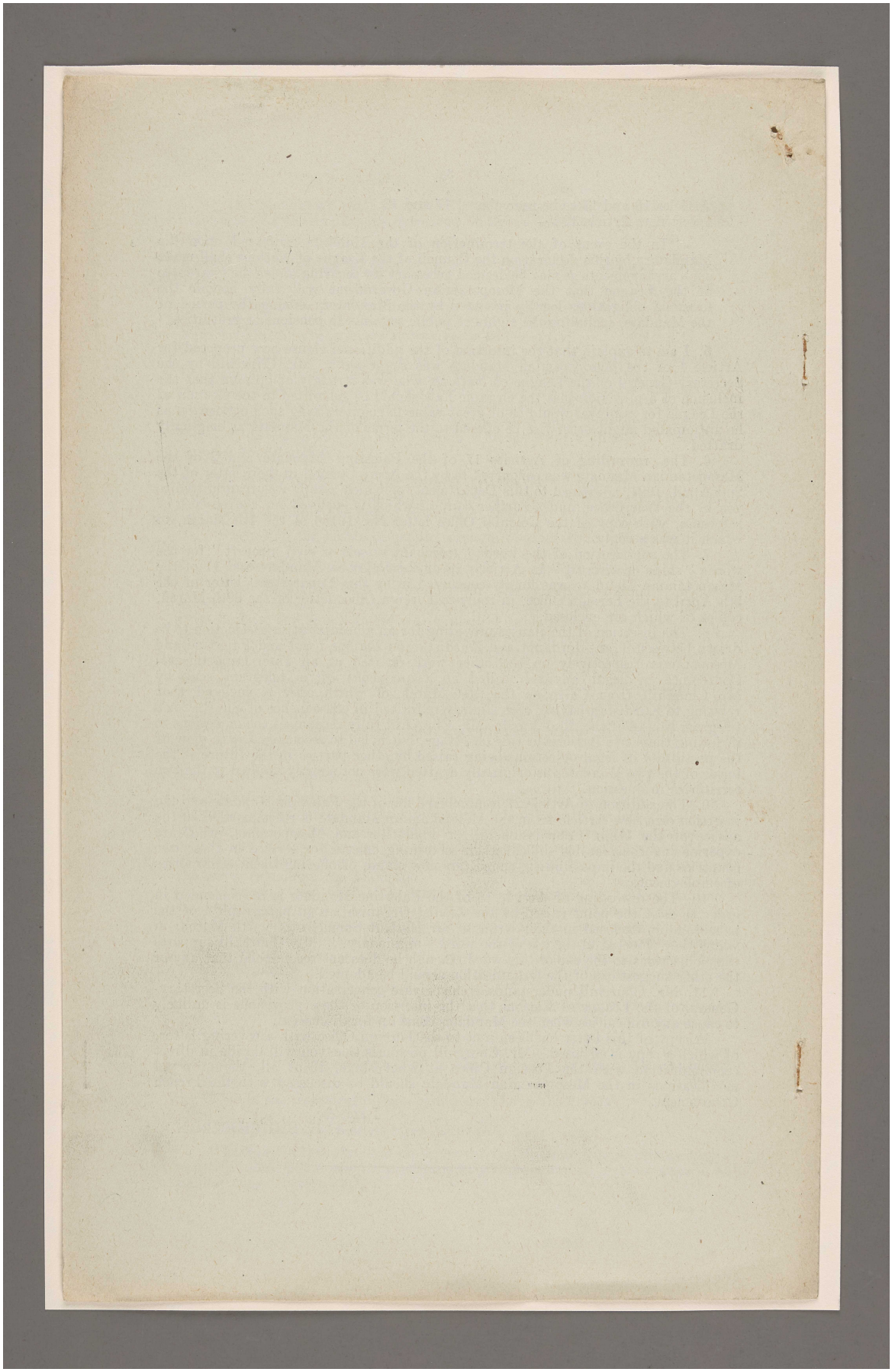

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211

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(A.)

PROPOSED MODIFICATIONS IN DRAFT OF THE MANDATE FOR MESOPOTAMIA AS SUBMITTED BY MR. BALFOUR ON DECEMBER 7, 1920, TO THE SECRETARIAT-GENERAL OF THE LEAGUE OF NATIONS FOR THE APPROVAL OF THE COUNCIL OF THE LEAGUE OF NATIONS.

The Council of the League of Nations.

WHEREAS by Article 132 of the Treaty of Peace signed at Sèvres on the tenth day of August, 1920, Turkey renounced in favour of the Principal Allied Powers all rights and title over Mesopotamia, and whereas by Article 94 of the said treaty the High Contracting Parties agreed that Mesopotamia should, in accordance with the fourth paragraph of Article 22 of Part I (Covenant of the League of Nations), be provisionally recognised as an independent State, subject to the rendering of administrative advice and assistance by a Mandatory until such time as it is able to stand alone, and that the determination of the frontiers of Mesopotamia, other than those laid down in the said treaty, and the selection of the Mandatory would be made by the Principal Allied Powers; and

Whereas the Principal Allied Powers have selected His Britannic Majesty as Mandatory for Mesopotamia; and

Whereas the terms of the Mandate in respect of Mesopotamia have been formulated in the following terms and submitted to the Council of the League for approval; and

Whereas His Britannic Majesty has accepted the Mandate in respect of the said territories and undertaken to exercise it on behalf of the League of Nations in conformity with the following provisions;

Hereby approves the terms of the said Mandate as follows:—

Article 1.

The Mandatory will frame within the shortest possible time, not exceeding three years from the date of the coming into force of this Mandate, an Organic Law for Mesopotamia, *which shall be submitted to the Council of the League of Nations for approval, and shall, as soon as possible, be published by it.* This Organic Law shall be framed in consultation with the native authorities, and shall take account of the rights, interests and wishes of all the populations inhabiting the mandated territory. It shall contain provisions designed to facilitate the progressive development of Mesopotamia as an independent State. Pending the coming into effect of the Organic Law, the administration of Mesopotamia shall be conducted in accordance with the spirit of this Mandate.

Article 2.

The Mandatory may maintain troops in the territories under his Mandate for the defence of these territories. Until the entry into force of the Organic Law and the re-establishment of public security, he may organise and employ local forces necessary for the maintenance of order and for the defence of these territories. Such forces may only be recruited from the inhabitants of the territories under the Mandate.

[6371] [6319]

228

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The said local forces shall thereafter be responsible to the local authorities, subject always to the control to be exercised over these forces by the Mandatory. ~~who~~ *The Mesopotamian Government* shall not employ them for other than the above-mentioned purposes, except with the consent of the ~~Mesopotamian~~ ~~Government~~ *Mandatory*.

Nothing in this article shall preclude the Mesopotamian Government from contributing to the cost of the maintenance of any forces maintained by the Mandatory in Mesopotamia.

The Mandatory shall be entitled at all times to use the roads, railways, and ports of Mesopotamia for the movement of troops and the carriage of fuel and supplies.

ARTICLE 3.

The Mandatory shall be entrusted with the control of the foreign relations of Mesopotamia, and the right to issue exequaturs to consuls appointed by foreign Powers. It shall also be entitled to afford diplomatic and consular protection to citizens of Mesopotamia when outside its territorial limits.

ARTICLE 4.

The Mandatory shall be responsible for seeing that no Mesopotamian territory shall be ceded or leased to or in any way placed under the control of the Government of any foreign Power.

ARTICLE 5.

The immunities and privileges of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by Capitulation or usage in the Ottoman Empire, are definitely abrogated in Mesopotamia.

ARTICLE 6.

The Mandatory shall be responsible for seeing that the judicial system established in Mesopotamia shall safeguard (*a*) the interests of foreigners; (*b*) the law, and (to the extent deemed expedient) the jurisdiction now existing in Mesopotamia with regard to questions arising out of the religious beliefs of certain communities (such as the laws of Wakf and personal status). In particular the Mandatory agrees that the control and administration of Wakf shall be exercised in accordance with religious law and the dispositions of the founders.

ARTICLE 7.

Pending the making of special extradition agreements with foreign Powers relating to Mesopotamia, the extradition treaties in force between foreign Powers and the Mandatory shall apply to Mesopotamia.

ARTICLE 8.

The Mandatory will ensure to all complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals. No discrimination of any kind shall be made between the inhabitants of Mesopotamia on the ground of race, religion or language. Instruction in and through the medium of the native languages of Mesopotamia shall be promoted by the Mandatory.

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

ARTICLE 9.

Nothing in this Mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of the sacred shrines, the immunities of which are guaranteed.

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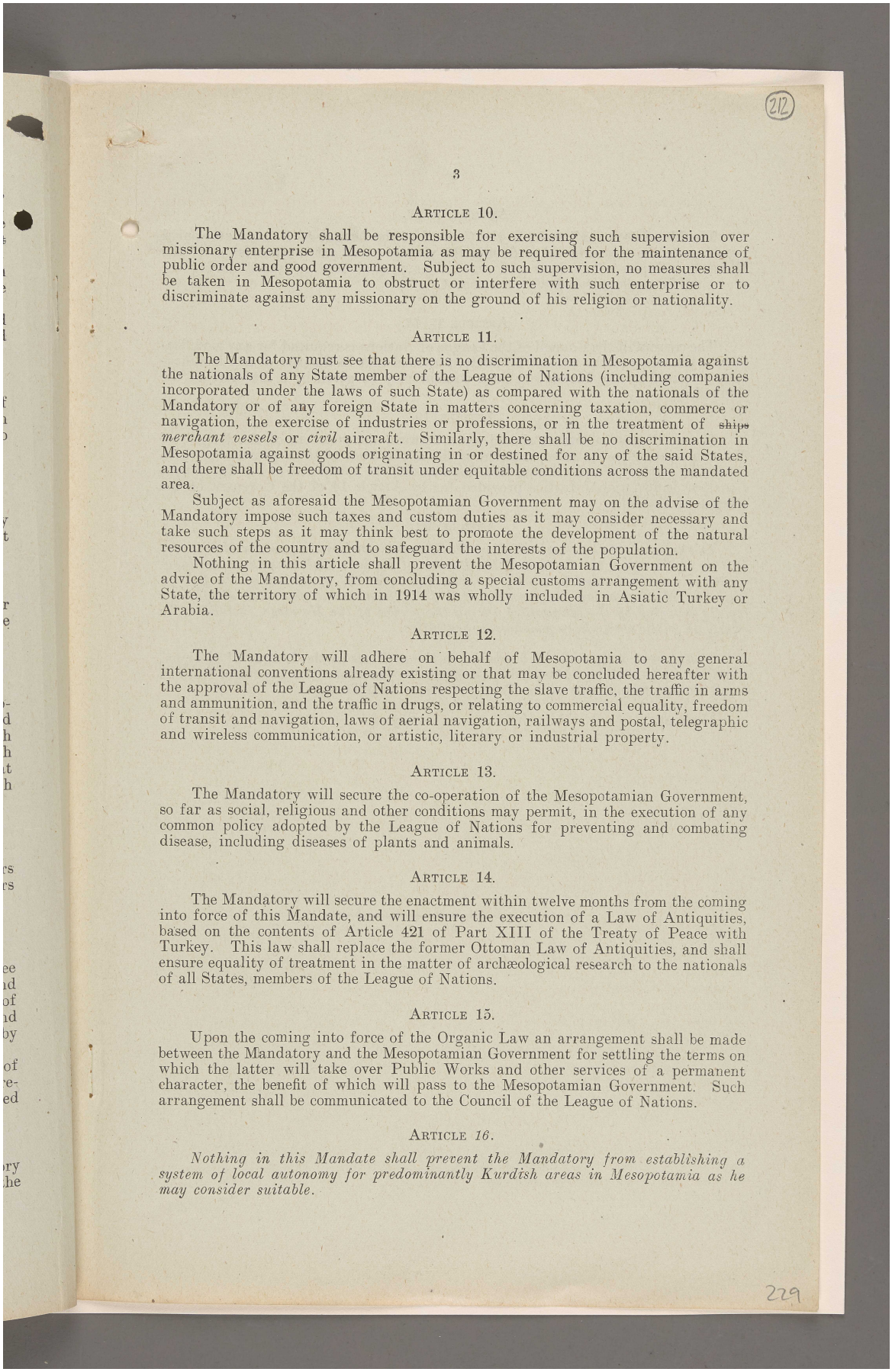

ARTICLE 10.

The Mandatory shall be responsible for exercising such supervision over missionary enterprise in Mesopotamia as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Mesopotamia to obstruct or interfere with such enterprise or to discriminate against any missionary on the ground of his religion or nationality.

ARTICLE 11.

The Mandatory must see that there is no discrimination in Mesopotamia against the nationals of any State member of the League of Nations (including companies incorporated under the laws of such State) as compared with the nationals of the Mandatory or of any foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of ~~ships~~ *merchant vessels* or *civil* aircraft. Similarly, there shall be no discrimination in Mesopotamia against goods originating in or destined for any of the said States, and there shall be freedom of transit under equitable conditions across the mandated area.

Subject as aforesaid the Mesopotamian Government may on the advise of the Mandatory impose such taxes and custom duties as it may consider necessary and 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.

Nothing in this article shall prevent the Mesopotamian Government on the advice of the Mandatory, from concluding a special customs arrangement with any State, the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

ARTICLE 12.

The Mandatory will adhere on behalf of Mesopotamia to any general international conventions already existing or that may be concluded hereafter with the approval of the League of Nations respecting the slave traffic, the traffic in arms and ammunition, and the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, laws of aerial navigation, railways and postal, telegraphic and wireless communication, or artistic, literary or industrial property.

ARTICLE 13.

The Mandatory will secure the co-operation of the Mesopotamian Government, so far as social, religious and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

ARTICLE 14.

The Mandatory will secure the enactment within twelve months from the coming into force of this Mandate, and will ensure the execution of a Law of Antiquities, based on the contents of Article 421 of Part XIII of the Treaty of Peace with Turkey. This law shall replace the former Ottoman Law of Antiquities, and shall ensure equality of treatment in the matter of archæological research to the nationals of all States, members of the League of Nations.

ARTICLE 15.

Upon the coming into force of the Organic Law an arrangement shall be made between the Mandatory and the Mesopotamian Government for settling the terms on which the latter will take over Public Works and other services of a permanent character, the benefit of which will pass to the Mesopotamian Government. Such arrangement shall be communicated to the Council of the League of Nations.

ARTICLE *16*.

Nothing in this Mandate shall prevent the Mandatory from establishing a system of local autonomy for predominantly Kurdish areas in Mesopotamia as he may consider suitable.

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ARTICLE ~~16~~ *17*.

The Mandatory shall make to the Council of the League of Nations an annual report as to the measures taken during the year to carry out the provisions of the Mandate. Copies of all laws and regulations promulgated or issued during the year shall be communicated with the report.

ARTICLE ~~17~~ *18*.

The consent of the Council of the League of Nations is required for any modification of the terms of the present Mandate, provided that in the case of any modification proposed by the Mandatory such consent may be given by a majority of the Council.

ARTICLE 19.

If any dispute whatever should arise between the members of the League of Nations relating to the interpretation or the application of these provisions which cannot be settled by negotiation, this dispute shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

ARTICLE *20*.

In the event of the termination of the Mandate conferred upon the Mandatory by this Declaration, the Council of the League of Nations shall make such arrangements as may be deemed necessary for securing under the guarantee of the League that the Mesopotamian Government will fully honour the financial obligations legally incurred by the Mandatory during the period of the Mandate, including the rights of public servants to pensions or gratuities.

The present copy shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers Signatories of the Treaty of Peace with Turkey.

Made at the day of

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213

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[E 15390/4164/44]

(B.)

PROPOSED MODIFICATION IN DRAFT OF THE MANDATE FOR PALESTINE AS SUBMITTED BY MR. BALFOUR ON DECEMBER 7, 1920, TO THE SECRETARIAT-GENERAL OF THE LEAGUE OF NATIONS FOR THE APPROVAL OF THE COUNCIL OF THE LEAGUE OF NATIONS.

THE COUNCIL OF THE LEAGUE OF NATIONS.

WHEREAS by Article 132 of the Treaty of Peace signed at Sèvres on the tenth day of August, 1920, Turkey renounced in favour of the Principal Allied Powers all rights and title over Palestine; and

Whereas by Article 95 of the said treaty the High Contracting Parties agreed to entrust, by application of the provisions of Article 22, the Administration of Palestine, within such boundaries as might be determined by the Principal Allied Powers, to a Mandatory to be selected by the said Powers; and

Whereas by the same article the High Contracting Parties further agreed that the Mandatory should be responsible for putting into effect the declaration originally made on November 2, 1917, by the Government of His Britannic Majesty, and adopted by the other Allied Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country; and

Whereas recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their National Home in that country; and

Whereas the Principal Allied Powers have selected His Britannic Majesty as the Mandatory for Palestine; and

Whereas the terms of the Mandate in respect of Palestine have been formulated in the following terms and submitted to the Council of the League for approval; and

Whereas His Britannic Majesty has accepted the Mandate in respect of Palestine and undertaken to exercise it on behalf of the League of Nations in conformity with the following provisions;

Hereby approves the terms of the said Mandate as follows :—

ARTICLE 1.

His Britannic Majesty shall have the right to exercise as Mandatory all the powers inherent in the Government of a Sovereign State, save as they may be limited by the terms of the present Mandate.

ARTICLE 2.

The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safe-guarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.

230

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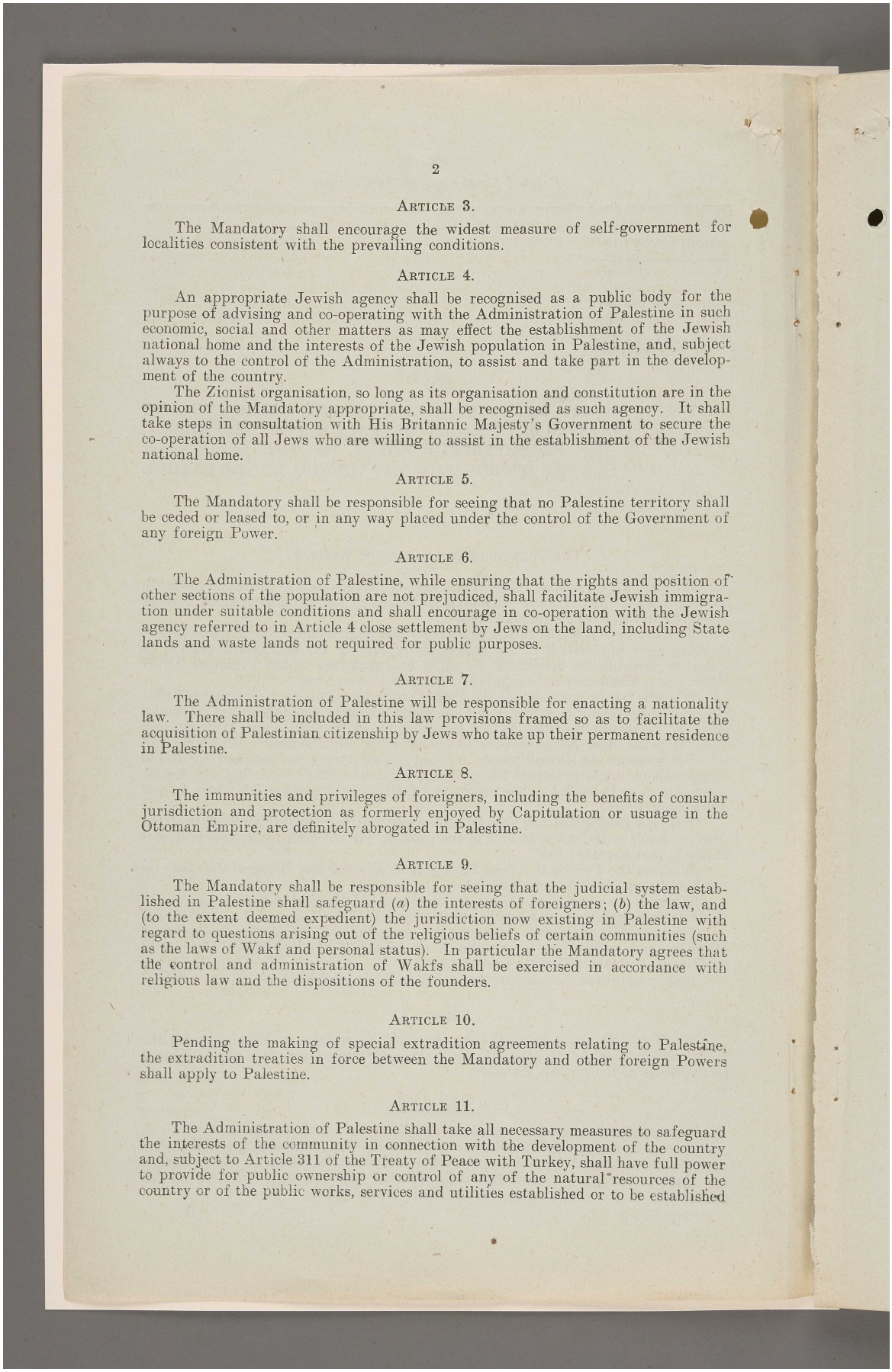

ARTICLE 3.

The Mandatory shall encourage the widest measure of self-government for localities consistent with the prevailing conditions.

ARTICLE 4.

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 effect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country.

The Zionist organisation, so long as its organisation and constitution are in the opinion of the Mandatory appropriate, shall be recognised as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish national home.

ARTICLE 5.

The Mandatory shall be responsible for seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of the Government of any foreign Power.

ARTICLE 6.

The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage in co-operation with the Jewish agency referred to in Article 4 close settlement by Jews on the land, including State lands and waste lands not required for public purposes.

ARTICLE 7.

The Administration of Palestine will be responsible for enacting a nationality law. There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine.

ARTICLE 8.

The immunities and privileges of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by Capitulation or usuage in the Ottoman Empire, are definitely abrogated in Palestine.

ARTICLE 9.

The Mandatory shall be responsible for seeing that the judicial system established in Palestine shall safeguard (*a*) the interests of foreigners; (*b*) the law, and (to the extent deemed expedient) the jurisdiction now existing in Palestine with regard to questions arising out of the religious beliefs of certain communities (such as the laws of Wakf and personal status). In particular the Mandatory agrees that the control and administration of Wakfs shall be exercised in accordance with religious law and the dispositions of the founders.

ARTICLE 10.

Pending the making of special extradition agreements relating to Palestine, the extradition treaties in force between the Mandatory and other foreign Powers shall apply to Palestine.

ARTICLE 11.

The Administration of Palestine shall take all necessary measures to safeguard the interests of the community in connection with the development of the country and, subject to Article 311 of the Treaty of Peace with Turkey, shall have full power to provide for public ownership or control of any of the natural resources of the country or of the public works, services and utilities established or to be established

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214

therein. It shall introduce a land system appropriate to the needs of the country, having regard, among other things, to the desirability of promoting the close settlement and intensive cultivation of the land.

The Administration may arrange with the Jewish agency mentioned in Article 4 to construct or operate, upon fair and equitable terms, any public works, services and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly undertaken by the Administration. Any such arrangements shall provide that no profits distributed by such agency, directly or indirectly, shall exceed a reasonable rate of interest on the capital, and any further profits shall be utilised by it for the benefit of the country in a manner approved by the Administration.

ARTICLE 12.

The Mandatory shall be entrusted with the control of the foreign relations of Palestine, and the right to issue exequators to consuls appointed by foreign Powers. It shall also be entitled to afford diplomatic and consular protection to citizens of Palestine when outside its territorial limits.

ARTICLE 13.

All responsibility in connection with the Holy Places and religious buildings or sites in Palestine, including that of preserving existing rights, of securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the Mandatory, who will be responsible solely to the League of Nations in all matters connected therewith: provided that nothing in this article shall prevent the Mandatory from entering into such arrangement as he may deem reasonable with the Administration for the purpose of carrying the provisions of this article into effect; and provided also that nothing in this Mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed.

ARTICLE 14.

In accordance with Article 95 of the Treaty of Peace with Turkey, the Mandatory undertakes to appoint as soon as possible a special Commission to study and regulate all questions and claims relating to the different religious communities. In the composition of this Commission the religious interests concerned will be taken into account. The chairman of the Commission will be appointed by the Council of the League of Nations. It will be the duty of this Commission to ensure that certain Holy Places, religious buildings or sites regarded with special veneration by the adherents of one particular religion, are entrusted to the permanent control of suitable bodies representing the adherents of the religion concerned. The selection of the Holy Places, religious buildings or sites so to be entrusted, shall be made by the Commission, subject to the approval of the Mandatory.

In all cases dealt with under this article, however, the right and duty of the Mandatory to maintain order and decorum in the place concerned shall not be affected, and the buildings and sites will be subject to the provisions of such laws relating to public monuments as may be enacted in Palestine with the approval of the Mandatory.

The rights of control conferred under this article will be guaranteed by the League of Nations.

ARTICLE 15.

The Mandatory will see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, is ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

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

231

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ARTICLE 16.

The Mandatory shall be responsible for exercising such supervision over ~~missionary enterprise~~ *religious or eleemosynary bodies of all faiths* in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with ~~such~~ *the* enterprise *of such bodies* or to discriminate against any ~~missionary~~ *representative or member of them* on the ground of his religion or nationality.

ARTICLE 17.

The Administration of Palestine may organise on a voluntary basis the forces necessary for the preservation of peace and order, and also for the defence of the country, subject, however, to the supervision of the Mandatory, ~~who~~ *but* shall not use them for purposes other than those above specified save with the consent of the ~~Administration of Palestine and~~ *Mandatory*. Except for such purposes, no military, naval or air forces shall be raised or maintained by the Administration of Palestine.

Nothing in this article shall preclude the Administration of Palestine from contributing to the cost of the maintenance of forces maintained by the Mandatory. ~~in Palestine.~~

The Mandatory shall be entitled at all time to use the roads, railways and ports of Palestine for the movement of troops and the carriage of fuel and supplies.

ARTICLE 18.

The Mandatory must see that there is no discrimination in Palestine against the nationals of any of the States members of the League of Nations (including companies incorporated under their laws) as compared with those of the Mandatory or of any foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of ~~ships or~~ *merchant vessels or civil* aircraft. Similarly, there shall be no discrimination in Palestine against goods originating in or destined for any of the said States, and there shall be freedom of transit under equitable conditions across the mandated area.

Subject as aforesaid and to the other provisions of this Mandate, the Administration of Palestine may on the advice of the Mandatory impose such taxes and customs duties as it may consider necessary, and 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.

Nothing in this article shall prevent the Government of Palestine, on the advice of the Mandatory, from concluding a special customs agreement with any State, the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

ARTICLE 19.

The Mandatory will adhere on behalf of the Administration to any general international conventions already existing or that may be concluded hereafter with the approval of the League of Nations respecting the slave traffic, the traffic in arms and ammunition, or the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation and postal, telegraphic and wireless communication or literary, artistic or industrial property.

ARTICLE 20.

The Mandatory will co-operate on behalf of the Administration of Palestine, so far as religious, social and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

ARTICLE 21.

The Mandatory will secure, within twelve months from the date of the coming into force of this Mandate, the enactment, and will ensure the execution of a Law of Antiquities based on the provisions of Article 421 of Part XIII of the Treaty of Peace with Turkey. This law shall replace the former Ottoman Law of Antiquities, and shall ensure equality of treatment in the matter of archæological research to the nationals of all States, members of the League of Nations.

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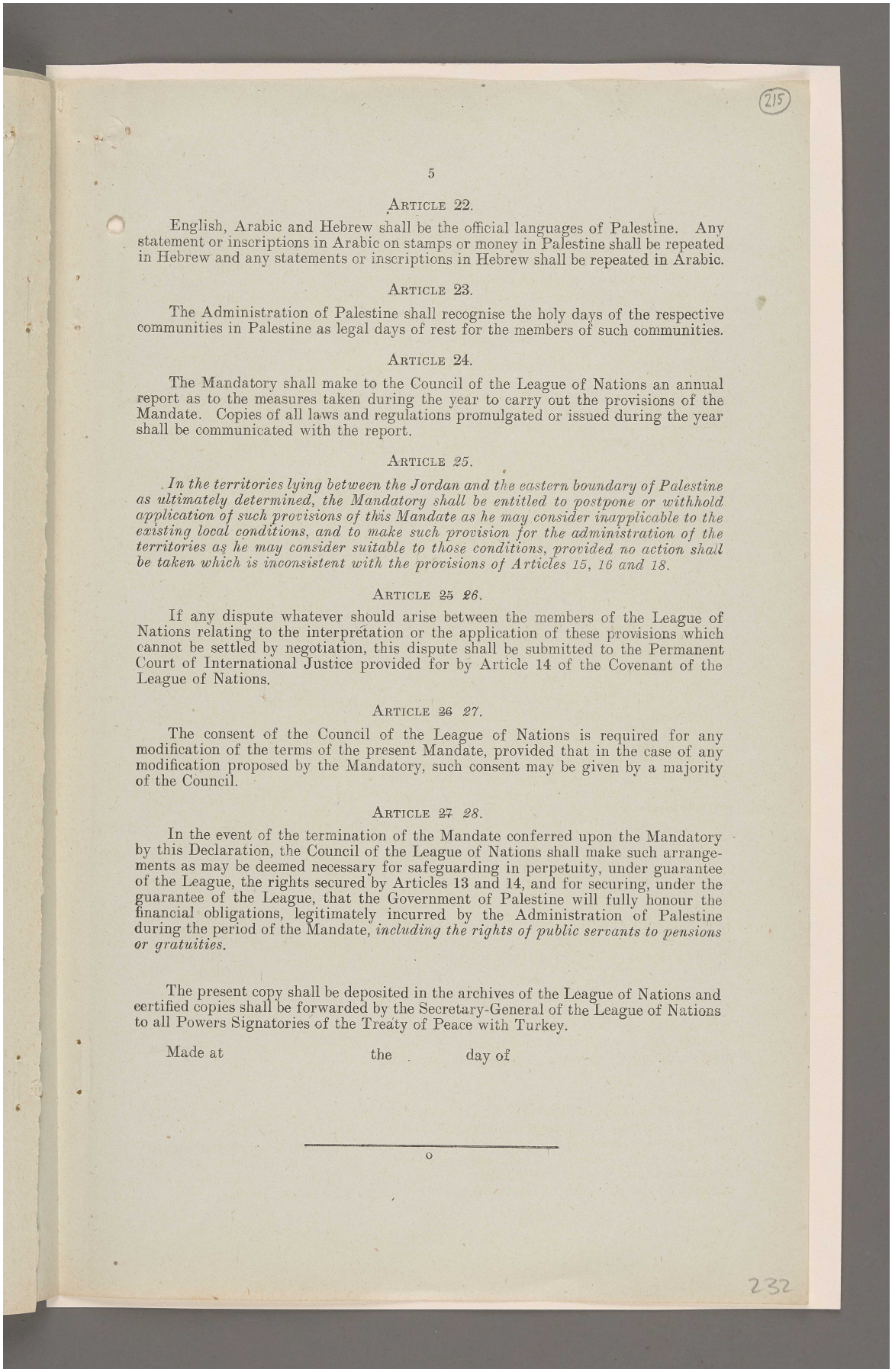

215

ARTICLE 22.

English, Arabic and Hebrew shall be the official languages of Palestine. Any statement or inscriptions in Arabic on stamps or money in Palestine shall be repeated in Hebrew and any statements or inscriptions in Hebrew shall be repeated in Arabic.

ARTICLE 23.

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.

ARTICLE 24.

The Mandatory shall make to the Council of the League of Nations an annual report as to the measures taken during the year to carry out the provisions of the Mandate. Copies of all laws and regulations promulgated or issued during the year shall be communicated with the report.

ARTICLE *25*.

In the territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined, the Mandatory shall be entitled to postpone or withhold application of such provisions of this Mandate as he may consider inapplicable to the existing local conditions, and to make such provision for the administration of the territories as he may consider suitable to those conditions, provided no action shall be taken which is inconsistent with the provisions of Articles 15, 16 and 18.

ARTICLE ~~25~~ *26*.

If any dispute whatever should arise between the members of the League of Nations relating to the interpretation or the application of these provisions which cannot be settled by negotiation, this dispute shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

ARTICLE ~~26~~ *27*.

The consent of the Council of the League of Nations is required for any modification of the terms of the present Mandate, provided that in the case of any modification proposed by the Mandatory, such consent may be given by a majority of the Council.

ARTICLE ~~27~~ *28*.

In the event of the termination of the Mandate conferred upon the Mandatory by this Declaration, the Council of the League of Nations shall make such arrangements as may be deemed necessary for safeguarding in perpetuity, under guarantee of the League, the rights secured by Articles 13 and 14, and for securing, under the guarantee of the League, that the Government of Palestine will fully honour the financial obligations, legitimately incurred by the Administration of Palestine during the period of the Mandate, *including the rights of public servants to pensions or gratuities.*

The present copy shall be deposited in the archives of the League of Nations and certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers Signatories of the Treaty of Peace with Turkey.

Made at the day of

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232

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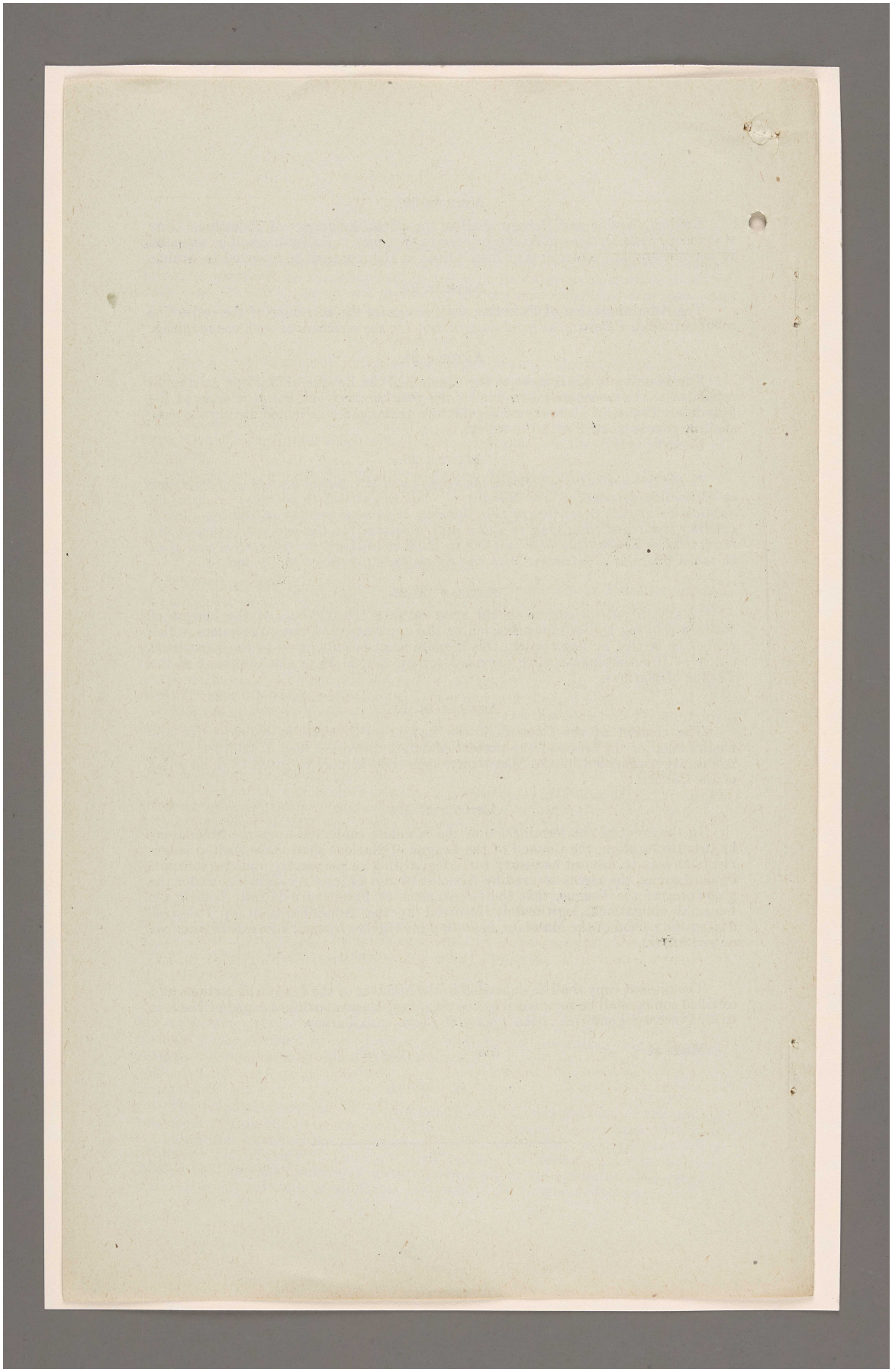

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216

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(C.)

[23710/1921]

Colonial Office to Foreign Office.

Sir, *Colonial Office, May* 24, 1921.

I AM directed by Mr. Secretary Churchill to transmit herewith to be laid before Earl Curzon of Kedleston copy of a letter which he has caused to be addressed to Sir Maurice Hankey on the subject of the proposed modifications in the draft Mandates for Palestine and Mesopotamia.

Mr. Churchill presumes that these suggestions will be considered by the Cabinet, but, in view of the fact that the terms of the Mesopotamian Mandate are understood to have been drafted in close consultation with the French Government, he suggests for Lord Curzon's consideration that the proposed modifications should at some stage be communicated to that Government, in order to avoid the appearance of independent action on the part of His Majesty's Government, which might result in opposition being offered by the French representative on the Council of the League of Nations.

I am, &c.
J. E. SHUCKBURGH.

Enclosure.

Colonial Office to Sir M. Hankey.

Sir, *Colonial Office, May* 24, 1921.

I AM directed by Mr. Secretary Churchill to transmit herewith copy of telegraphic correspondence which has passed between this Department and the High Commissioner for Palestine and Mesopotamia on the subject of proposed modifications in the Palestine and Mesopotamian Mandates. Copy of the letter from the Zionist Organisation referred to in this Department telegram No. 46 of the 29th April to Sir H. Samuel is also enclosed.

2. Mr. Churchill has carefully considered the various suggestions which have been put forward from time to time for additions to and modifications in the two Mandates, and has decided to recommend to the Cabinet that when the Mandates are submitted to the Council of the League of Nations at its forthcoming session the British representative on the Council should be instructed to make the following proposals :—

3. *Palestine Mandate.*—Article 16 should be reworded as follows :—

"The Mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision no measures shall be taken in Palestine to obstruct or interfere with the enterprise of such bodies or to discriminate against any representative or member of them on the ground of his religion or nationality."

Article 17 should be reworded as follows :—

"The Administration of Palestine may organise on a voluntary basis the forces necessary for the preservation of peace and order, and also for the defence of the country, subject, however, to the supervision of the Mandatory, but shall not use them for purposes other than those above specified, save with the consent of the Mandatory. Except for such purposes no military, naval or air forces shall be raised or maintained by the Administration of Palestine.

"Nothing in this article shall preclude the Administration of Palestine from contributing to the cost of the maintenance of forces maintained by the Mandatory.

[6319] B

233

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"The Mandatory shall be entitled at all times to use the roads, railways and ports of Palestine for the movement of troops and the carriage of fuel and supplies."

Article 18. For the sentence "or in the treatment of ships or aircraft" substitute :—

"Or in the treatment of merchant vessels or civil aircraft."

New Article 25 to be inserted after Article 24 :—

"In the territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined the Mandatory shall be entitled to postpone or withhold application of such provisions of this Mandate as he may consider inapplicable to the existing local conditions and to make such provision for the administration of the territories as he may consider suitable to those conditions, provided no action shall be taken which is inconsistent with the provisions of Articles 15, 16 and 18."

Articles 25, 26 and 27 to be renumbered Articles 26, 27 and 28.

The following words to be added at the end of Article 28 (formerly Article 27), after the words "during the period of the Mandate" :—

"Including the rights of public servants to pensions or gratuities."

4. *Mesopotamian Mandate.*—Article 1 to be reworded as follows :—

"The Mandatory will frame within the shortest possible time, not exceeding three years from the date of the coming into force of this Mandate, an Organic Law for Mesopotamia which shall be submitted to the Council of the League of Nations for approval, and shall, as soon as possible, be published by it. This Organic Law shall be framed in consultation with the native authorities and shall take account of the rights, interests and wishes of all the populations inhabiting the mandated territory. It shall contain provisions designed to facilitate the progressive development of Mesopotamia as an independent State. Pending the coming into effect of the Organic Law the administration of Mesopotamia shall be conducted in accordance with the spirit of this Mandate."

Article 2 to be reworded as follows :—

"The Mandatory may maintain troops in the territories under his Mandate for the defence of these territories. Until the entry into force of the Organic Law and the re-establishment of public security he may organise and employ local forces necessary for the maintenance of order and for the defence of these territories. Such forces may only be recruited from the inhabitants of the territories under the Mandate.

"The said local forces shall thereafter be responsible to the local authorities, subject always to the control to be exercised over these forces by the Mandatory. The Mesopotamian Government shall not employ them for other than the above-mentioned purposes except with the consent of the Mandatory.

"Nothing in this article shall preclude the Mesopotamian Government from contributing to the cost of the maintenance of any forces maintained by the Mandatory in Mesopotamia.

"The Mandatory shall be entitled at all times to use the roads, railways and ports of Mesopotamia for the movement of troops and the carriage of fuel and supplies."

Article 11. For the sentence "or in the treatment of ships or aircraft" substitute :—

"Or in the treatment of merchant vessels or civil aircraft."

New Article 16 to be inserted after Article 15 :—

"Nothing in this Mandate shall prevent the Mandatory from establishing a system of local autonomy for predominantly Kurdish areas in Mesopotamia as he may consider suitable."

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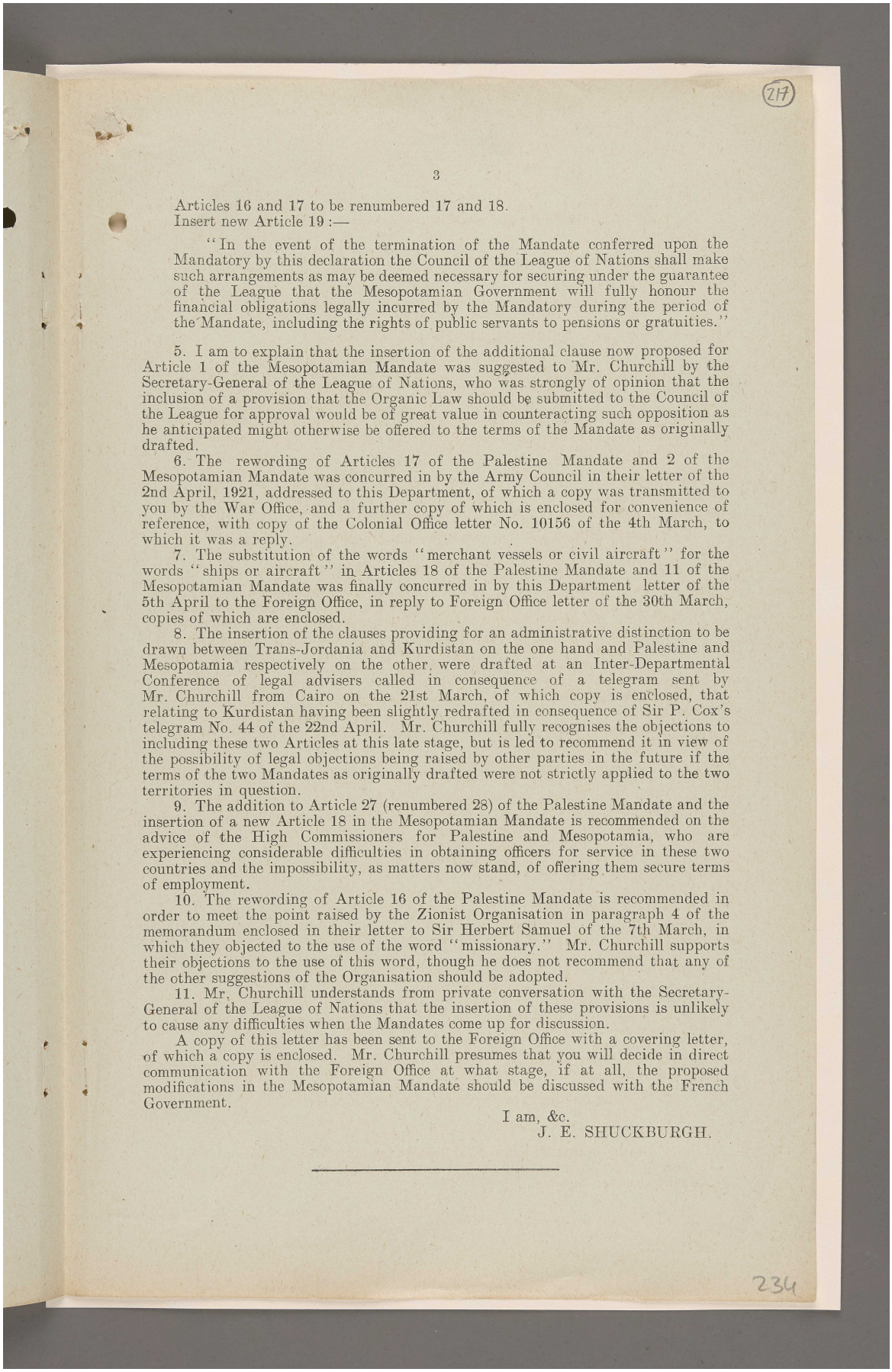

217

Articles 16 and 17 to be renumbered 17 and 18.
Insert new Article 19 :—

"In the event of the termination of the Mandate conferred upon the Mandatory by this declaration the Council of the League of Nations shall make such arrangements as may be deemed necessary for securing under the guarantee of the League that the Mesopotamian Government will fully honour the financial obligations legally incurred by the Mandatory during the period of the Mandate, including the rights of public servants to pensions or gratuities."

5. I am to explain that the insertion of the additional clause now proposed for Article 1 of the Mesopotamian Mandate was suggested to Mr. Churchill by the Secretary-General of the League of Nations, who was strongly of opinion that the inclusion of a provision that the Organic Law should be submitted to the Council of the League for approval would be of great value in counteracting such opposition as he anticipated might otherwise be offered to the terms of the Mandate as originally drafted.

6. The rewording of Articles 17 of the Palestine Mandate and 2 of the Mesopotamian Mandate was concurred in by the Army Council in their letter of the 2nd April, 1921, addressed to this Department, of which a copy was transmitted to you by the War Office, and a further copy of which is enclosed for convenience of reference, with copy of the Colonial Office letter No. 10156 of the 4th March, to which it was a reply.

7. The substitution of the words "merchant vessels or civil aircraft" for the words "ships or aircraft" in Articles 18 of the Palestine Mandate and 11 of the Mesopotamian Mandate was finally concurred in by this Department letter of the 5th April to the Foreign Office, in reply to Foreign Office letter of the 30th March, copies of which are enclosed.

8. The insertion of the clauses providing for an administrative distinction to be drawn between Trans-Jordania and Kurdistan on the one hand and Palestine and Mesopotamia respectively on the other, were drafted at an Inter-Departmental Conference of legal advisers called in consequence of a telegram sent by Mr. Churchill from Cairo on the 21st March, of which copy is enclosed, that relating to Kurdistan having been slightly redrafted in consequence of Sir P. Cox's telegram No. 44 of the 22nd April. Mr. Churchill fully recognises the objections to including these two Articles at this late stage, but is led to recommend it in view of the possibility of legal objections being raised by other parties in the future if the terms of the two Mandates as originally drafted were not strictly applied to the two territories in question.

9. The addition to Article 27 (renumbered 28) of the Palestine Mandate and the insertion of a new Article 18 in the Mesopotamian Mandate is recommended on the advice of the High Commissioners for Palestine and Mesopotamia, who are experiencing considerable difficulties in obtaining officers for service in these two countries and the impossibility, as matters now stand, of offering them secure terms of employment.

10. The rewording of Article 16 of the Palestine Mandate is recommended in order to meet the point raised by the Zionist Organisation in paragraph 4 of the memorandum enclosed in their letter to Sir Herbert Samuel of the 7th March, in which they objected to the use of the word "missionary." Mr. Churchill supports their objections to the use of this word, though he does not recommend that any of the other suggestions of the Organisation should be adopted.

11. Mr. Churchill understands from private conversation with the Secretary-General of the League of Nations that the insertion of these provisions is unlikely to cause any difficulties when the Mandates come up for discussion.

A copy of this letter has been sent to the Foreign Office with a covering letter, of which a copy is enclosed. Mr. Churchill presumes that you will decide in direct communication with the Foreign Office at what stage, if at all, the proposed modifications in the Mesopotamian Mandate should be discussed with the French Government.

I am, &c.
J. E. SHUCKBURGH.

234

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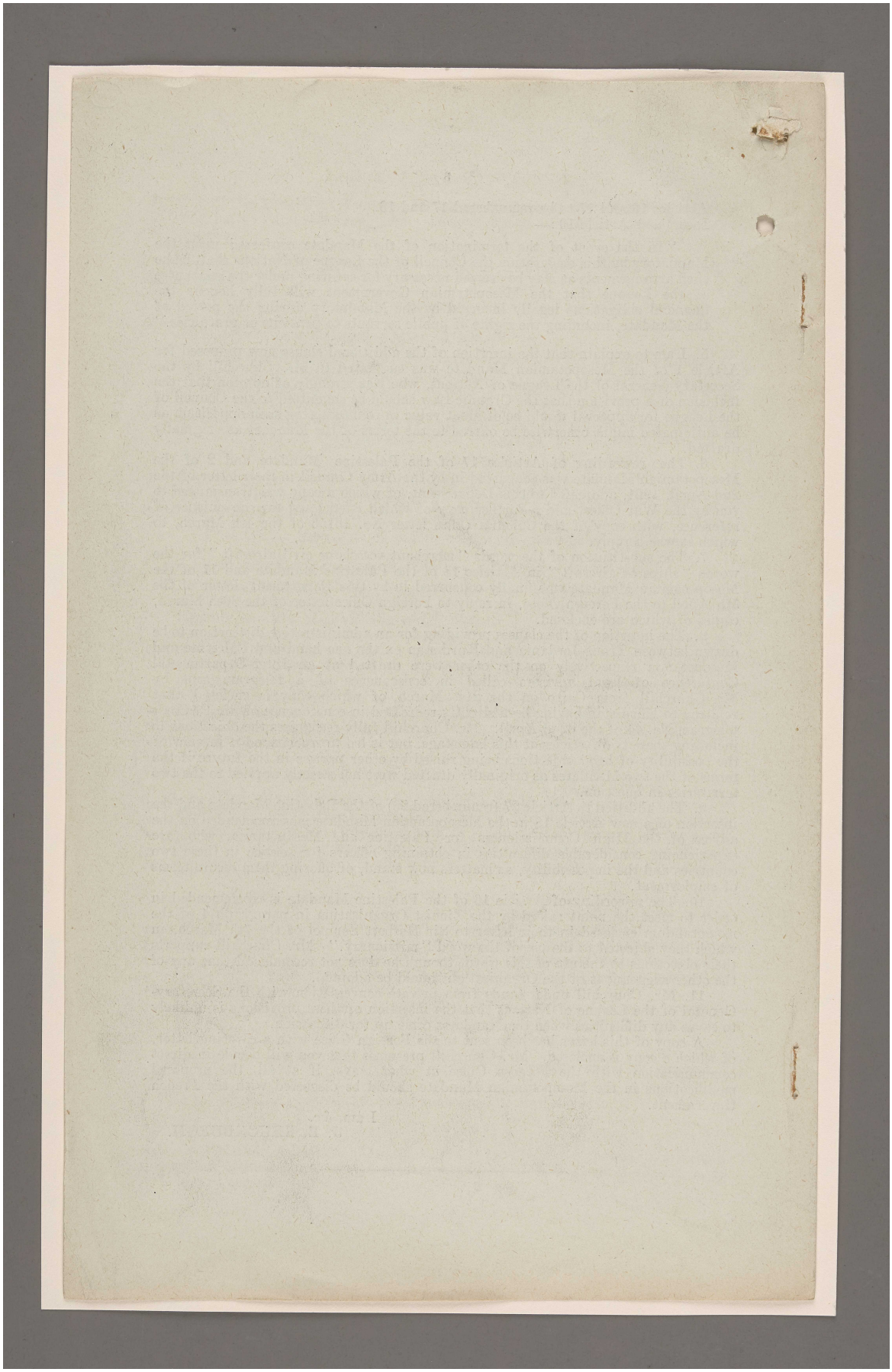

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218

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32

PALESTINE AND MESOPOTAMIA MANDATES.

(Circulated by the Secretary of State for the Colonies.)

PARAPHRASE TELEGRAM FROM THE SECRETARY OF STATE FOR THE COLONIES TO THE HIGH COMMISSIONERS FOR MESOPOTAMIA AND PALESTINE.

(Sent 9·45 P.M., June 1, 1921.)

(No. 129. Clear the Line Personal and Secret.)

FROM latest information to hand it is evident that there is serious risk that at meeting of Council of League on 17th June we shall be outvoted, as, owing to their reluctance to disregard American objections, majority of Council are expected to refuse to consider A and B mandates. Prior to the meeting every effort will be made to prevent this unforeseen eventuality by diplomatic means, but if these endeavours do not succeed we shall be faced with prospect of indefinite postponement of whole question of mandates. Cabinet will consider matter almost immediately, and I am anxious to be in a position to place before my colleagues your considered opinion on the effect which such postponement would produce locally, whether as result of our agreeing not to press for early approval, or alternatively of our raising the question at the Council and receiving direct rebuff, also on the measures which you would recommend in order to meet new situation thus created. Your reply should be: Clear the Line. Addressed Baghdad 129 and Jerusalem 115.

PARAPHRASE TELEGRAM FROM THE HIGH COMMISSIONER FOR MESOPOTAMIA TO THE SECRETARY OF STATE FOR THE COLONIES.

(Received Colonial Office, 8·20 A.M., June 4, 1921.)

(No. 156. Private and Secret.)

YOUR telegram of 1st June, No. 129. From my own telegram No. 129 of 24th May you will realise that your news is no great surprise to me. Indeed, it is because fear of some such contingency has been at the back of my mind that I have avoided any reference to mandate question since I returned from Conference.

My personal belief (for what it is worth) is that if we cannot get mandate through now we shall never get it through in its present form. In fact, we are already committed *vis-à-vis* Feisal to an additional clause if necessary, and were he to become King I feel pretty sure the extremist elements, with example of Egypt before them, would at once work on him to press for its further modification.

Mandate has never been publicly or officially discussed as far as public here is concerned, and if subject continues to be ignored as it has been hitherto, as far as I can see there will be no appreciable or prejudicial effect on situation. On the other hand, our position and policy here will be very greatly prejudiced if discussion of it is started now, and if, in debating draft before League of Nations, we get a rebuff over it.

In pursuance of above beliefs, suggestion which I am about to make must be regarded as being prompted solely by outlook within my actual horizon and by considerations affecting our present and future relations with the [? people] of this country. I am not able accurately to gauge bearing which its adoption may have upon question of our oil interests in Mesopotamia or other particular interests of His Majesty's Government or upon question of Palestine and Syria mandates.

I would suggest that our best course is to make capital out of situation and take wind out of sails of our [? opponents] in League of Nations by pursuing following course. (*Begins*): You would at once make an opportunity for a public

238

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announcement, in which you would explain that your discussions at Cairo Conference and reports since received from High Commissioner Mesopotamia show that process of evolution towards national Government is proceeding so much more expeditiously than had been formerly anticipated, that certain provisions of draft mandate framed under conditions which existed a year ago were getting out of date, and that, in view of fact that there was reason to hope that in accordance with aspirations of people a permanent national Government would have been established at a very early date, His Majesty's Government had decided to defer further consideration of terms of mandate until new ruler had been installed and could be consulted as to precise for[illegible]f compact between two countries which would best serve mutual interests of b[illegible]. (It is for His Majesty's Government to consider whether or not you could advisedly add: "That it seemed quite possible that in the end most satisfactory solution might lie in conversion of mandate into [one group] of treaty.")—(*Ends.*)

If made public now a decision on above lines would enormously strengthen bonds between moderate nationalists and Sherifian parties here and ourselves, and would be a great antidote to renewed pro-Turk propaganda which is now on increase. Should foregoing suggestion be *primâ facie* accepted it would be very timely if you could add, when making your announcement (*Begins*): "That present indications seem to make it fairly certain that majority of public opinion in Iraq declare in favour of one of sons of Sherif; that among those sons Sherif Feisal, with his father's consent, had responded to call from Iraq, and that you took opportunity of saying should he make good he will have support of His Majesty's Government. —(*Ends.*) In any case, something on these lines is now urgently needed in view of further delay of your general announcement, and I would ask you to consider whether it may not be advisable to delay Feisal's departure until you have been able to clear atmosphere somewhat. It would be highly inconvenient for him to arrive at a moment when question of mandate, and consequently our whole policy and position in Iraq, was under challenge. Repeat to Jerusalem if you think fit.—Cox.

PARAPHRASE TELEGRAM FROM THE HIGH COMMISSIONER FOR PALESTINE TO THE SECRETARY OF STATE FOR THE COLONIES, DATED JUNE 4.

(Received Colonial Office 10·10 P.M., June 4, 1921.)

(Clear the Line. Secret.)

YOUR telegram No. 115.

1. Postponement of mandate would weaken authority of the administration, and would be direct encouragement to foreign propaganda and local agitation. Further, since it would also prevent provision of capital by loan and execution of public works programme, it would have a further harmful political reaction.

2. The only mitigation would be that if mandate were enacted in present form without consultation or agreement with Moslem Christian delegations and unless provisions of instrument referred to in your telegram No. 122 were published simultaneously and satisfied them consequence might be a widespread outbreak here.

3. If mandate cannot be carried, it would be better not to press it than to have it formally rejected or postponed. Latter would be regarded here as reopening whole question of future of Palestine and would have worst effect. It would be the least damaging course if postponement could be attributed to delay in ratification of the treaty owing to Turkish discussion.

4. Situation arising might be partially met by Anglo-French declaration based on San Remo decisions that present position cannot continue indefinitely, and that Governments will put into effect *de facto* the provisions of the treaty. This should be followed immediately by issue of instrument referred to. In view of the attitude that might then be taken by America and other Powers I cannot judge, however, whether such a course is practicable.

Addressed Secretary of State for the Colonies 205, repeated Baghdad 390 C.—SAMUEL.

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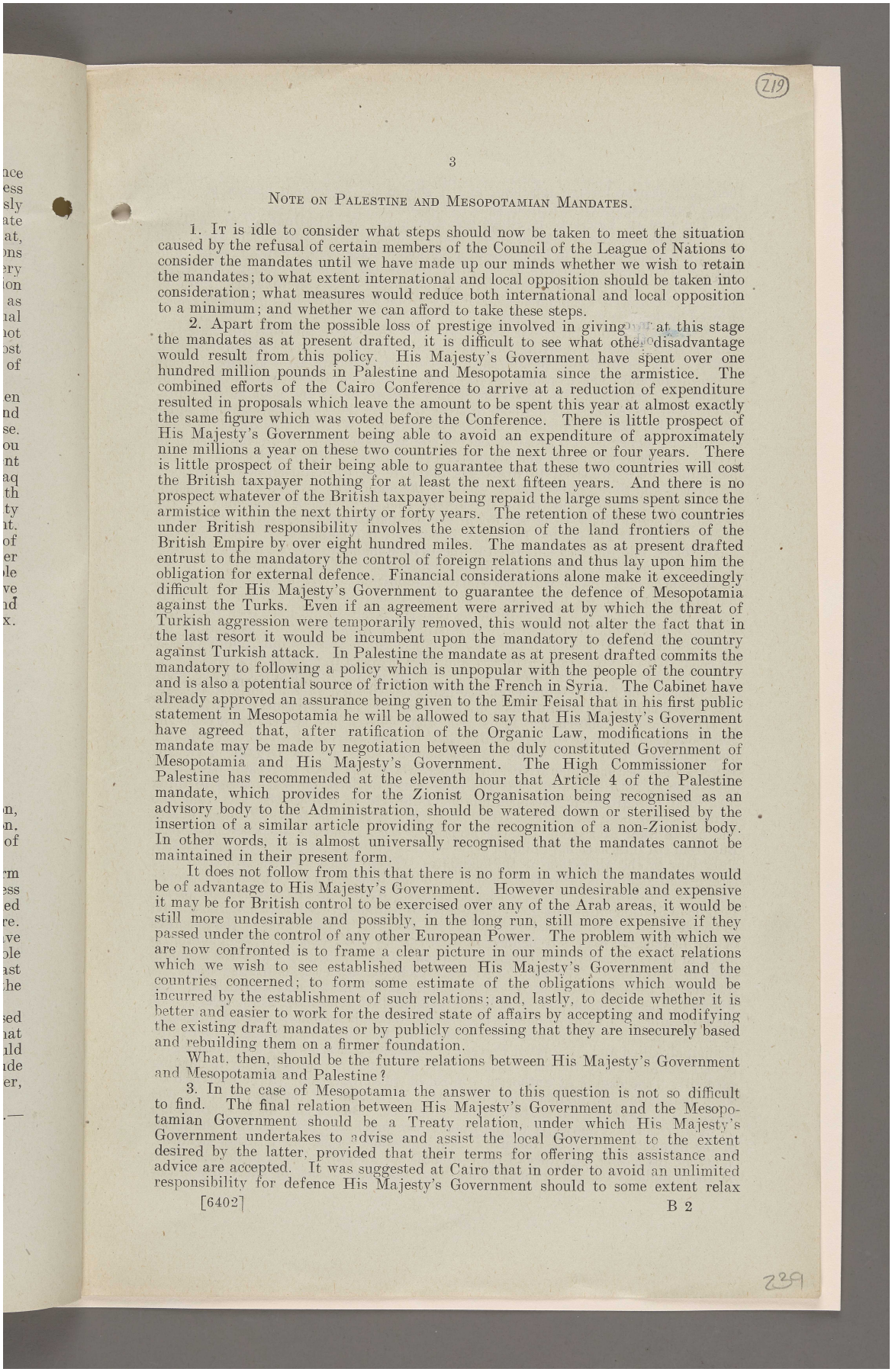

219

NOTE ON PALESTINE AND MESOPOTAMIAN MANDATES.

1. IT is idle to consider what steps should now be taken to meet the situation caused by the refusal of certain members of the Council of the League of Nations to consider the mandates until we have made up our minds whether we wish to retain the mandates; to what extent international and local opposition should be taken into consideration; what measures would reduce both international and local opposition to a minimum; and whether we can afford to take these steps.

2. Apart from the possible loss of prestige involved in giving up at this stage the mandates as at present drafted, it is difficult to see what other disadvantage would result from this policy. His Majesty's Government have spent over one hundred million pounds in Palestine and Mesopotamia since the armistice. The combined efforts of the Cairo Conference to arrive at a reduction of expenditure resulted in proposals which leave the amount to be spent this year at almost exactly the same figure which was voted before the Conference. There is little prospect of His Majesty's Government being able to avoid an expenditure of approximately nine millions a year on these two countries for the next three or four years. There is little prospect of their being able to guarantee that these two countries will cost the British taxpayer nothing for at least the next fifteen years. And there is no prospect whatever of the British taxpayer being repaid the large sums spent since the armistice within the next thirty or forty years. The retention of these two countries under British responsibility involves the extension of the land frontiers of the British Empire by over eight hundred miles. The mandates as at present drafted entrust to the mandatory the control of foreign relations and thus lay upon him the obligation for external defence. Financial considerations alone make it exceedingly difficult for His Majesty's Government to guarantee the defence of Mesopotamia against the Turks. Even if an agreement were arrived at by which the threat of Turkish aggression were temporarily removed, this would not alter the fact that in the last resort it would be incumbent upon the mandatory to defend the country against Turkish attack. In Palestine the mandate as at present drafted commits the mandatory to following a policy which is unpopular with the people of the country and is also a potential source of friction with the French in Syria. The Cabinet have already approved an assurance being given to the Emir Feisal that in his first public statement in Mesopotamia he will be allowed to say that His Majesty's Government have agreed that, after ratification of the Organic Law, modifications in the mandate may be made by negotiation between the duly constituted Government of Mesopotamia and His Majesty's Government. The High Commissioner for Palestine has recommended at the eleventh hour that Article 4 of the Palestine mandate, which provides for the Zionist Organisation being recognised as an advisory body to the Administration, should be watered down or sterilised by the insertion of a similar article providing for the recognition of a non-Zionist body. In other words, it is almost universally recognised that the mandates cannot be maintained in their present form.

It does not follow from this that there is no form in which the mandates would be of advantage to His Majesty's Government. However undesirable and expensive it may be for British control to be exercised over any of the Arab areas, it would be still more undesirable and possibly, in the long run, still more expensive if they passed under the control of any other European Power. The problem with which we are now confronted is to frame a clear picture in our minds of the exact relations which we wish to see established between His Majesty's Government and the countries concerned; to form some estimate of the obligations which would be incurred by the establishment of such relations; and, lastly, to decide whether it is better and easier to work for the desired state of affairs by accepting and modifying the existing draft mandates or by publicly confessing that they are insecurely based and rebuilding them on a firmer foundation.

What, then, should be the future relations between His Majesty's Government and Mesopotamia and Palestine?

3. In the case of Mesopotamia the answer to this question is not so difficult to find. The final relation between His Majesty's Government and the Mesopotamian Government should be a Treaty relation, under which His Majesty's Government undertakes to advise and assist the local Government to the extent desired by the latter, provided that their terms for offering this assistance and advice are accepted. It was suggested at Cairo that in order to avoid an unlimited responsibility for defence His Majesty's Government should to some extent relax

239

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their control over foreign relations, and it should not be beyond human power to devise a relation which will fulfil these conditions.

The case of Palestine is altogether different. Mr. Balfour wrote to Lord Rothschild on the 2nd November, 1917, that "His Majesty's Government view with favour the establishment in Palestine of a National Home for the Jewish people, and will use their best endeavours to facilitate this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine or the rights and political status enjoyed by Jews in any other country."

Article 95 of the Treaty of Sèvres provides that the mandatory for Palestine will be responsible for putting this declaration into effect, and this provision is quoted in the preamble of the present draft of the mandate for Palestine. There is reason to fear that it would at the present stage be impossible to obtain the consent of a representative Government in Palestine or of any body fairly representative of the country as a whole to those terms of the Palestine mandate which deal with the National Home for the Jewish people. Whether this difficulty could be overcome depends to a great extent on the attitude taken up by the French in Syria. If there were only one mandatory for all the Arab countries, and if that mandatory were prepared to draft his mandate in consultation with the local authorities and to recognise that he was only the mandatory by virtue of the consent of the people, there is no reason to suppose that it would be impossible for the Jewish National Home to be set up in the comparatively small area west of the Jordan known as Palestine. But there is not only one mandatory. There are two mandatories, and the area entrusted to the British mandate is not an area in which it would be easy to obtain a unanimous expression of opinion favourable to the establishment of a Jewish National Home in Palestine. It is questionable whether one mandatory for an undivided Syria and Palestine could so have met Arab aspirations in Syria and Trans-Jordania that the Arabs would have been reconciled to the Zionist policy in Palestine. It is still more difficult for the mandatory for Mesopotamia and Palestine to achieve this object, since Mesopotamia and Palestine are separated by large tracts of desert and have practically nothing in common.

4. If the position has been correctly stated above, it appears that the chief objections to the final acceptance of the mandates in their present form is the fact that they would not be accepted as a final settlement by any representative authorities in the countries concerned. It is true that Feisal has agreed to accept the Mesopotamian mandate provisionally; but he has only done so on the distinct understanding that it is liable to revision as soon as the Organic Law for Mesopotamia becomes operative. In other words, we have to reckon with local opposition to both mandates. At the same time, we have no real reason to think that local opposition in Mesopotamia or Palestine is due to the fact that the mandates have been allocated to Great Britain. It is to the terms of the mandates and not to their allocation that the peoples of these countries are likely to object. But from the international point of view we have also to meet American and Italian objections to the allocation of the mandates. These objections are apparently so strong that they will prevent the Council of the League from fulfilling its proper function of defining the terms of the mandates. Article 22 of the Covenant of the League of Nations provides that "the degree of authority, control or administration to be exercised by the mandatory shall, if not precisely agreed upon by the members of the League, be expressly defined in each case by the Council." No mention is made in the Covenant of the League of Nations of the method by which the mandate shall be allocated. The only provision which touches even indirectly upon the selection of the mandatory is the paragraph in Article 22, which provides that "the wishes of these communities must be the principal consideration in the selection of the mandatory." There is no provision which makes it incumbent upon the League to accept or reject the mandatories selected by the Principal Allied Powers, the Principal Allied and Associated Powers, or whatever collection of Powers may agree upon the allocation of the mandates. Their functions are confined solely to defining explicitly "the degree of authority, control or administration" to be exercised by some mandatory or mandatories unknown. Criticism of the allocation of the mandates is therefore not within their competence. But so long as, in consequence of such criticism, a majority of the Council are precluded from defining the terms of the mandates, it will be difficult, if not impossible, to get our position legalised. Whether any Power signatory of the Covenant has a right to object to the allocation of the mandates on any ground other than that the wishes of the communities

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concerned have not been sufficiently considered is another question. It might well be argued that provided the prospective mandatories were in a position to give a definite and convincing guarantee that their advice and assistance was really required, all other objections from an international point of view could be disregarded.

5. In order to obtain such a convincing guarantee three alternative courses suggest themselves :—

(*a.*) For His Majesty's Government to obtain the consent of the French Government to a concerted pronouncement that they wish to be satisfied that the provision in Article 22 of the Covenant of the League of Nations which stipulates that the wishes of the communities must be the principal consideration in the selection of the mandatory has been duly fulfilled : that they recognise that until a representative body or bodies have been set up it is impossible to obtain this assurance : that the mandates, as at present drafted, are merely instruments to enable the British and French Governments to obtain a representative expression of opinion from the communities concerned : and that, in the event of these communities objecting either to the mandatory principle or to the allocation of the mandates, their wishes will be acceded to.

(*b.*) For His Majesty's Government to make a pronouncement on these lines for the areas entrusted to them by the Principal Allied Powers.

(*c.*) For His Majesty's Government to make a pronouncement on these lines for Mesopotamia and for Trans-Jordania, making a reservation in the case of Palestine to the effect that their prior declaration on the subject of the Jewish National Home carries as much weight with them as the provision referred to in Article 22 of the Covenant of the League of Nations.

6. If it is decided that neither of these three alternative courses can be adopted, we are faced with the necessity for deciding whether it is possible or desirable to allow the whole question to be indefinitely suspended or whether it is necessary to insist that the Council of the League should proceed without delay to the definition of the mandates. The Department feel strongly that if it is decided to insist upon the immediate definition of the terms of the mandates, it is none the less essential that some simultaneous pronouncement should be made to the effect that in the case of both Palestine and Mesopotamia the mandates as they stand are not final documents, but are merely instruments to enable the British Government to set up machinery in the countries concerned for the expression of representative opinion on the relations between the mandatory and the respective communities. They feel also that if it is decided to postpone consideration of the mandates it is equally necessary that the initiative should appear to come from His Majesty's Government and that it should be explained as being due to a desire to consult the wishes of the inhabitants of Palestine and Mesopotamia. Unless this were done postponement would result in weakening the authority of the British administration in Palestine, and would make the position *vis-à-vis* Feisal and Mesopotamia exceedingly difficult. Arrangements have been made for Feisal to leave Jeddah on the 15th June, and as Sir Percy Cox points out, it would be highly inconvenient for him to arrive in Mesopotamia at a moment when the question of the mandate, and consequently of our whole policy and position in Mesopotamia, appear to be under challenge. The Department are of opinion that there is no alternative between immediate legalisation of the position of the mandatory, accompanied by a declaration that the mandate will be modified in such a way as the mandatory may consider desirable in consultation with the local authorities; and abandonment of the mandates as at present drafted, either by the adoption of one of the three alternatives in paragraph 5, or by an announcement that consideration of the mandates has been postponed in order to enable the mandatory to redraft them.

Middle East Department, Colonial Office,
June 8, 1921.

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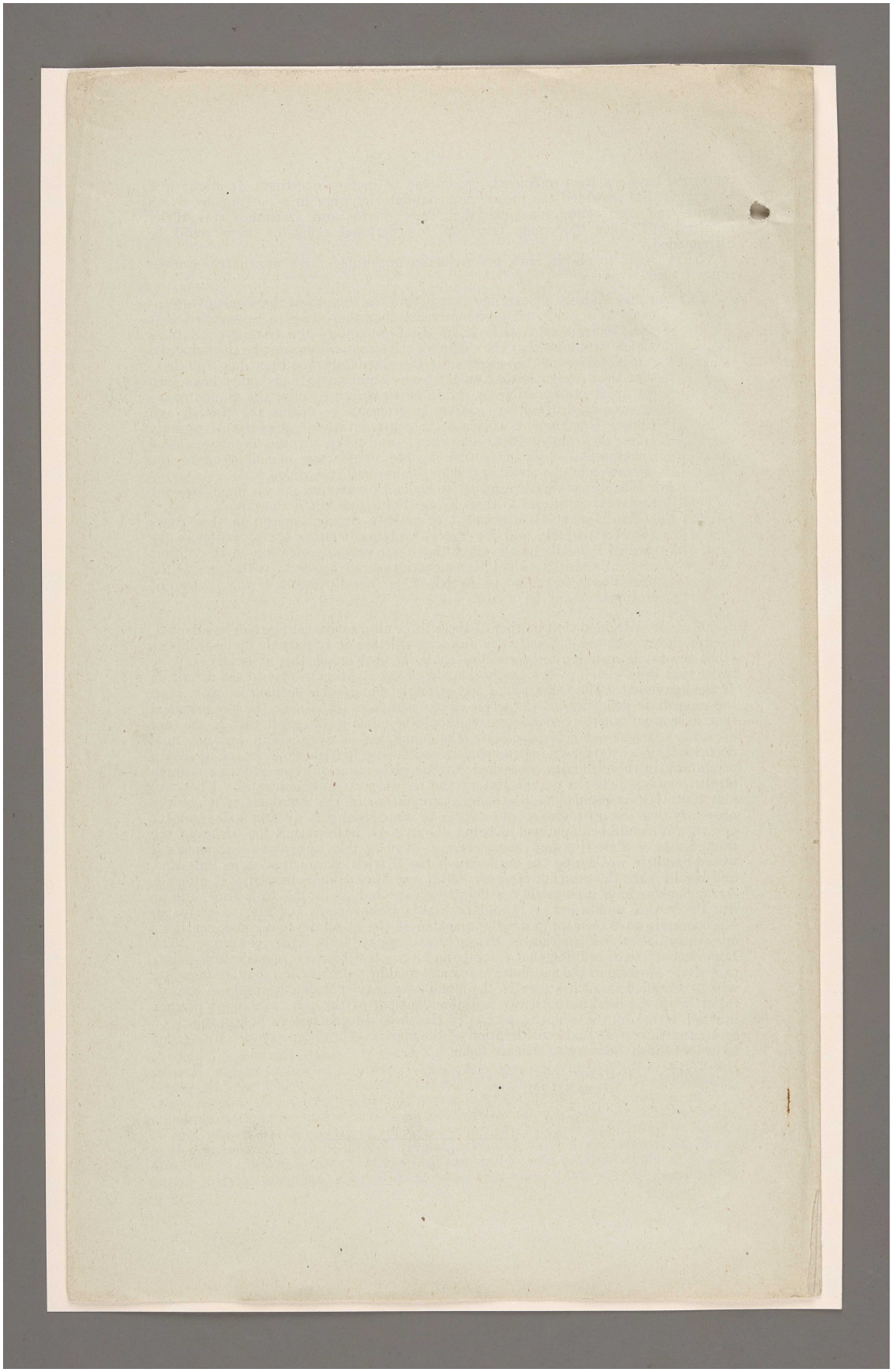

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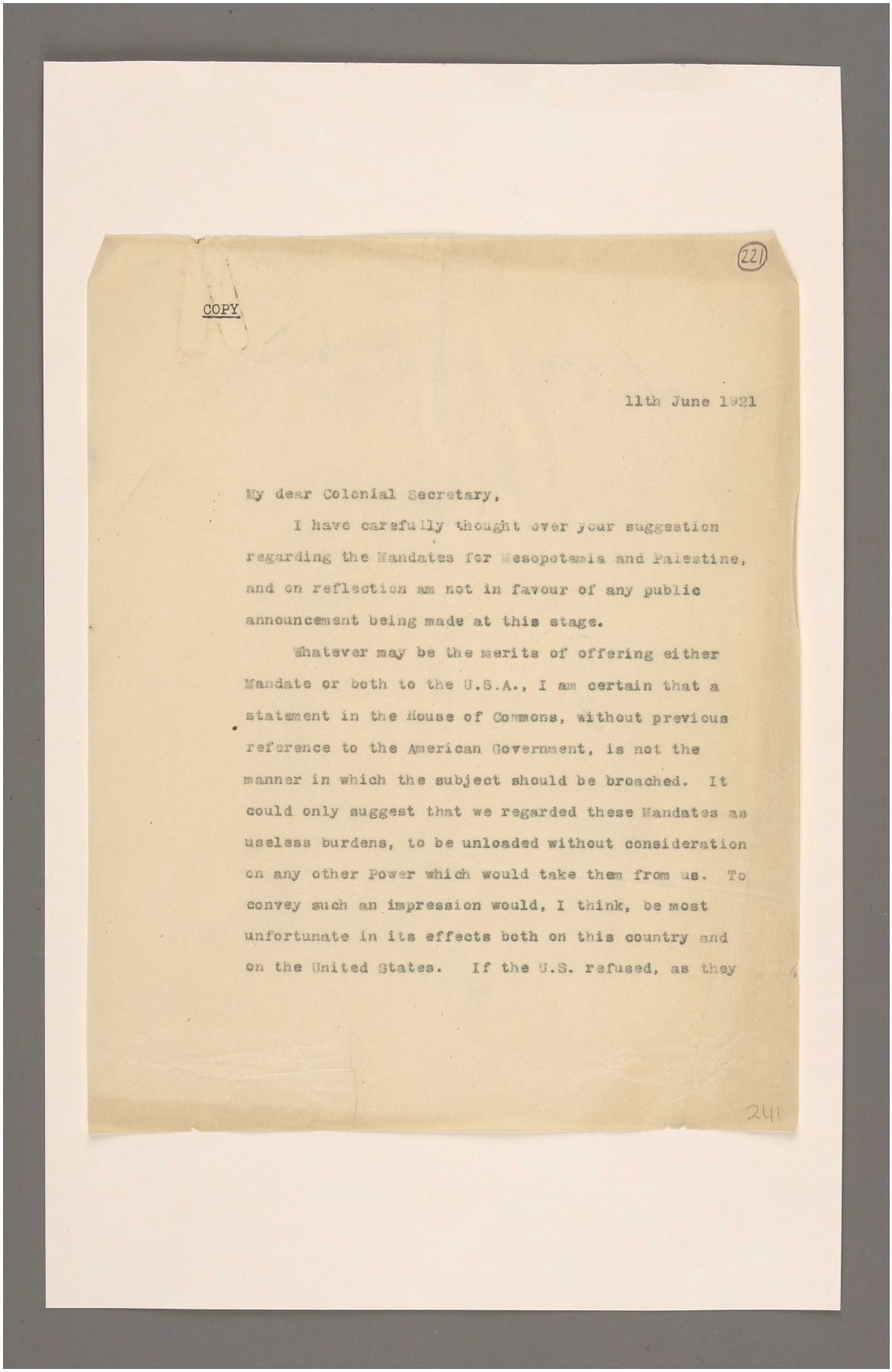

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COPY.

11th June 1921

My dear Colonial Secretary,

I have carefully thought over your suggestion regarding the Mandates for Mesopotamia and Palestine, and on reflection am not in favour of any public announcement being made at this stage.

Whatever may be the merits of offering either Mandate or both to the U.S.A., I am certain that a statement in the House of Commons, without previous reference to the American Government, is not the manner in which the subject should be broached. It could only suggest that we regarded these Mandates as useless burdens, to be unloaded without consideration on any other Power which would take them from us. To convey such an impression would, I think, be most unfortunate in its effects both on this country and on the United States. If the U.S. refused, as they

241

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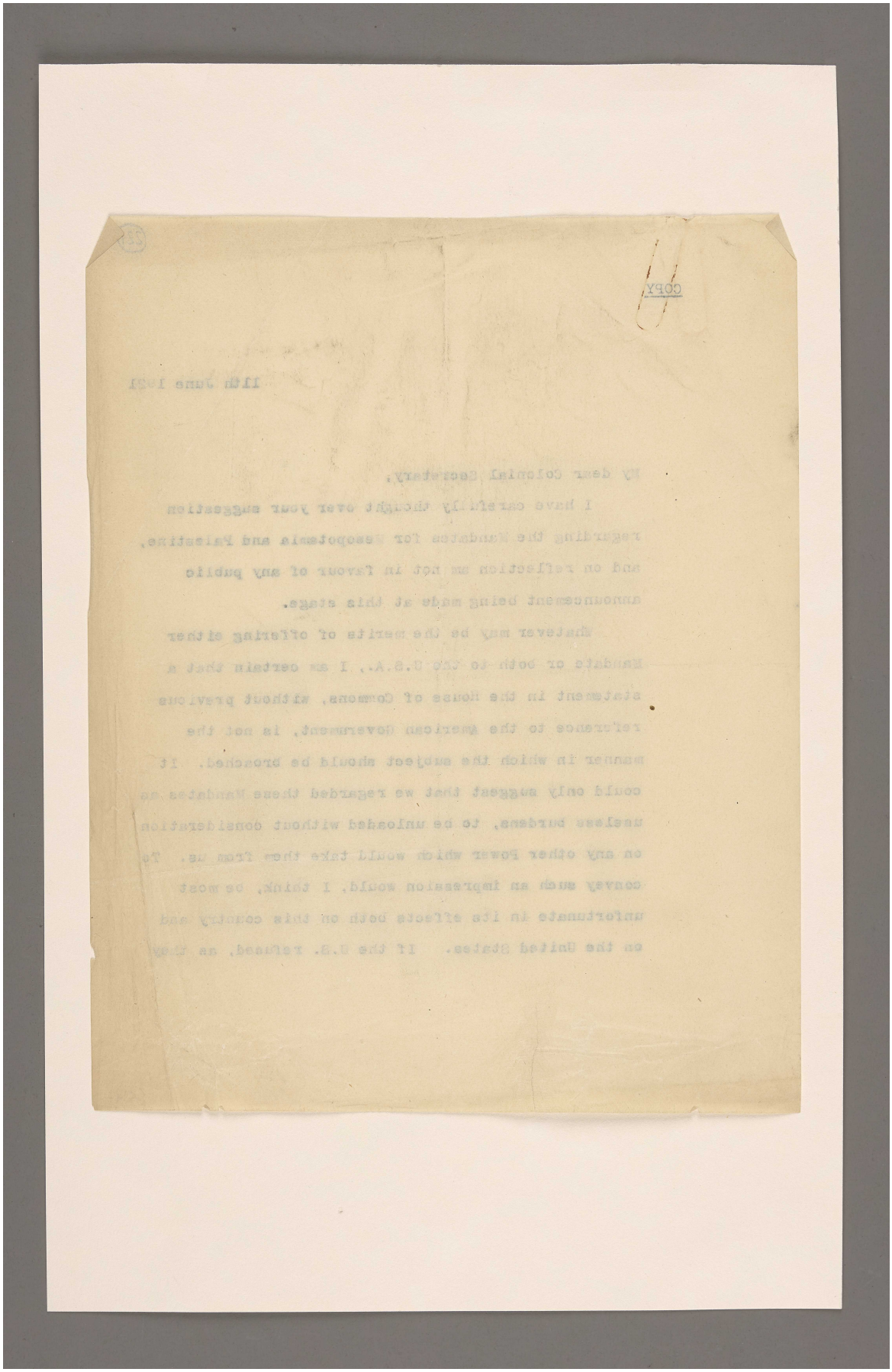

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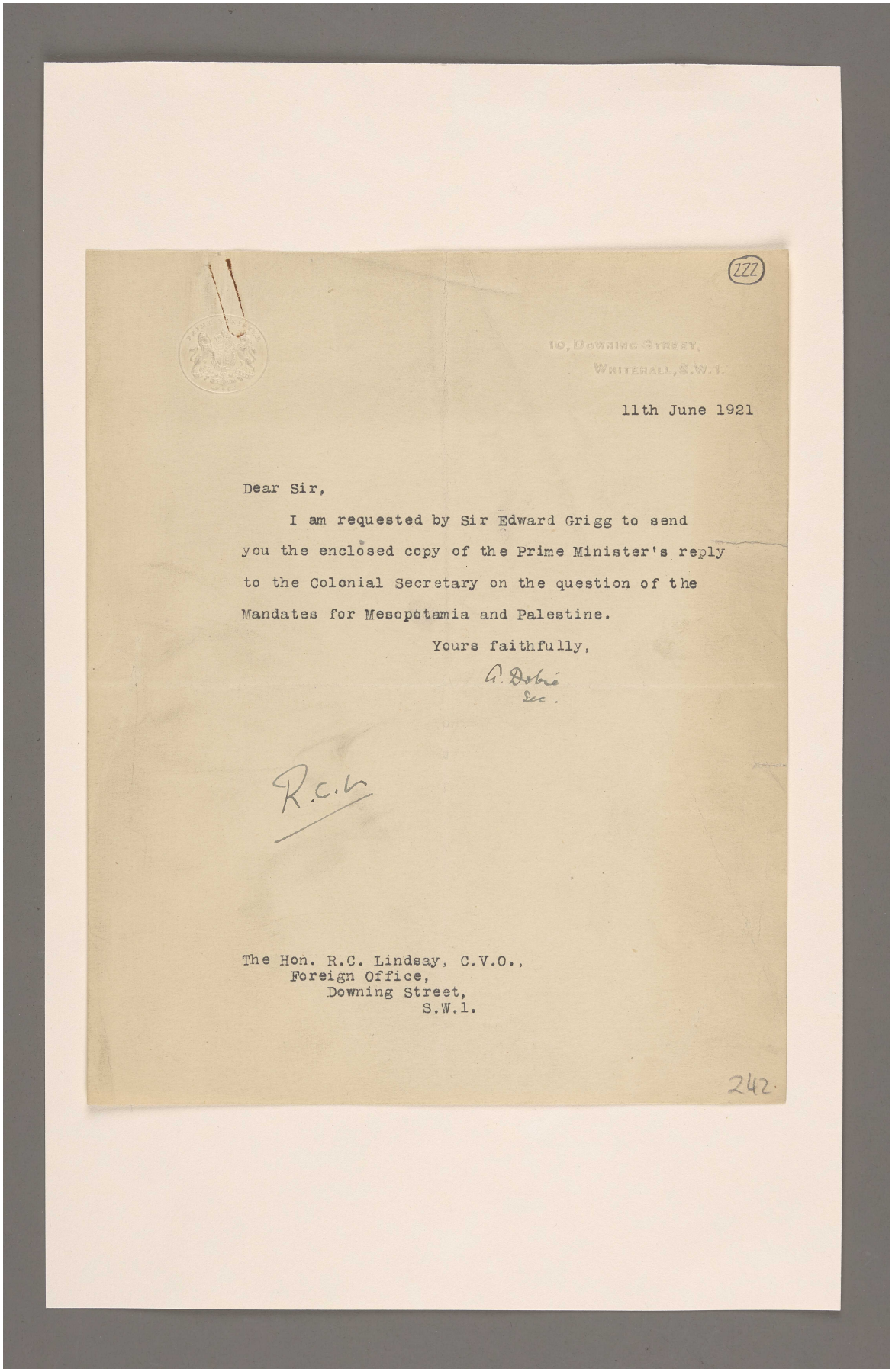

222

10, Downing Street,
Whitehall, S.W.1.

11th June 1921

Dear Sir,

I am requested by Sir Edward Grigg to send you the enclosed copy of the Prime Minister's reply to the Colonial Secretary on the question of the Mandates for Mesopotamia and Palestine.

Yours faithfully,

G. Dobbs
Sec.

R.C.L

The Hon. R.C. Lindsay, C.V.O.,
Foreign Office,
Downing Street,
S.W.1.

242

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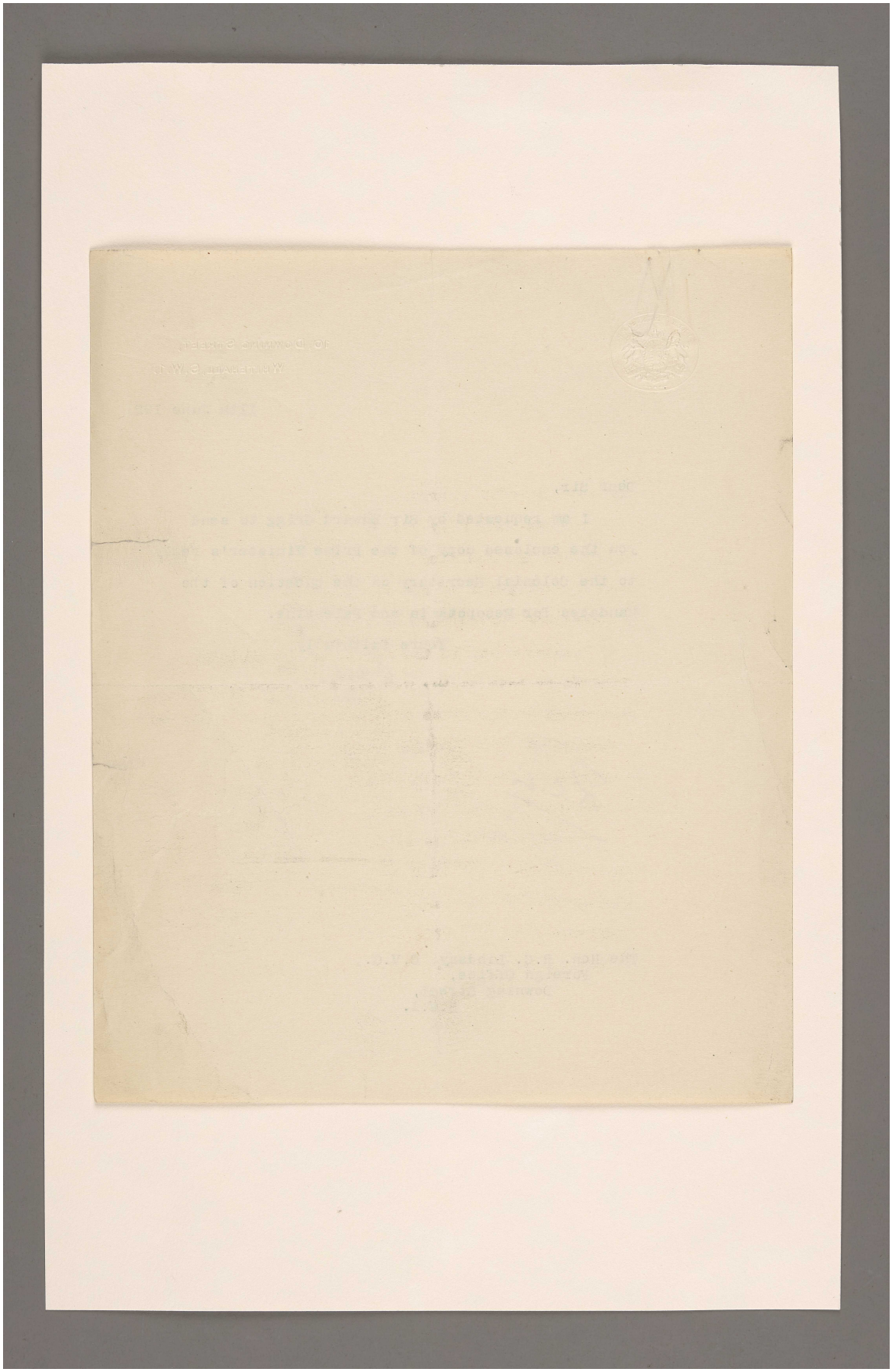

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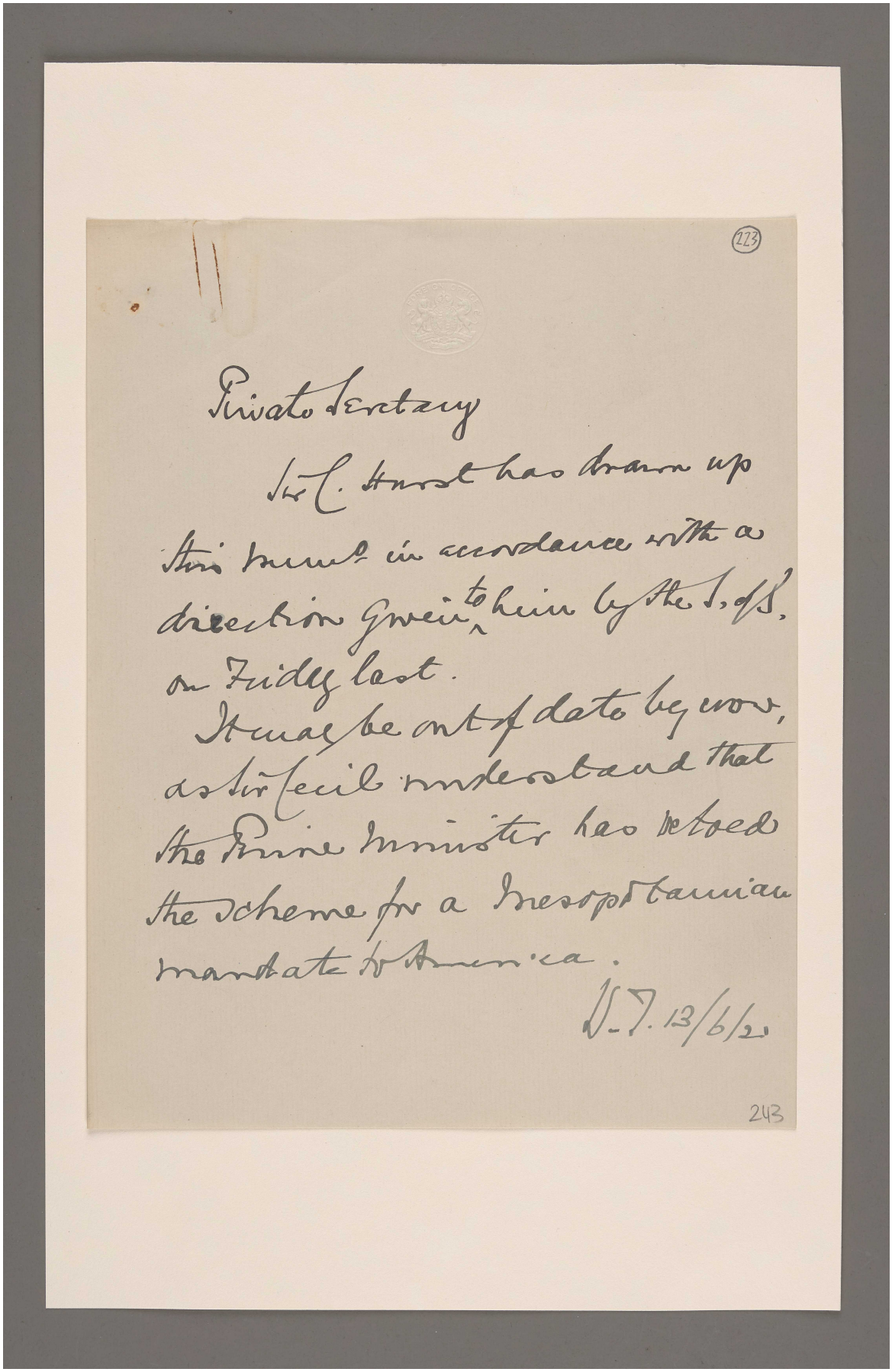

Private Secretary

Sir C. Hurst has drawn up this memo in accordance with a direction given to him by the S. of S. on Friday last.

It may be out of date by now, as Sir Cecil understand that the Prime Minister has vetoed the scheme for a Mesopotamian mandate to America.

W. T. 13/6/20

243

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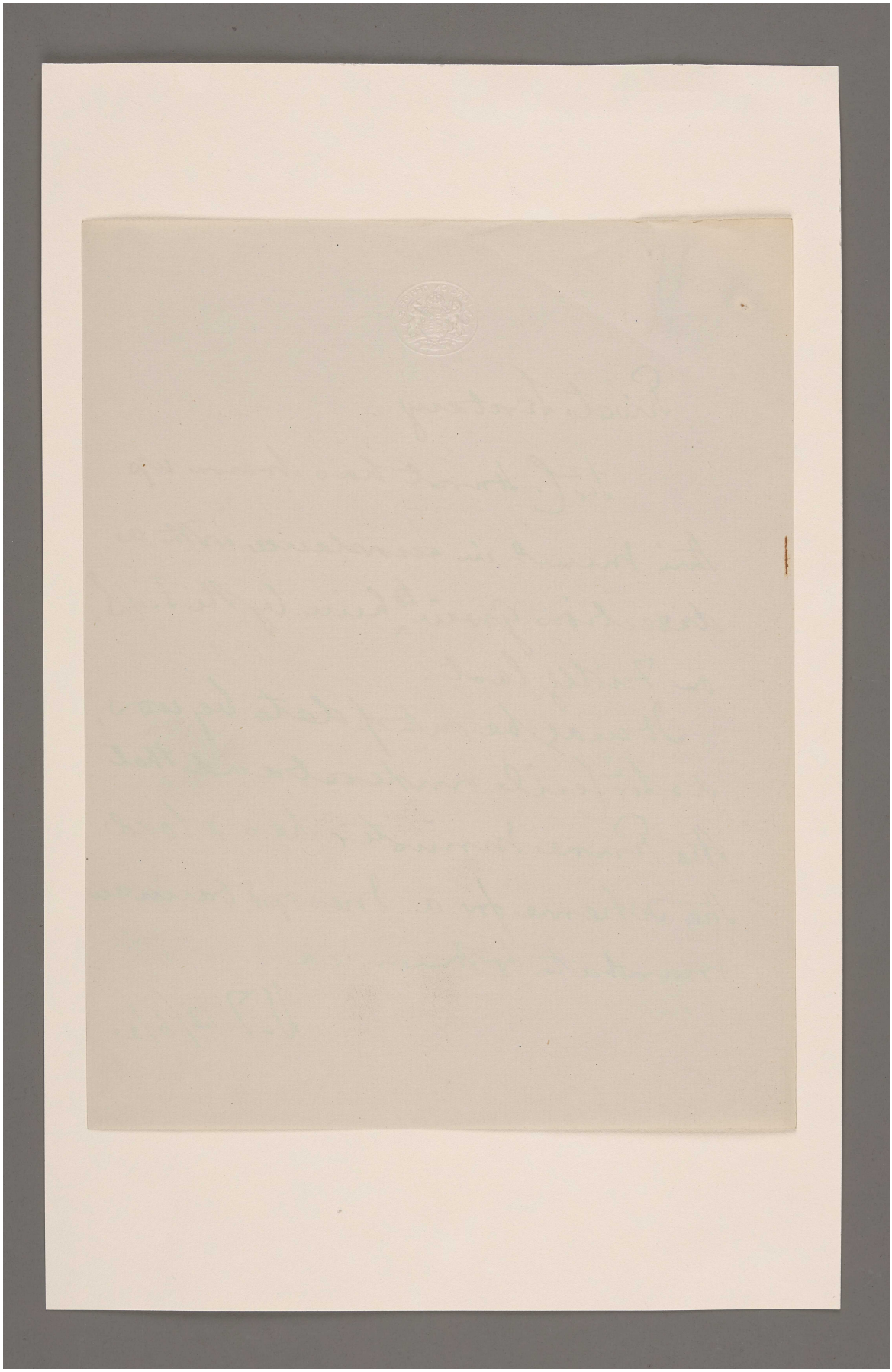

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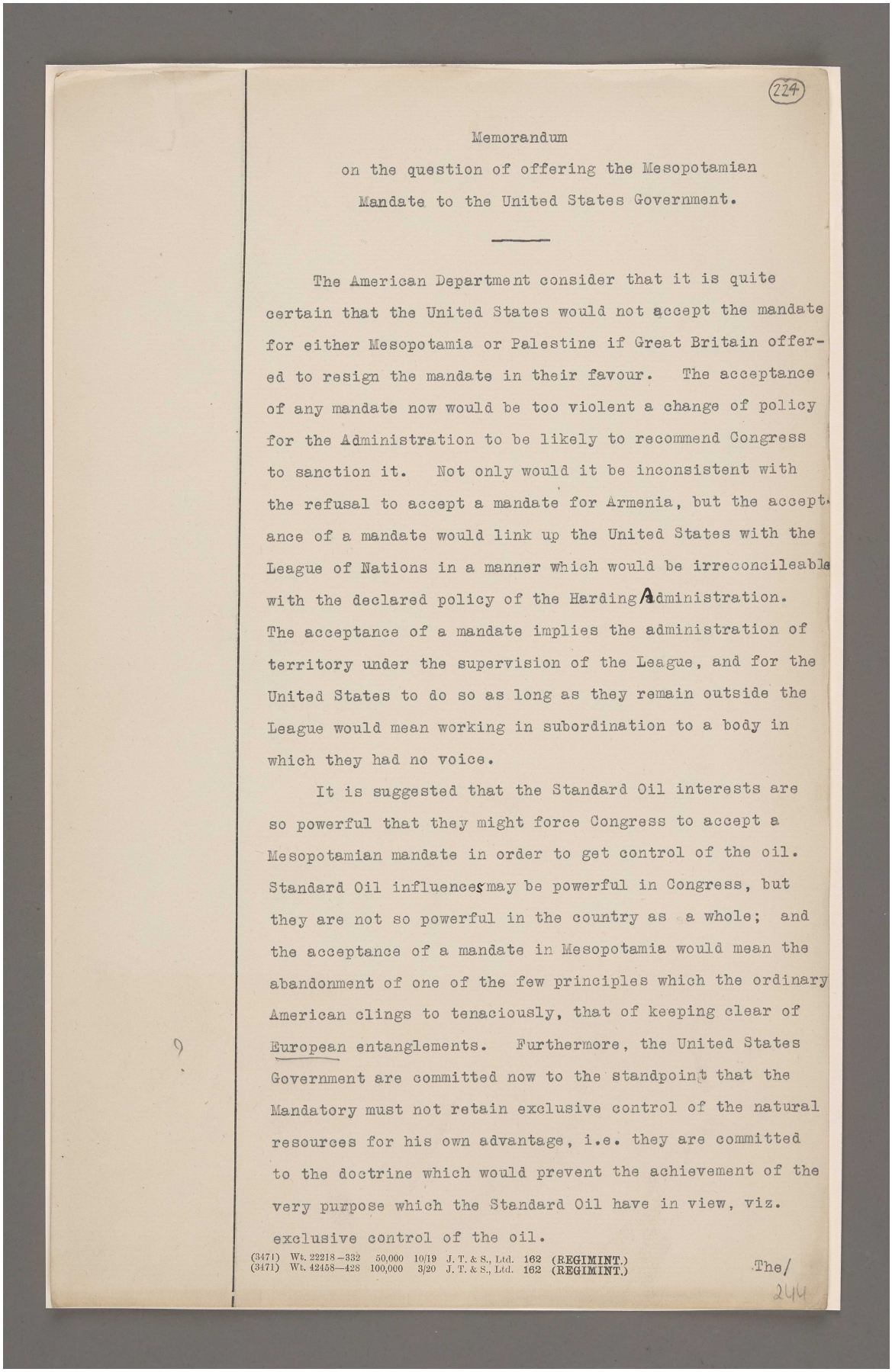

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Memorandum
on the question of offering the Mesopotamian
Mandate to the United States Government.

The American Department consider that it is quite certain that the United States would not accept the mandate for either Mesopotamia or Palestine if Great Britain offered to resign the mandate in their favour. The acceptance of any mandate now would be too violent a change of policy for the Administration to be likely to recommend Congress to sanction it. Not only would it be inconsistent with the refusal to accept a mandate for Armenia, but the acceptance of a mandate would link up the United States with the League of Nations in a manner which would be irreconcileable with the declared policy of the Harding Administration. The acceptance of a mandate implies the administration of territory under the supervision of the League, and for the United States to do so as long as they remain outside the League would mean working in subordination to a body in which they had no voice.

It is suggested that the Standard Oil interests are so powerful that they might force Congress to accept a Mesopotamian mandate in order to get control of the oil. Standard Oil influences may be powerful in Congress, but they are not so powerful in the country as a whole; and the acceptance of a mandate in Mesopotamia would mean the abandonment of one of the few principles which the ordinary American clings to tenaciously, that of keeping clear of European entanglements. Furthermore, the United States Government are committed now to the standpoint that the Mandatory must not retain exclusive control of the natural resources for his own advantage, i.e. they are committed to the doctrine which would prevent the achievement of the very purpose which the Standard Oil have in view, viz. exclusive control of the oil.

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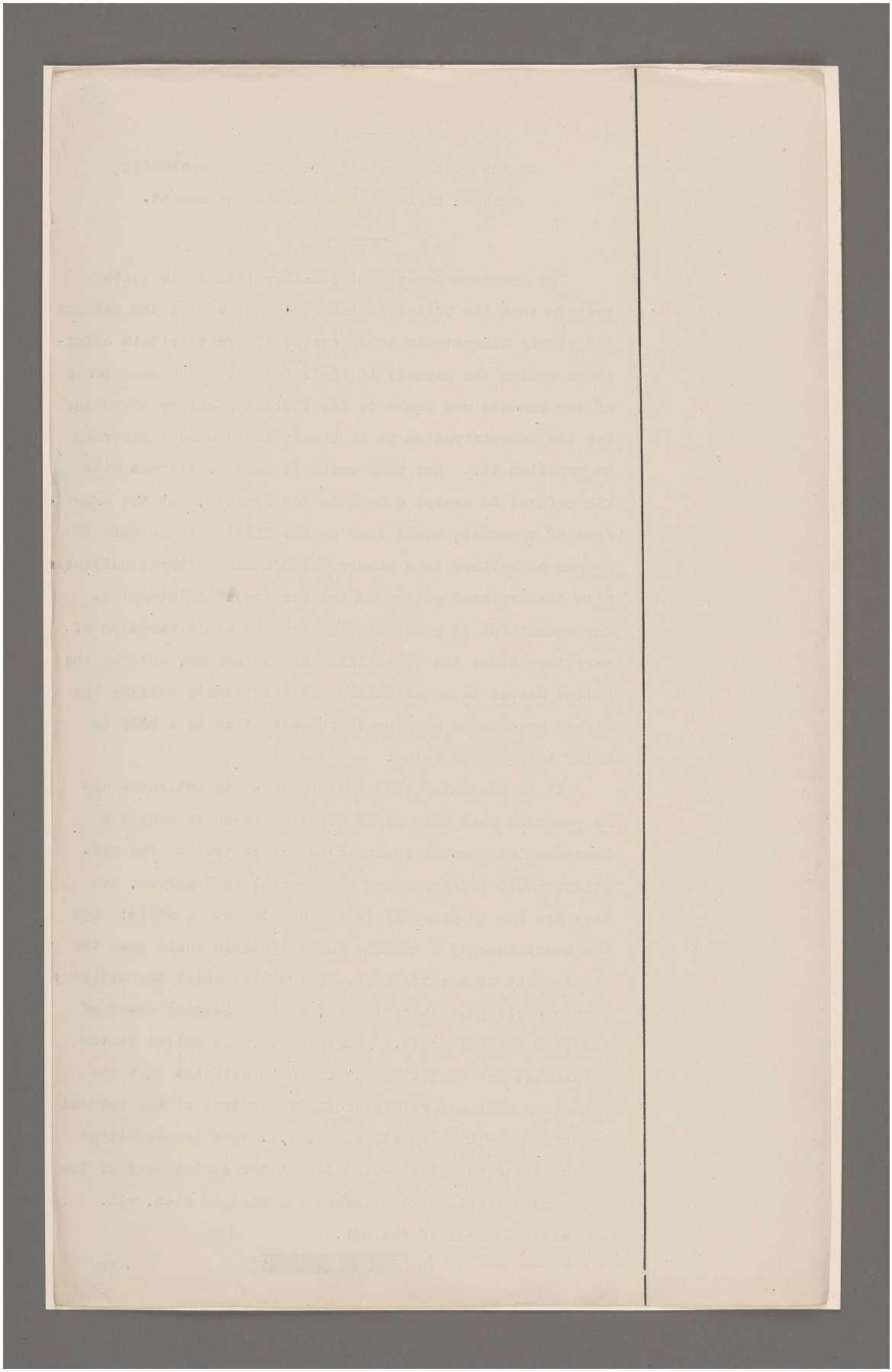

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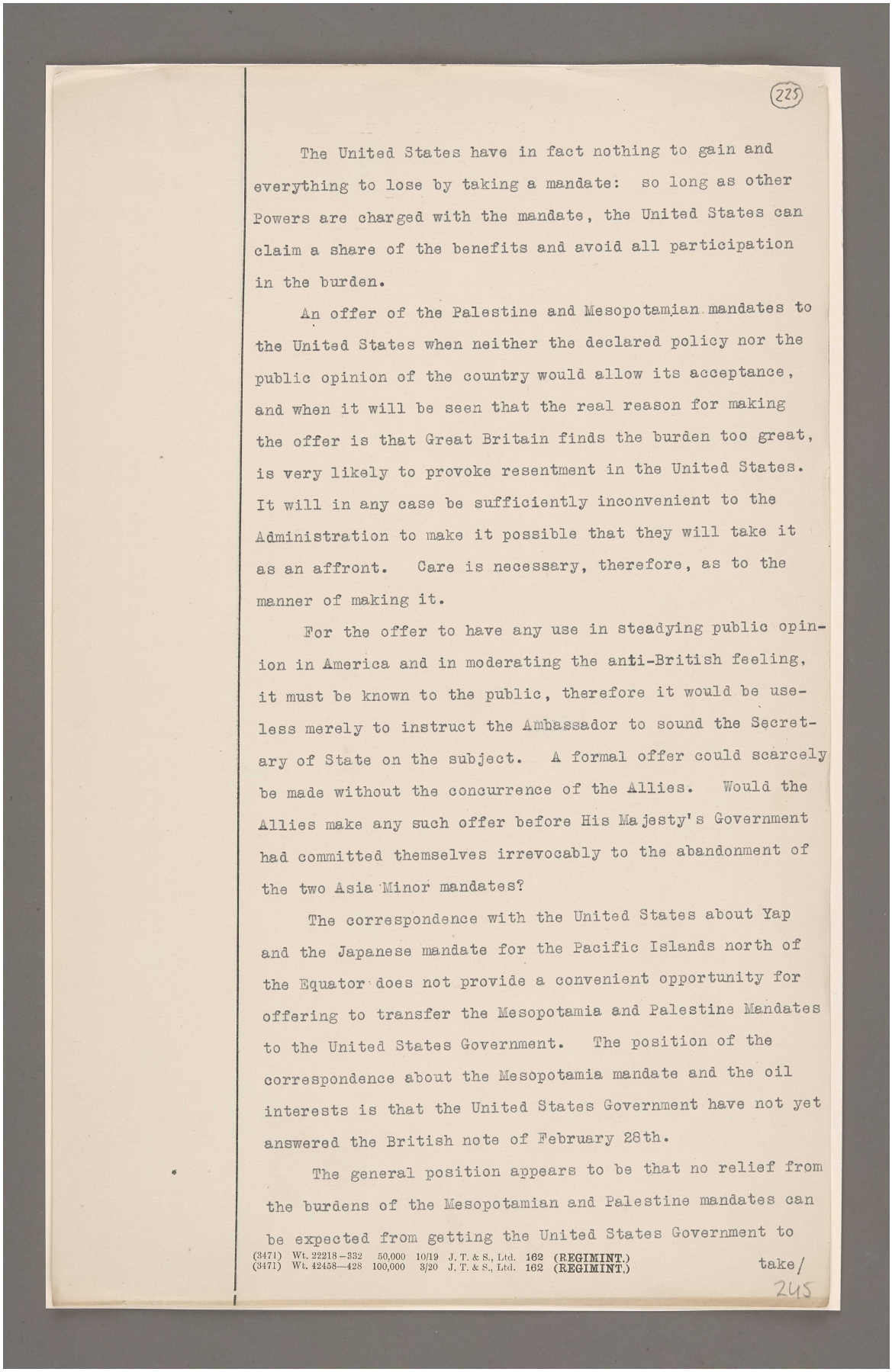

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The United States have in fact nothing to gain and everything to lose by taking a mandate: so long as other Powers are charged with the mandate, the United States can claim a share of the benefits and avoid all participation in the burden.

An offer of the Palestine and Mesopotamian mandates to the United States when neither the declared policy nor the public opinion of the country would allow its acceptance, and when it will be seen that the real reason for making the offer is that Great Britain finds the burden too great, is very likely to provoke resentment in the United States. It will in any case be sufficiently inconvenient to the Administration to make it possible that they will take it as an affront. Care is necessary, therefore, as to the manner of making it.

For the offer to have any use in steadying public opinion in America and in moderating the anti-British feeling, it must be known to the public, therefore it would be useless merely to instruct the Ambassador to sound the Secretary of State on the subject. A formal offer could scarcely be made without the concurrence of the Allies. Would the Allies make any such offer before His Majesty's Government had committed themselves irrevocably to the abandonment of the two Asia Minor mandates?

The correspondence with the United States about Yap and the Japanese mandate for the Pacific Islands north of the Equator does not provide a convenient opportunity for offering to transfer the Mesopotamia and Palestine Mandates to the United States Government. The position of the correspondence about the Mesopotamia mandate and the oil interests is that the United States Government have not yet answered the British note of February 28th.

The general position appears to be that no relief from the burdens of the Mesopotamian and Palestine mandates can be expected from getting the United States Government to

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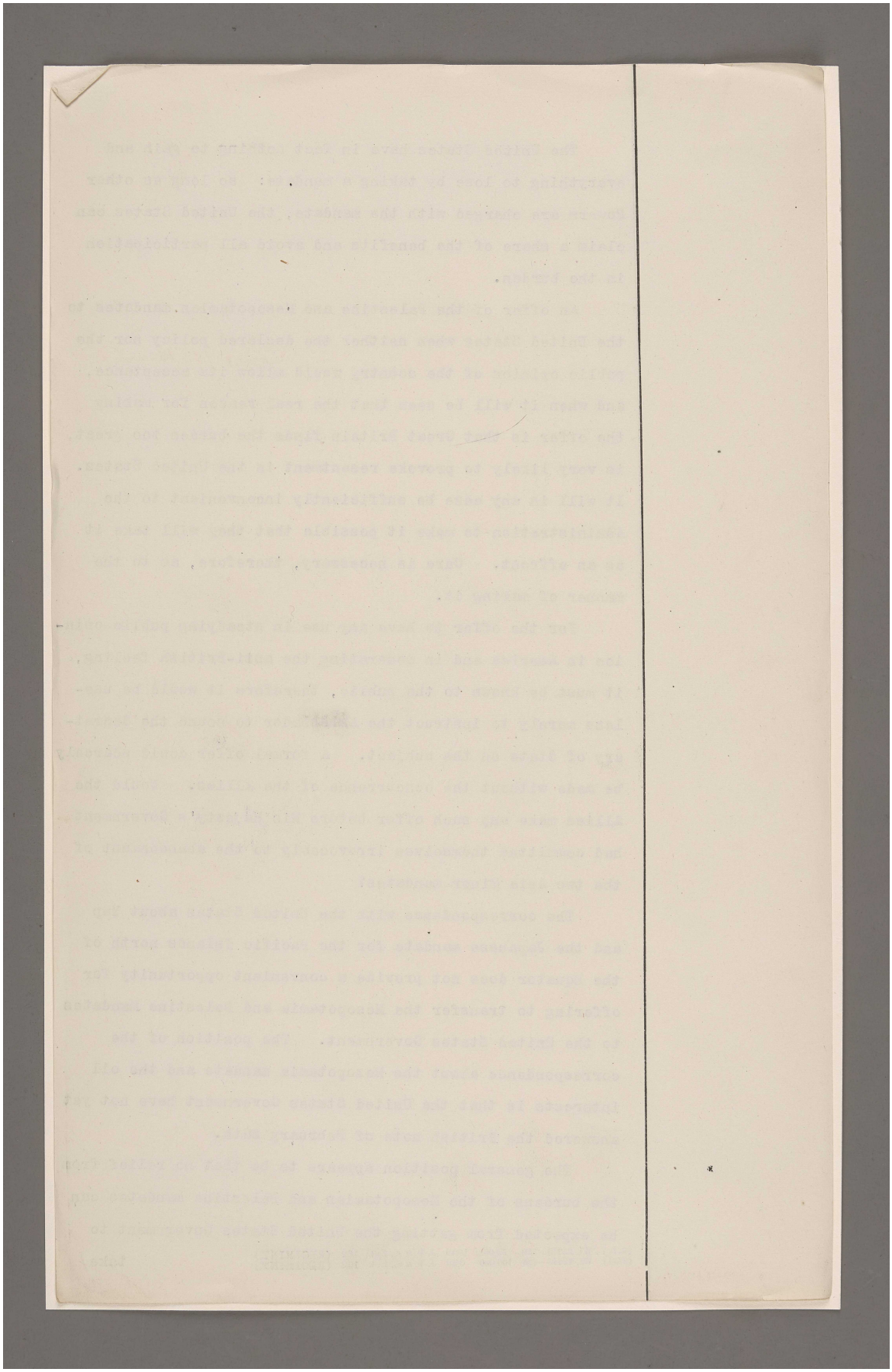

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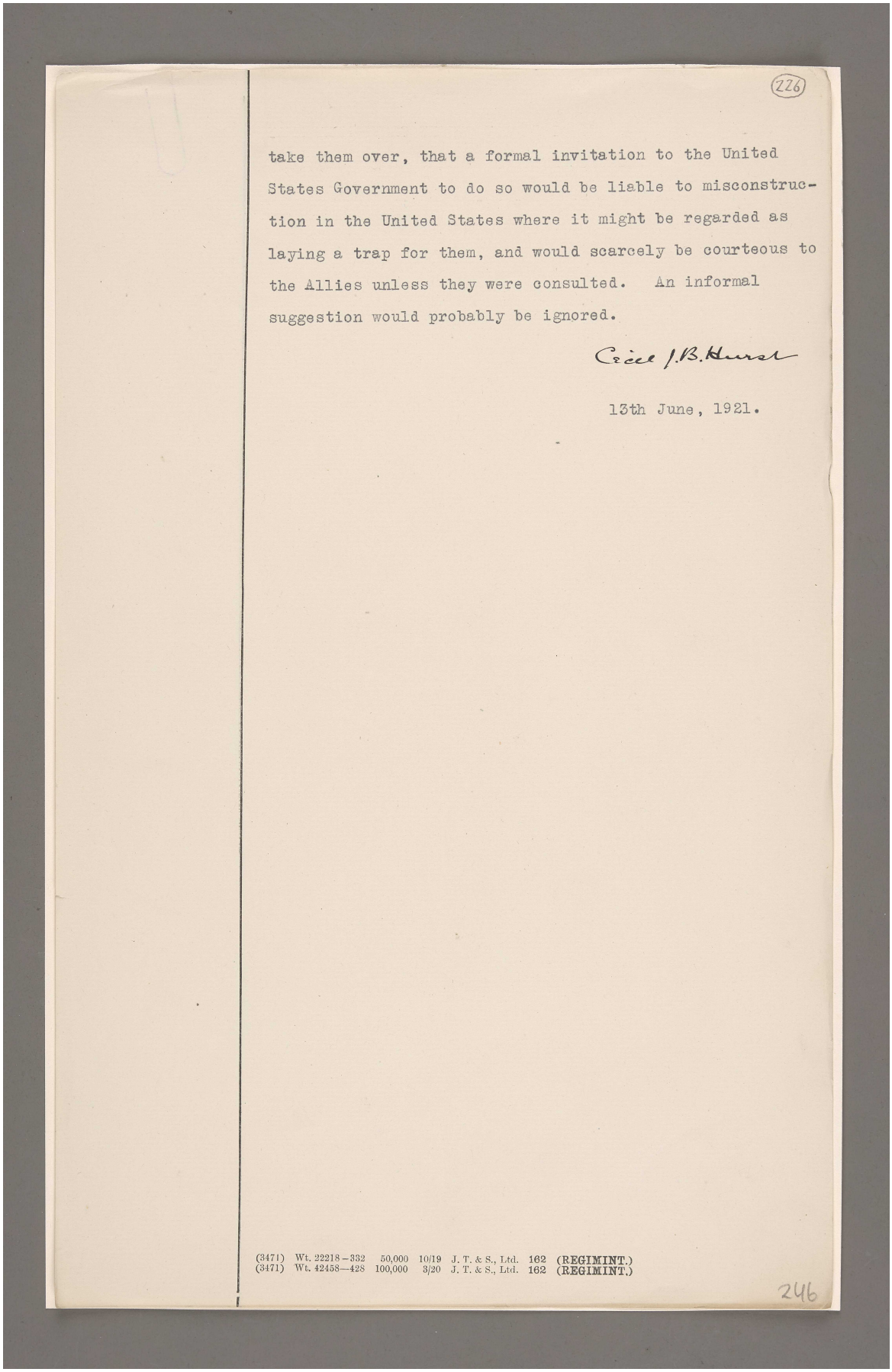

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take them over, that a formal invitation to the United States Government to do so would be liable to misconstruction in the United States where it might be regarded as laying a trap for them, and would scarcely be courteous to the Allies unless they were consulted. An informal suggestion would probably be ignored.

Cecil J.B. Hurst

13th June, 1921.

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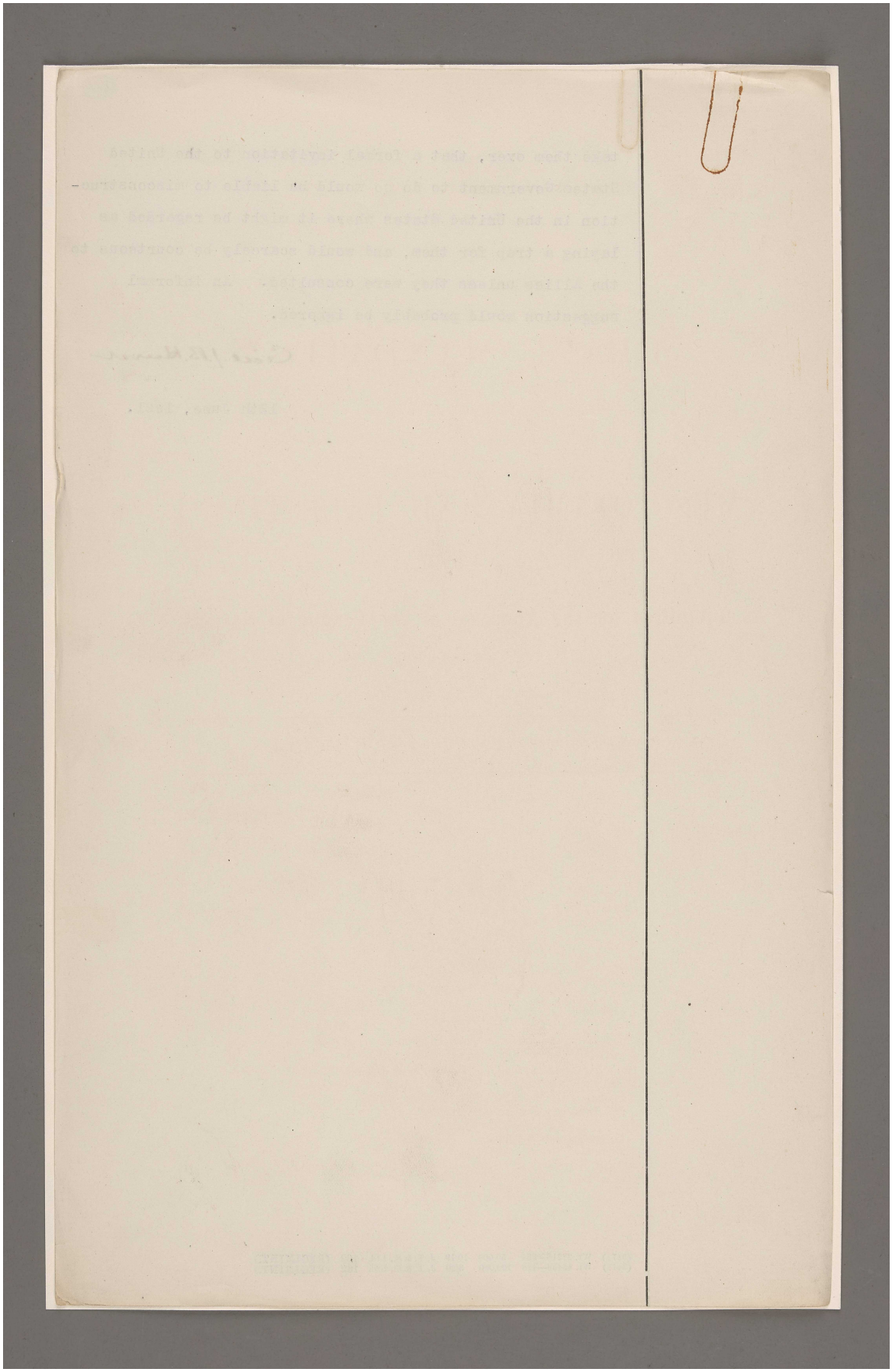

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227

Note on the Discussion of the Mandates by Parliament.

The Department finds some difficulty in advising on this point as it is not clear whether the allocation of the mandates can be regarded in the same light as a Treaty. It is understood that the actual allocation of the mandates to the Principal Allied Powers concerned was not embodied in any Treaty instrument, but has merely resulted from successive discussions of the Supreme Council. So far as the "A" mandates are concerned it is provided that the allocation of the mandates for Mesopotamia and Palestine to Great Britain and for Syria to France should be recorded in the preambles to the mandates themselves. These are ostensibly documents prepared by the League of Nations and cannot be regarded as Treaty documents. It is not known by what means the Council of the League of Nations was officially informed of the allocation of the mandates or whether they will necessarily accept this allocation. Recent developments have led to the assumption that American opinion is strongly influencing the Council and it is not altogether impossible that they may take the line that the provisions of Article 22 of the Covenant, which provides for the wishes of the communities to be the principal consideration in the selection of the mandatory, have not been duly fulfilled. If it is contemplated that the allocation of the mandates should eventually be registered in a Treaty document to be signed by the Principal Allied Powers it will be easy to justify reservation of any discussion on the allocation by Parliament on the ground that it partakes of

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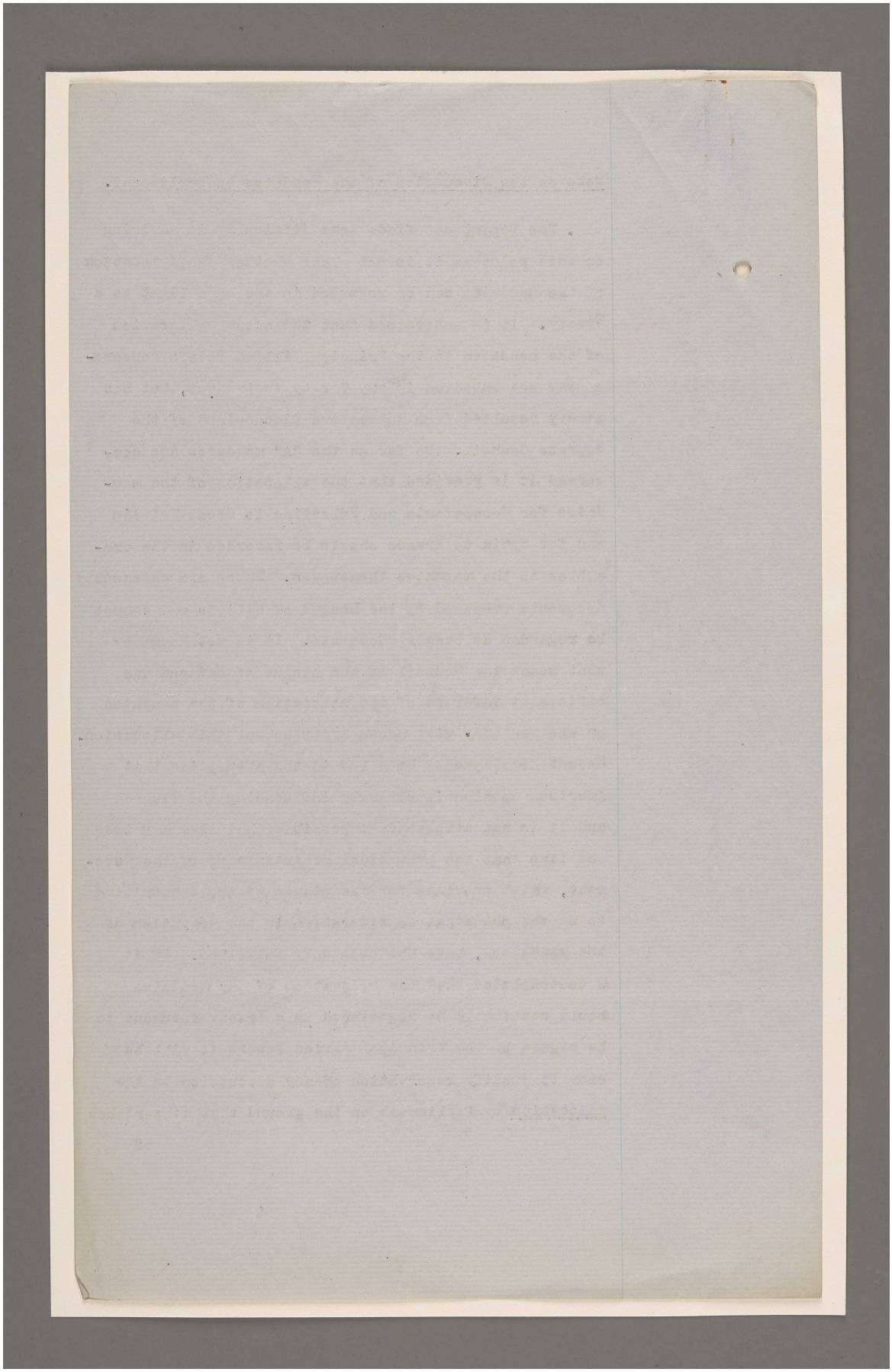

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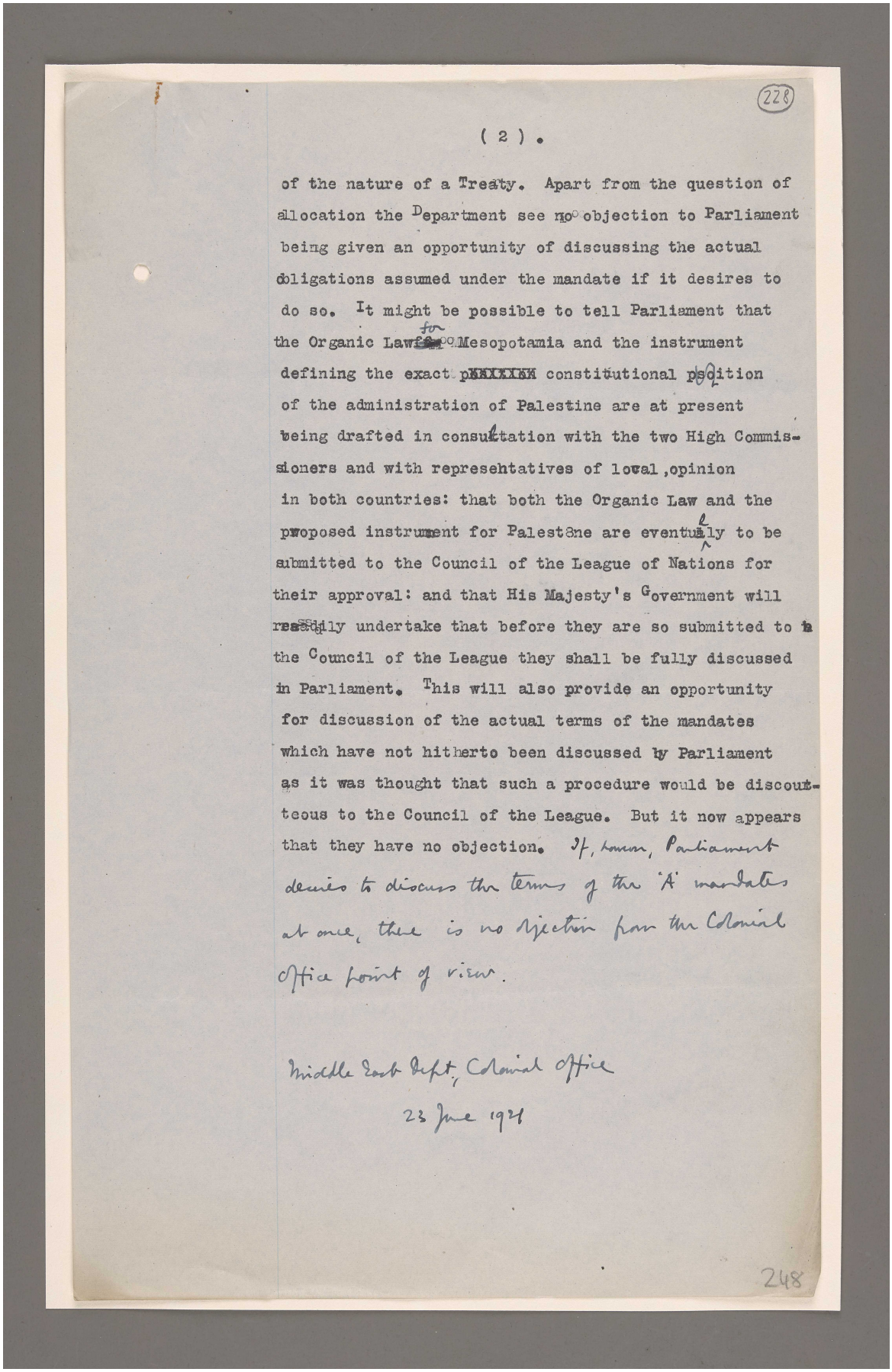

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of the nature of a Treaty. Apart from the question of allocation the Department see no objection to Parliament being given an opportunity of discussing the actual obligations assumed under the mandate if it desires to do so. It might be possible to tell Parliament that the Organic Law for Mesopotamia and the instrument defining the exact constitutional position of the administration of Palestine are at present being drafted in consultation with the two High Commissioners and with representatives of local opinion in both countries: that both the Organic Law and the proposed instrument for Palestine are eventually to be submitted to the Council of the League of Nations for their approval: and that His Majesty's Government will readily undertake that before they are so submitted to the Council of the League they shall be fully discussed in Parliament. This will also provide an opportunity for discussion of the actual terms of the mandates which have not hitherto been discussed by Parliament as it was thought that such a procedure would be discourteous to the Council of the League. But it now appears that they have no objection. If, however, Parliament desires to discuss the terms of the 'A' mandates at once, there is no objection from the Colonial Office point of view.

Middle East Dept, Colonial Office

23 June 1921

248

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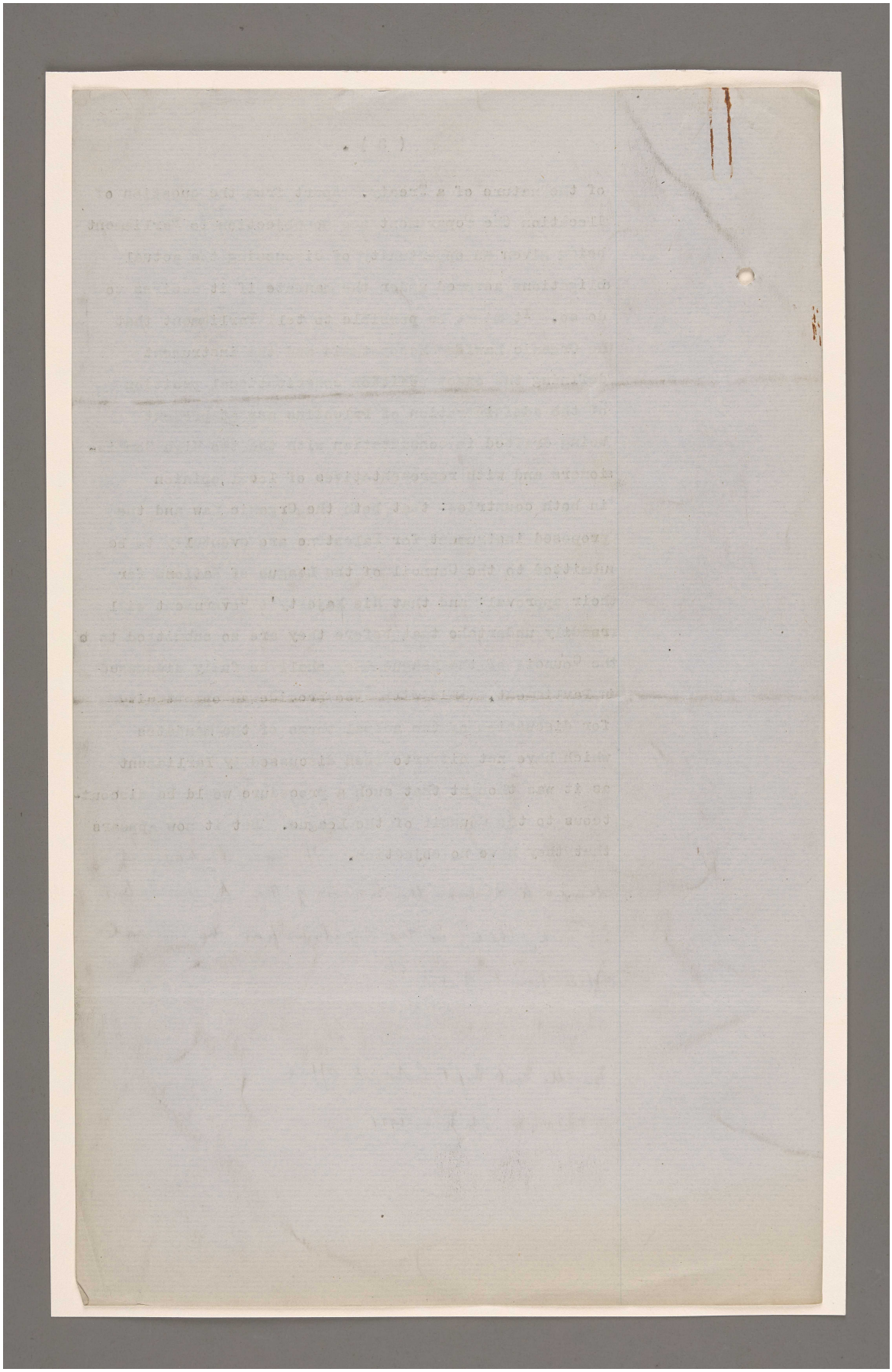

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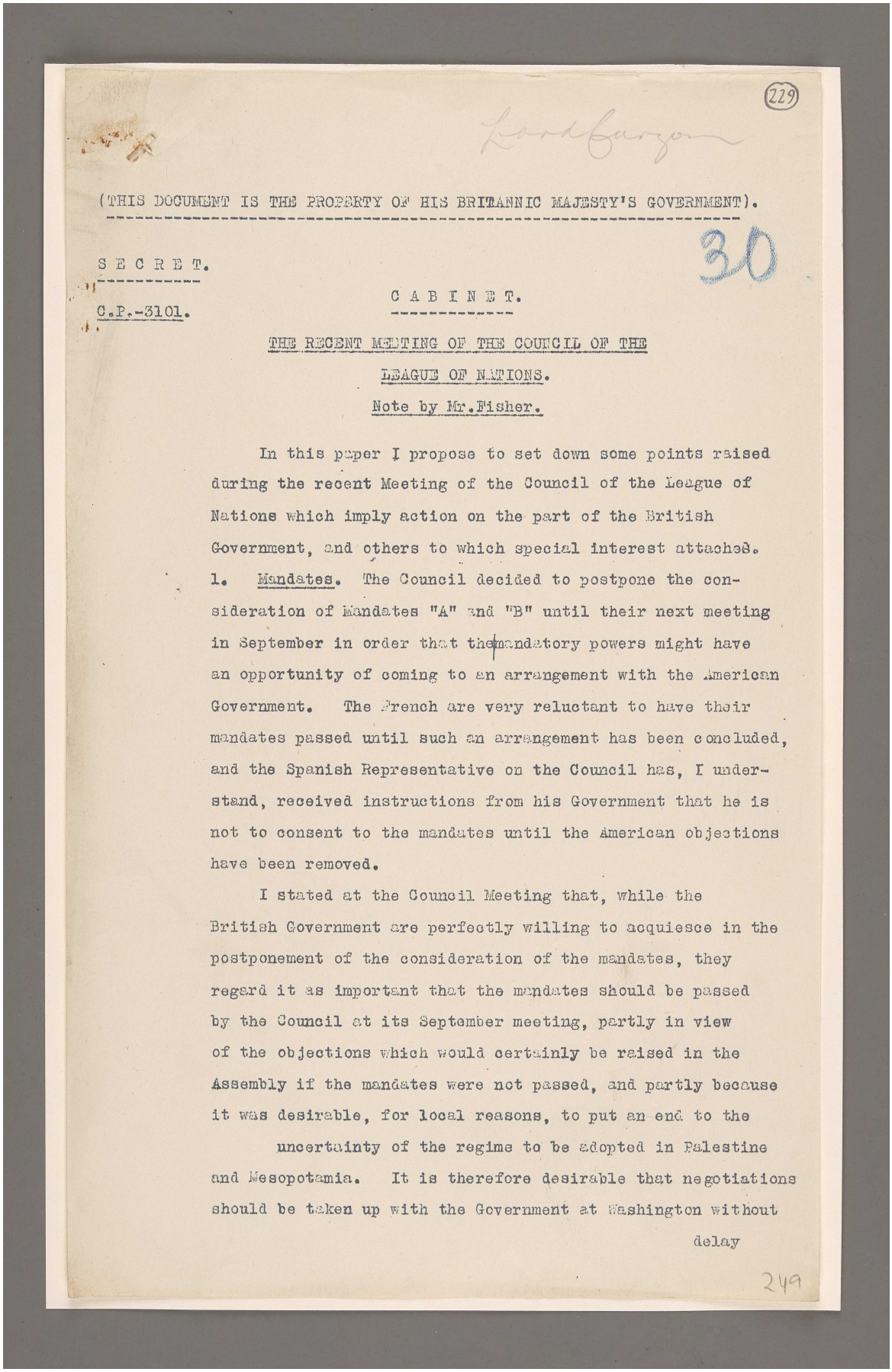

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Lord Curzon

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30

S E C R E T.

C.P.-3101.

C A B I N E T.

THE RECENT MEETING OF THE COUNCIL OF THE LEAGUE OF NATIONS.

Note by Mr.Fisher.

In this paper I propose to set down some points raised during the recent Meeting of the Council of the League of Nations which imply action on the part of the British Government, and others to which special interest attaches.

1. Mandates. The Council decided to postpone the consideration of Mandates "A" and "B" until their next meeting in September in order that the mandatory powers might have an opportunity of coming to an arrangement with the American Government. The French are very reluctant to have their mandates passed until such an arrangement has been concluded, and the Spanish Representative on the Council has, I understand, received instructions from his Government that he is not to consent to the mandates until the American objections have been removed.

I stated at the Council Meeting that, while the British Government are perfectly willing to acquiesce in the postponement of the consideration of the mandates, they regard it as important that the mandates should be passed by the Council at its September meeting, partly in view of the objections which would certainly be raised in the Assembly if the mandates were not passed, and partly because it was desirable, for local reasons, to put an end to the uncertainty of the regime to be adopted in Palestine and Mesopotamia. It is therefore desirable that negotiations should be taken up with the Government at Washington without delay

249

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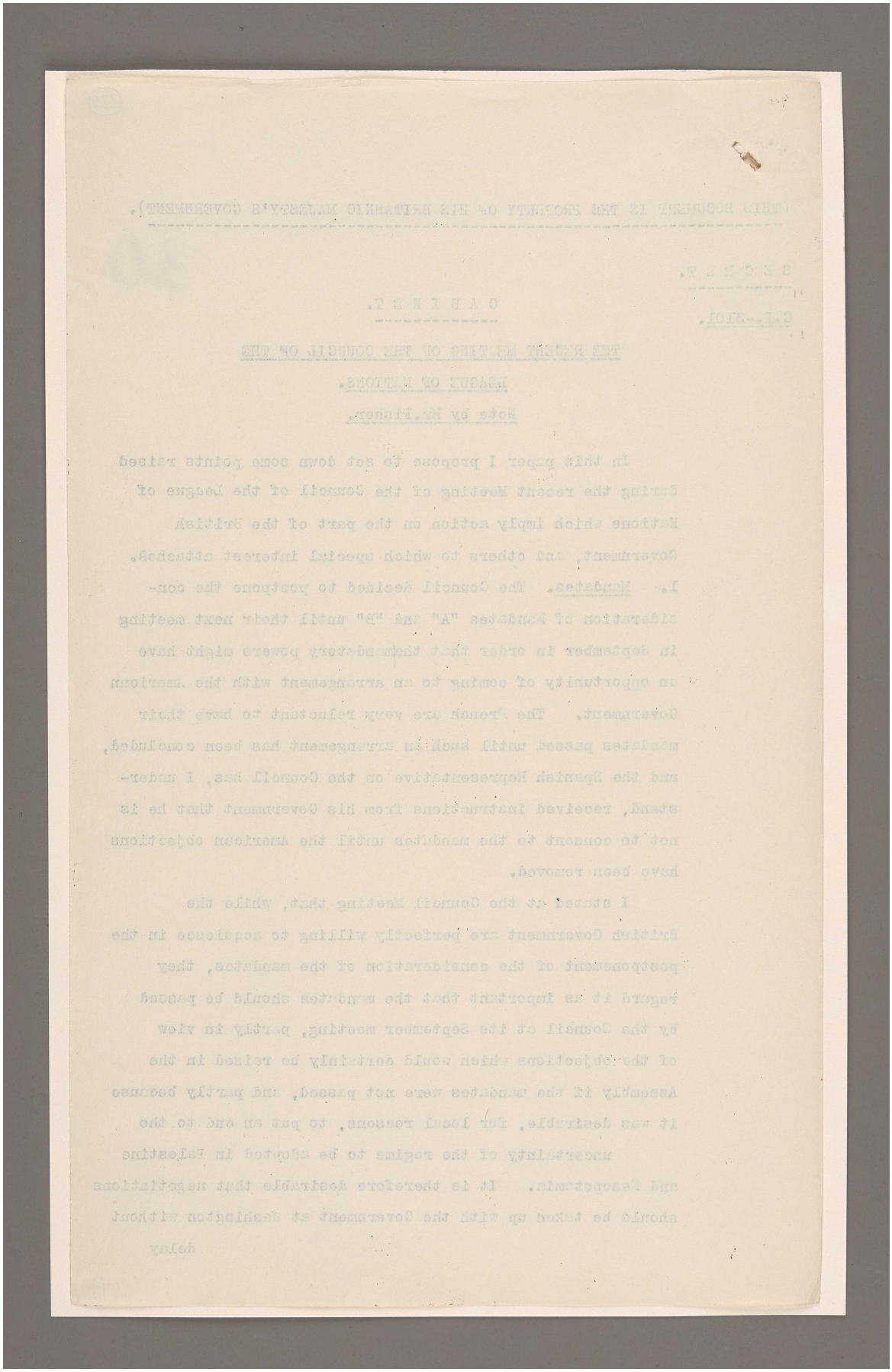

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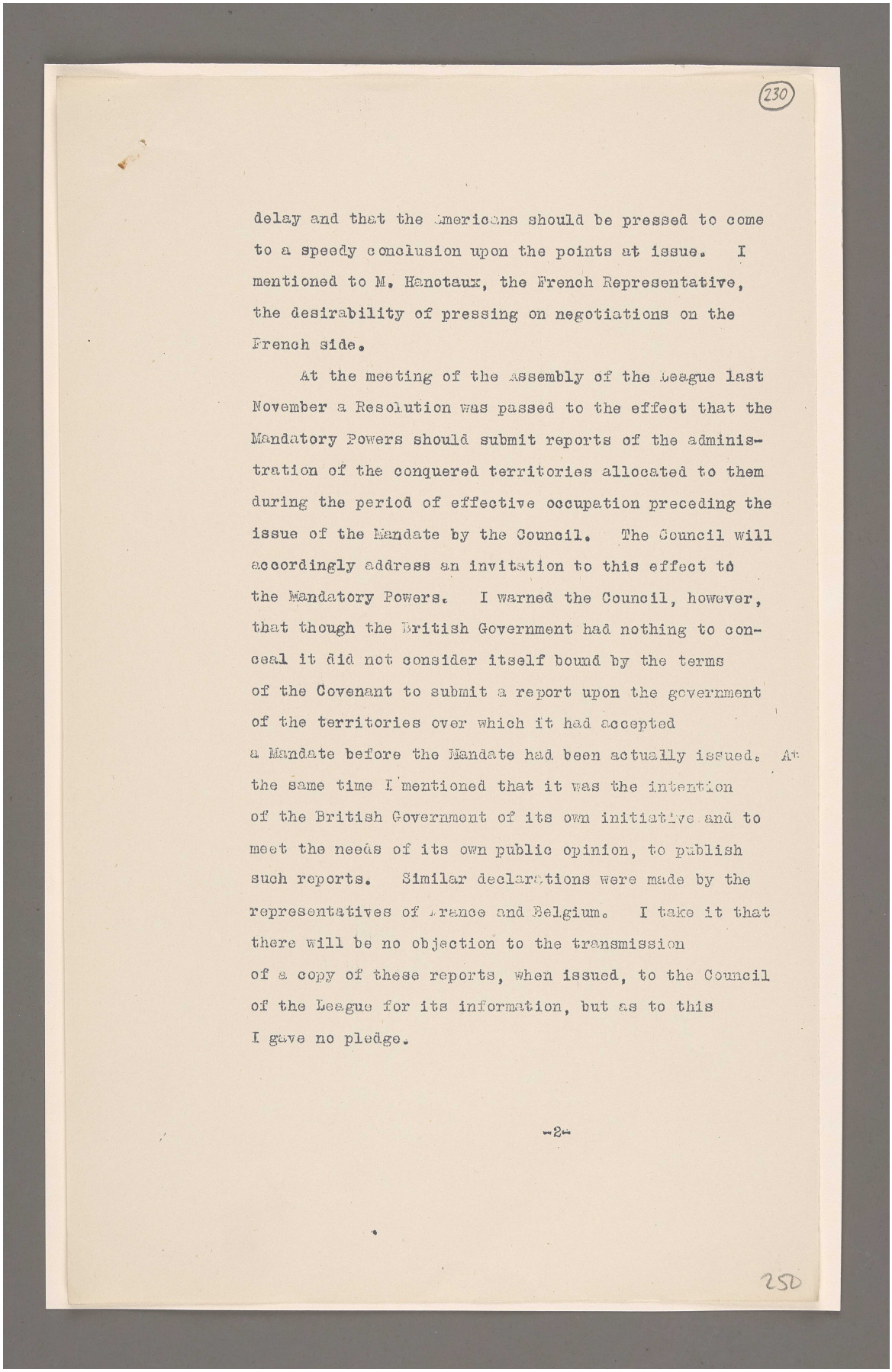

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delay and that the Americans should be pressed to come to a speedy conclusion upon the points at issue. I mentioned to M. Hanotaux, the French Representative, the desirability of pressing on negotiations on the French side.

At the meeting of the Assembly of the League last November a Resolution was passed to the effect that the Mandatory Powers should submit reports of the administration of the conquered territories allocated to them during the period of effective occupation preceding the issue of the Mandate by the Council. The Council will accordingly address an invitation to this effect to the Mandatory Powers. I warned the Council, however, that though the British Government had nothing to conceal it did not consider itself bound by the terms of the Covenant to submit a report upon the government of the territories over which it had accepted a Mandate before the Mandate had been actually issued. At the same time I mentioned that it was the intention of the British Government of its own initiative and to meet the needs of its own public opinion, to publish such reports. Similar declarations were made by the representatives of France and Belgium. I take it that there will be no objection to the transmission of a copy of these reports, when issued, to the Council of the League for its information, but as to this I gave no pledge.

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250

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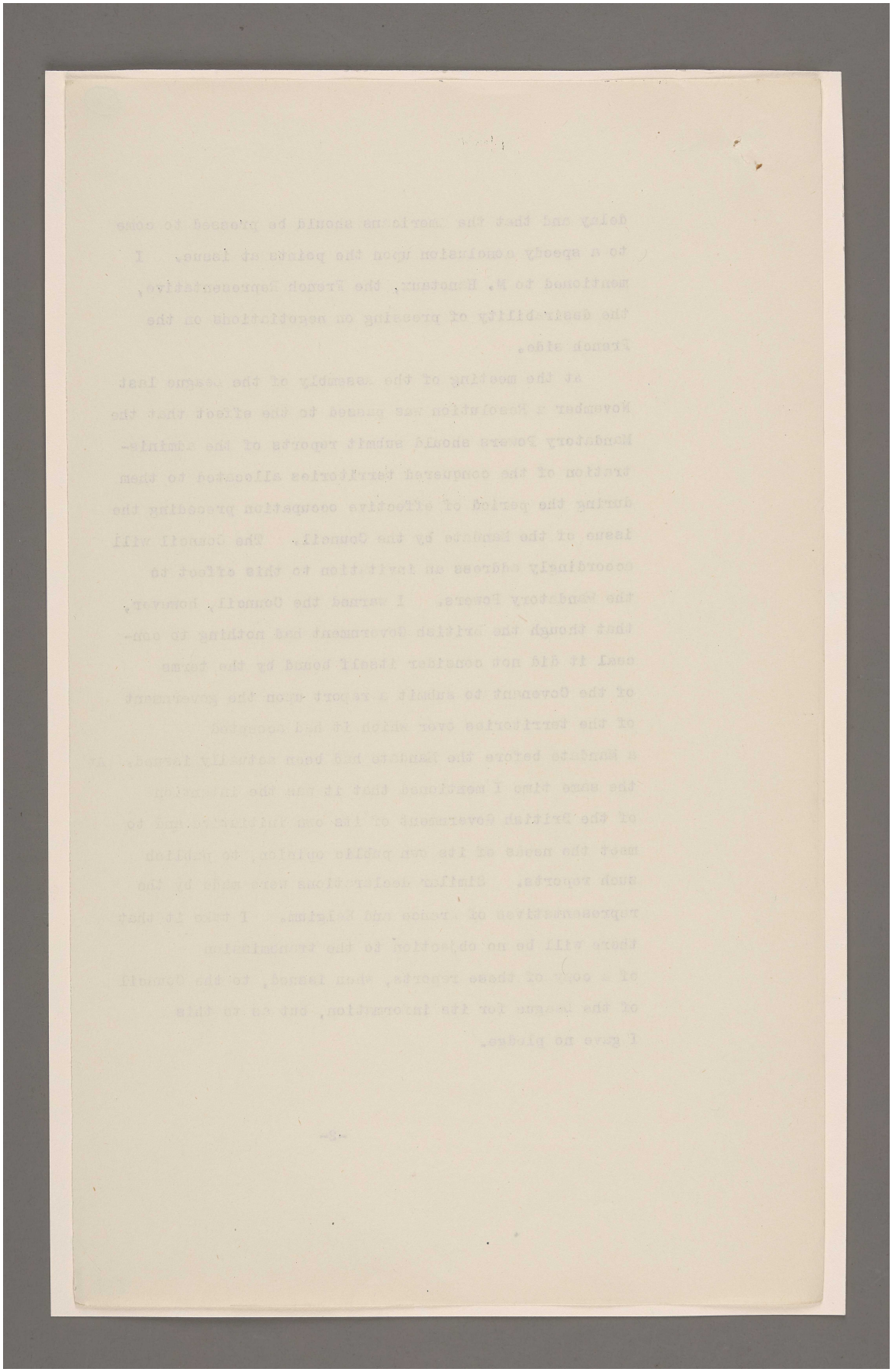

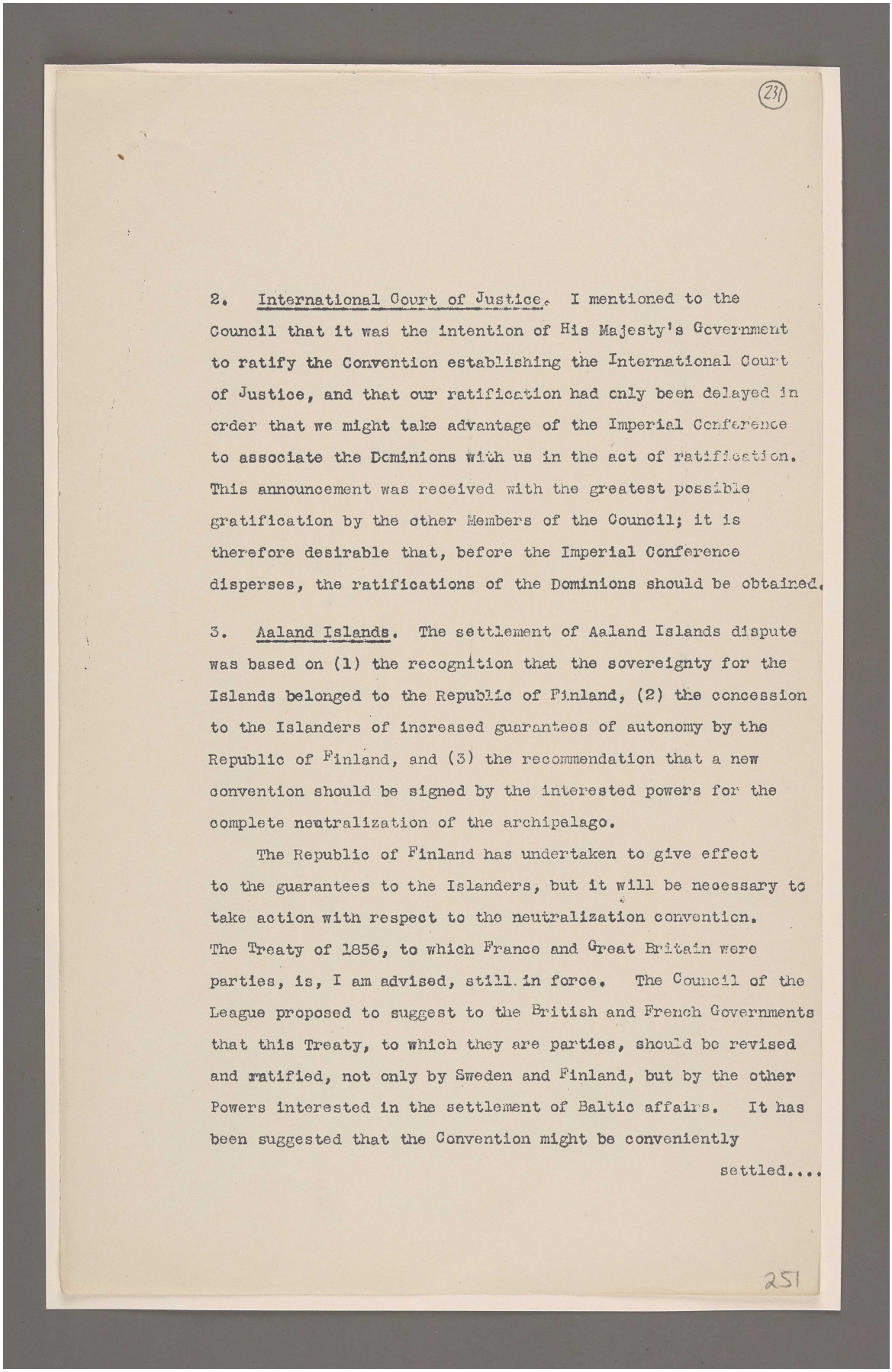

(231)

2. International Court of Justice. I mentioned to the Council that it was the intention of His Majesty's Government to ratify the Convention establishing the International Court of Justice, and that our ratification had only been delayed in order that we might take advantage of the Imperial Conference to associate the Dominions with us in the act of ratification. This announcement was received with the greatest possible gratification by the other Members of the Council; it is therefore desirable that, before the Imperial Conference disperses, the ratifications of the Dominions should be obtained.

3. Aaland Islands. The settlement of Aaland Islands dispute was based on (1) the recognition that the sovereignty for the Islands belonged to the Republic of Finland, (2) the concession to the Islanders of increased guarantees of autonomy by the Republic of Finland, and (3) the recommendation that a new convention should be signed by the interested powers for the complete neutralization of the archipalago.

The Republic of Finland has undertaken to give effect to the guarantees to the Islanders, but it will be necessary to take action with respect to the neutralization convention. The Treaty of 1856, to which France and Great Britain were parties, is, I am advised, still in force. The Council of the League proposed to suggest to the British and French Governments that this Treaty, to which they are parties, should be revised and ratified, not only by Sweden and Finland, but by the other Powers interested in the settlement of Baltic affairs. It has been suggested that the Convention might be conveniently settled....

251

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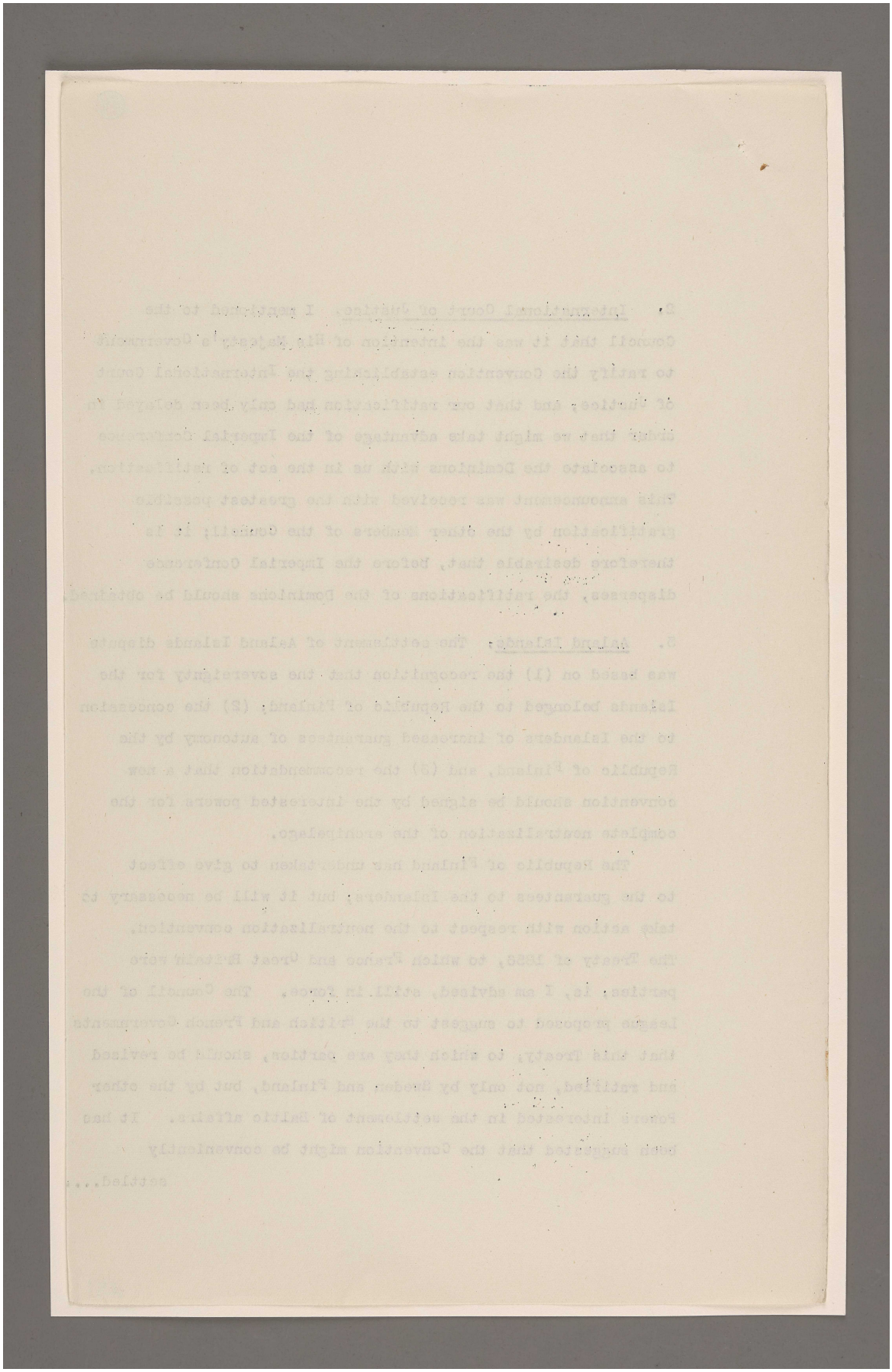

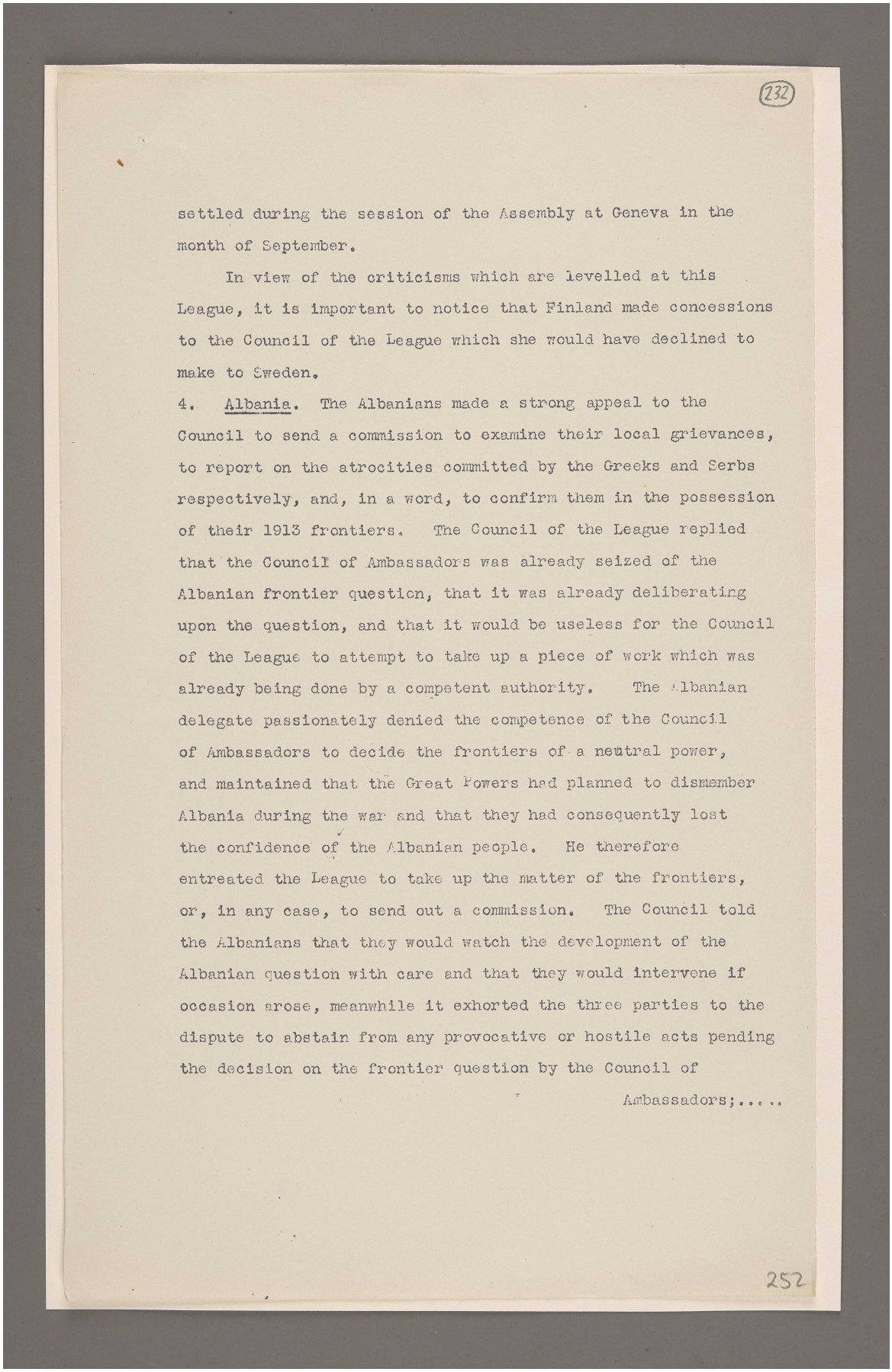

(232)

settled during the session of the Assembly at Geneva in the month of September.

In view of the criticisms which are levelled at this League, it is important to notice that Finland made concessions to the Council of the League which she would have declined to make to Sweden.

4. Albania. The Albanians made a strong appeal to the Council to send a commission to examine their local grievances, to report on the atrocities committed by the Greeks and Serbs respectively, and, in a word, to confirm them in the possession of their 1913 frontiers. The Council of the League replied that the Council of Ambassadors was already seized of the Albanian frontier question, that it was already deliberating upon the question, and that it would be useless for the Council of the League to attempt to take up a piece of work which was already being done by a competent authority. The Albanian delegate passionately denied the competence of the Council of Ambassadors to decide the frontiers of a neutral power, and maintained that the Great Powers had planned to dismember Albania during the war and that they had consequently lost the confidence of the Albanian people. He therefore entreated the League to take up the matter of the frontiers, or, in any case, to send out a commission. The Council told the Albanians that they would watch the development of the Albanian question with care and that they would intervene if occasion arose, meanwhile it exhorted the three parties to the dispute to abstain from any provocative or hostile acts pending the decision on the frontier question by the Council of Ambassadors;.....

252

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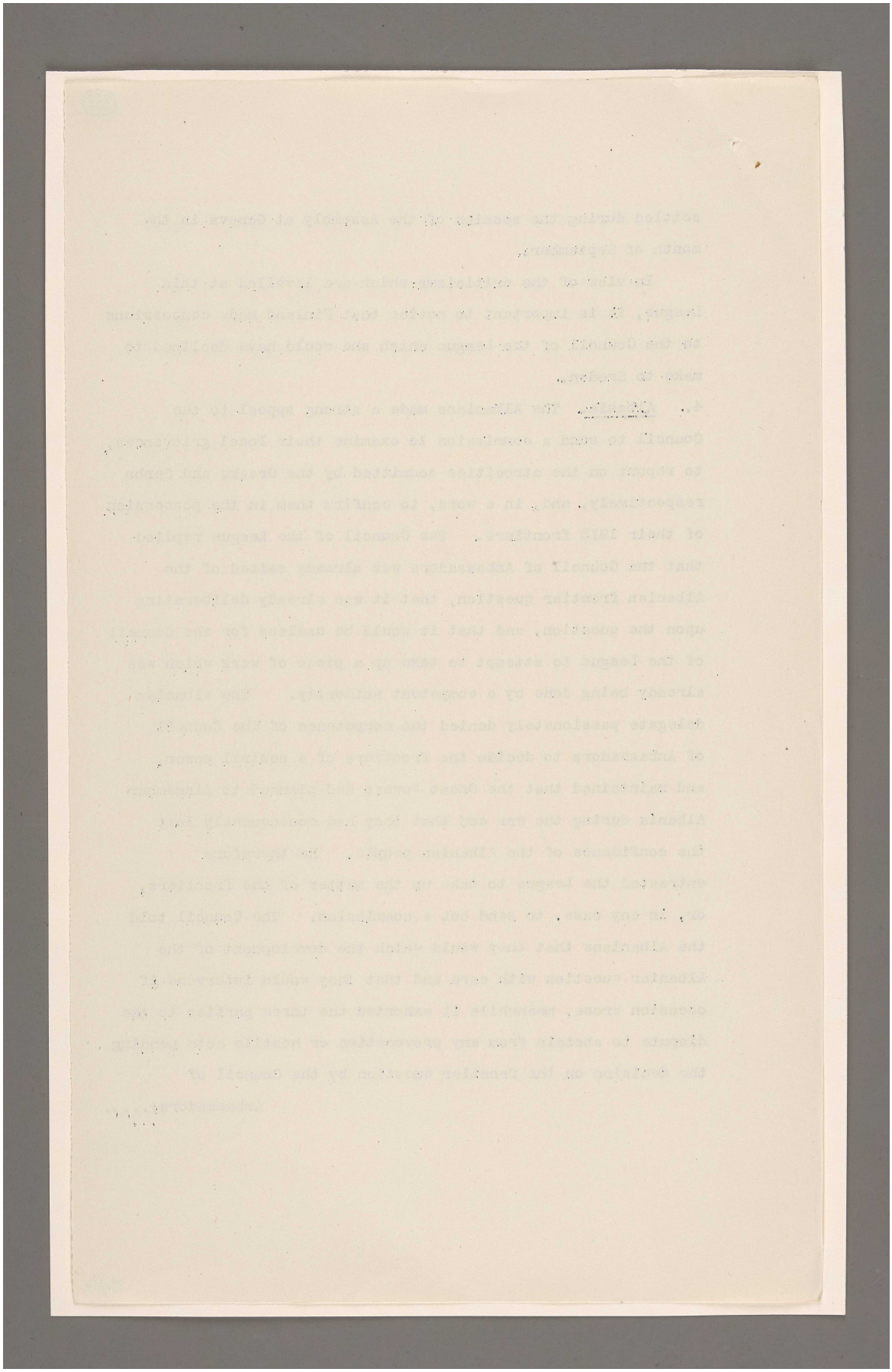

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Ambassadors; and at the instance of the Italian Representatives, the Council of Ambassadors was urged to settle the frontier question with as little delay as might be.

It is perhaps worthy of consideration whether, in view of the very strong Albanian objections to the settlement of their frontiers by the Council of Ambassadors, some steps should not be taken to meet Albanian susceptibilities. If, for instance, the Council of Ambassadors should determine to send a commission to Albania, it might be desirable that it should invite the co-operation of the Council of the League. It is clear in any case that the Albanians will be very angry if they get anything less than the 1913 frontiers.

5. Poland and Lithuania. So long as General Zeligowski's troops remain in Vilna no settlement of the Polish-Lithuanian dispute is possible. Fortunately Colonel Chardigny, the head of the Military Commission, is violently opposed to the Poles, and under his influence M. Hanotaux was able to join me in a strong declaration to the effect that the Polish troops of General Zeligowski must be cleared out of Vilna and its region. Whether, in effect, any action will be taken remains to be seen, meanwhile the Lithuanians are very sceptical and are more obstinate because, as they say, every party in Russia is behind them and Russia will never tolerate a Polish Vilna.

On the whole the Council of the League has done as much as can be expected with reference to this almost intractable problem. The negotiations in Brussels are to be resumed in July, both parties to the controversy having accepted M. Hymans' plan ....

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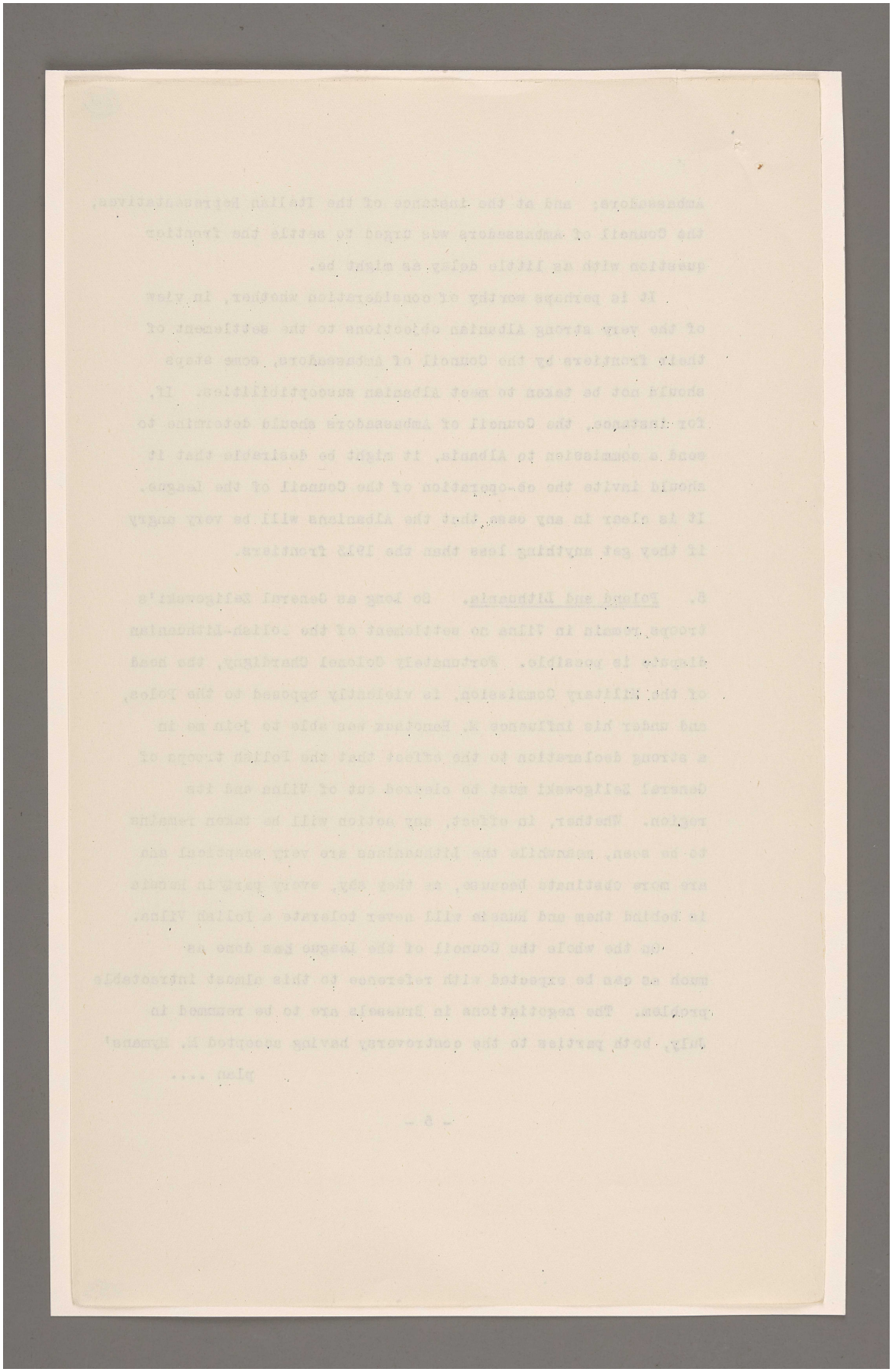

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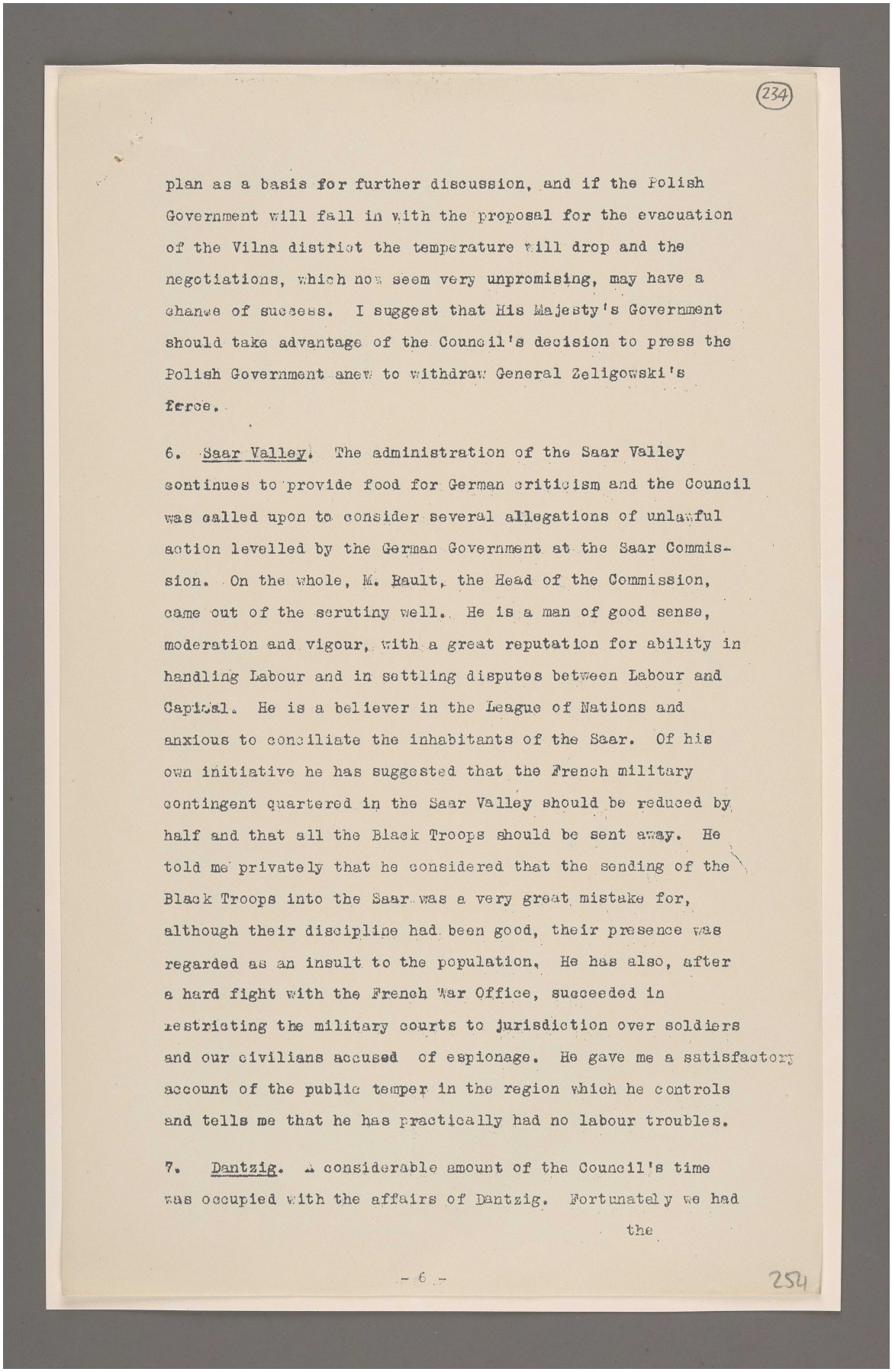

(234)

plan as a basis for further discussion, and if the Polish Government will fall in with the proposal for the evacuation of the Vilna district the temperature will drop and the negotiations, which now seem very unpromising, may have a chance of success. I suggest that His Majesty's Government should take advantage of the Council's decision to press the Polish Government anew to withdraw General Zeligowski's force.

6. Saar Valley. The administration of the Saar Valley continues to provide food for German criticism and the Council was called upon to consider several allegations of unlawful action levelled by the German Government at the Saar Commission. On the whole, M. Rault, the Head of the Commission, came out of the scrutiny well. He is a man of good sense, moderation and vigour, with a great reputation for ability in handling Labour and in settling disputes between Labour and Capital. He is a believer in the League of Nations and anxious to conciliate the inhabitants of the Saar. Of his own initiative he has suggested that the French military contingent quartered in the Saar Valley should be reduced by half and that all the Black Troops should be sent away. He told me privately that he considered that the sending of the Black Troops into the Saar was a very great mistake for, although their discipline had been good, their presence was regarded as an insult to the population. He has also, after a hard fight with the French War Office, succeeded in restricting the military courts to jurisdiction over soldiers and our civilians accused of espionage. He gave me a satisfactory account of the public temper in the region which he controls and tells me that he has practically had no labour troubles.

7. Dantzig. A considerable amount of the Council's time was occupied with the affairs of Dantzig. Fortunately we had

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254

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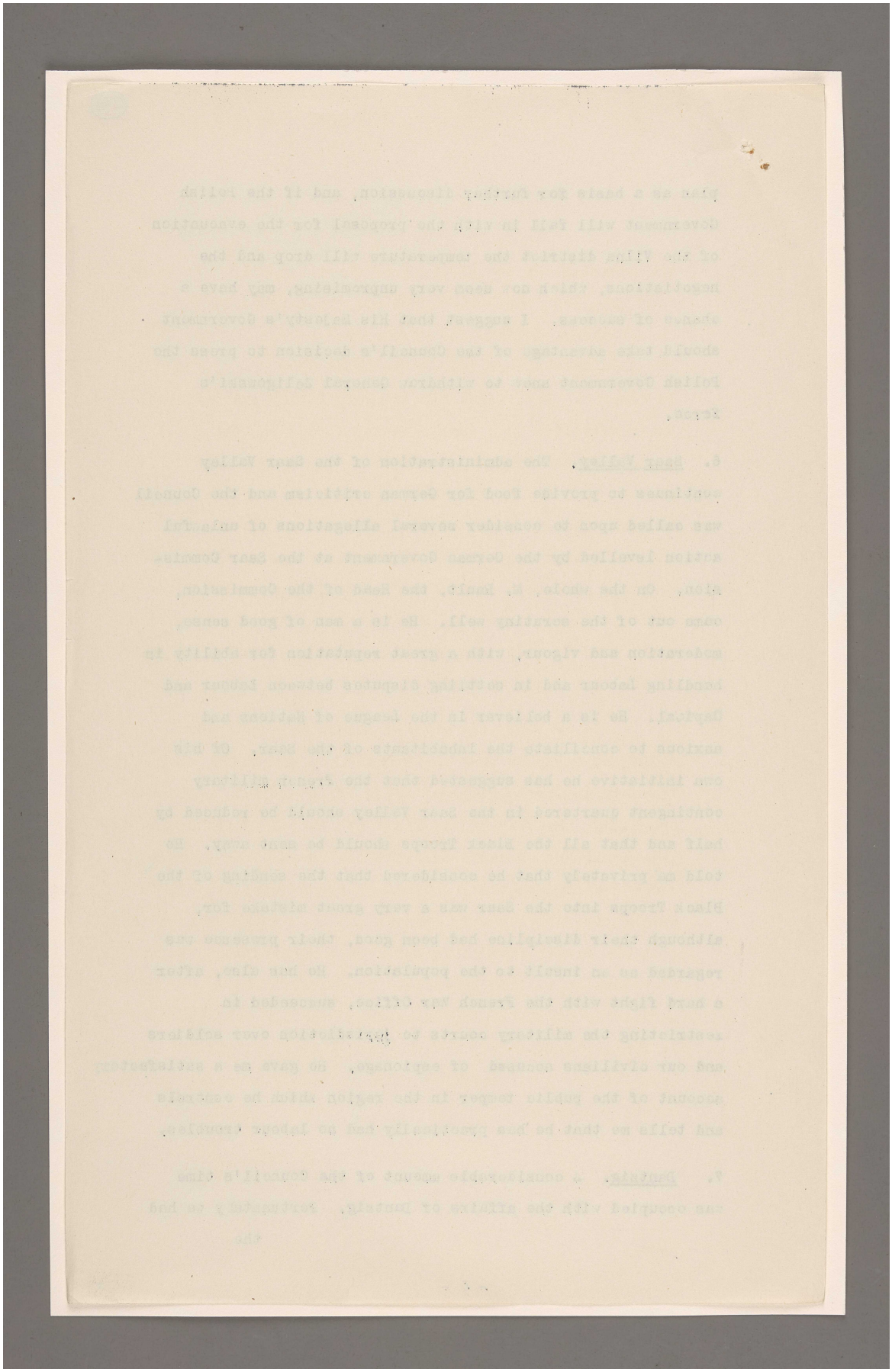

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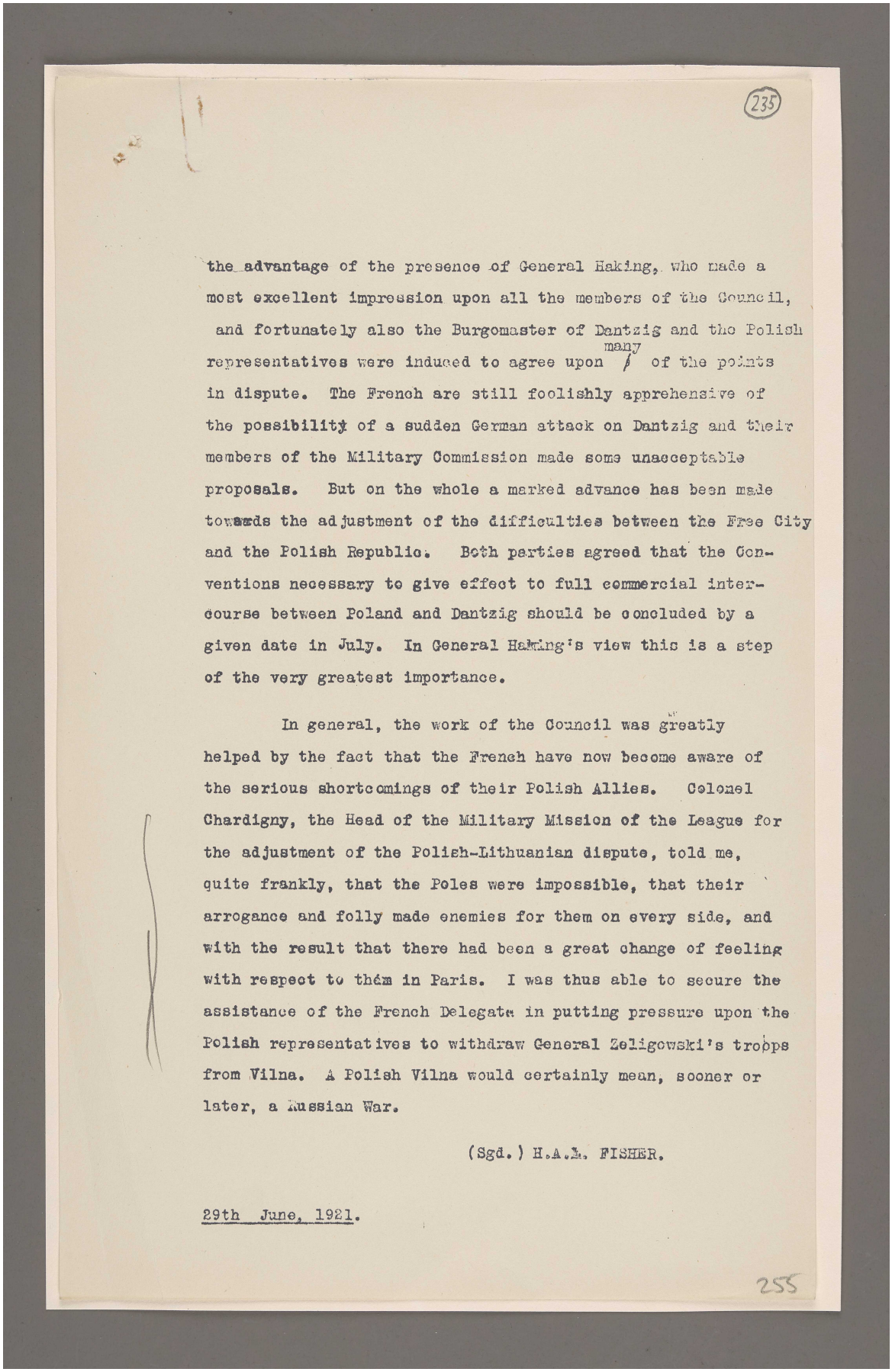

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the advantage of the presence of General Haking, who made a most excellent impression upon all the members of the Council, and fortunately also the Burgomaster of Dantzig and the Polish representatives were induced to agree upon many of the points in dispute. The French are still foolishly apprehensive of the possibility of a sudden German attack on Dantzig and their members of the Military Commission made some unacceptable proposals. But on the whole a marked advance has been made towards the adjustment of the difficulties between the Free City and the Polish Republic. Both parties agreed that the Conventions necessary to give effect to full commercial intercourse between Poland and Dantzig should be concluded by a given date in July. In General Haking's view this is a step of the very greatest importance.

In general, the work of the Council was greatly helped by the fact that the French have now become aware of the serious shortcomings of their Polish Allies. Colonel Chardigny, the Head of the Military Mission of the League for the adjustment of the Polish-Lithuanian dispute, told me, quite frankly, that the Poles were impossible, that their arrogance and folly made enemies for them on every side, and with the result that there had been a great change of feeling with respect to them in Paris. I was thus able to secure the assistance of the French Delegate in putting pressure upon the Polish representatives to withdraw General Zeligowski's troops from Vilna. A Polish Vilna would certainly mean, sooner or later, a Russian War.

(Sgd.) H.A.L. FISHER.

29th June, 1921.

255

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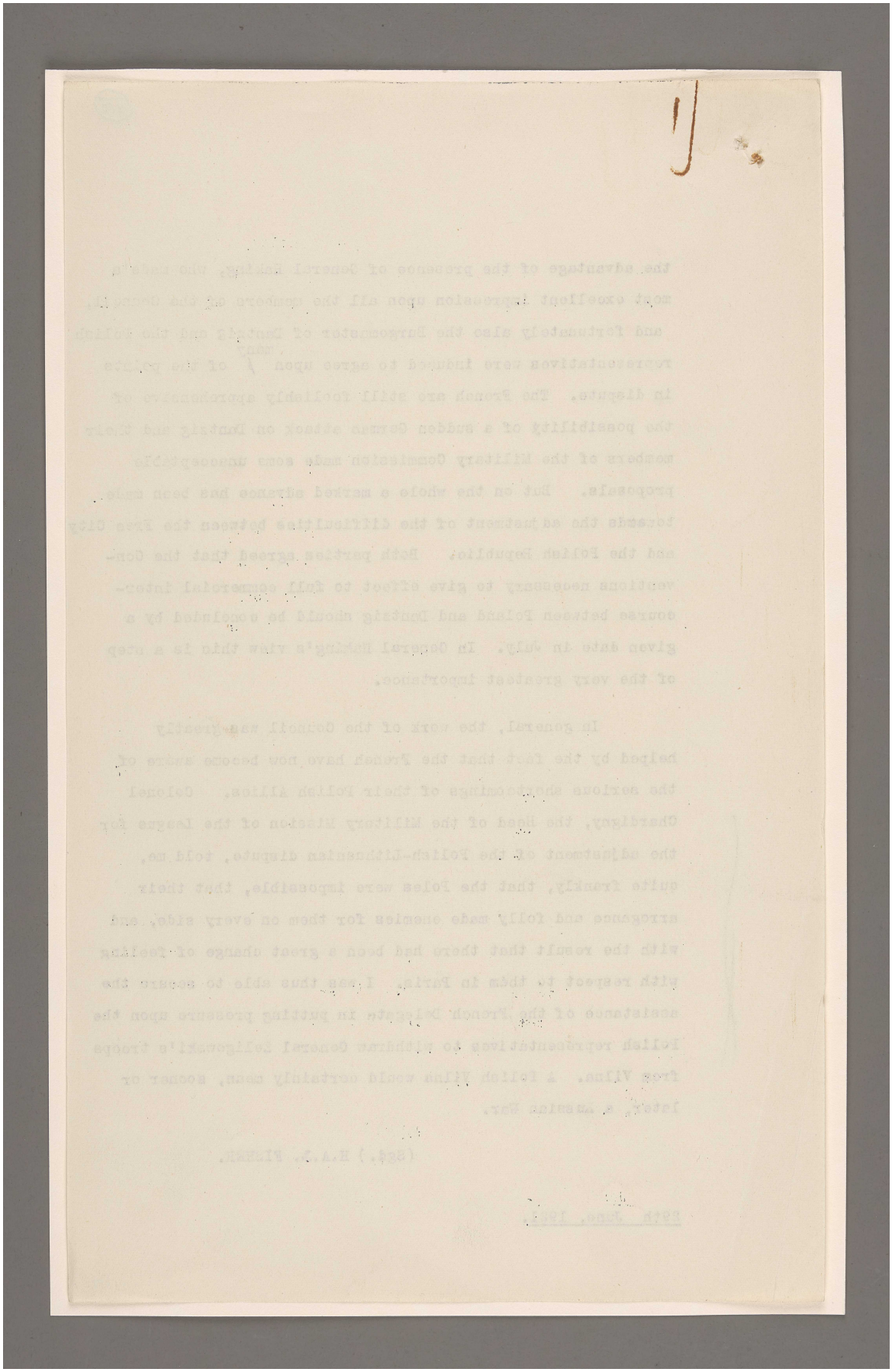

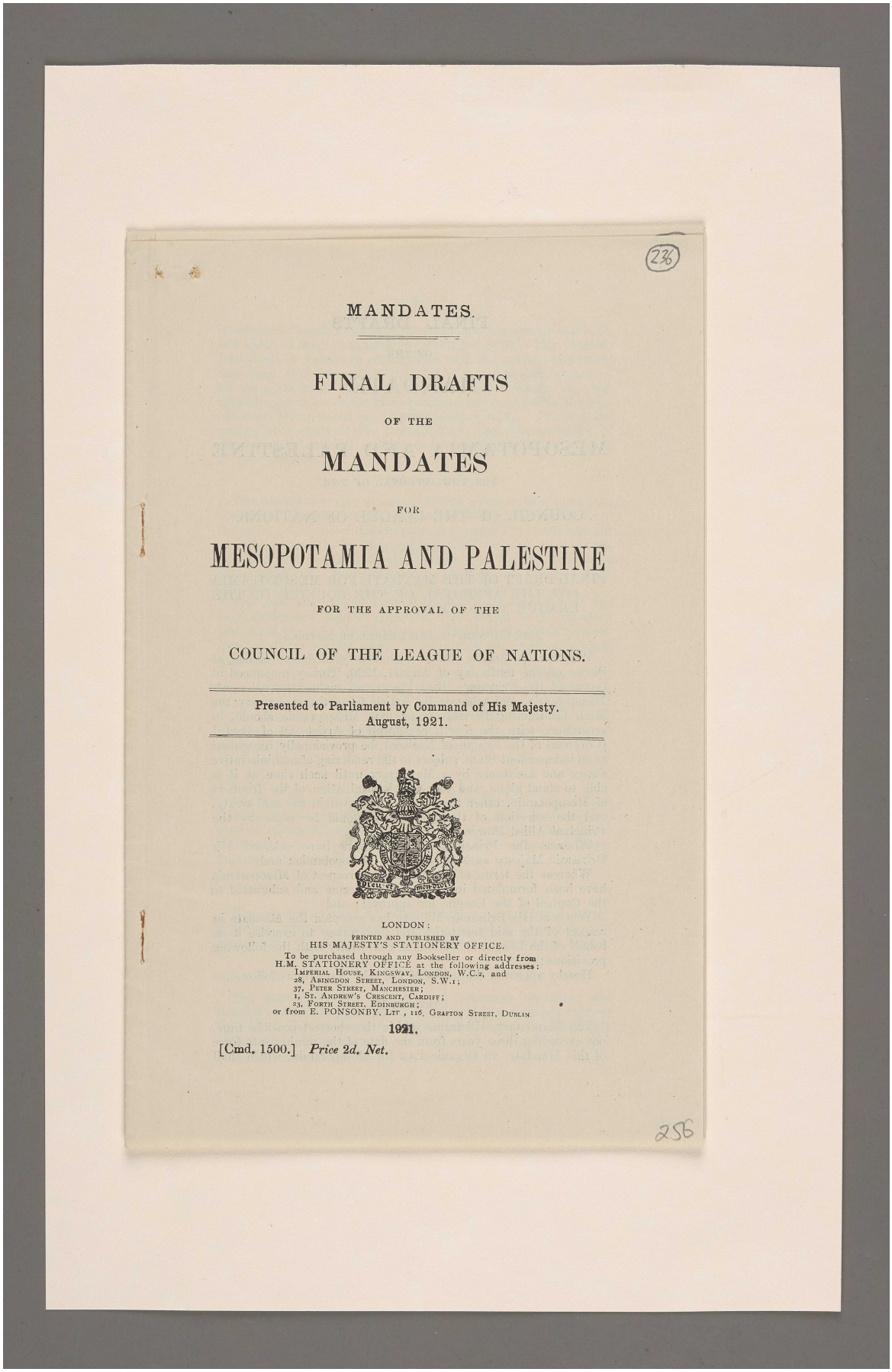

(236)

MANDATES.

FINAL DRAFTS

OF THE

MANDATES

FOR

MESOPOTAMIA AND PALESTINE

FOR THE APPROVAL OF THE

COUNCIL OF THE LEAGUE OF NATIONS.

Presented to Parliament by Command of His Majesty.
August, 1921.

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256

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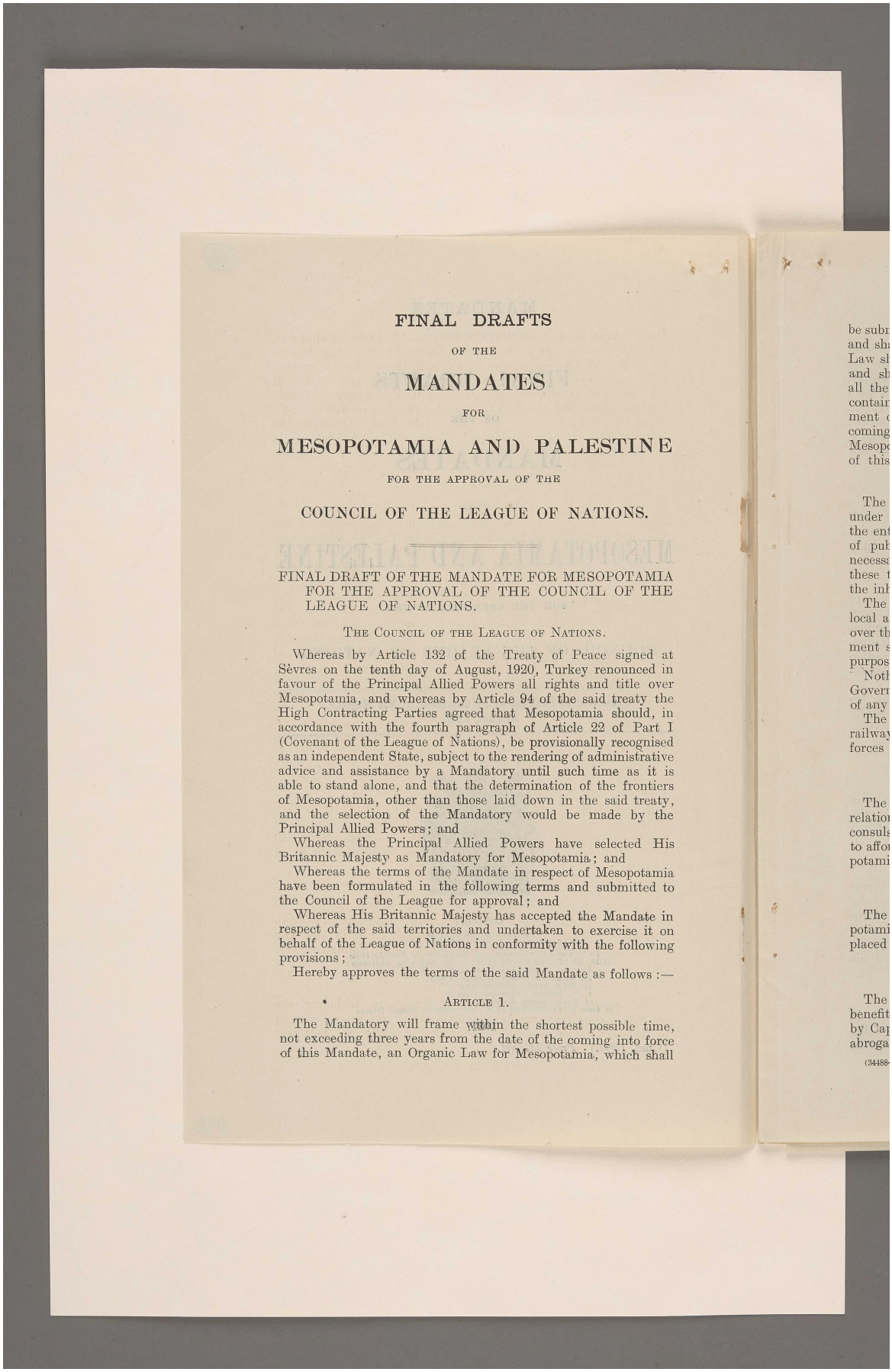

FINAL DRAFTS

OF THE

MANDATES

FOR

MESOPOTAMIA AND PALESTINE

FOR THE APPROVAL OF THE

COUNCIL OF THE LEAGUE OF NATIONS.

FINAL DRAFT OF THE MANDATE FOR MESOPOTAMIA FOR THE APPROVAL OF THE COUNCIL OF THE LEAGUE OF NATIONS.

THE COUNCIL OF THE LEAGUE OF NATIONS.

Whereas by Article 132 of the Treaty of Peace signed at Sèvres on the tenth day of August, 1920, Turkey renounced in favour of the Principal Allied Powers all rights and title over Mesopotamia, and whereas by Article 94 of the said treaty the High Contracting Parties agreed that Mesopotamia should, in accordance with the fourth paragraph of Article 22 of Part I (Covenant of the League of Nations), be provisionally recognised as an independent State, subject to the rendering of administrative advice and assistance by a Mandatory until such time as it is able to stand alone, and that the determination of the frontiers of Mesopotamia, other than those laid down in the said treaty, and the selection of the Mandatory would be made by the Principal Allied Powers; and

Whereas the Principal Allied Powers have selected His Britannic Majesty as Mandatory for Mesopotamia; and

Whereas the terms of the Mandate in respect of Mesopotamia have been formulated in the following terms and submitted to the Council of the League for approval; and

Whereas His Britannic Majesty has accepted the Mandate in respect of the said territories and undertaken to exercise it on behalf of the League of Nations in conformity with the following provisions;

Hereby approves the terms of the said Mandate as follows:—

ARTICLE 1.

The Mandatory will frame within the shortest possible time, not exceeding three years from the date of the coming into force of this Mandate, an Organic Law for Mesopotamia, which shall

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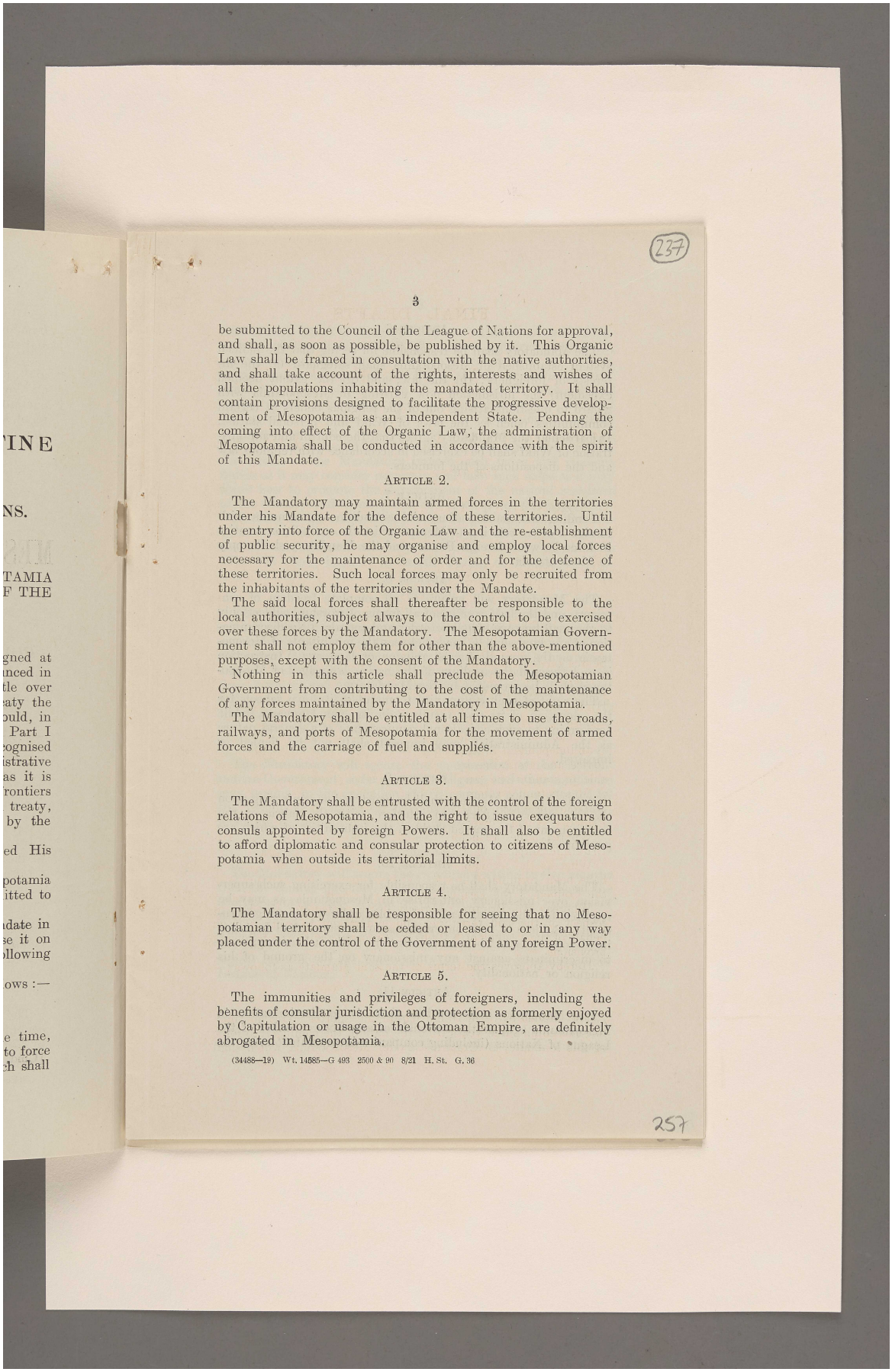

be submitted to the Council of the League of Nations for approval, and shall, as soon as possible, be published by it. This Organic Law shall be framed in consultation with the native authorities, and shall take account of the rights, interests and wishes of all the populations inhabiting the mandated territory. It shall contain provisions designed to facilitate the progressive development of Mesopotamia as an independent State. Pending the coming into effect of the Organic Law, the administration of Mesopotamia shall be conducted in accordance with the spirit of this Mandate.

ARTICLE 2.

The Mandatory may maintain armed forces in the territories under his Mandate for the defence of these territories. Until the entry into force of the Organic Law and the re-establishment of public security, he may organise and employ local forces necessary for the maintenance of order and for the defence of these territories. Such local forces may only be recruited from the inhabitants of the territories under the Mandate.

The said local forces shall thereafter be responsible to the local authorities, subject always to the control to be exercised over these forces by the Mandatory. The Mesopotamian Government shall not employ them for other than the above-mentioned purposes, except with the consent of the Mandatory.

Nothing in this article shall preclude the Mesopotamian Government from contributing to the cost of the maintenance of any forces maintained by the Mandatory in Mesopotamia.

The Mandatory shall be entitled at all times to use the roads, railways, and ports of Mesopotamia for the movement of armed forces and the carriage of fuel and supplies.

ARTICLE 3.

The Mandatory shall be entrusted with the control of the foreign relations of Mesopotamia, and the right to issue exequaturs to consuls appointed by foreign Powers. It shall also be entitled to afford diplomatic and consular protection to citizens of Mesopotamia when outside its territorial limits.

ARTICLE 4.

The Mandatory shall be responsible for seeing that no Mesopotamian territory shall be ceded or leased to or in any way placed under the control of the Government of any foreign Power.

ARTICLE 5.

The immunities and privileges of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by Capitulation or usage in the Ottoman Empire, are definitely abrogated in Mesopotamia.

(34488—19) Wt. 14585—G 493 2500 & 90 8/21 H. St. G. 36

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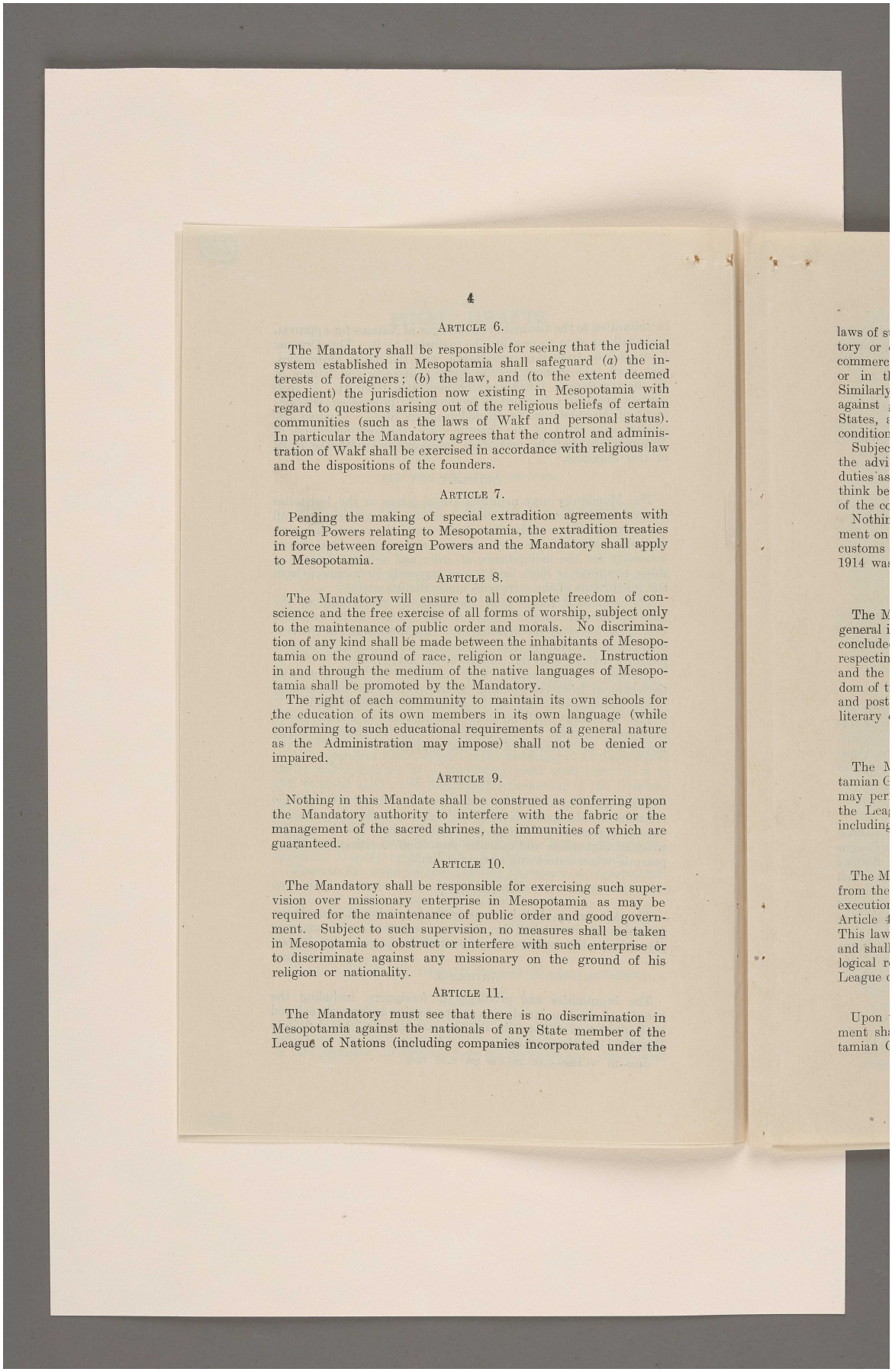

ARTICLE 6.

The Mandatory shall be responsible for seeing that the judicial system established in Mesopotamia shall safeguard (*a*) the interests of foreigners; (*b*) the law, and (to the extent deemed expedient) the jurisdiction now existing in Mesopotamia with regard to questions arising out of the religious beliefs of certain communities (such as the laws of Wakf and personal status). In particular the Mandatory agrees that the control and administration of Wakf shall be exercised in accordance with religious law and the dispositions of the founders.

ARTICLE 7.

Pending the making of special extradition agreements with foreign Powers relating to Mesopotamia, the extradition treaties in force between foreign Powers and the Mandatory shall apply to Mesopotamia.

ARTICLE 8.

The Mandatory will ensure to all complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals. No discrimination of any kind shall be made between the inhabitants of Mesopotamia on the ground of race, religion or language. Instruction in and through the medium of the native languages of Mesopotamia shall be promoted by the Mandatory.

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

ARTICLE 9.

Nothing in this Mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of the sacred shrines, the immunities of which are guaranteed.

ARTICLE 10.

The Mandatory shall be responsible for exercising such supervision over missionary enterprise in Mesopotamia as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Mesopotamia to obstruct or interfere with such enterprise or to discriminate against any missionary on the ground of his religion or nationality.

ARTICLE 11.

The Mandatory must see that there is no discrimination in Mesopotamia against the nationals of any State member of the League of Nations (including companies incorporated under the

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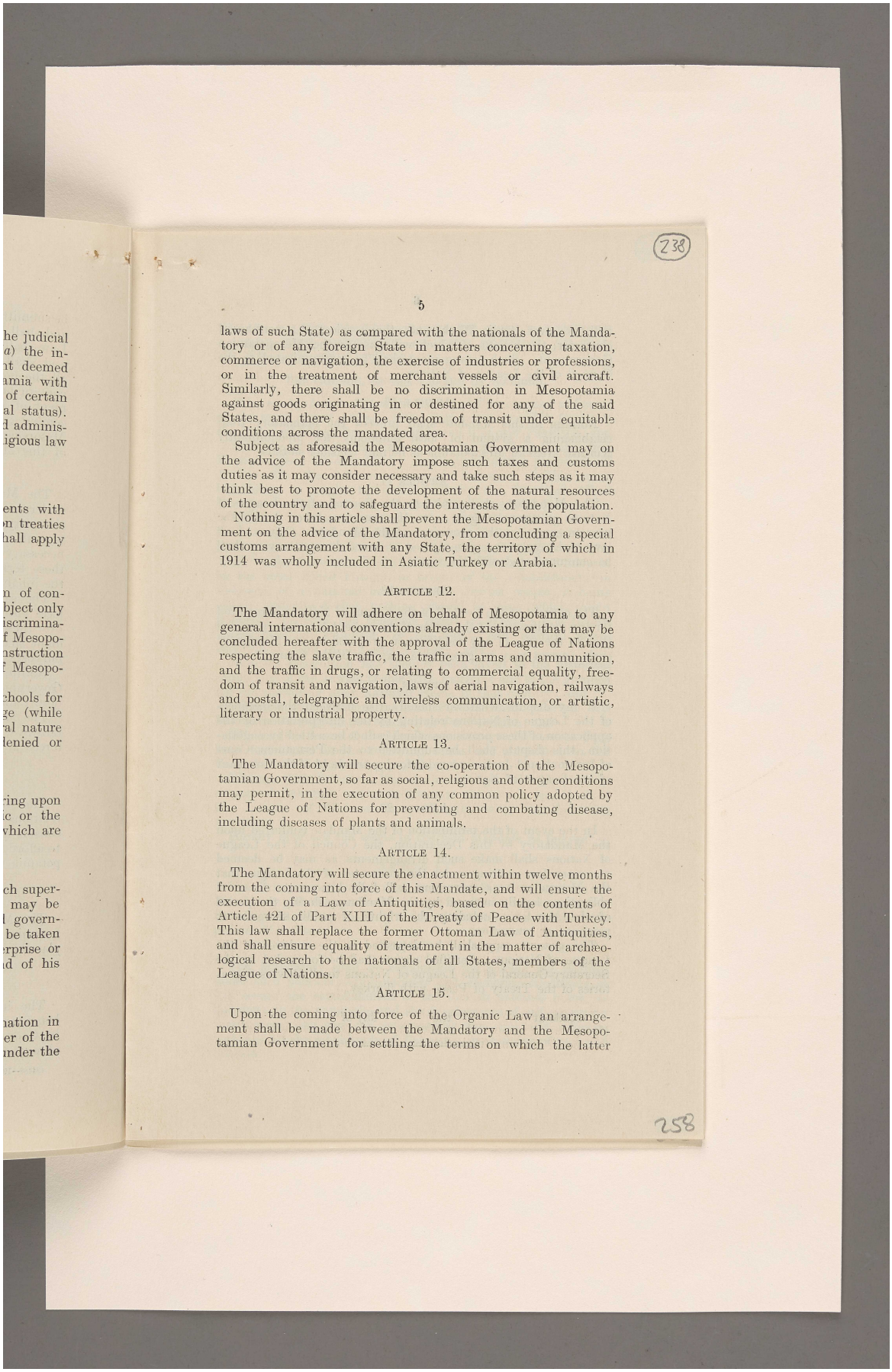

238

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laws of such State) as compared with the nationals of the Mandatory or of any foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of merchant vessels or civil aircraft. Similarly, there shall be no discrimination in Mesopotamia against goods originating in or destined for any of the said States, and there shall be freedom of transit under equitable conditions across the mandated area.

Subject as aforesaid the Mesopotamian Government may on the advice of the Mandatory impose such taxes and customs duties as it may consider necessary and 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.

Nothing in this article shall prevent the Mesopotamian Government on the advice of the Mandatory, from concluding a special customs arrangement with any State, the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

ARTICLE 12.

The Mandatory will adhere on behalf of Mesopotamia to any general international conventions already existing or that may be concluded hereafter with the approval of the League of Nations respecting the slave traffic, the traffic in arms and ammunition, and the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, laws of aerial navigation, railways and postal, telegraphic and wireless communication, or artistic, literary or industrial property.

ARTICLE 13.

The Mandatory will secure the co-operation of the Mesopotamian Government, so far as social, religious and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

ARTICLE 14.

The Mandatory will secure the enactment within twelve months from the coming into force of this Mandate, and will ensure the execution of a Law of Antiquities, based on the contents of Article 421 of Part XIII of the Treaty of Peace with Turkey. This law shall replace the former Ottoman Law of Antiquities, and shall ensure equality of treatment in the matter of archæological research to the nationals of all States, members of the League of Nations.

ARTICLE 15.

Upon the coming into force of the Organic Law an arrangement shall be made between the Mandatory and the Mesopotamian Government for settling the terms on which the latter

258

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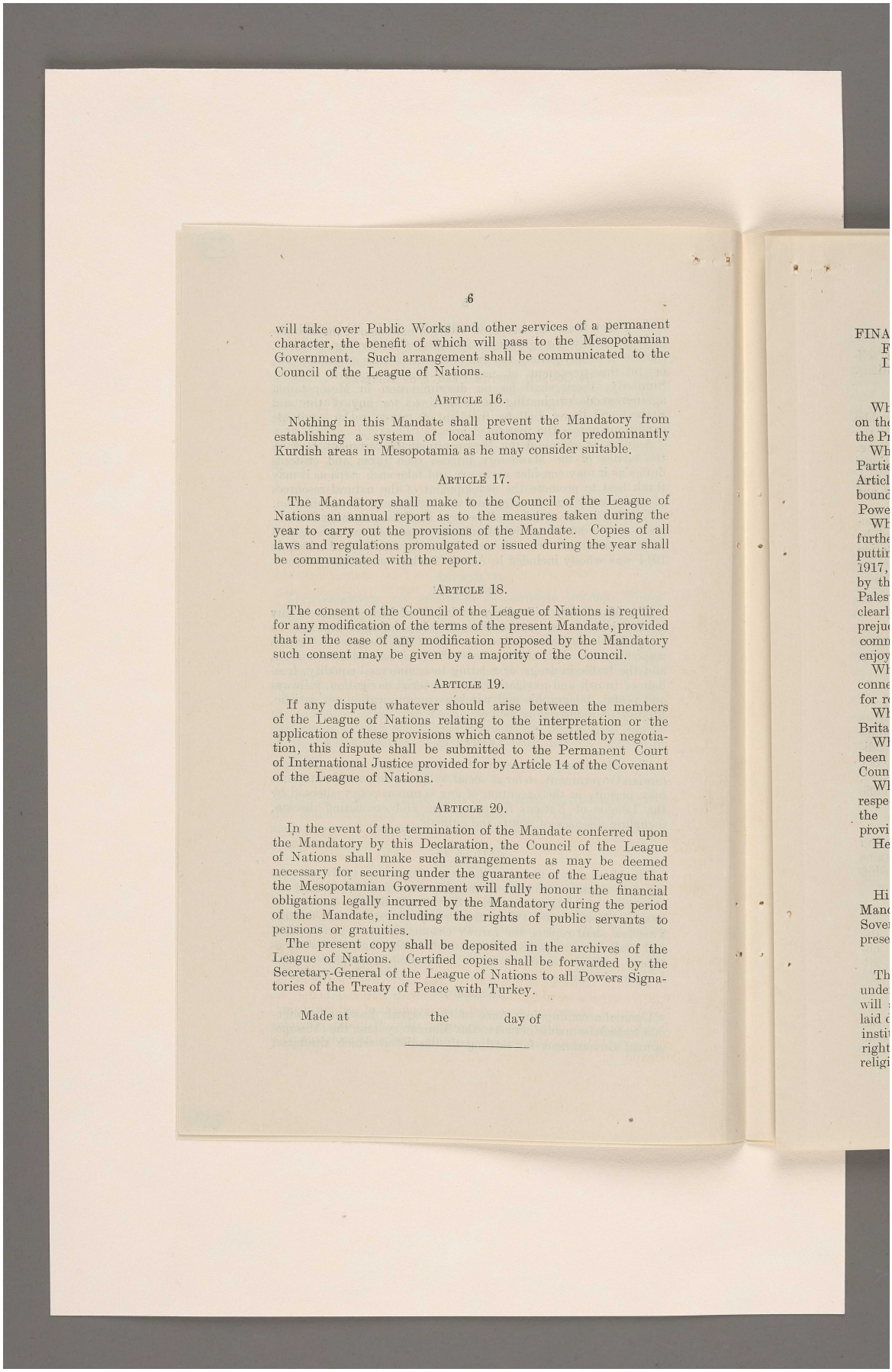

will take over Public Works and other services of a permanent character, the benefit of which will pass to the Mesopotamian Government. Such arrangement shall be communicated to the Council of the League of Nations.

ARTICLE 16.

Nothing in this Mandate shall prevent the Mandatory from establishing a system of local autonomy for predominantly Kurdish areas in Mesopotamia as he may consider suitable.

ARTICLE 17.

The Mandatory shall make to the Council of the League of Nations an annual report as to the measures taken during the year to carry out the provisions of the Mandate. Copies of all laws and regulations promulgated or issued during the year shall be communicated with the report.

ARTICLE 18.

The consent of the Council of the League of Nations is required for any modification of the terms of the present Mandate, provided that in the case of any modification proposed by the Mandatory such consent may be given by a majority of the Council.

ARTICLE 19.

If any dispute whatever should arise between the members of the League of Nations relating to the interpretation or the application of these provisions which cannot be settled by negotiation, this dispute shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

ARTICLE 20.

In the event of the termination of the Mandate conferred upon the Mandatory by this Declaration, the Council of the League of Nations shall make such arrangements as may be deemed necessary for securing under the guarantee of the League that the Mesopotamian Government will fully honour the financial obligations legally incurred by the Mandatory during the period of the Mandate, including the rights of public servants to pensions or gratuities.

The present copy shall be deposited in the archives of the League of Nations. Certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers Signatories of the Treaty of Peace with Turkey.

Made at the day of

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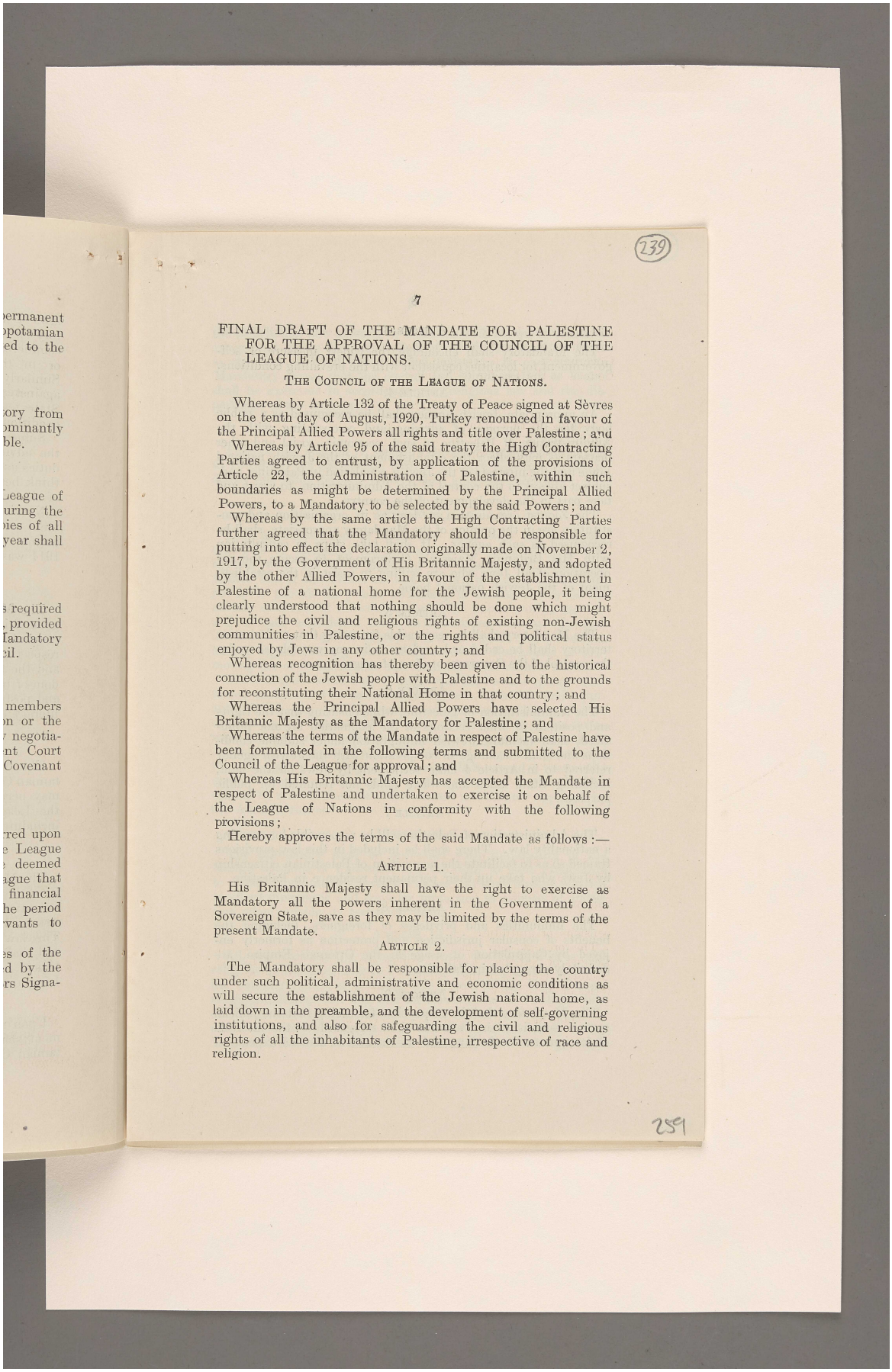

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FINAL DRAFT OF THE MANDATE FOR PALESTINE FOR THE APPROVAL OF THE COUNCIL OF THE LEAGUE OF NATIONS.

THE COUNCIL OF THE LEAGUE OF NATIONS.

Whereas by Article 132 of the Treaty of Peace signed at Sèvres on the tenth day of August, 1920, Turkey renounced in favour of the Principal Allied Powers all rights and title over Palestine; and

Whereas by Article 95 of the said treaty the High Contracting Parties agreed to entrust, by application of the provisions of Article 22, the Administration of Palestine, within such boundaries as might be determined by the Principal Allied Powers, to a Mandatory to be selected by the said Powers; and

Whereas by the same article the High Contracting Parties further agreed that the Mandatory should be responsible for putting into effect the declaration originally made on November 2, 1917, by the Government of His Britannic Majesty, and adopted by the other Allied Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country; and

Whereas recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their National Home in that country; and

Whereas the Principal Allied Powers have selected His Britannic Majesty as the Mandatory for Palestine; and

Whereas the terms of the Mandate in respect of Palestine have been formulated in the following terms and submitted to the Council of the League for approval; and

Whereas His Britannic Majesty has accepted the Mandate in respect of Palestine and undertaken to exercise it on behalf of the League of Nations in conformity with the following provisions;

Hereby approves the terms of the said Mandate as follows:—

ARTICLE 1.

His Britannic Majesty shall have the right to exercise as Mandatory all the powers inherent in the Government of a Sovereign State, save as they may be limited by the terms of the present Mandate.

ARTICLE 2.

The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.

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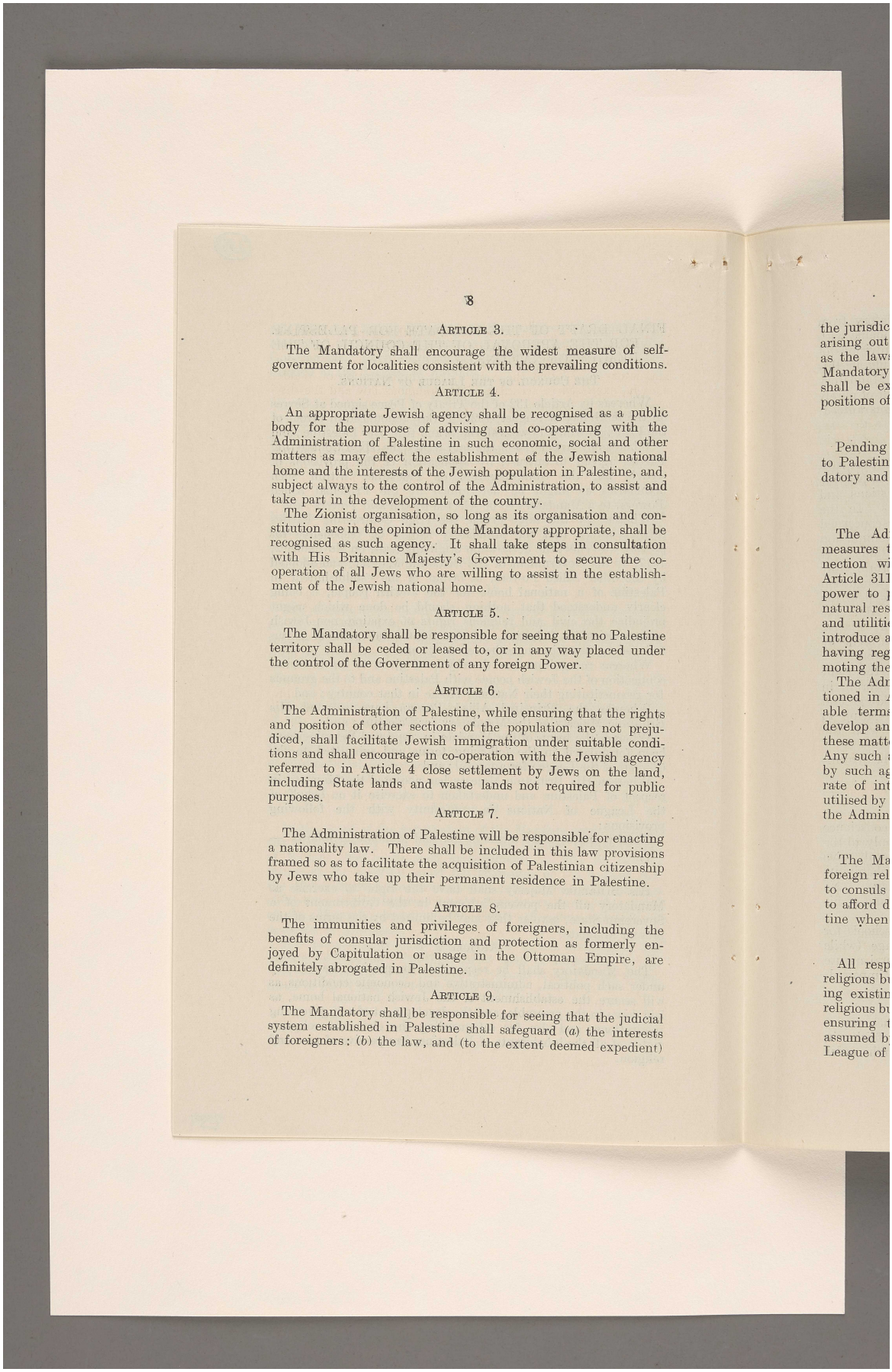

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ARTICLE 3.

The Mandatory shall encourage the widest measure of self-government for localities consistent with the prevailing conditions.

ARTICLE 4.

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 effect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country.

The Zionist organisation, so long as its organisation and constitution are in the opinion of the Mandatory appropriate, shall be recognised as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish national home.

ARTICLE 5.

The Mandatory shall be responsible for seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of the Government of any foreign Power.

ARTICLE 6.

The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage in co-operation with the Jewish agency referred to in Article 4 close settlement by Jews on the land, including State lands and waste lands not required for public purposes.

ARTICLE 7.

The Administration of Palestine will be responsible for enacting a nationality law. There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine.

ARTICLE 8.

The immunities and privileges of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by Capitulation or usage in the Ottoman Empire, are definitely abrogated in Palestine.

ARTICLE 9.

The Mandatory shall be responsible for seeing that the judicial system established in Palestine shall safeguard (*a*) the interests of foreigners: (*b*) the law, and (to the extent deemed expedient)

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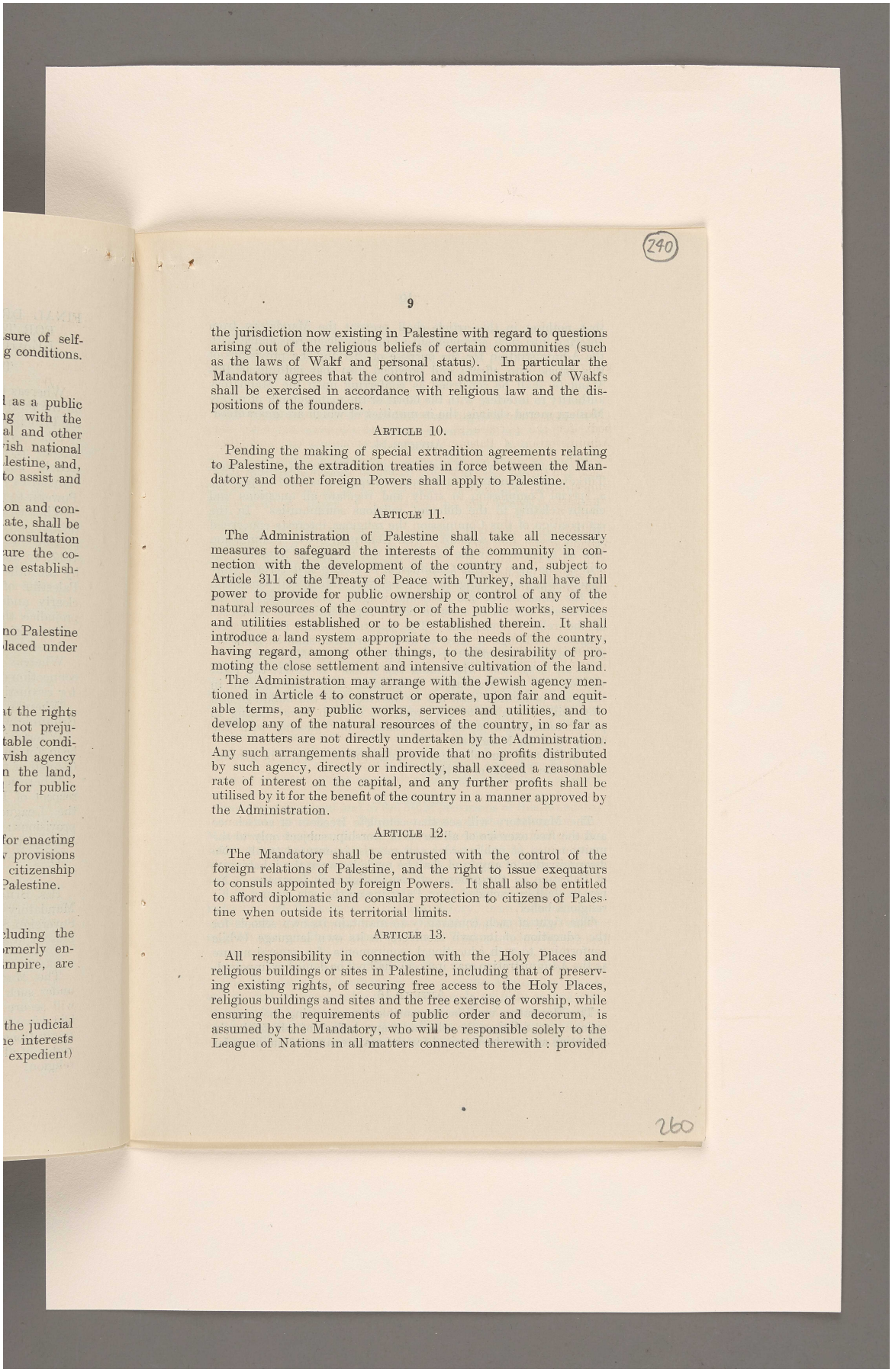

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the jurisdiction now existing in Palestine with regard to questions arising out of the religious beliefs of certain communities (such as the laws of Wakf and personal status). In particular the Mandatory agrees that the control and administration of Wakfs shall be exercised in accordance with religious law and the dispositions of the founders.

ARTICLE 10.

Pending the making of special extradition agreements relating to Palestine, the extradition treaties in force between the Mandatory and other foreign Powers shall apply to Palestine.

ARTICLE 11.

The Administration of Palestine shall take all necessary measures to safeguard the interests of the community in connection with the development of the country and, subject to Article 311 of the Treaty of Peace with Turkey, shall have full power to provide for public ownership or control of any of the natural resources of the country or of the public works, services and utilities established or to be established therein. It shall introduce a land system appropriate to the needs of the country, having regard, among other things, to the desirability of promoting the close settlement and intensive cultivation of the land.

The Administration may arrange with the Jewish agency mentioned in Article 4 to construct or operate, upon fair and equitable terms, any public works, services and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly undertaken by the Administration. Any such arrangements shall provide that no profits distributed by such agency, directly or indirectly, shall exceed a reasonable rate of interest on the capital, and any further profits shall be utilised by it for the benefit of the country in a manner approved by the Administration.

ARTICLE 12.

The Mandatory shall be entrusted with the control of the foreign relations of Palestine, and the right to issue exequaturs to consuls appointed by foreign Powers. It shall also be entitled to afford diplomatic and consular protection to citizens of Palestine when outside its territorial limits.

ARTICLE 13.

All responsibility in connection with the Holy Places and religious buildings or sites in Palestine, including that of preserving existing rights, of securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the Mandatory, who will be responsible solely to the League of Nations in all matters connected therewith : provided

260

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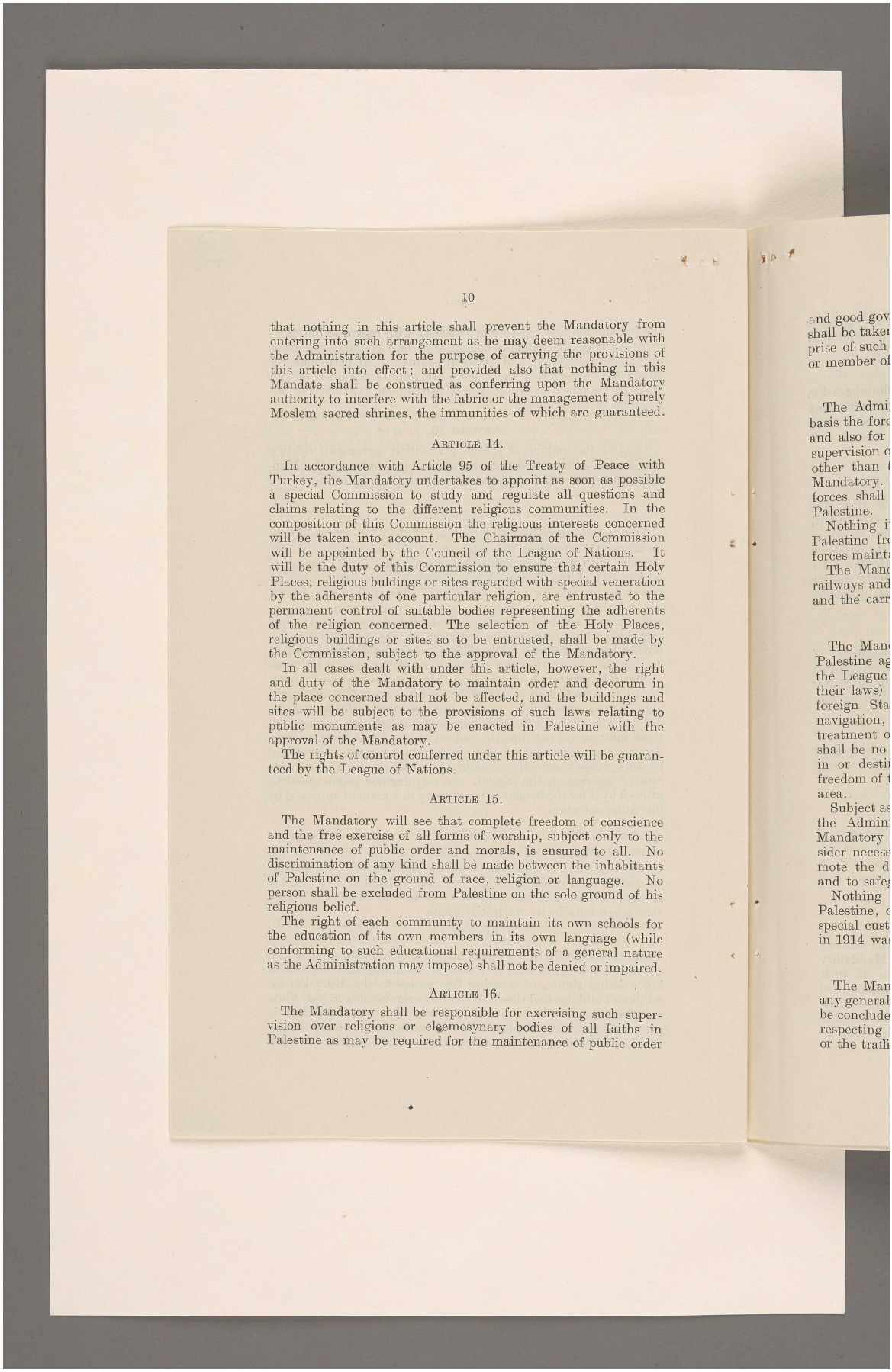

that nothing in this article shall prevent the Mandatory from entering into such arrangement as he may deem reasonable with the Administration for the purpose of carrying the provisions of this article into effect; and provided also that nothing in this Mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed.

ARTICLE 14.

In accordance with Article 95 of the Treaty of Peace with Turkey, the Mandatory undertakes to appoint as soon as possible a special Commission to study and regulate all questions and claims relating to the different religious communities. In the composition of this Commission the religious interests concerned will be taken into account. The Chairman of the Commission will be appointed by the Council of the League of Nations. It will be the duty of this Commission to ensure that certain Holy Places, religious buldings or sites regarded with special veneration by the adherents of one particular religion, are entrusted to the permanent control of suitable bodies representing the adherents of the religion concerned. The selection of the Holy Places, religious buildings or sites so to be entrusted, shall be made by the Commission, subject to the approval of the Mandatory.

In all cases dealt with under this article, however, the right and duty of the Mandatory to maintain order and decorum in the place concerned shall not be affected, and the buildings and sites will be subject to the provisions of such laws relating to public monuments as may be enacted in Palestine with the approval of the Mandatory.

The rights of control conferred under this article will be guaranteed by the League of Nations.

ARTICLE 15.

The Mandatory will see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, is ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

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

ARTICLE 16.

The Mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order

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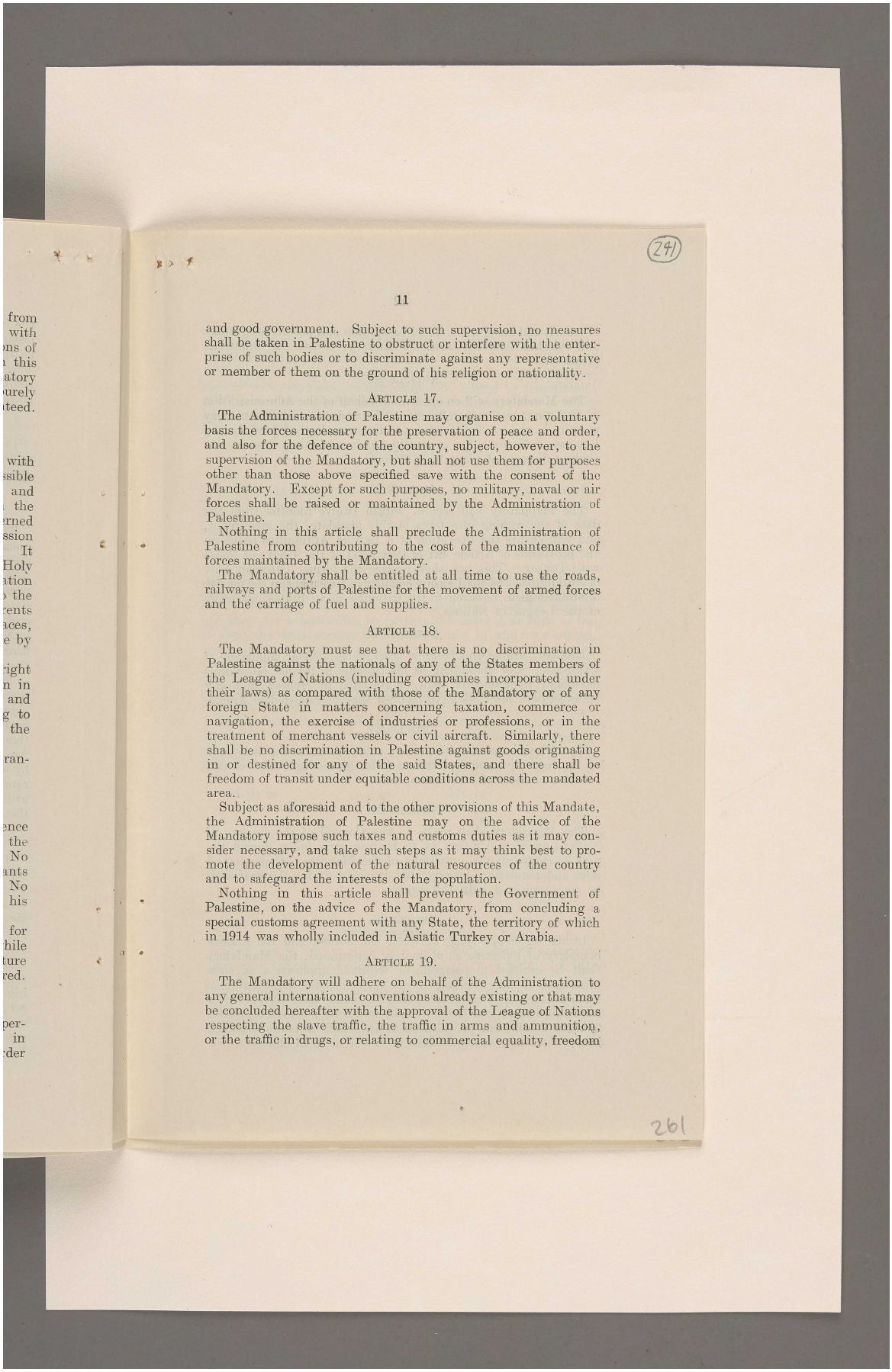

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and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with the enterprise of such bodies or to discriminate against any representative or member of them on the ground of his religion or nationality.

ARTICLE 17.

The Administration of Palestine may organise on a voluntary basis the forces necessary for the preservation of peace and order, and also for the defence of the country, subject, however, to the supervision of the Mandatory, but shall not use them for purposes other than those above specified save with the consent of the Mandatory. Except for such purposes, no military, naval or air forces shall be raised or maintained by the Administration of Palestine.

Nothing in this article shall preclude the Administration of Palestine from contributing to the cost of the maintenance of forces maintained by the Mandatory.

The Mandatory shall be entitled at all time to use the roads, railways and ports of Palestine for the movement of armed forces and the carriage of fuel and supplies.

ARTICLE 18.

The Mandatory must see that there is no discrimination in Palestine against the nationals of any of the States members of the League of Nations (including companies incorporated under their laws) as compared with those of the Mandatory or of any foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of merchant vessels or civil aircraft. Similarly, there shall be no discrimination in Palestine against goods originating in or destined for any of the said States, and there shall be freedom of transit under equitable conditions across the mandated area.

Subject as aforesaid and to the other provisions of this Mandate, the Administration of Palestine may on the advice of the Mandatory impose such taxes and customs duties as it may consider necessary, and 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.

Nothing in this article shall prevent the Government of Palestine, on the advice of the Mandatory, from concluding a special customs agreement with any State, the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

ARTICLE 19.

The Mandatory will adhere on behalf of the Administration to any general international conventions already existing or that may be concluded hereafter with the approval of the League of Nations respecting the slave traffic, the traffic in arms and ammunition, or the traffic in drugs, or relating to commercial equality, freedom

261

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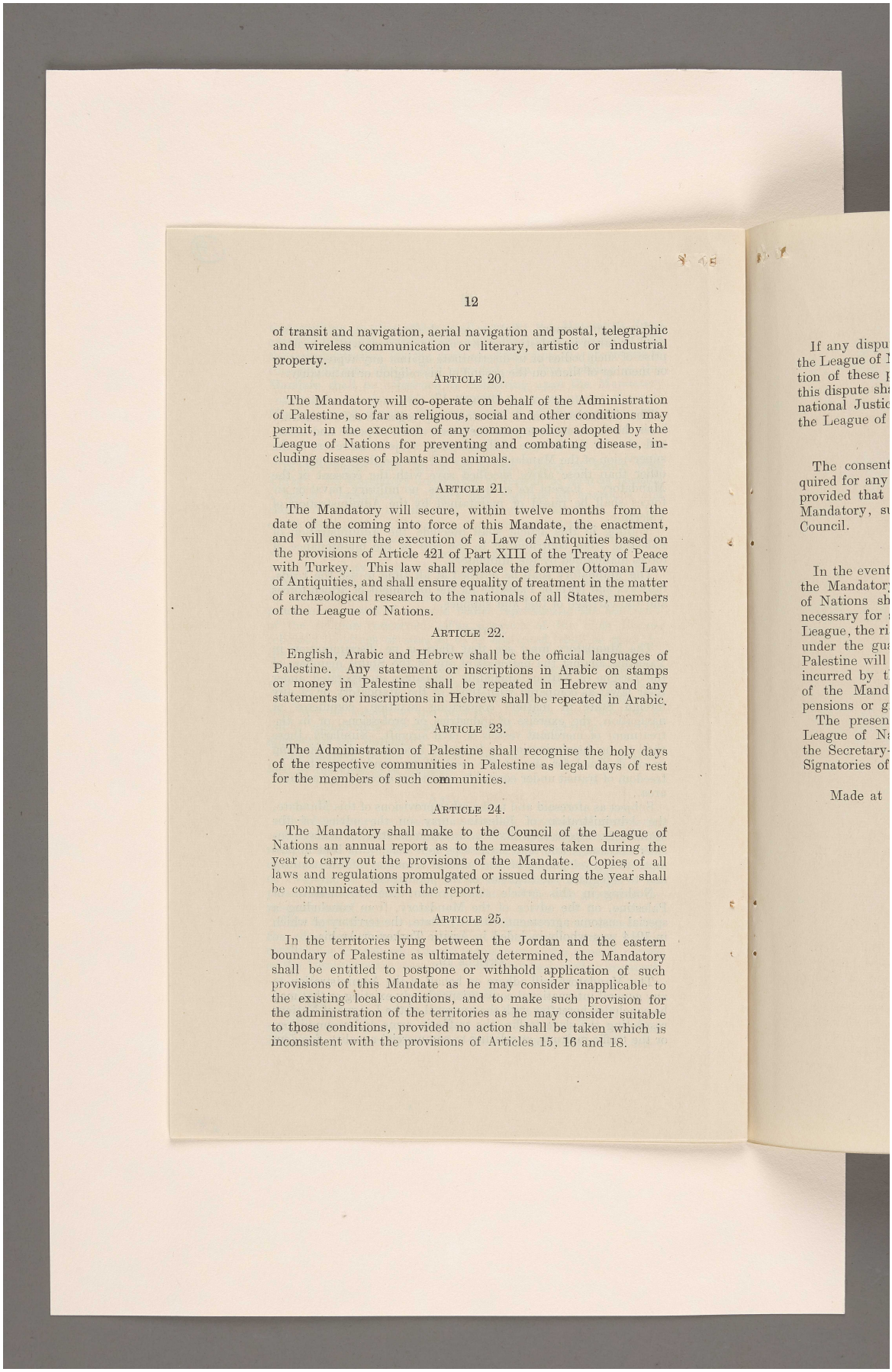

of transit and navigation, aerial navigation and postal, telegraphic and wireless communication or literary, artistic or industrial property.

ARTICLE 20.

The Mandatory will co-operate on behalf of the Administration of Palestine, so far as religious, social and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

ARTICLE 21.

The Mandatory will secure, within twelve months from the date of the coming into force of this Mandate, the enactment, and will ensure the execution of a Law of Antiquities based on the provisions of Article 421 of Part XIII of the Treaty of Peace with Turkey. This law shall replace the former Ottoman Law of Antiquities, and shall ensure equality of treatment in the matter of archæological research to the nationals of all States, members of the League of Nations.

ARTICLE 22.

English, Arabic and Hebrew shall be the official languages of Palestine. Any statement or inscriptions in Arabic on stamps or money in Palestine shall be repeated in Hebrew and any statements or inscriptions in Hebrew shall be repeated in Arabic.

ARTICLE 23.

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.

ARTICLE 24.

The Mandatory shall make to the Council of the League of Nations an annual report as to the measures taken during the year to carry out the provisions of the Mandate. Copies of all laws and regulations promulgated or issued during the year shall be communicated with the report.

ARTICLE 25.

In the territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined, the Mandatory shall be entitled to postpone or withhold application of such provisions of this Mandate as he may consider inapplicable to the existing local conditions, and to make such provision for the administration of the territories as he may consider suitable to those conditions, provided no action shall be taken which is inconsistent with the provisions of Articles 15, 16 and 18.

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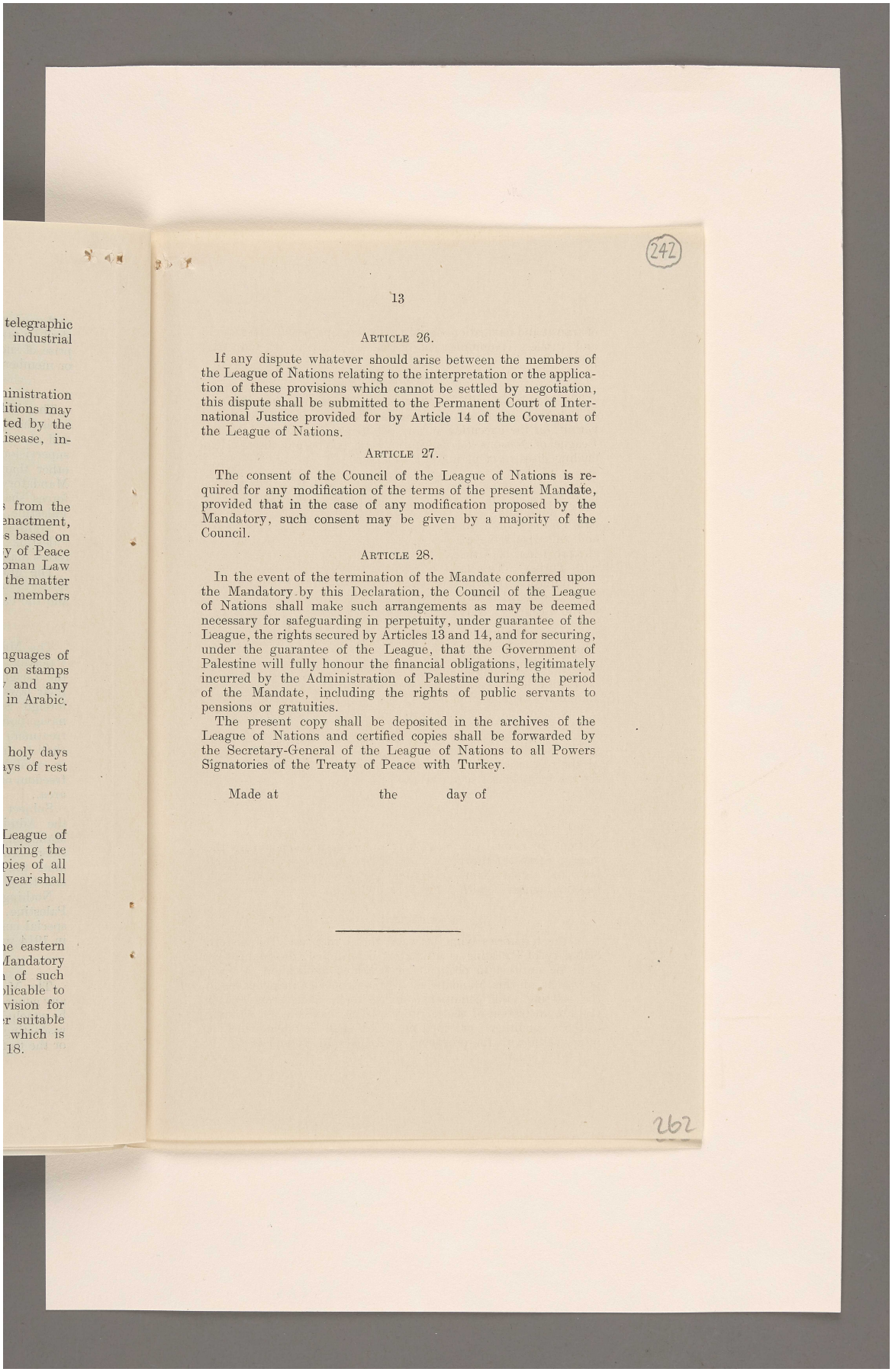

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ARTICLE 26.

If any dispute whatever should arise between the members of the League of Nations relating to the interpretation or the application of these provisions which cannot be settled by negotiation, this dispute shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

ARTICLE 27.

The consent of the Council of the League of Nations is required for any modification of the terms of the present Mandate, provided that in the case of any modification proposed by the Mandatory, such consent may be given by a majority of the Council.

ARTICLE 28.

In the event of the termination of the Mandate conferred upon the Mandatory by this Declaration, the Council of the League of Nations shall make such arrangements as may be deemed necessary for safeguarding in perpetuity, under guarantee of the League, the rights secured by Articles 13 and 14, and for securing, under the guarantee of the League, that the Government of Palestine will fully honour the financial obligations, legitimately incurred by the Administration of Palestine during the period of the Mandate, including the rights of public servants to pensions or gratuities.

The present copy shall be deposited in the archives of the League of Nations and certified copies shall be forwarded by the Secretary-General of the League of Nations to all Powers Signatories of the Treaty of Peace with Turkey.

Made at the day of

262

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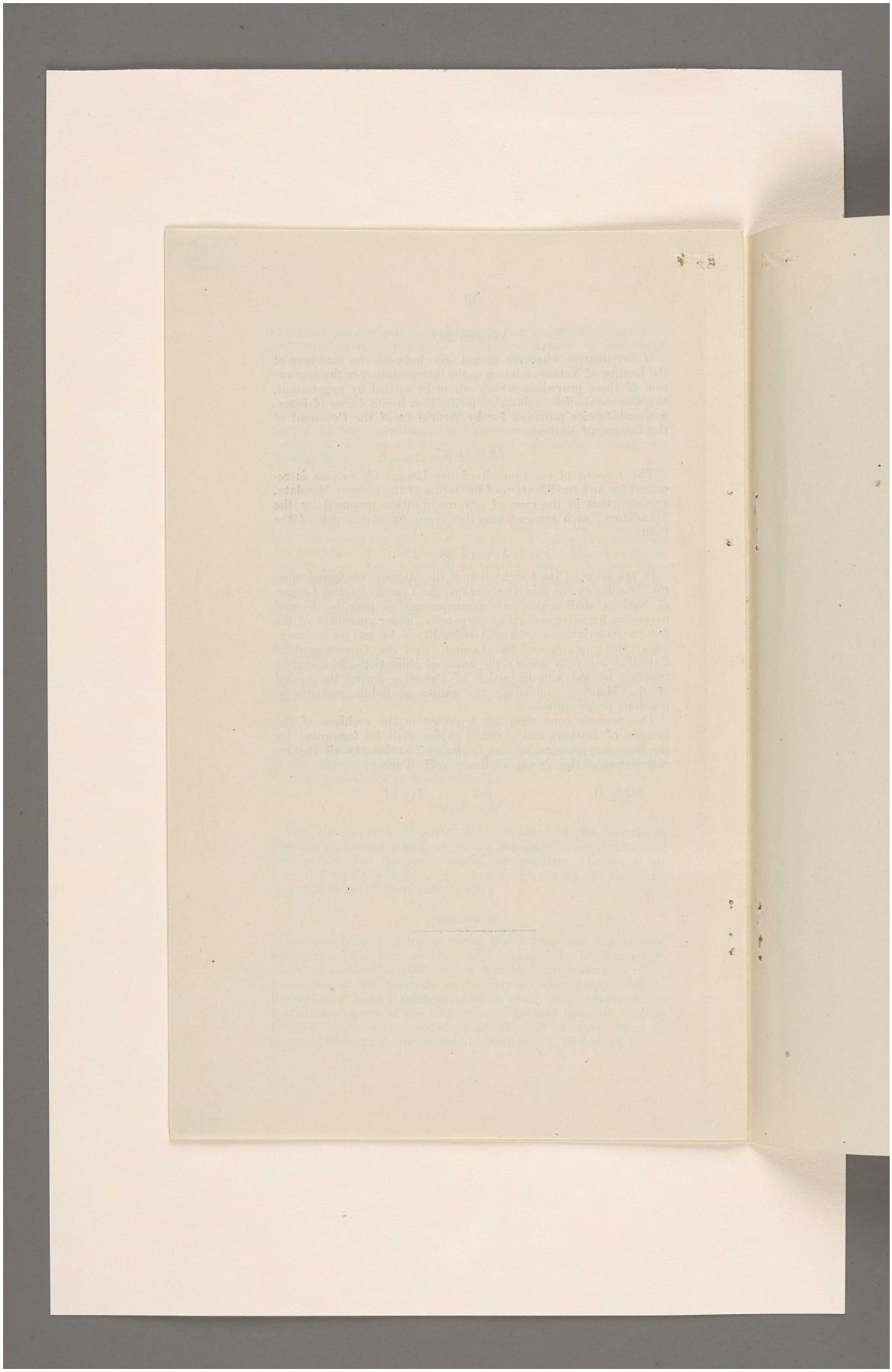

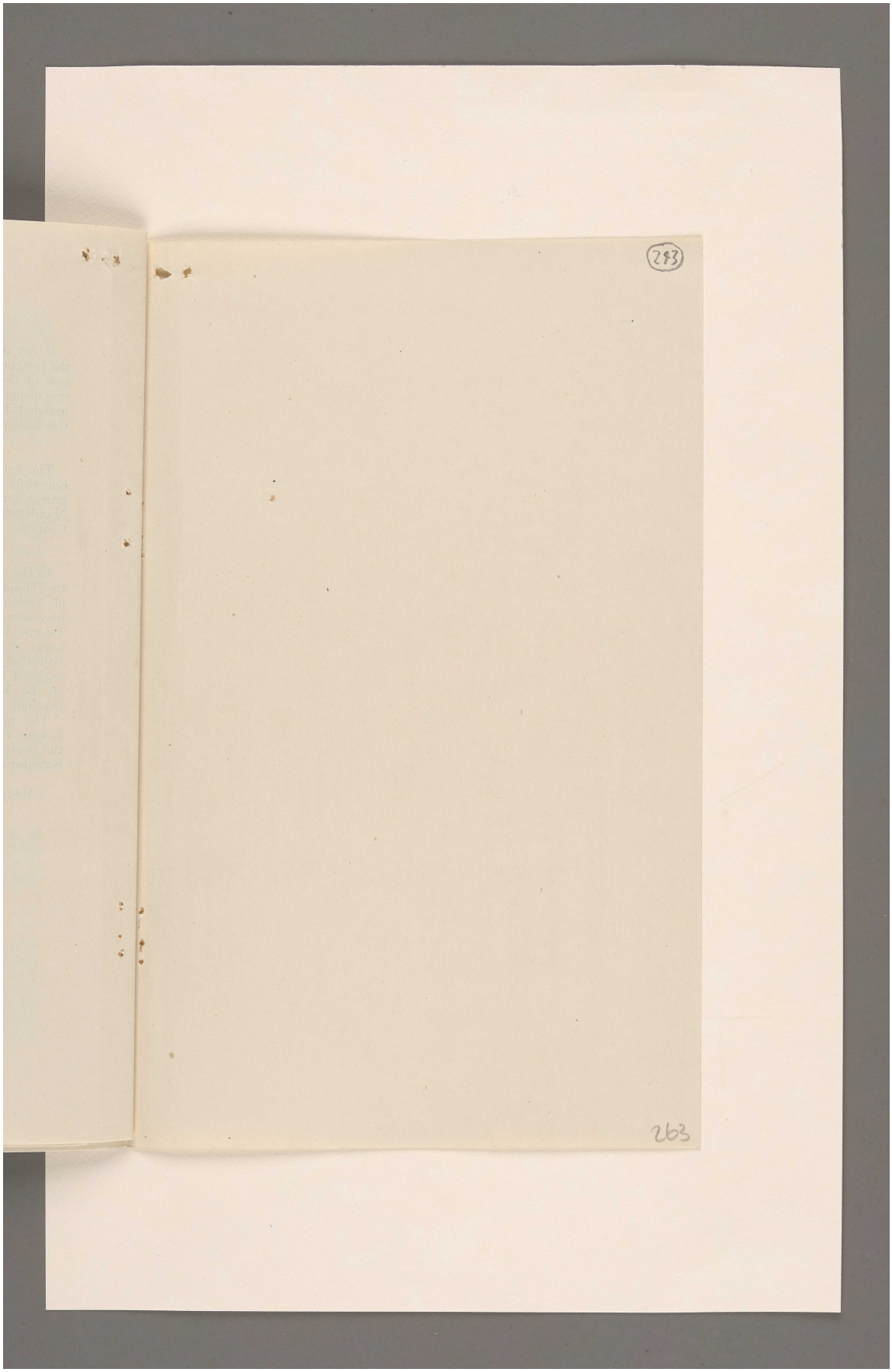

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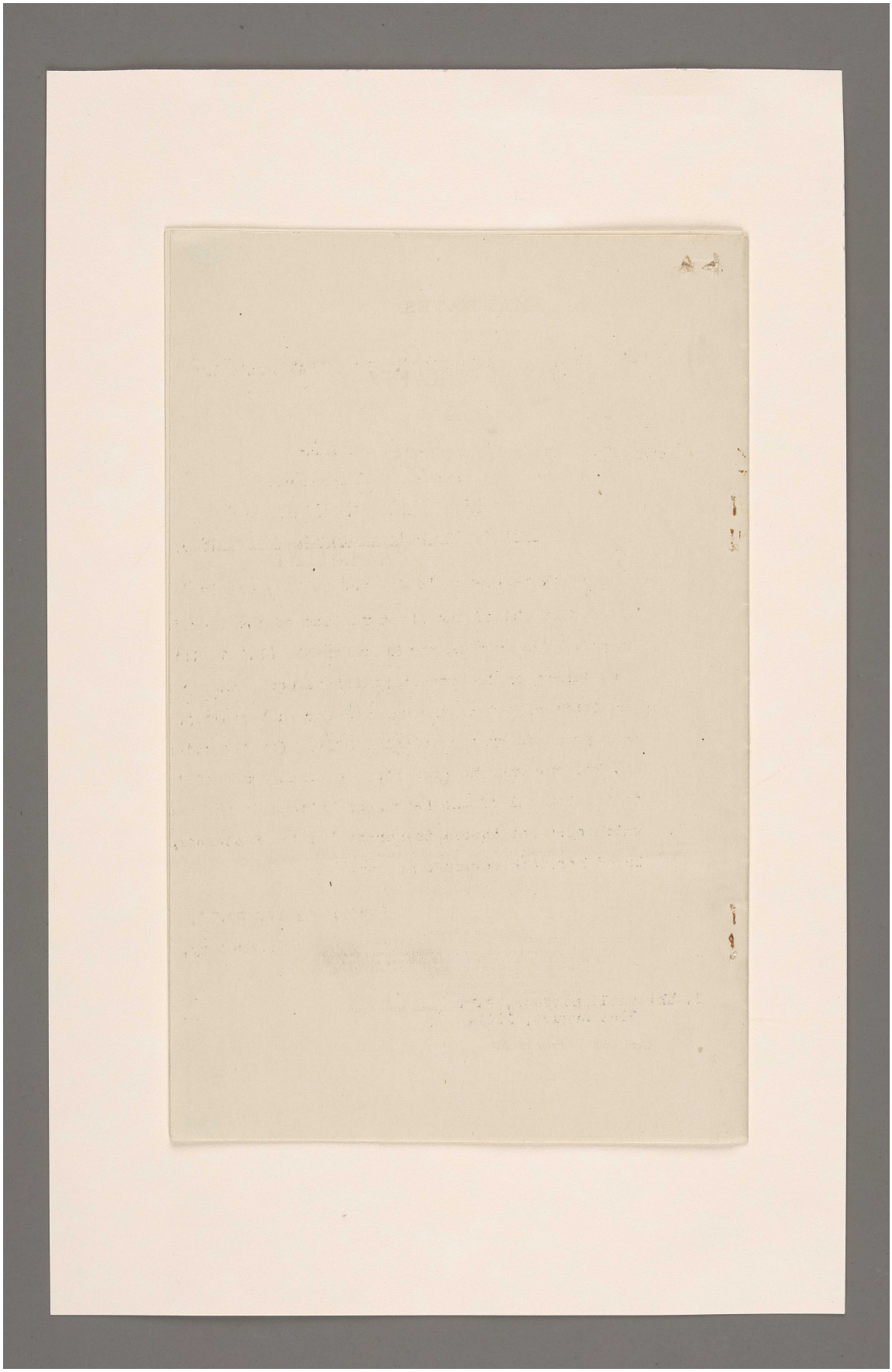

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No. 1.—SECRETARY OF STATE.

NORTH AMERICA. [August 26.]

CONFIDENTIAL. SECTION 3.

[W 9180/1149/98] No. 1.

Mr. Harvey to the Marquess Curzon of Kedleston.—(*Received August* 26.)

Memorandum respecting Position of the Government of the United States concerning Mandates.

THE Government of the United States having welcomed the suggestion of Lord Curzon that there should be a discussion of the question of mandates, Mr. Harvey improves this opportunity to communicate to him the following views of his Government thereon, as it is thought best to restate the general principles which are deemed to be involved before proceeding to the consideration of the precise terms of draft mandates:—

1. The Government of the United States adheres to the position already stated that the right to dispose of the overseas possessions of Germany was acquired only through t e victory of the Allied and Associated Powers, and that there can be no valid or effective disposition of these territories without the assent of the United States as one of the participants in that victory.

2. This position of the United States is not opposed, but is confirmed, by the Treaty of Versailles, by which Germany renounced in favour of the Principal Allied and Associated Powers, of which the United States was designated to be one, all her rights and titles over her overseas possessions. It may be observed that in providing, as stated in article 440, for the coming into force of that treaty when it had been ratified by Germany and three of the Principal Allied and Associated Powers, it was manifestly not the intention that on such ratification by three Powers there should still remain in Germany any undivided share of title or sovereignty in the overseas possessions described. It would seem to be clear that the renunciation set forth in article 119 of the treaty was not intended to be divisible.

In the light of all the pertinent considerations, this Government perceives no possible basis for a claim that the other Principal Allied and Associated Powers would be entitled to exclude the United States from full participation, and the United States does not understand that any such claim is made.

3. The right of the United States in the territories in question could not be made the subject of such disposition as is proposed without its assent, and under its constitutional system the giving of this assent is not exclusively within the authority of the President. It is thought, however, that there would be no difficulty in negotiating an appropriate treaty if the terms of the mandate were defined in the line of the following suggestions. It is not the intention of the Government of the United States to raise objection to allocation or terms of mandates for the purpose of seeking additional territory or for any other purpose than to safeguard the interests of the United States and the fair and equal opportunities which it is believed the United States should enjoy in common with other Powers.

4. With respect to Mandate "A," territories other than those which were formerly possessions of Germany, while it is true that the United States did not declare war against Turkey, still the opportunity of the Allied Powers to secure the allocation of mandates and the administration of territories formerly under Turkish rule was made possible only through the victory over Germany, and the United States assumes that, by reason of its relation to that victory, and of the fundamental principles recognised by the British Government as applicable to the administration of Mandate "A" territories, there would be no disposition in relation to any of these territories to discriminate against the United States or to refuse to safeguard equality of commercial opportunity.

5. With this understanding, and without attempting to restate the general principles governing mandates which have been the subject of previous correspondence between the two Governments, the Government of the Unlted States desires to submit

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the following special observations as to the forms of mandates which have been proposed :—

(a.) *Capitulatory Rights.*—In the draft for Syria and Lebanon there is a provision in article 5 not found in the mandates for Mesopotamia and Palestine, to the effect that foreign consular tribunals shall continue to perform their duties until the described new legal organisation is set up. It is desired that there should be a similar provision in the mandate for Mesopotamia, and that in the mandate for Palestine it should be provided that capitulatory rights shall be continued until adequate courts are established. Provision should also be made in all "A" mandates for the revival of capitulatory rights in the event of the termination of the mandate régime.

(b.) *Provisions against Discrimination.*—The limitation of protection in articles 11 and 14 of the mandates for Syria and Lebanon and Mesopotamia, and of articles 18 and 21 of the mandate for Palestine, to States that are members of the League of Nations should be removed, and the protection extended so as to embrace the United States. This could be effected by referring to any State mentioned in the annex to the covenant of the League of Nations. The reference to incorporated companies in article 18 of the mandate for Palestine is too narrow and should be broadened to embrace societies and associations (see article 11 of mandate for Syria and Lebanon).

It is desired that there should also be provision against discrimination in concessions. British "B" mandate for East Africa, article 7, provides as follows : "Concessions for the development of natural resources of the territory shall be granted by the mandatory without distinction on grounds of nationality between the nationals of all States members of the League of Nations, but on such conditions as will maintain intact the authority of the local Government." Similar provision should be inserted in "A" mandates and broadened to embrace the United States.

There should also be appropriate provision against the granting of monopolistic concessions, or the monopolising of natural resources by the mandatory itself.

(c.) *Missionaries.*—In the mandate for Syria and Lebanon protection is accorded, provided activities are confined "to the domain of religion." It would appear as if the intention were to restrict, if not to eliminate (see Franco-British Convention, article 9, signed at Paris the 23rd December, 1920 . It is desired that present and future activities, both religious and educational, of our missionaries who are nationals of the United States should be fully protected, and it is suggested that provision similar to article 8 of the British "B" mandate for German East Africa be incorporated in all "A" mandates.

(*d.*) It will be understood that the consent of the United States shall be necessary to any modification of a mandate after it has been agreed to.

Draft "B" Mandates.

(*a.*) The provisions of article 6 of the British and French mandates for the Cameroons and Togoland and of the Belgian mandate for German East Africa, and of article 7 of the British mandate for German East Africa are not extended to the nationals of the United States. This should be corrected, and it might be sufficient to substitute "nationals of States mentioned in the Annex to the Covenant of the League of Nations" for "nationals of States members of the League of Nations," in each of these articles.

In the third paragraph of the same article in each mandate it should also be provided that monopolistic concessions should not be granted by the mandatory, nor should natural resources of the mandated territory be monopolised by the mandatory itself.

(*b.*) Article 8 of the British mandate for East Africa is acceptable, and its provisions should be substituted those of the corresponding article numbered 7 in the other "B" mandates.

(*c.*) Article 10 of the British mandate for East Africa contains a clause, "Provided always that the measures adopted to that end do not infringe upon the provisions of this mandate," which might well be added to the corresponding article 9 of the other "B" mandates.

(*d.*) The consent of the United States will be necessary to modify the mandate terms.

The above views of the United States Government with reference to "A" and "B" mandates will be communicated to the Governments of France, Italy and Japan.

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The following is communicated as special and confidential to the British Government for their information respecting the United States point of view regarding "C" mandates, discussion of which does not seem necessary at this time :—

Draft "C" Mandates except for Yap.

(*a.*) Article 5 should be changed so as to embrace nationals of the United States, and to avoid ambiguity as to educational and charitable activities of missionaries. It would be preferable to have the same provision as in article 8 of the British "B" mandate for German East Africa.

(*b.*) All "C" mandates treat mandated territory for administration and legislation as an integral portion of the territory of the mandatory. This, unless qualified, would permit discrimination. It is desired that the mandatories respectively should guarantee to United States most-favoured-nation treatment in all "C" mandate territories, reserving, however, the present special treaty rights of the United States as to German Samoa, under article 3 of the treaty concluded at Washington, the 2nd December, 1899. The Government of the United States has already protested against the discriminatory tariff imposed by New Zealand in violation of this treaty (in which connection reference is made to the note of the Foreign Office dated the 19th January, 1921).

(*c.*) There should be provision similar to that proposed in the other forms of mandates prohibiting monopolistic concessions by the mandatory or the monopolising of natural resources by the mandatory itself.

(*d.*) As in other cases, modification of mandate will be subject to assent of the United States.

The island of Yap, because of its special characteristics and availability for communication purposes, should be treated specially, and negotiations to this end are in progress. It is not desired to include Yap in the present representations as to terms of mandates.

6. In connection with the question of "A" mandates the following additional points should be noted :—

(*a.*) In the note of His Majesty's Government of the 28th February, 1921, relating to the application of the principle of equality of treatment to former Turkish territories it was observed that by article 1 of the Philippine Petroleum Act, approved the 31st August, 1920, participation in the working on public lands in the Philippine Islands containing petroleum is confined to citizens or corporations of the United States or of the Philippines. This enactment was mentioned as inconsistent with the general principles announced by this Government.

To avoid misapprehension upon this point it should be stated that shortly after the enactment in question the Government of the United States recommended that it should be so amended as to conform to the reciprocity provision of the United States General Leasing Law of the 25th February, 1920. At the last session of the Philippine Legislature an amending Bill was passed, the object of which was to relax substantially the restrictions embodied in the original Act; nevertheless, in the opinion of the Government of the United States the proposed amendment did not sufficiently meet the situation, and it is the intention of the Government of the United States to take all appropriate steps with a view to bringing about at the next session of the Philippine Legislature in October a further amendment so that it may conform to the reciprocity provision above prescribed.

(*b.*) In the same note of His Majesty's Government reference is made to a concession said to have been granted before the war by the Turkish Government to the Turkish Petroleum Company. The Government of the United States has already pointed out in its note of the 20th November, 1920, that such information as it then had indicated that, prior to the war, the Turkish Petroleum Company possessed in Mesopotamia no rights to petroleum concessions or to the exploitation of oil. The information possessed at present by the Government of the United States confirms this view. The Government of the United States is unable to conclude that any concession was ever granted by the Turkish Government to the Turkish Petroleum Company, and will shortly take up the considerations advanced by His Majesty's Government upon this subject. It is desired that if the claim of the Turkish Petroleum Company continues to be asserted, appropriate provision be made for the determination of this claim by suitable arbitration.

United States Embassy, August 24, 1921.

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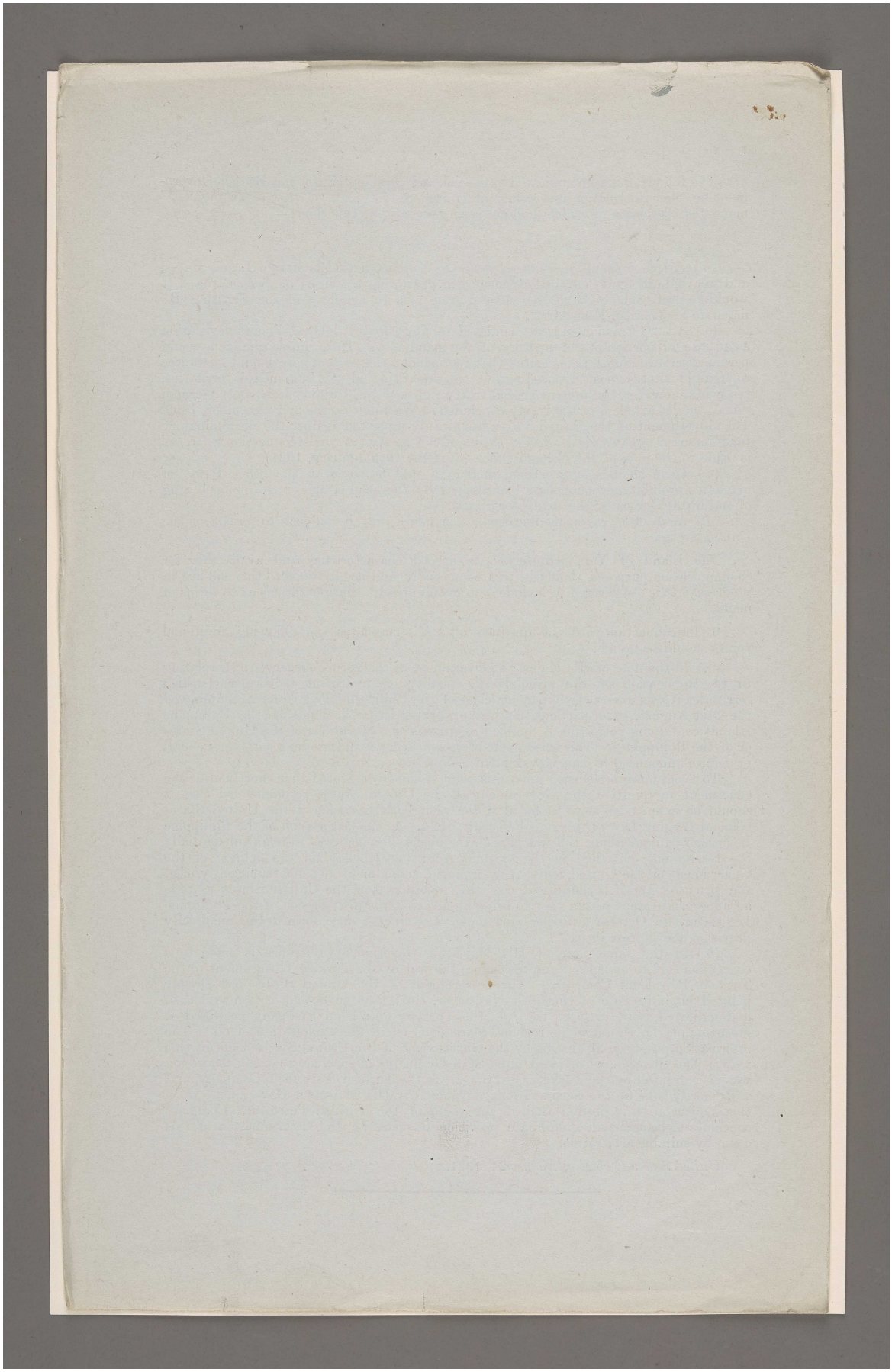

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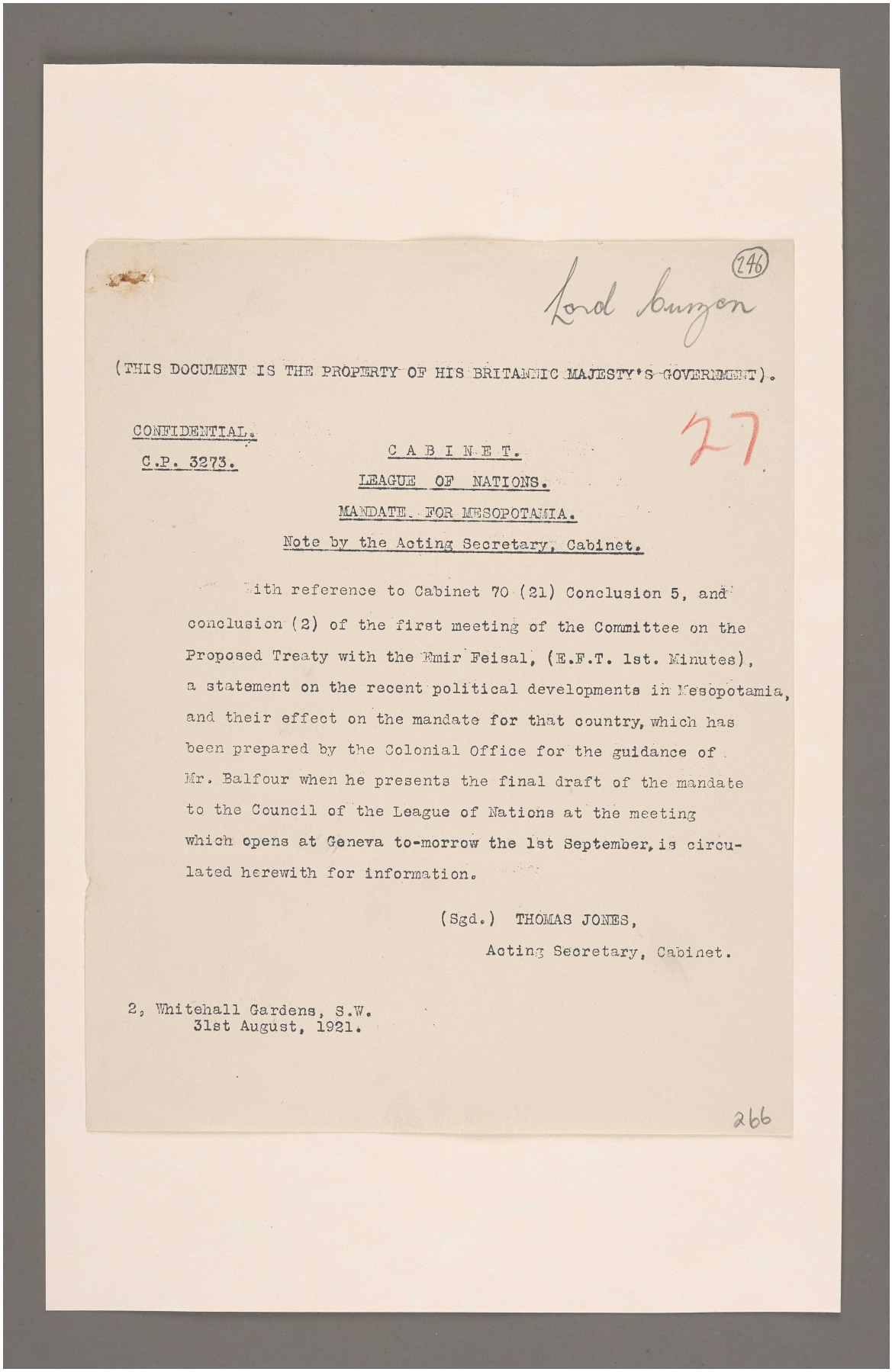

246

Lord Curzon

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C.P. 3273.

27

C A B I N E T.

LEAGUE OF NATIONS.

MANDATE FOR MESOPOTAMIA.

Note by the Acting Secretary, Cabinet.

With reference to Cabinet 70 (21) Conclusion 5, and conclusion (2) of the first meeting of the Committee on the Proposed Treaty with the Emir Feisal, (E.F.T. 1st. Minutes), a statement on the recent political developments in Mesopotamia, and their effect on the mandate for that country, which has been prepared by the Colonial Office for the guidance of Mr. Balfour when he presents the final draft of the mandate to the Council of the League of Nations at the meeting which opens at Geneva to-morrow the 1st September, is circulated herewith for information.

(Sgd.) THOMAS JONES,
Acting Secretary, Cabinet.

2, Whitehall Gardens, S.W.
31st August, 1921.

266

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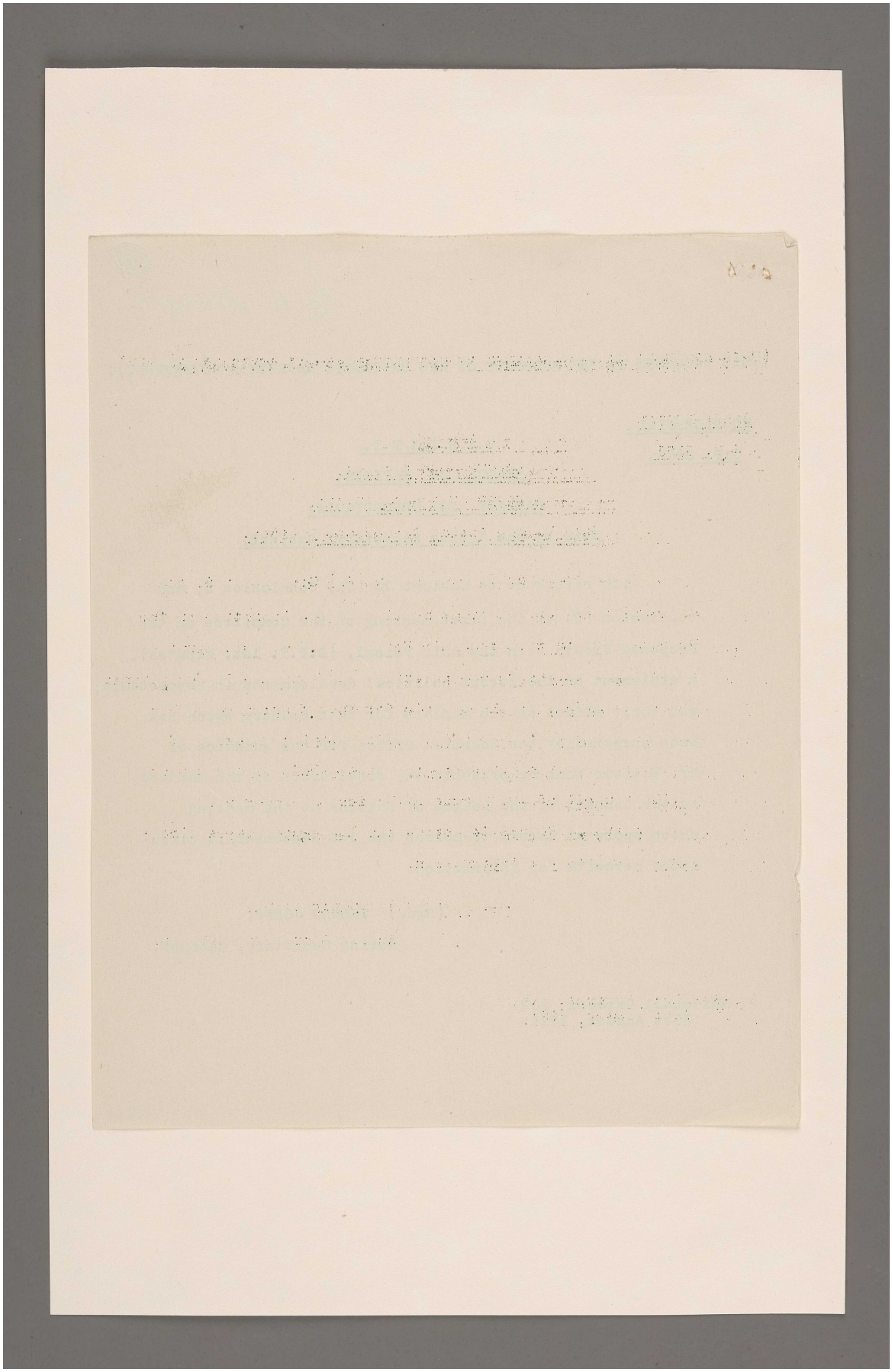

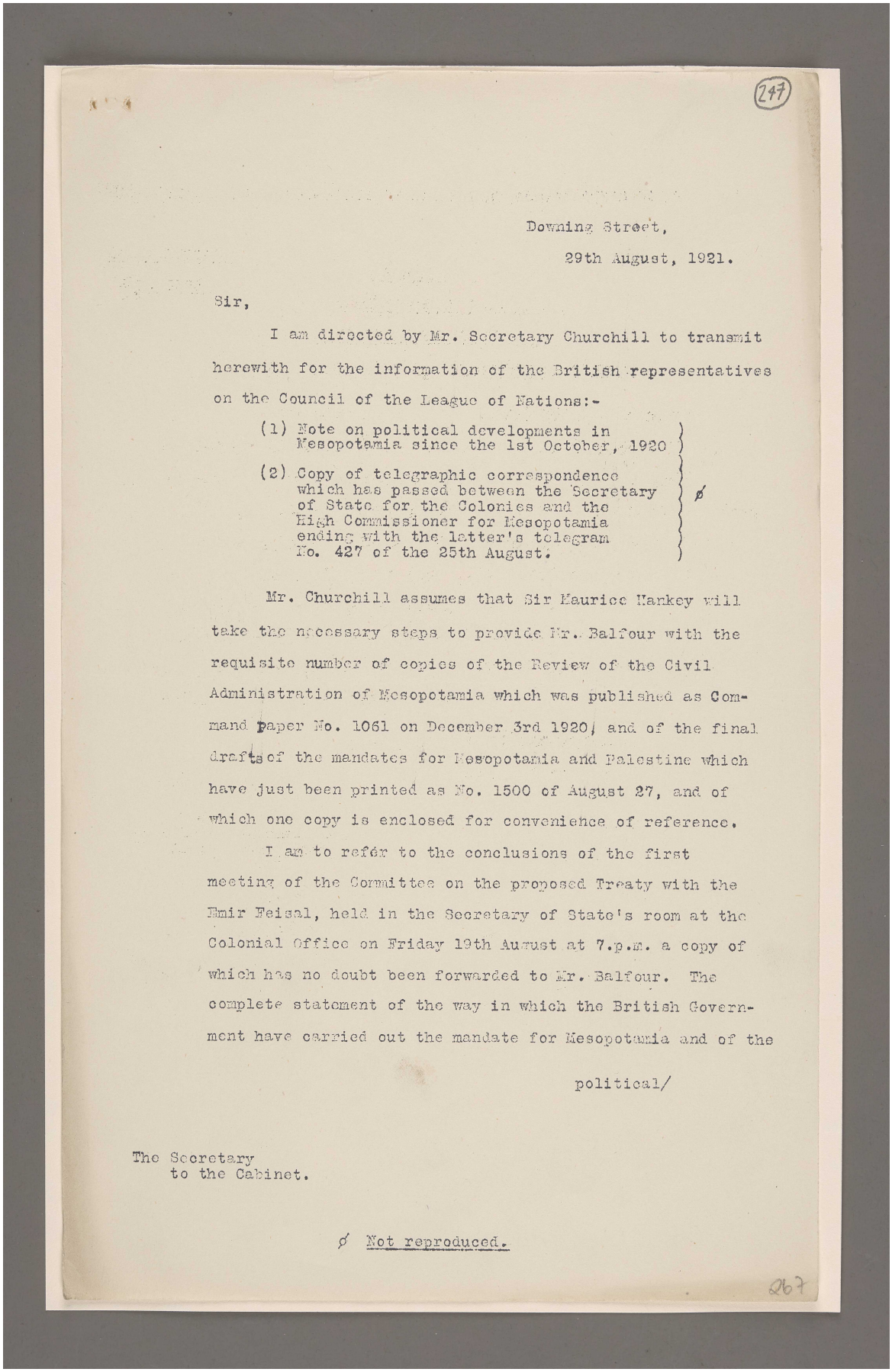

247

Downing Street,

29th August, 1921.

Sir,

I am directed by Mr. Secretary Churchill to transmit herewith for the information of the British representatives on the Council of the League of Nations:-

(1) Note on political developments in Mesopotamia since the 1st October, 1920)

(2) Copy of telegraphic correspondence which has passed between the Secretary of State for the Colonies and the High Commissioner for Mesopotamia ending with the latter's telegram No. 427 of the 25th August.) ø

Mr. Churchill assumes that Sir Maurice Hankey will take the necessary steps to provide Mr. Balfour with the requisite number of copies of the Review of the Civil Administration of Mesopotamia which was published as Command paper No. 1061 on December 3rd 1920, and of the final drafts of the mandates for Mesopotamia and Palestine which have just been printed as No. 1500 of August 27, and of which one copy is enclosed for convenience of reference.

I am to refer to the conclusions of the first meeting of the Committee on the proposed Treaty with the Emir Feisal, held in the Secretary of State's room at the Colonial Office on Friday 19th August at 7.p.m. a copy of which has no doubt been forwarded to Mr. Balfour. The complete statement of the way in which the British Government have carried out the mandate for Mesopotamia and of the

political/

The Secretary
to the Cabinet.

ø Not reproduced.

267

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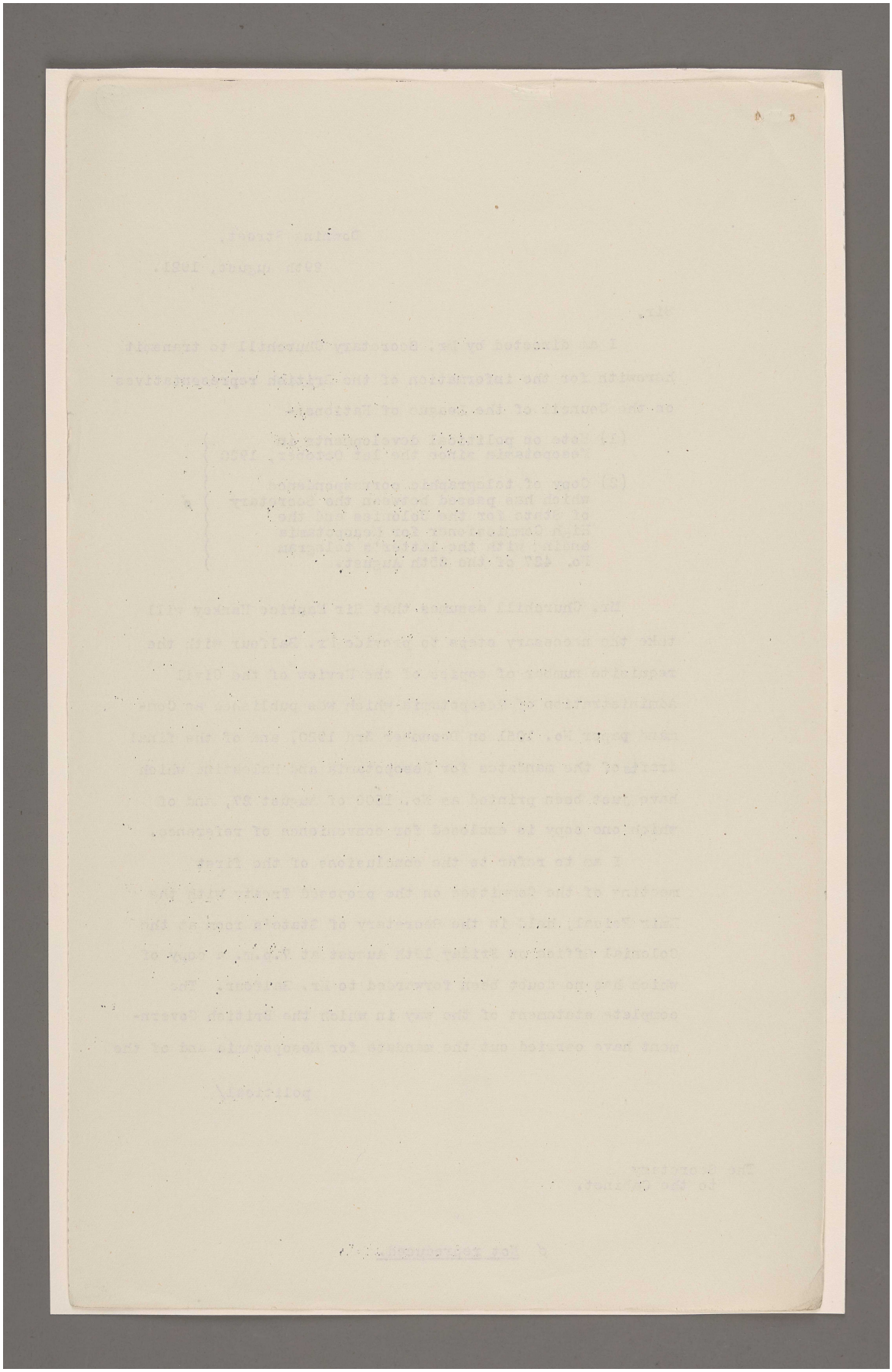

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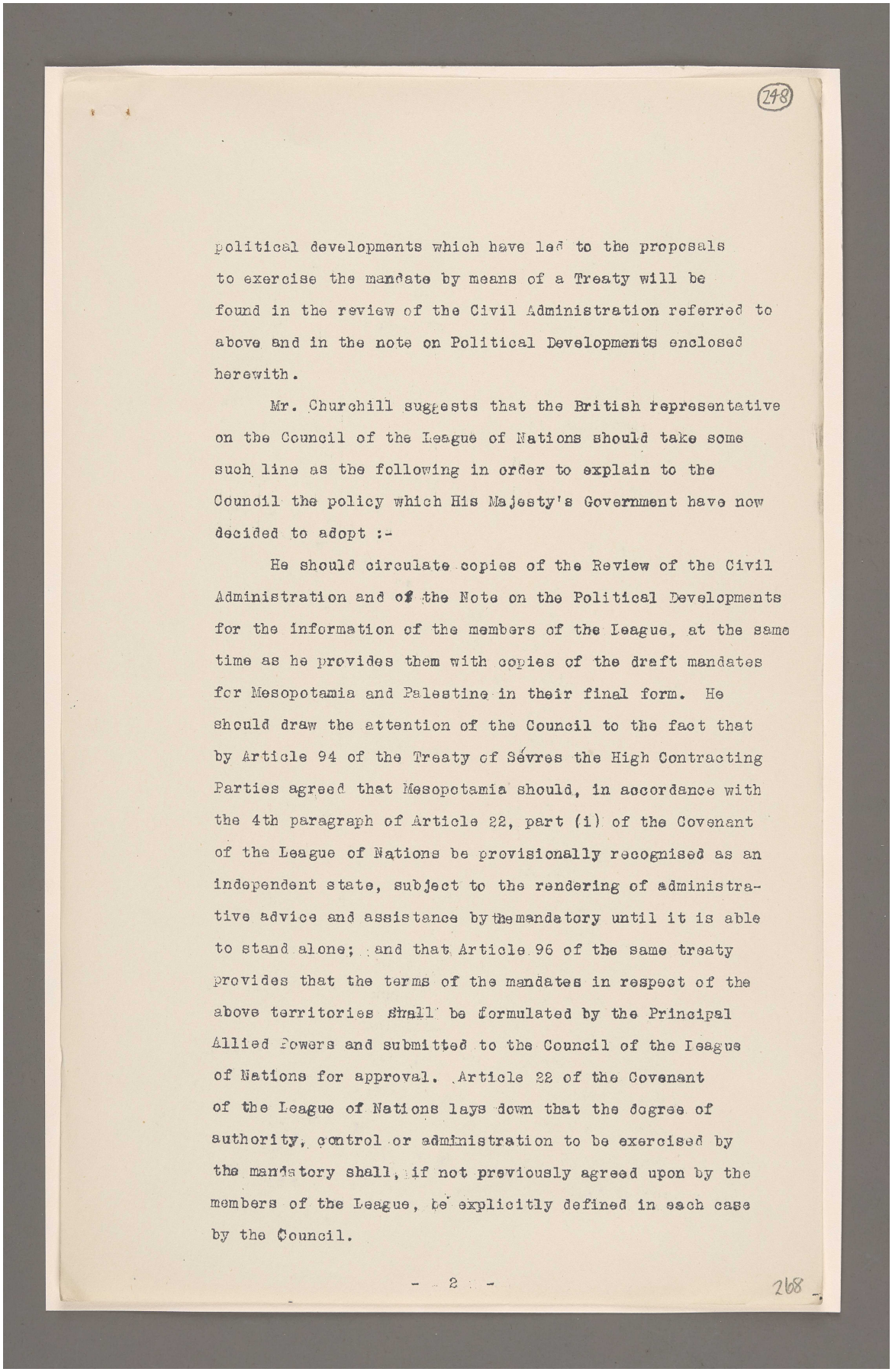

(248)

political developments which have led to the proposals to exercise the mandate by means of a Treaty will be found in the review of the Civil Administration referred to above and in the note on Political Developments enclosed herewith.

Mr. Churchill suggests that the British representative on the Council of the League of Nations should take some such line as the following in order to explain to the Council the policy which His Majesty's Government have now decided to adopt :-

He should circulate copies of the Review of the Civil Administration and of the Note on the Political Developments for the information of the members of the League, at the same time as he provides them with copies of the draft mandates for Mesopotamia and Palestine in their final form. He should draw the attention of the Council to the fact that by Article 94 of the Treaty of Sévres the High Contracting Parties agreed that Mesopotamia should, in accordance with the 4th paragraph of Article 22, part (i) of the Covenant of the League of Nations be provisionally recognised as an independent state, subject to the rendering of administrative advice and assistance by the mandatory until it is able to stand alone; and that Article 96 of the same treaty provides that the terms of the mandates in respect of the above territories shall be formulated by the Principal Allied Powers and submitted to the Council of the League of Nations for approval. Article 22 of the Covenant of the League of Nations lays down that the degree of authority, control or administration to be exercised by the mandatory shall, if not previously agreed upon by the members of the League, be explicitly defined in each case by the Council.

- 2 -

268

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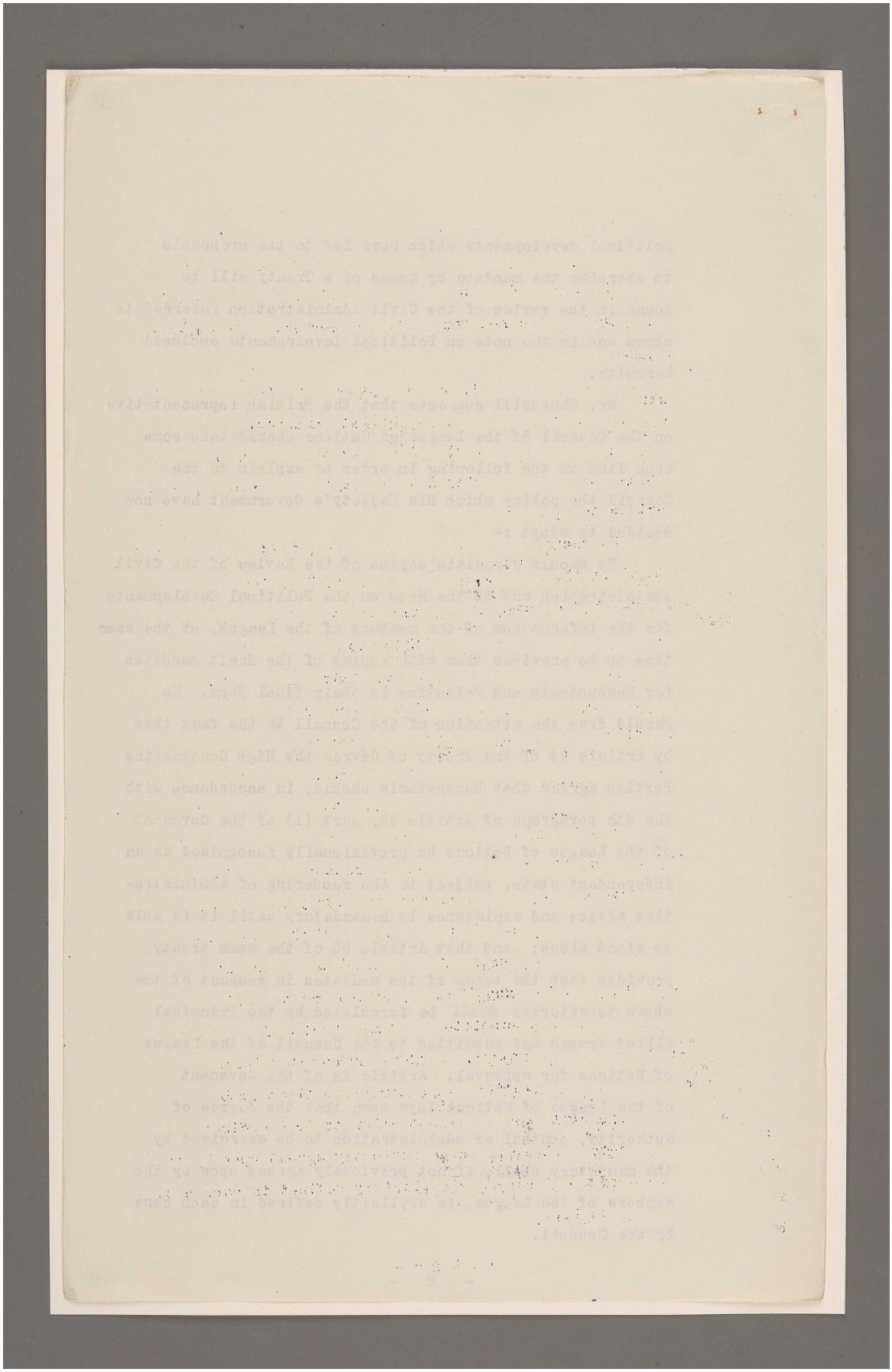

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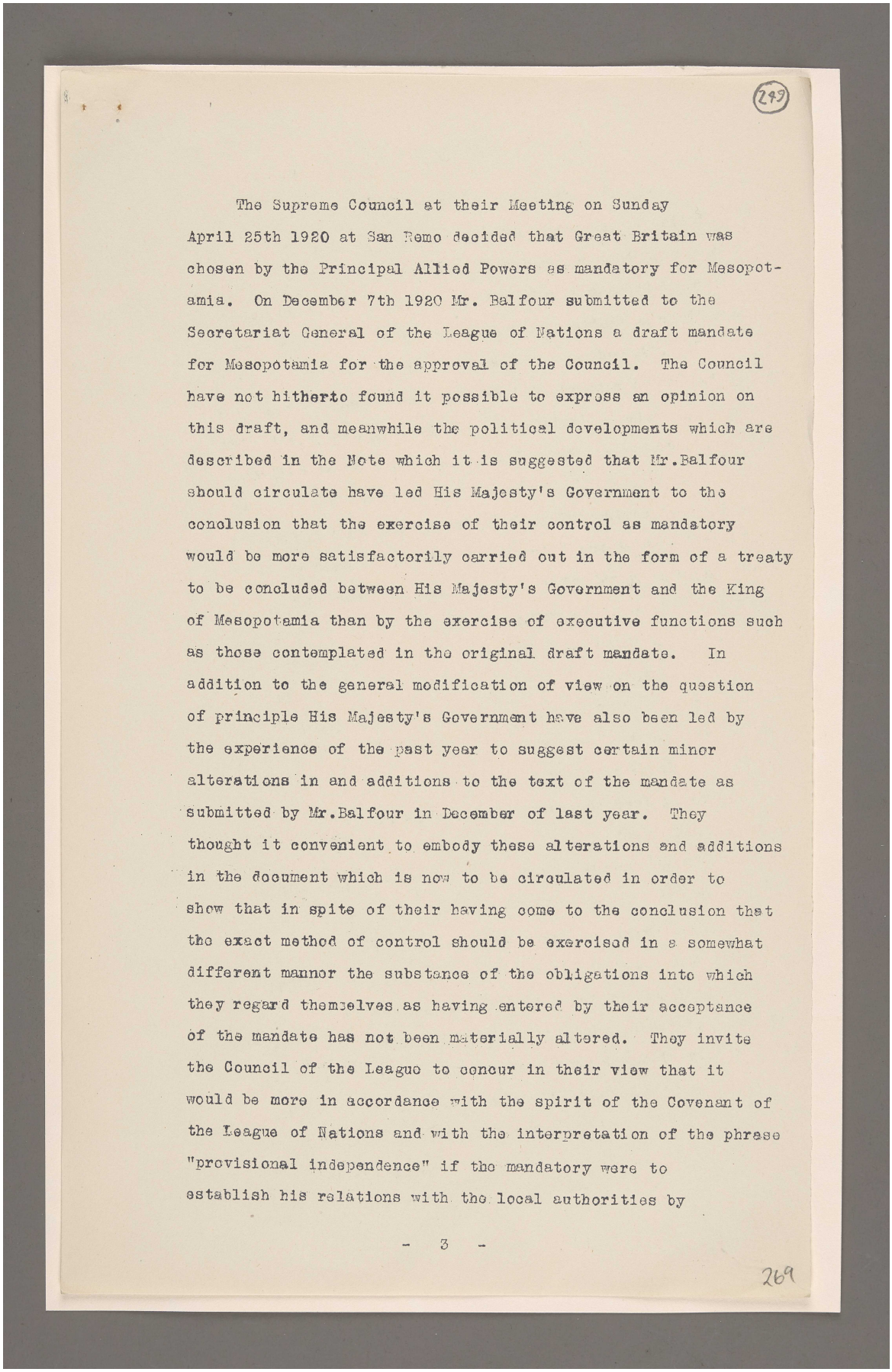

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The Supreme Council at their Meeting on Sunday April 25th 1920 at San Remo decided that Great Britain was chosen by the Principal Allied Powers as mandatory for Mesopotamia. On December 7th 1920 Mr. Balfour submitted to the Secretariat General of the League of Nations a draft mandate for Mesopotamia for the approval of the Council. The Council have not hitherto found it possible to express an opinion on this draft, and meanwhile the political developments which are described in the Note which it is suggested that Mr.Balfour should circulate have led His Majesty's Government to the conclusion that the exercise of their control as mandatory would be more satisfactorily carried out in the form of a treaty to be concluded between His Majesty's Government and the King of Mesopotamia than by the exercise of executive functions such as those contemplated in the original draft mandate. In addition to the general modification of view on the question of principle His Majesty's Government have also been led by the experience of the past year to suggest certain minor alterations in and additions to the text of the mandate as submitted by Mr.Balfour in December of last year. They thought it convenient to embody these alterations and additions in the document which is now to be circulated in order to show that in spite of their having come to the conclusion that the exact method of control should be exercised in a somewhat different manner the substance of the obligations into which they regard themselves as having entered by their acceptance of the mandate has not been materially altered. They invite the Council of the League to concur in their view that it would be more in accordance with the spirit of the Covenant of the League of Nations and with the interpretation of the phrase "provisional independence" if the mandatory were to establish his relations with the local authorities by

- 3 -

269

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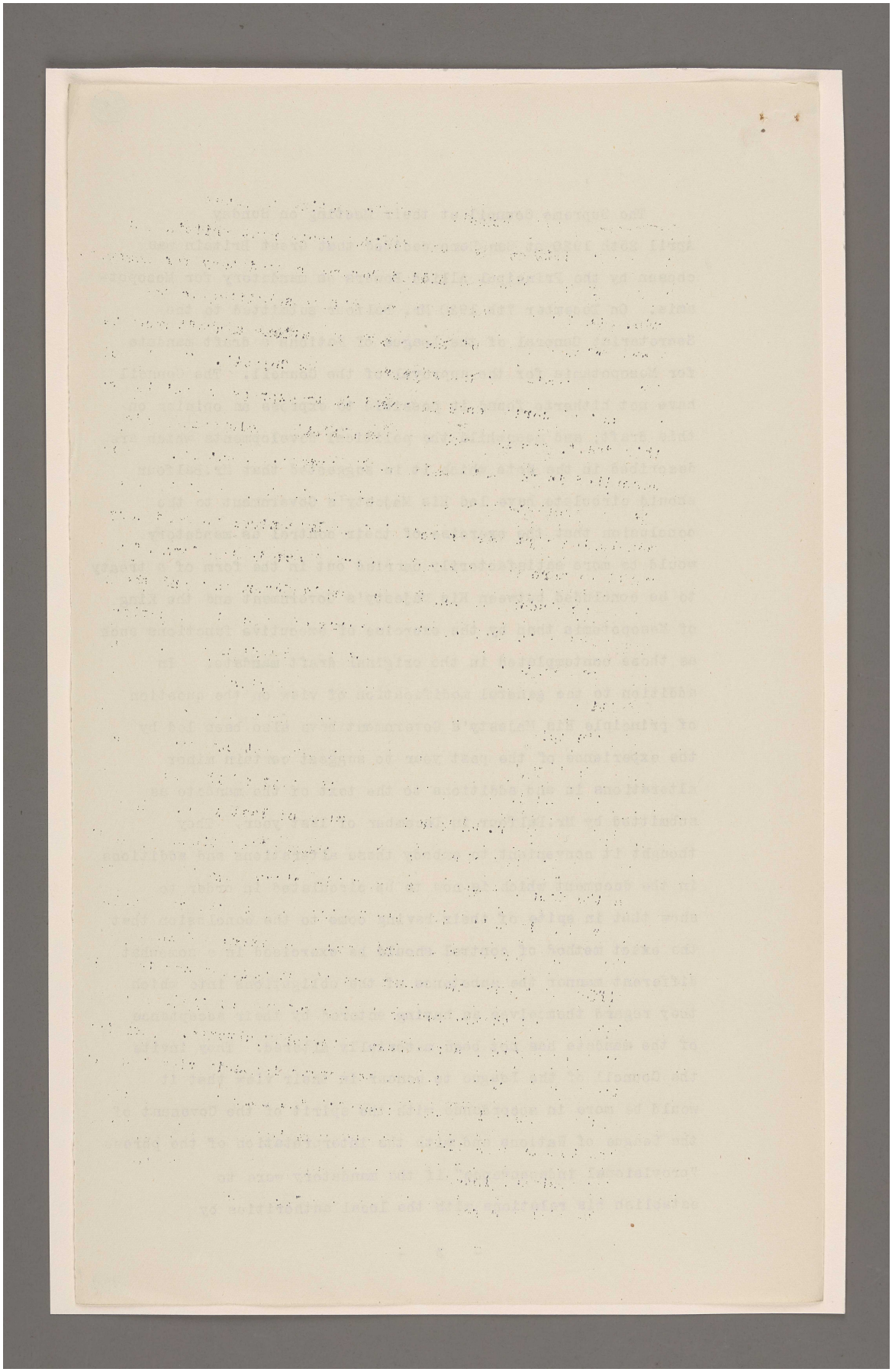

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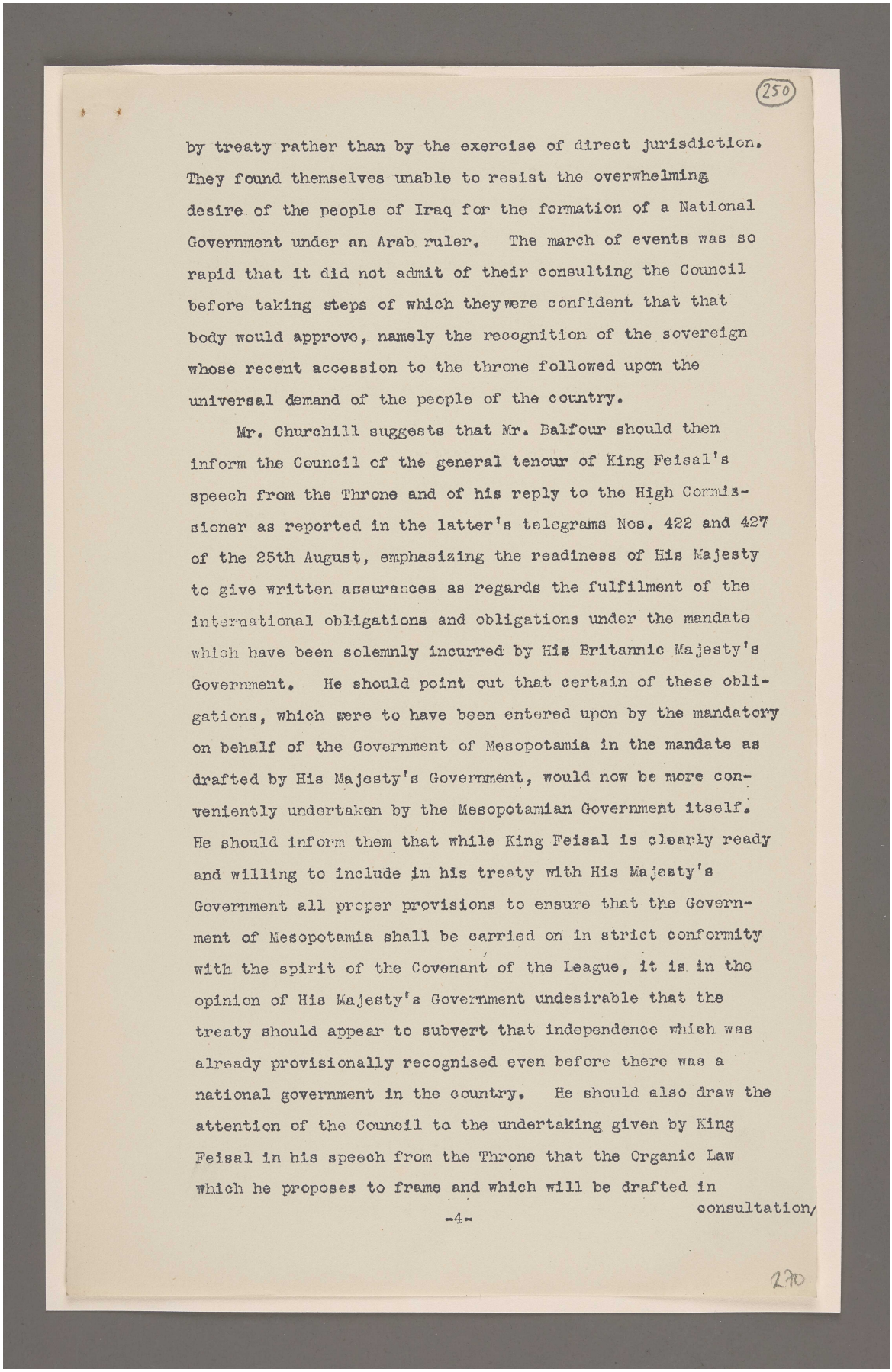

(250)

by treaty rather than by the exercise of direct jurisdiction. They found themselves unable to resist the overwhelming desire of the people of Iraq for the formation of a National Government under an Arab ruler. The march of events was so rapid that it did not admit of their consulting the Council before taking steps of which they were confident that that body would approve, namely the recognition of the sovereign whose recent accession to the throne followed upon the universal demand of the people of the country.

Mr. Churchill suggests that Mr. Balfour should then inform the Council of the general tenour of King Feisal's speech from the Throne and of his reply to the High Commissioner as reported in the latter's telegrams Nos. 422 and 427 of the 25th August, emphasizing the readiness of His Majesty to give written assurances as regards the fulfilment of the international obligations and obligations under the mandate which have been solemnly incurred by His Britannic Majesty's Government. He should point out that certain of these obligations, which were to have been entered upon by the mandatory on behalf of the Government of Mesopotamia in the mandate as drafted by His Majesty's Government, would now be more conveniently undertaken by the Mesopotamian Government itself. He should inform them that while King Feisal is clearly ready and willing to include in his treaty with His Majesty's Government all proper provisions to ensure that the Government of Mesopotamia shall be carried on in strict conformity with the spirit of the Covenant of the League, it is in the opinion of His Majesty's Government undesirable that the treaty should appear to subvert that independence which was already provisionally recognised even before there was a national government in the country. He should also draw the attention of the Council to the undertaking given by King Feisal in his speech from the Throne that the Organic Law which he proposes to frame and which will be drafted in consultation/

-4-

270

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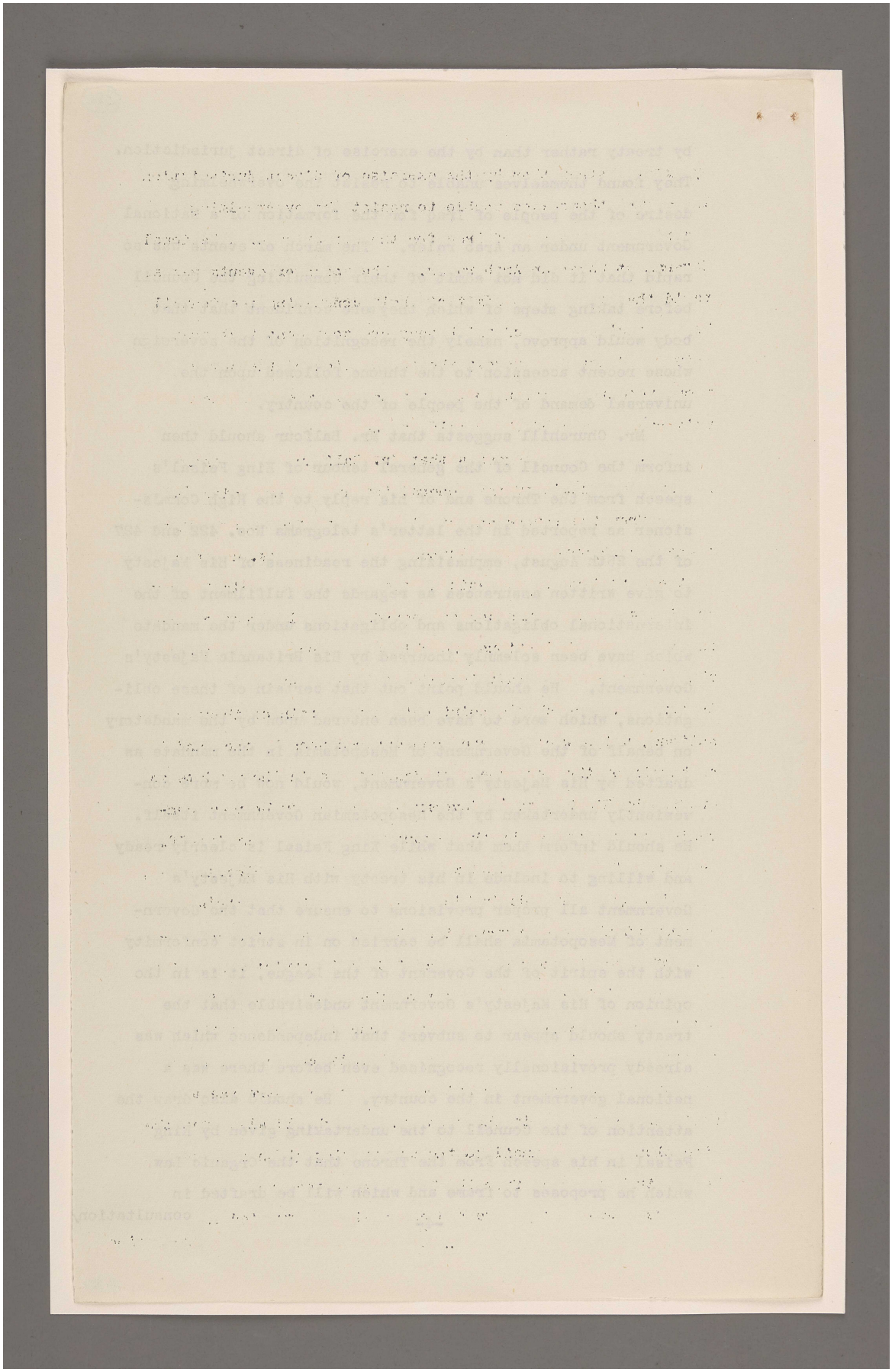

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(251)

consultation with the High Commissioner shall establish freedom of religion and worship, ensure equity of commercial dealing with foreign countries and will also set up a judicial system which will safeguard the interests of foreigners and ensure them against any interference with their religion, race or languago.

Finally he should invite the Council to express an opinion on the general lines which the treaty between His Majesty's Government and King Feisal should follow, suggesting to them that, provided it secures:- firstly, the control of His Majesty's Government over the foreign relations of Mesopotamia; secondly, due fulfilment of the international obligations incurred by His Majesty's Government by treaty, mandate or agreement; thirdly, such measure of financial control as may be necessary so long as His Majesty's Government are assisting with men and money; and fourthly, that it contravenes in no particular either the spirit or the letter of the Covenant of the League of Nations, it would provide a more satisfactory definition of the relation between the mandatory power and the mandated state than any other form of instrument.

He should explain at the same time that His Majesty's Government do not regard themselves as in any way absolved from their responsibility to the League by taking this step and that they will willingly furnish a yearly report on the administration of Mesopotamia together with copies of all laws and regulations promulgated or issued during the year. It may be of advantage for Mr. Balfour to make use of the argument that Article 18 of the draft mandate now circulated would have provided that in the case of any modifications proposed by the mandatory, such consent might be given by the majority of the Council.

Copy of this letter has been sent to the Foreign Office.

I am, Sir,
Your obedient Servant,
(Sd) Hubert Young.
for the Under Secretary of State.

-5-

271

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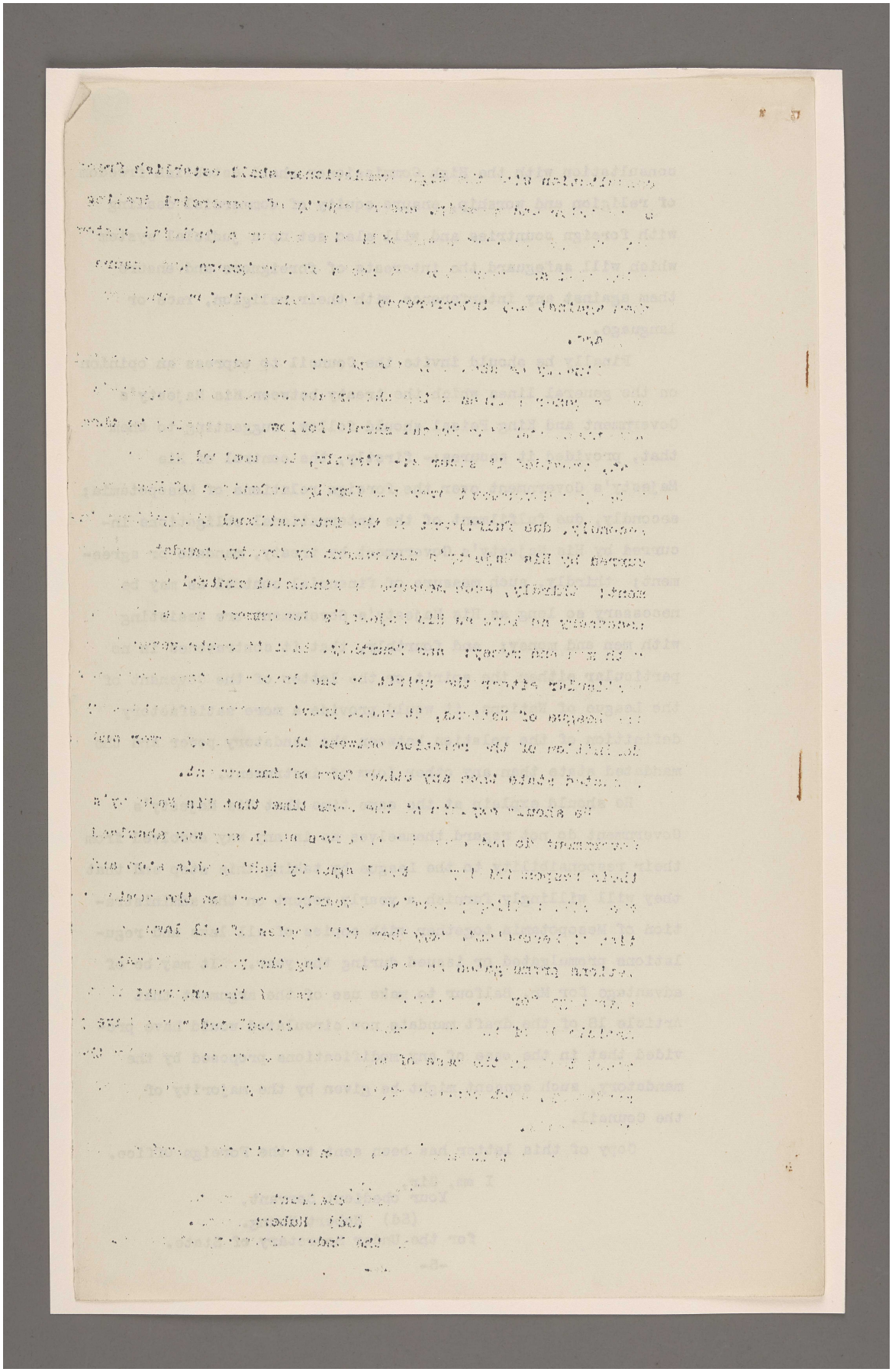

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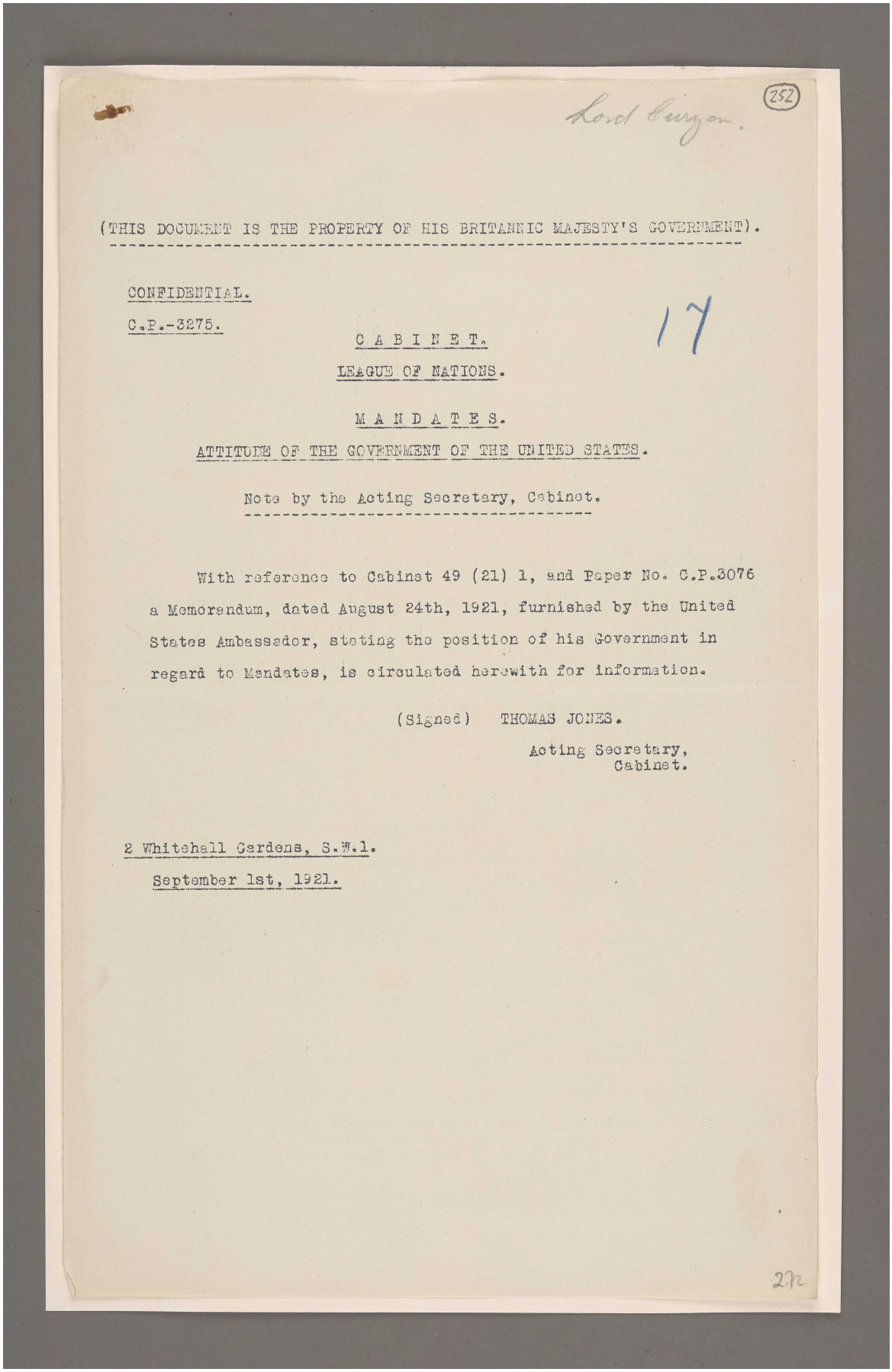

Lord Curzon.

(252)

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C.P.-3275.

17

C A B I N E T.

LEAGUE OF NATIONS.

M A N D A T E S.

ATTITUDE OF THE GOVERNMENT OF THE UNITED STATES.

Note by the Acting Secretary, Cabinet.

With reference to Cabinet 49 (21) 1, and Paper No. C.P.3076 a Memorandum, dated August 24th, 1921, furnished by the United States Ambassador, stating the position of his Government in regard to Mandates, is circulated herewith for information.

(Signed) THOMAS JONES.

Acting Secretary,
Cabinet.

2 Whitehall Gardens, S.W.1.

September 1st, 1921.

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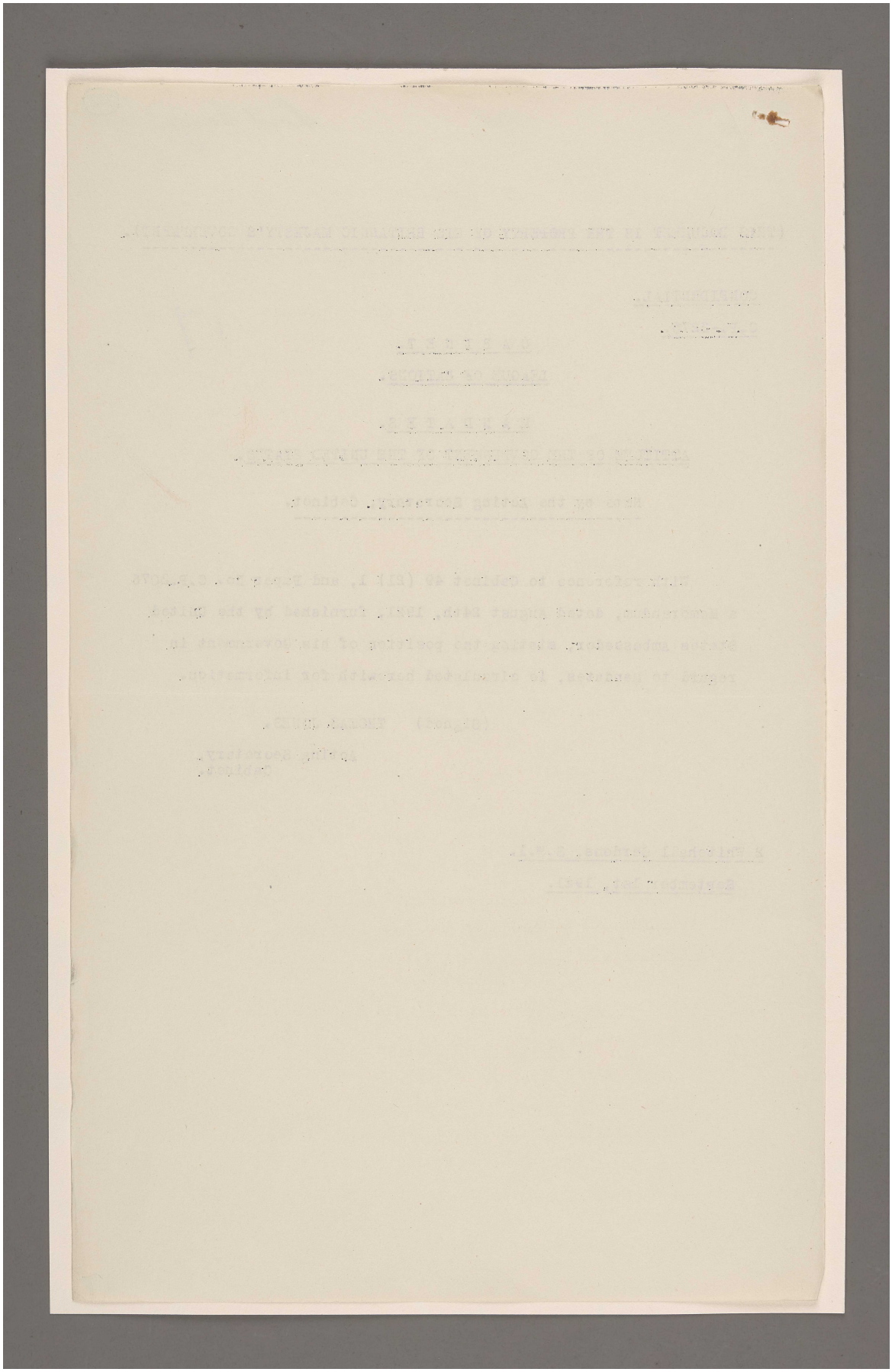

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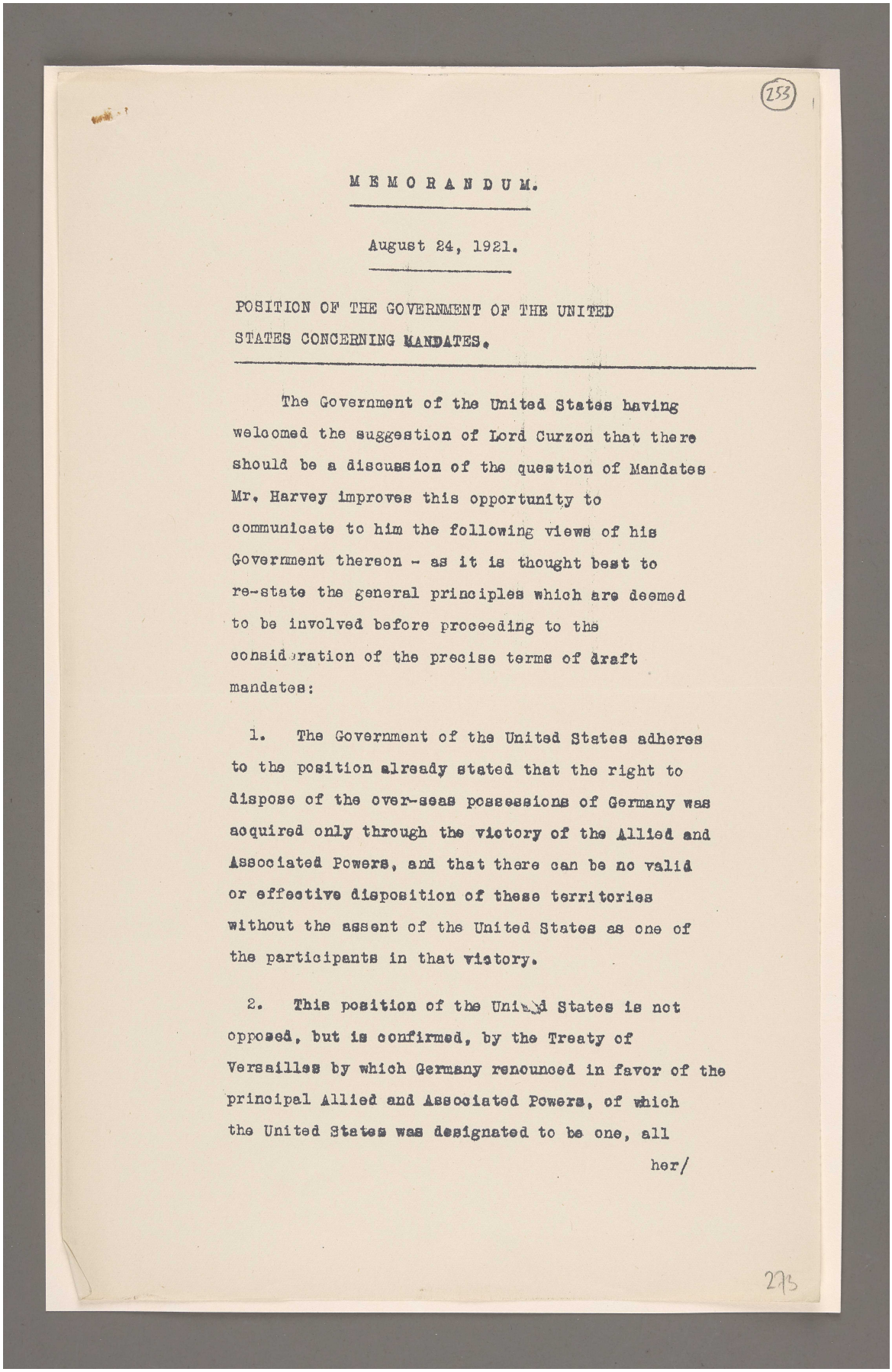

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M E M O R A N D U M.

August 24, 1921.

POSITION OF THE GOVERNMENT OF THE UNITED STATES CONCERNING MANDATES.

The Government of the United States having welcomed the suggestion of Lord Curzon that there should be a discussion of the question of Mandates Mr. Harvey improves this opportunity to communicate to him the following views of his Government thereon - as it is thought best to re-state the general principles which are deemed to be involved before proceeding to the consideration of the precise terms of draft mandates:

1. The Government of the United States adheres to the position already stated that the right to dispose of the over-seas possessions of Germany was acquired only through the victory of the Allied and Associated Powers, and that there can be no valid or effective disposition of these territories without the assent of the United States as one of the participants in that victory.

2. This position of the United States is not opposed, but is confirmed, by the Treaty of Versailles by which Germany renounced in favor of the principal Allied and Associated Powers, of which the United States was designated to be one, all

her/

293

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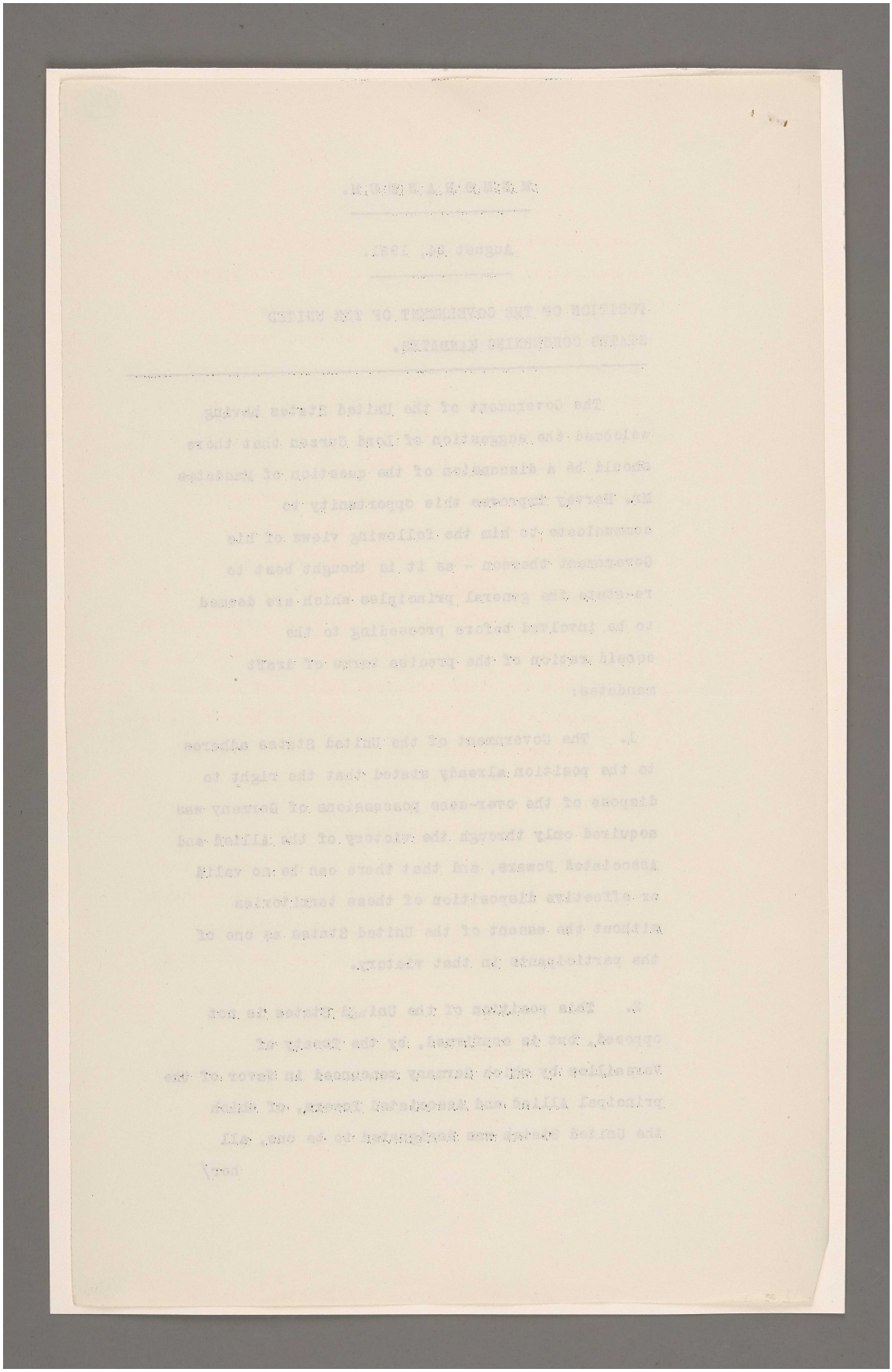

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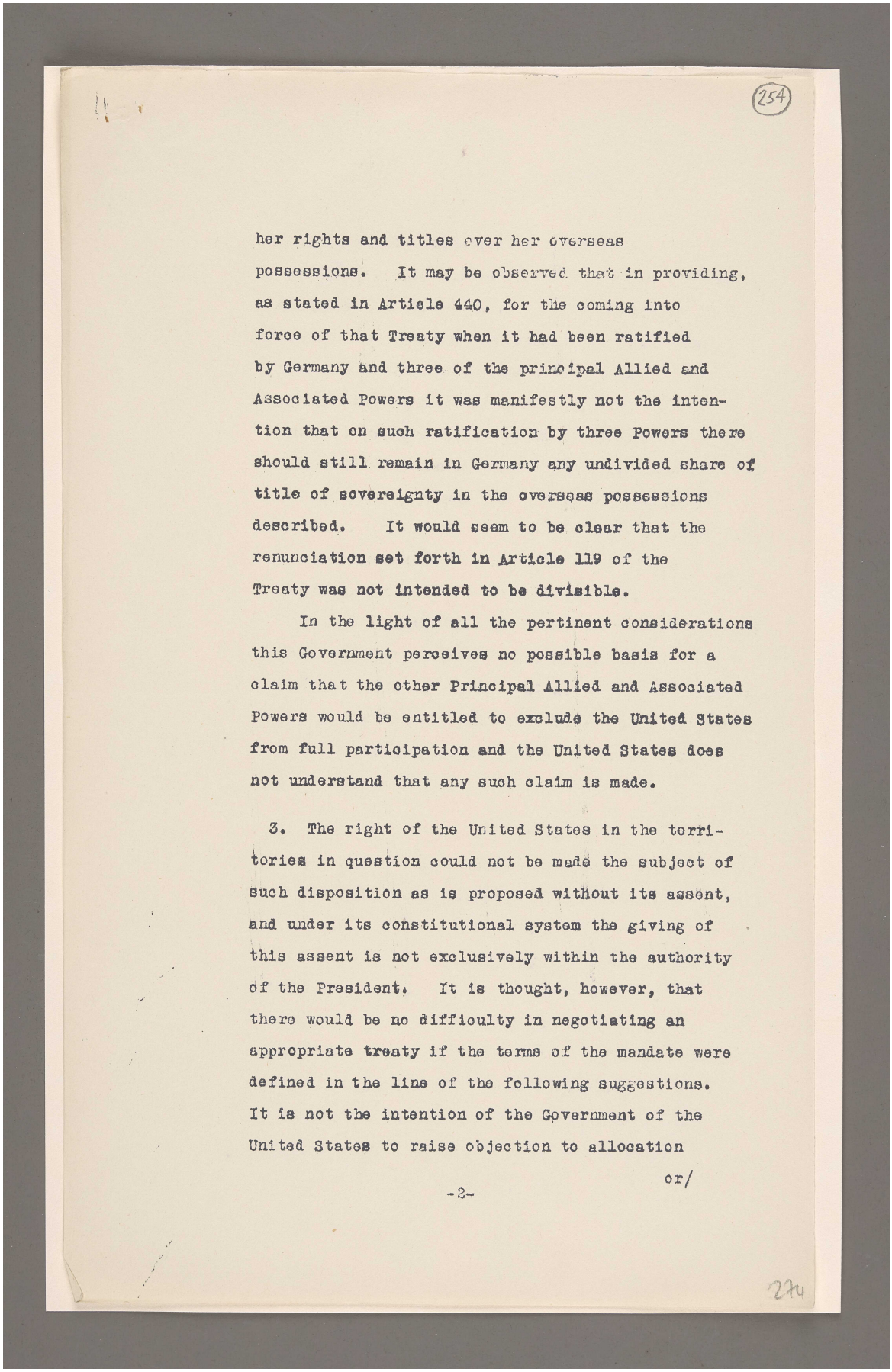

(254)

her rights and titles over her overseas possessions. It may be observed that in providing, as stated in Article 440, for the coming into force of that Treaty when it had been ratified by Germany and three of the principal Allied and Associated Powers it was manifestly not the intention that on such ratification by three Powers there should still remain in Germany any undivided share of title of sovereignty in the overseas possessions described. It would seem to be clear that the renunciation set forth in Article 119 of the Treaty was not intended to be divisible.

In the light of all the pertinent considerations this Government perceives no possible basis for a claim that the other Principal Allied and Associated Powers would be entitled to exclude the United States from full participation and the United States does not understand that any such claim is made.

3. The right of the United States in the territories in question could not be made the subject of such disposition as is proposed without its assent, and under its constitutional system the giving of this assent is not exclusively within the authority of the President. It is thought, however, that there would be no difficulty in negotiating an appropriate treaty if the terms of the mandate were defined in the line of the following suggestions. It is not the intention of the Government of the United States to raise objection to allocation

or/

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274

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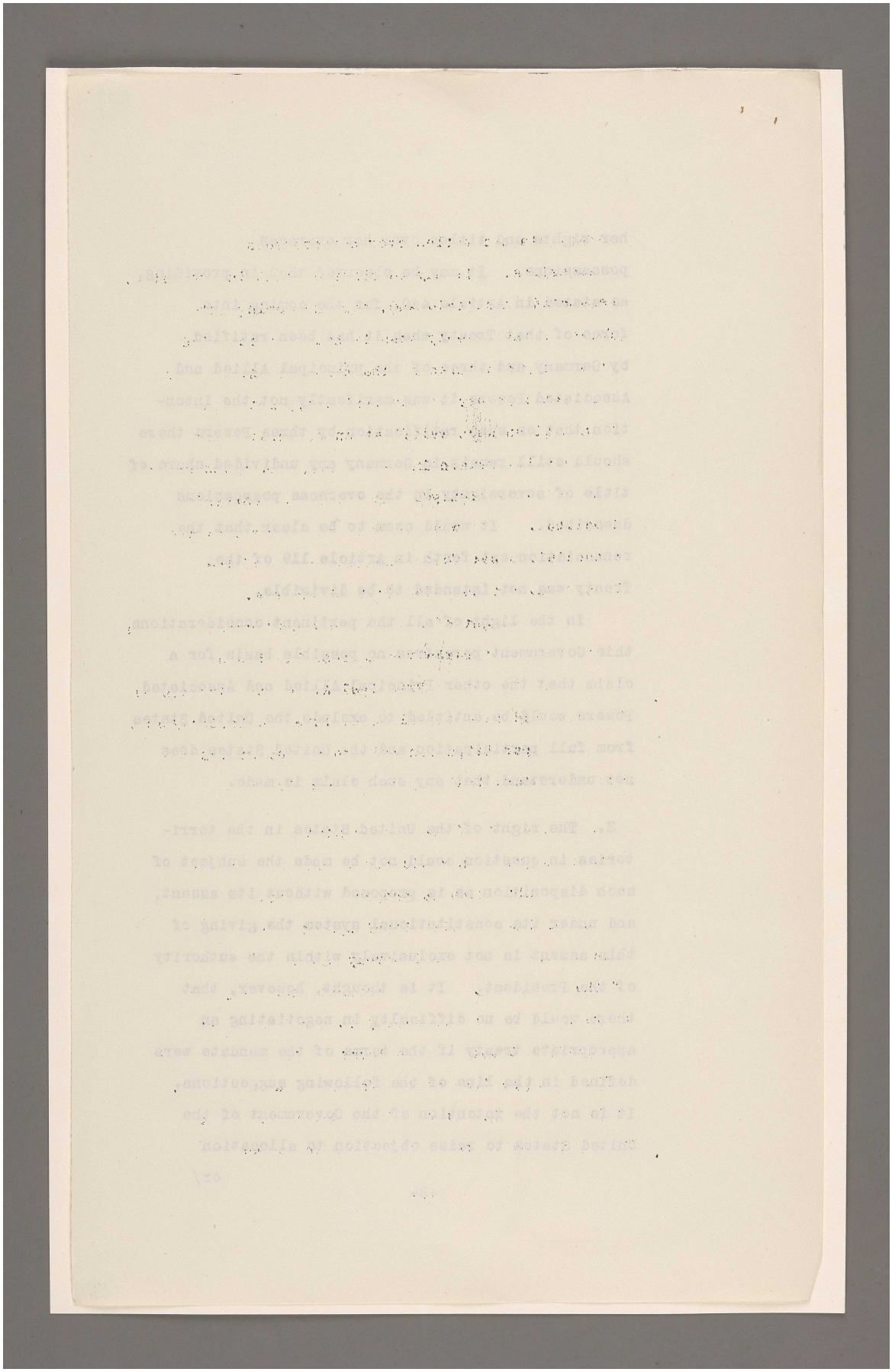

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or terms of Mandates for the purpose of seeking additional territory or for any other purpose than to safeguard the interests of the United States and the fair and equal opportunities which it is believed the United States should enjoy in common with the other Powers.

4. With respect to Mandate "D"[x] territories other than those which were formerly possessions of Germany, while it is true that the United States did not declare war against Turkey, still the opportunity of the Allied Powers to secure the allocation of Mandates and the administration of territories formerly under Turkish rule was made possible only through the victory over Germany and the United States assumes that, by reason of its relation to that victory and of the fundamental principles recognised by the British Government as applicable to the administration of Mandate "D"[x] territories, there would be no disposition in relation to any of these territories to discriminate against the United States or to refuse to safeguard equality of commercial opportunity.

5. With this understanding, and without attempting to restate the general principles governing Mandates, which have been the subject of previous correspondence between the two Governments, the Government of the United States desires to submit the following special observations as to the forms of mandates which have been proposed:

(a) Capitulatory rights. In the draft for Syria and Lebanon there is a provision in Article 5 not

round/

x Cabinet Office Note.
Presumably this is intended for "A" Mandate.

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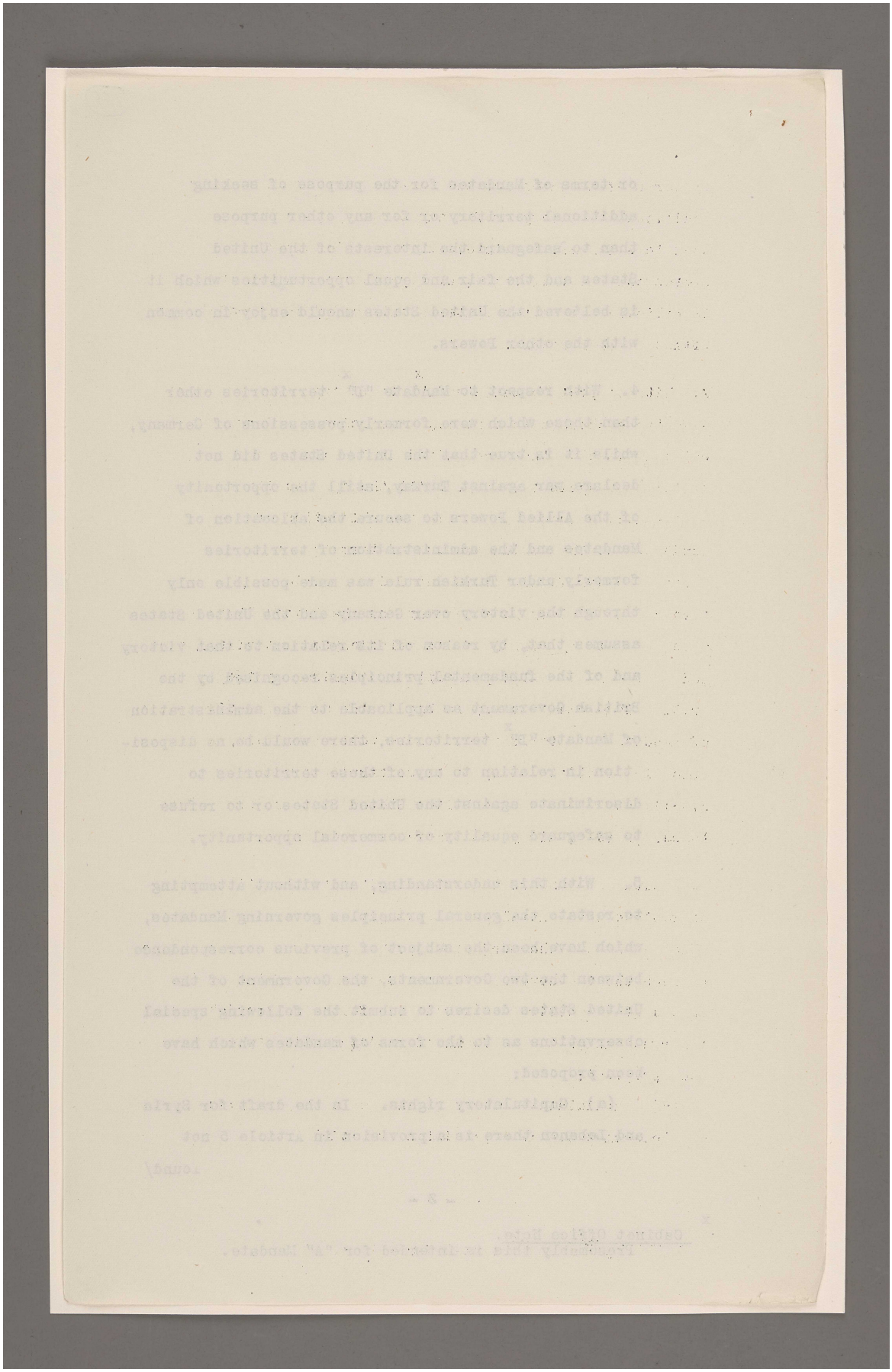

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found in the Mandates for Mesopotamia and Palestine, to the effect that Foreign Consular Tribunals shall continue to perform their duties until the described new legal organisation is set up. It is desired that there should be a similar provision in the Mandate for Mesopotamia, and that in the Mandate for Palestine it should be provided that capitulatory rights shall be continued until adequate courts are established. Provision should also be made in all "A" Mandates for the revival of capitulatory rights in the event of the termination of the mandate regime.

(b) Provisions against discrimination.

The limitation of protection in Articles 11 and 14 of the Mandates for Syria and Lebanon and Mesopotamia and of Articles 18 and 21 of the Mandate for Palestine to States that are members of the League of Nations should be removed and the protection extended so as to embrace the United States. This could be effected by referring to any State mentioned in the annex to the Covenant of the League of Nations. The reference to incorporated companies in Article 11 of the Mandate for Palestine is too narrow and should be broadened to embrace societies and associations (see Article 11 of Mandate for Syria and Lebanon).

It is desired that there should also be provision against discrimination in concessions. British "B" Mandate for East Africa, Article 7, provides as follows: "Concessions for the development of natural resources of the territory shall be granted by the Mandatory without distinction on grounds of nationality

between/

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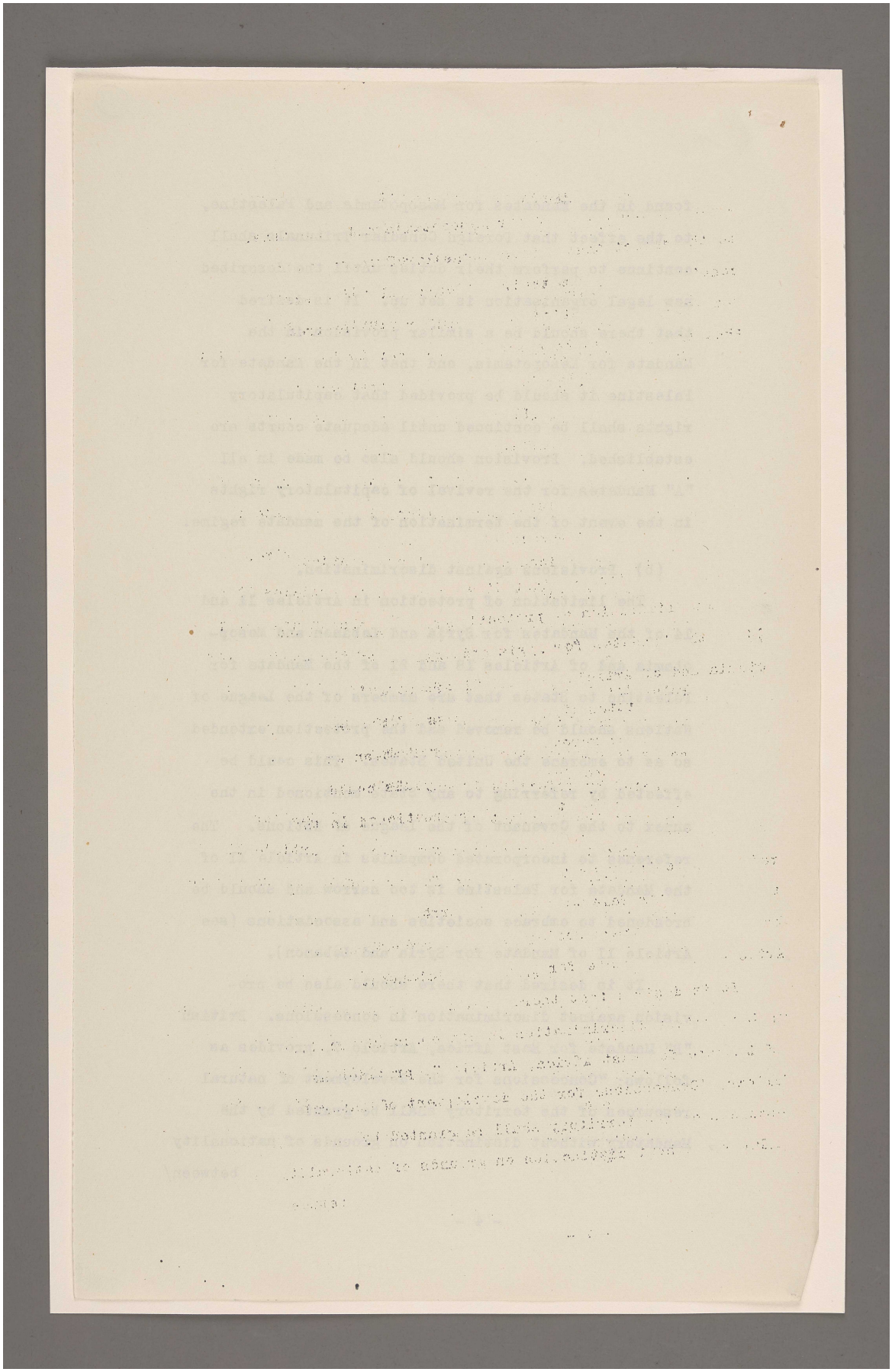

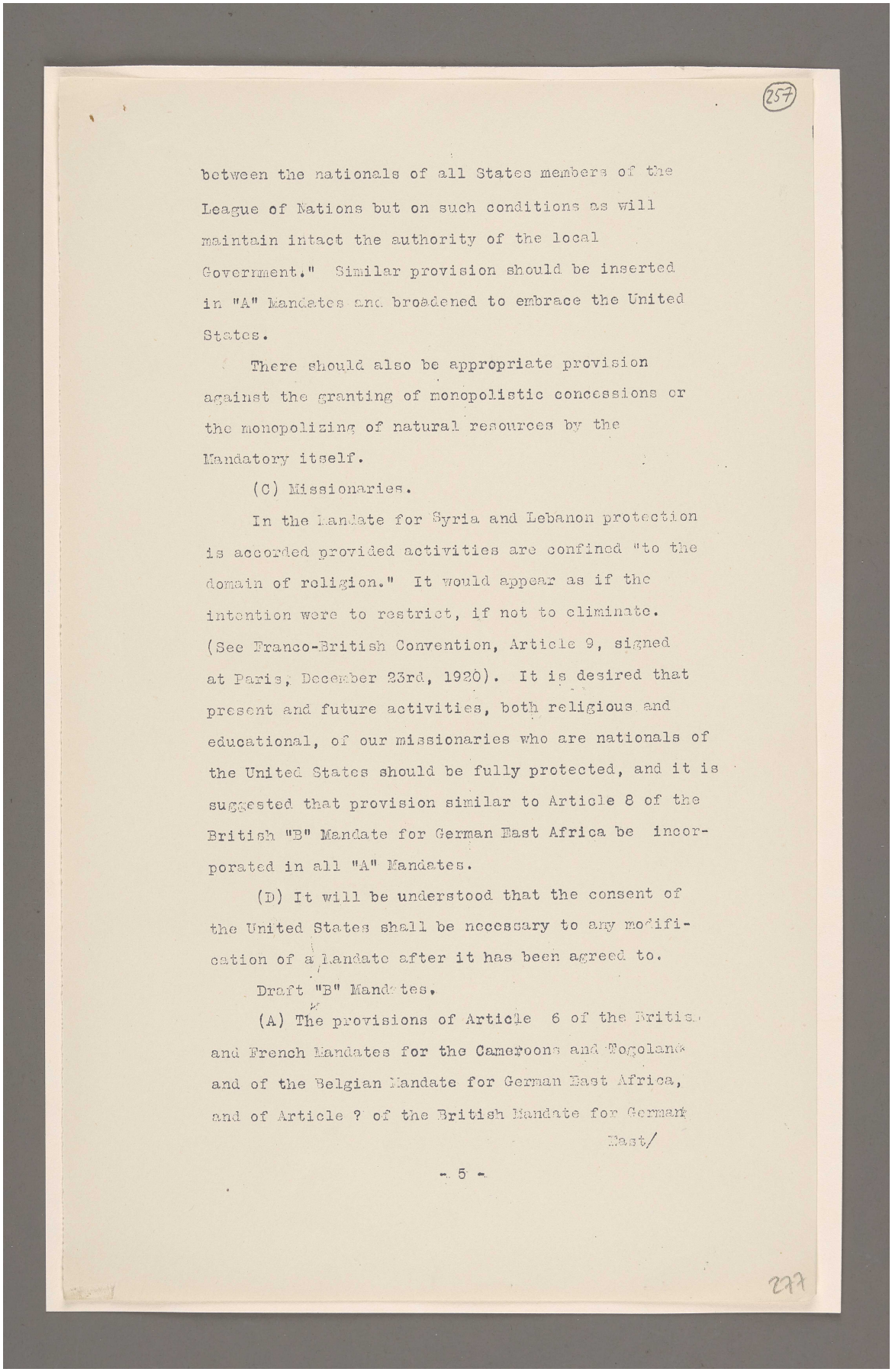

257

between the nationals of all States members of the League of Nations but on such conditions as will maintain intact the authority of the local Government." Similar provision should be inserted in "A" Mandates and broadened to embrace the United States.

There should also be appropriate provision against the granting of monopolistic concessions or the monopolizing of natural resources by the Mandatory itself.

(C) Missionaries.

In the Mandate for Syria and Lebanon protection is accorded provided activities are confined "to the domain of religion." It would appear as if the intention were to restrict, if not to eliminate. (See Franco-British Convention, Article 9, signed at Paris, December 23rd, 1920). It is desired that present and future activities, both religious and educational, of our missionaries who are nationals of the United States should be fully protected, and it is suggested that provision similar to Article 8 of the British "B" Mandate for German East Africa be incorporated in all "A" Mandates.

(D) It will be understood that the consent of the United States shall be necessary to any modification of a Mandate after it has been agreed to.

Draft "B" Mandates.

(A) The provisions of Article 6 of the British and French Mandates for the Cameroons and Togoland and of the Belgian Mandate for German East Africa, and of Article ? of the British Mandate for German East/

- 5 -

277

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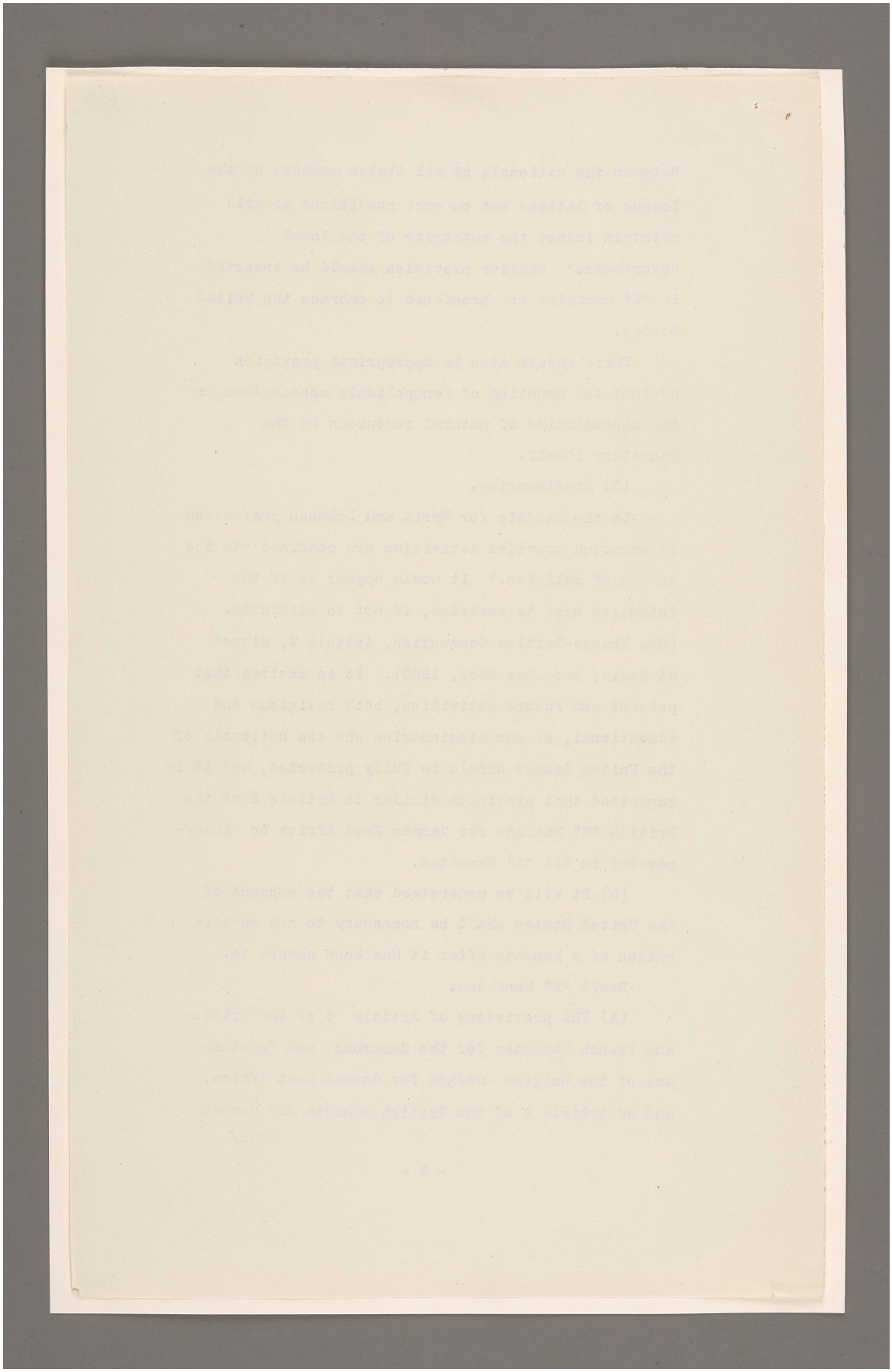

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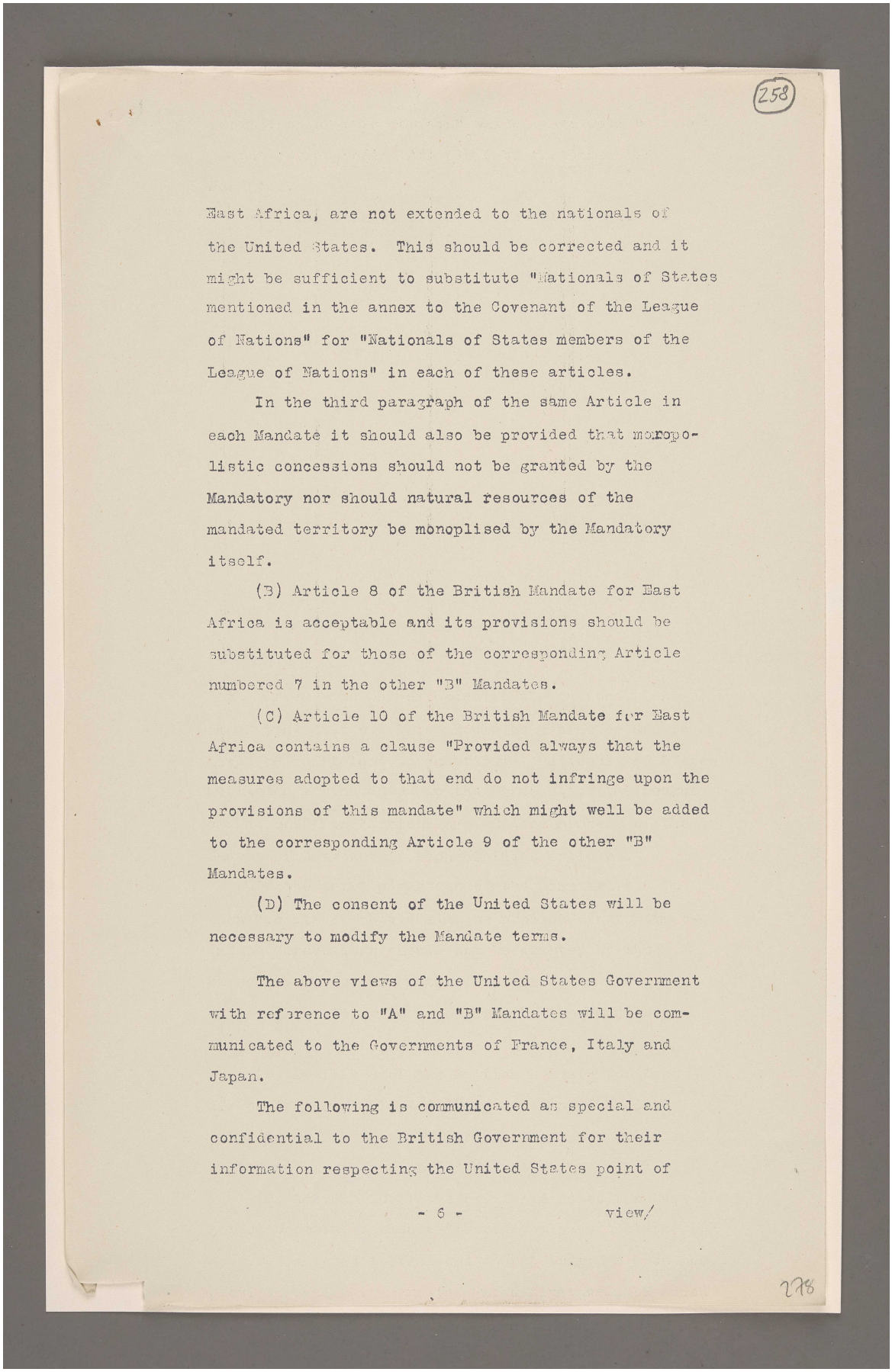

258

East Africa, are not extended to the nationals of the United States. This should be corrected and it might be sufficient to substitute "Nationals of States mentioned in the annex to the Covenant of the League of Nations" for "Nationals of States members of the League of Nations" in each of these articles.

In the third paragraph of the same Article in each Mandate it should also be provided that monopolistic concessions should not be granted by the Mandatory nor should natural resources of the mandated territory be monoplised by the Mandatory itself.

(B) Article 8 of the British Mandate for East Africa is acceptable and its provisions should be substituted for those of the corresponding Article numbered 7 in the other "B" Mandates.

(C) Article 10 of the British Mandate for East Africa contains a clause "Provided always that the measures adopted to that end do not infringe upon the provisions of this mandate" which might well be added to the corresponding Article 9 of the other "B" Mandates.

(D) The consent of the United States will be necessary to modify the Mandate terms.

The above views of the United States Government with reference to "A" and "B" Mandates will be communicated to the Governments of France, Italy and Japan.

The following is communicated as special and confidential to the British Government for their information respecting the United States point of

- 6 - view/

278

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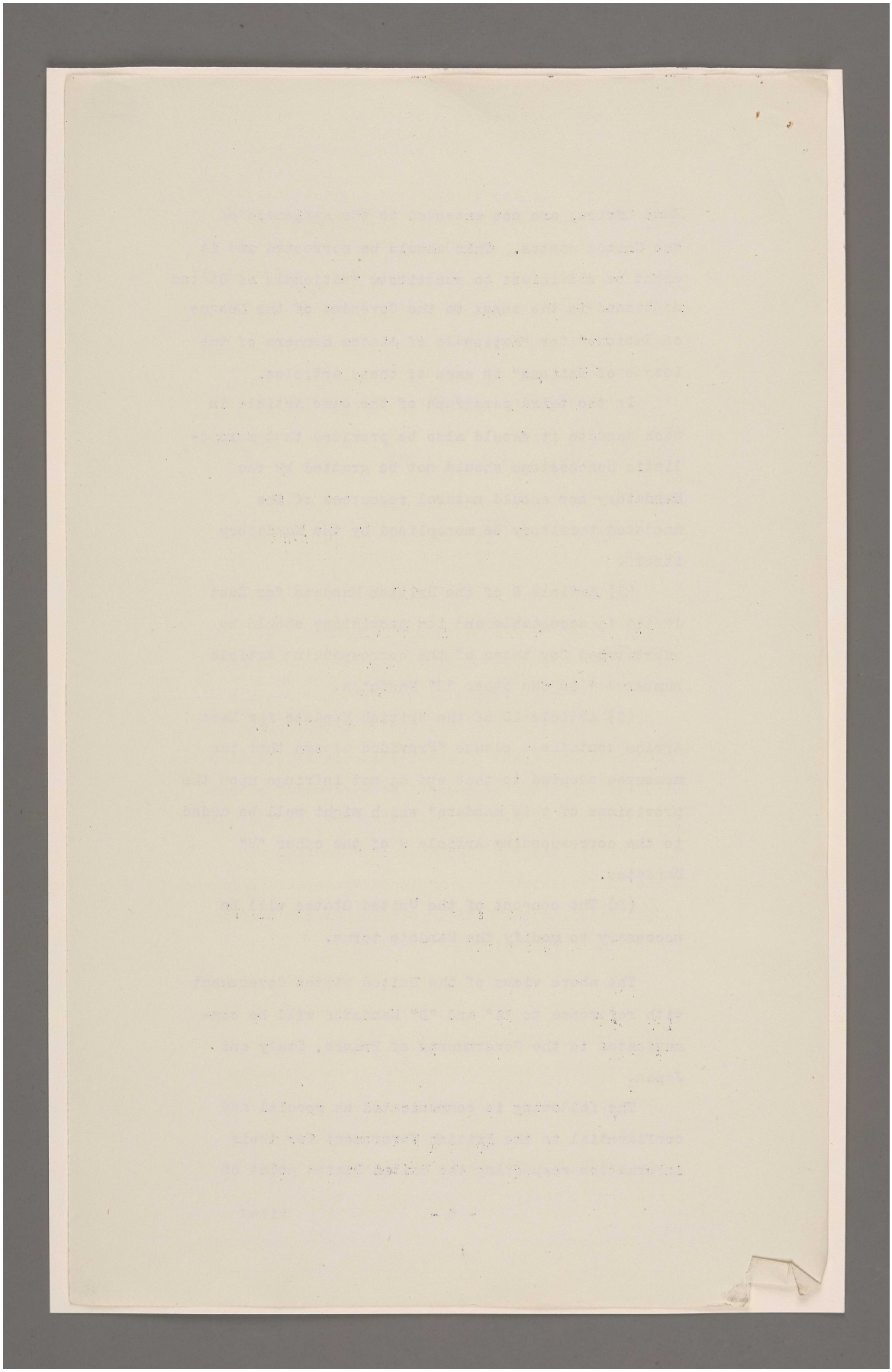

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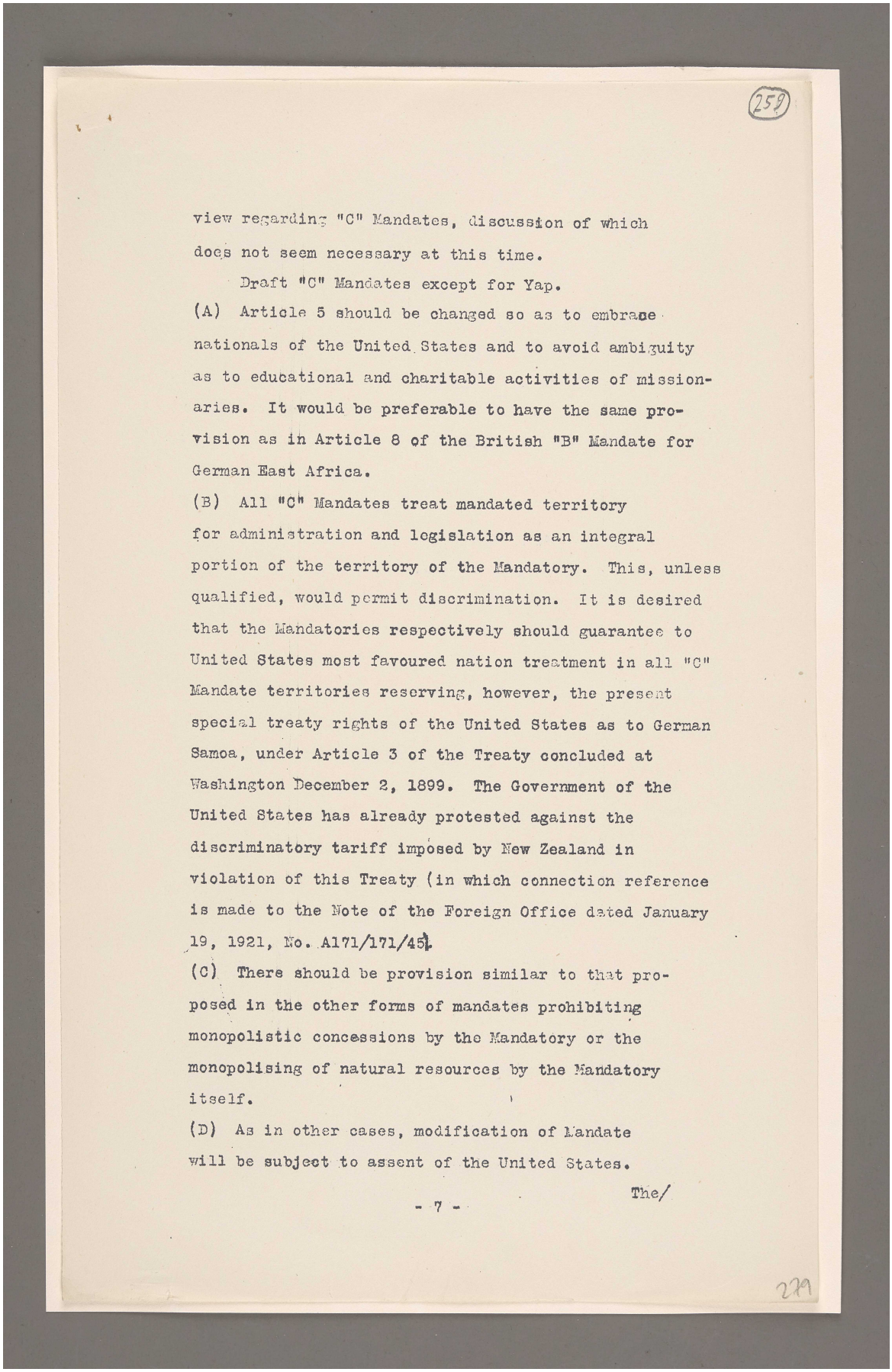

259

view regarding "C" Mandates, discussion of which does not seem necessary at this time.

Draft "C" Mandates except for Yap.

(A) Article 5 should be changed so as to embrace nationals of the United States and to avoid ambiguity as to educational and charitable activities of missionaries. It would be preferable to have the same provision as in Article 8 of the British "B" Mandate for German East Africa.

(B) All "C" Mandates treat mandated territory for administration and legislation as an integral portion of the territory of the Mandatory. This, unless qualified, would permit discrimination. It is desired that the Mandatories respectively should guarantee to United States most favoured nation treatment in all "C" Mandate territories reserving, however, the present special treaty rights of the United States as to German Samoa, under Article 3 of the Treaty concluded at Washington December 2, 1899. The Government of the United States has already protested against the discriminatory tariff imposed by New Zealand in violation of this Treaty (in which connection reference is made to the Note of the Foreign Office dated January 19, 1921, No. A171/171/45).

(C) There should be provision similar to that proposed in the other forms of mandates prohibiting monopolistic concessions by the Mandatory or the monopolising of natural resources by the Mandatory itself.

(D) As in other cases, modification of Mandate will be subject to assent of the United States.

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- 7 -

279

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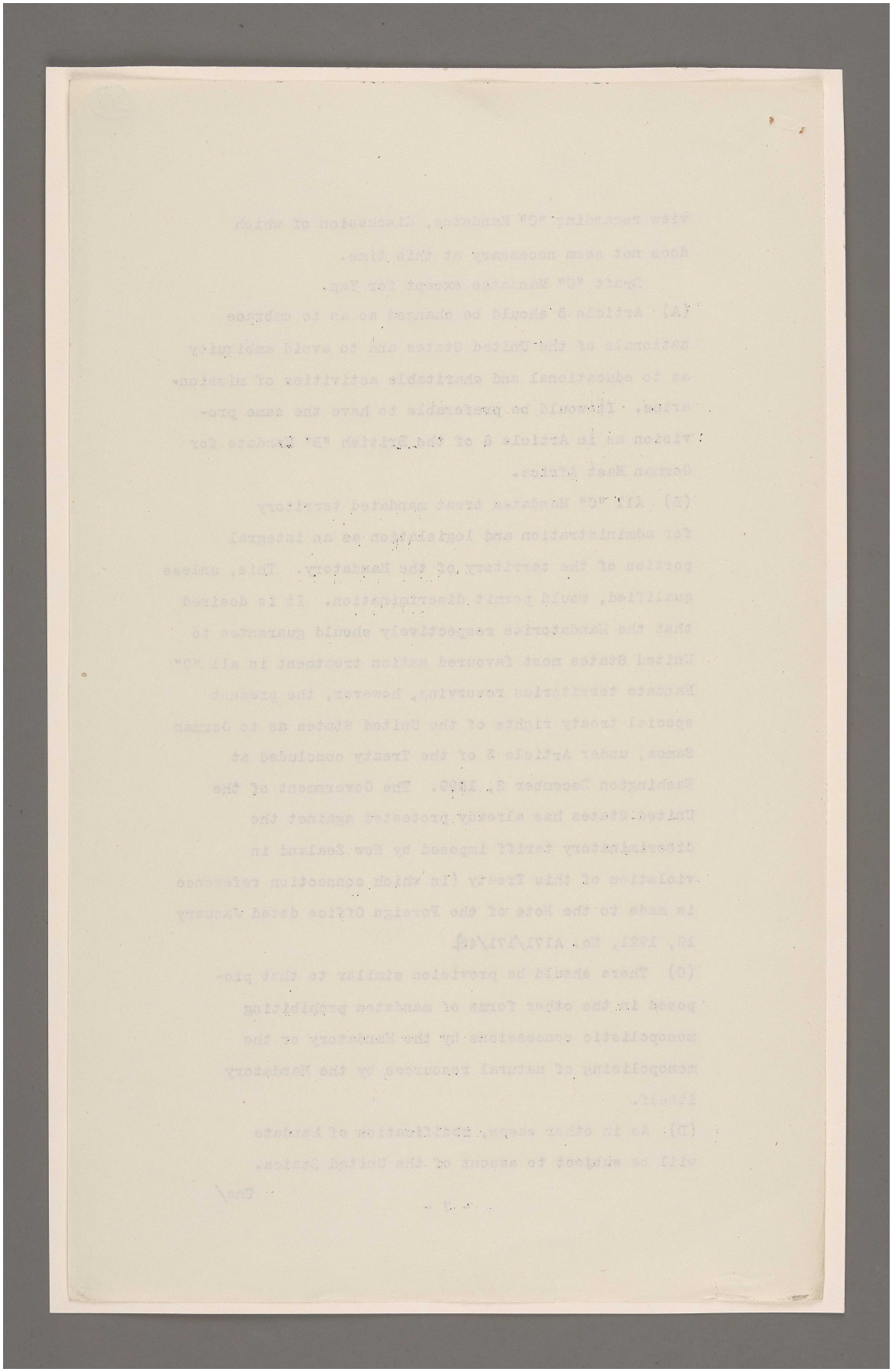

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260

The Island of Yap because of its special characteristics and availability for communication purposes should be treated specially and negotiations to this end are in progress. It is not desired to include Yap in the present representations as to terms of mandates.

6. In connection with the question of "A" Mandates the following additional points should be noted.

(A) In the note of His Majesty's Government of February 28, 1921, relating to the application of the principle of equality of treatment to former Turkish territories it was observed that by Article I of the Philippine Petroleum Act, approved August 31, 1920, participation in the working of public lands in the Philippine Islands containing petroleum is confined to citizens or corporations of the United States or of the Philippines. This enactment was mentioned as inconsistent with the general principles announced by this Government.

To avoid misapprehension upon this point it should be stated that shortly after this enactment in question the Government of the United States recommended that it should be so amended as to conform to the reciprocity provision of the United States General Leasing Law of February 25, 1920. At the last session of the Philippine Legislature an amending Bill was passed, the object of which was to relax substantially the restrictions embodied in the original Act; nevertheless in the opinion of the Government of the United States the proposed amendment did not sufficiently meet the

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-8-

280

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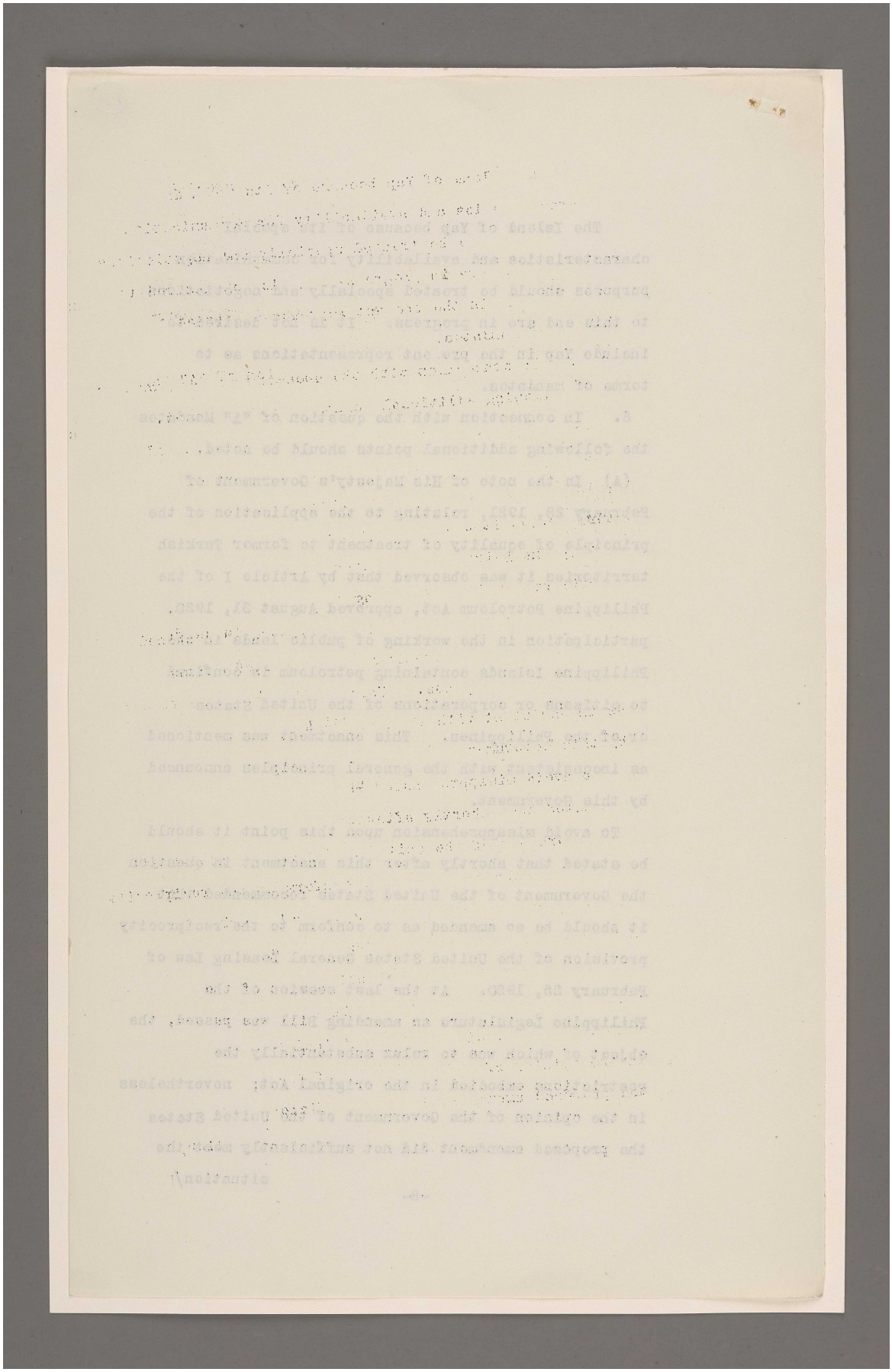

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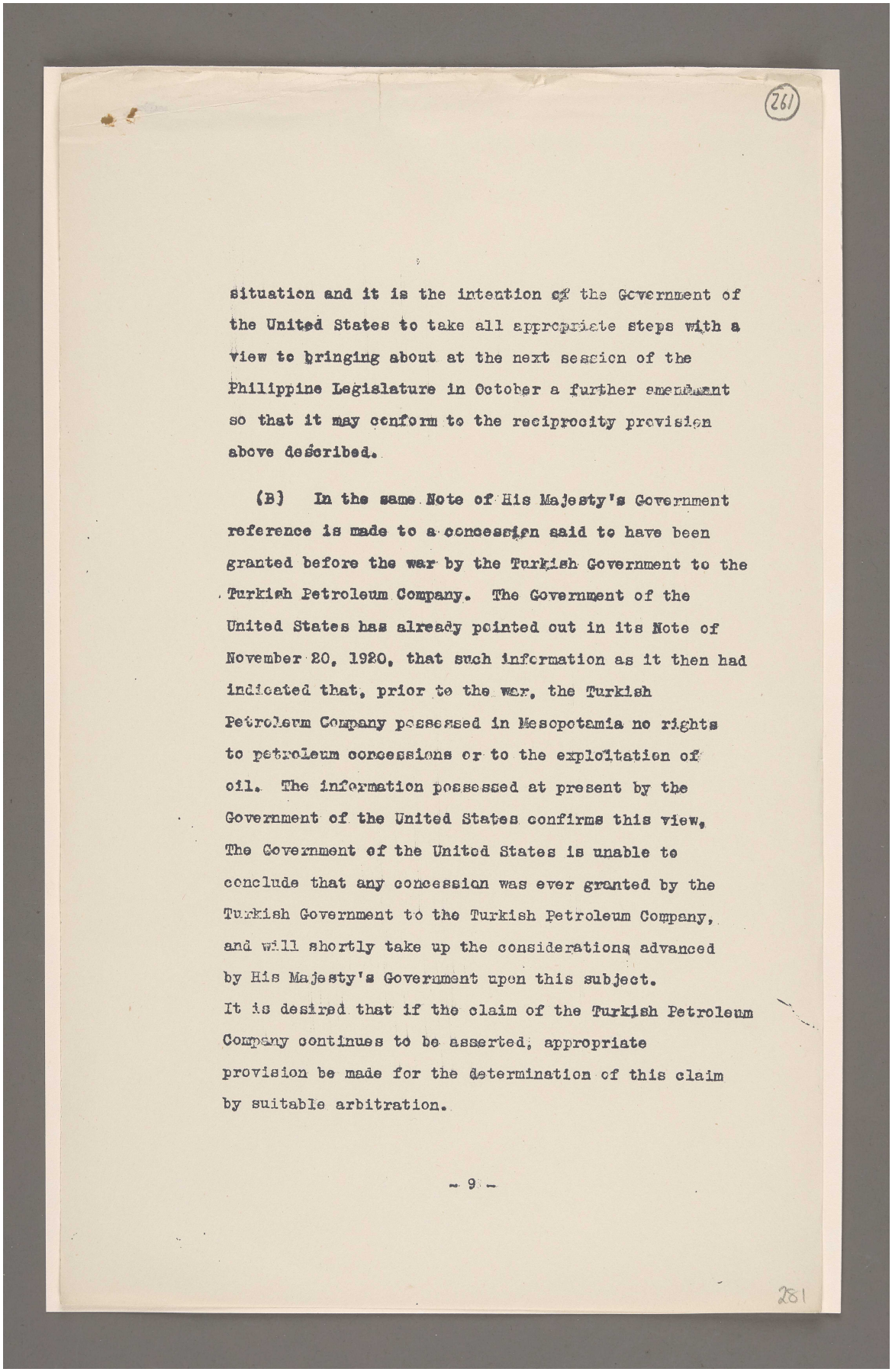

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situation and it is the intention of the Government of the United States to take all appropriate steps with a view to bringing about at the next session of the Philippine Legislature in October a further amendment so that it may conform to the reciprocity provision above described.

(B) In the same Note of His Majesty's Government reference is made to a concession said to have been granted before the war by the Turkish Government to the Turkish Petroleum Company. The Government of the United States has already pointed out in its Note of November 20, 1920, that such information as it then had indicated that, prior to the war, the Turkish Petroleum Company possessed in Mesopotamia no rights to petroleum concessions or to the exploitation of oil. The information possessed at present by the Government of the United States confirms this view. The Government of the United States is unable to conclude that any concession was ever granted by the Turkish Government to the Turkish Petroleum Company, and will shortly take up the considerations advanced by His Majesty's Government upon this subject.
It is desired that if the claim of the Turkish Petroleum Company continues to be asserted, appropriate provision be made for the determination of this claim by suitable arbitration.

- 9 -

281

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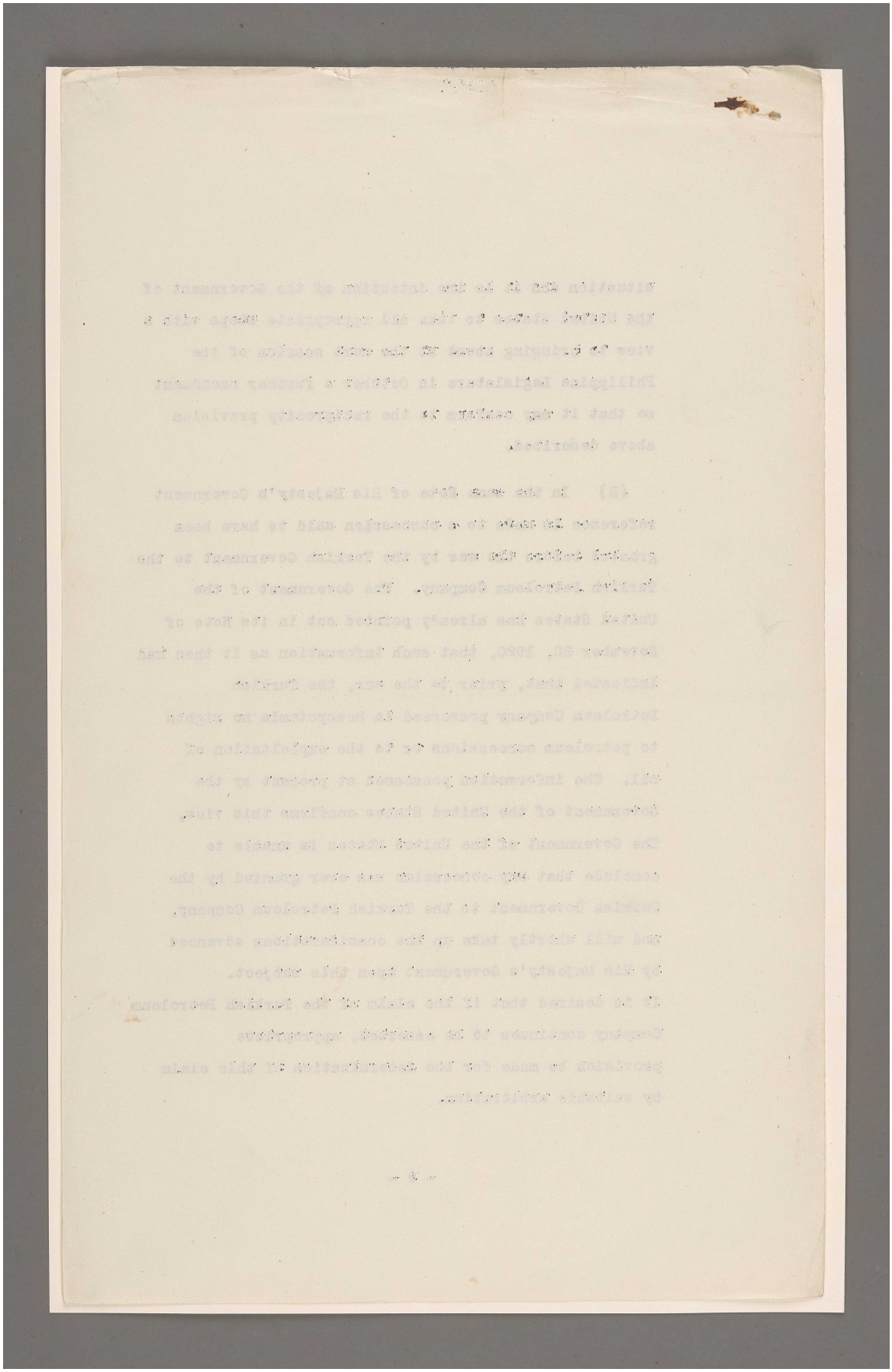

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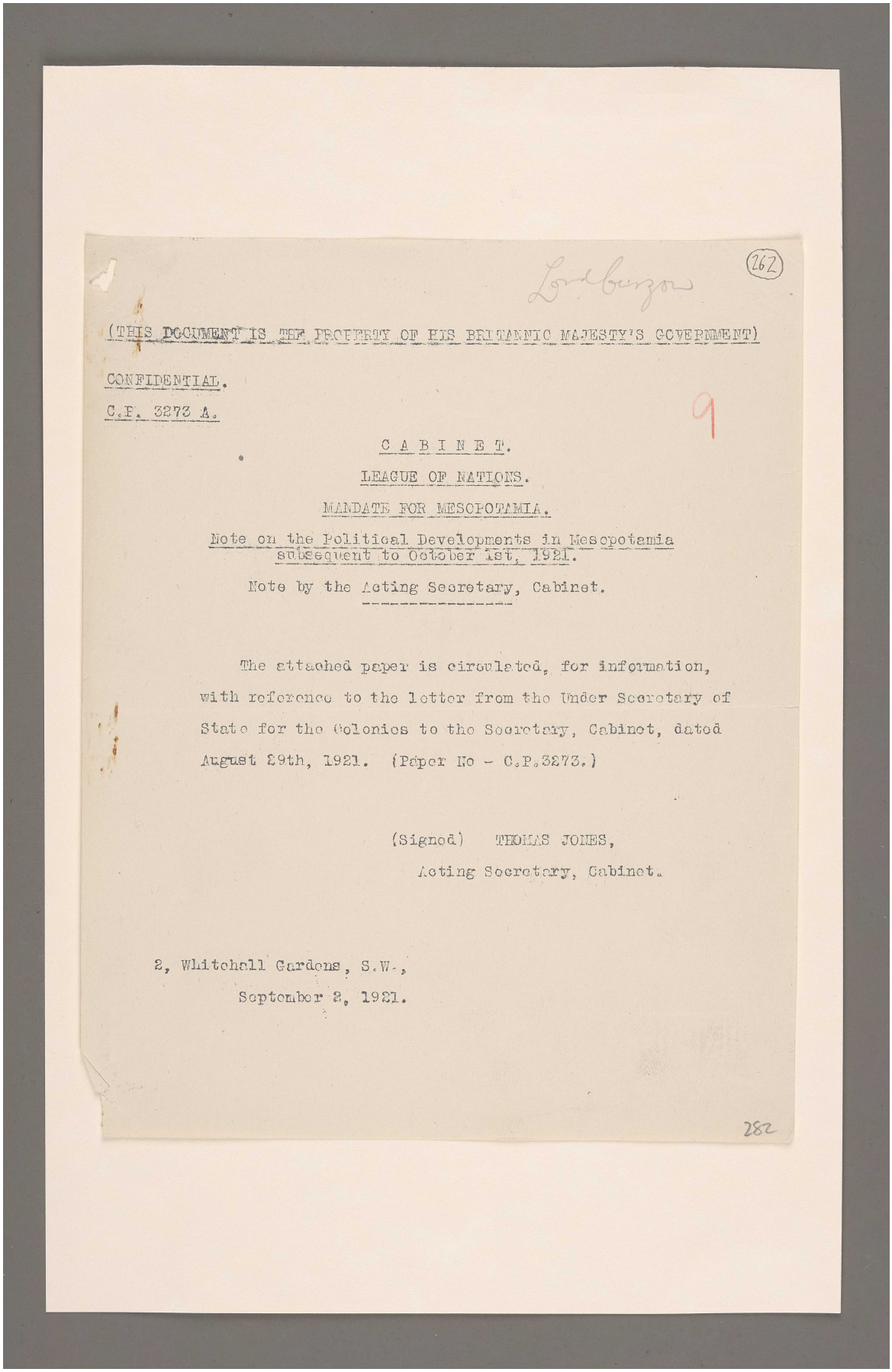

Lord Curzon

262

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C.P. 3273 A.

9

C A B I N E T.

LEAGUE OF NATIONS.

MANDATE FOR MESOPOTAMIA.

Note on the Political Developments in Mesopotamia subsequent to October 1st, 1921.

Note by the Acting Secretary, Cabinet.

The attached paper is circulated, for information, with reference to the letter from the Under Secretary of State for the Colonies to the Secretary, Cabinet, dated August 29th, 1921. (Paper No - C.P.3273.)

(Signed) THOMAS JONES,
Acting Secretary, Cabinet.

2, Whitehall Gardens, S.W.,
September 2, 1921.

282

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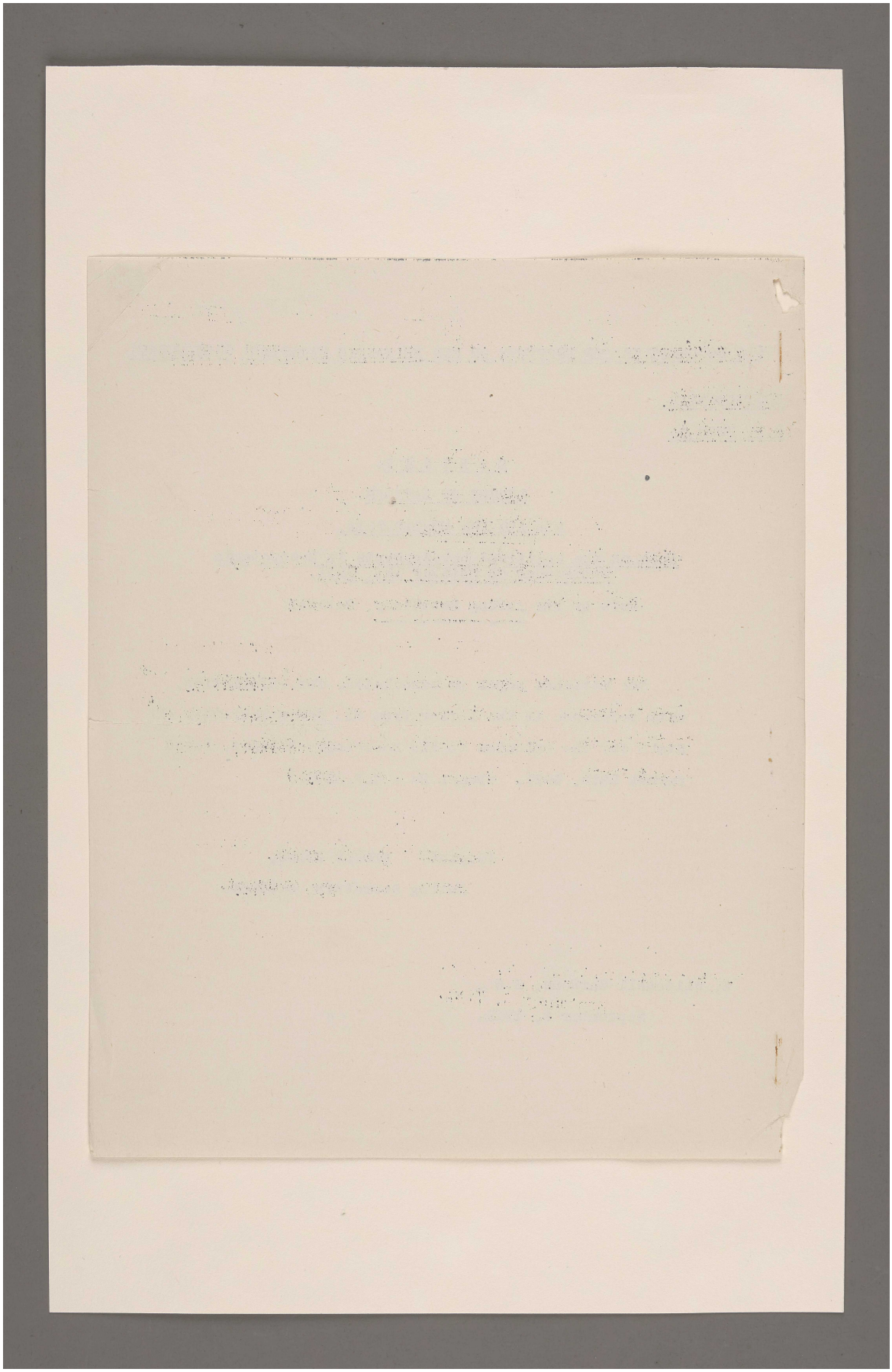

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263

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Printed for the Cabinet. August 1921.

NOTE ON POLITICAL DEVELOPMENTS IN MESOPOTAMIA SUBSEQUENT TO OCTOBER 1, 1920.

THE review of the civil administration of Mesopotamia published as a White Paper on the 3rd December, 1920, gives a full report of the British administration in Iraq from the date of the occupation of the Basrah vilayet in 1914 up to the month of October 1920. A further report for the year 1921 is now being prepared, and will be published as soon as it is completed. The following brief summary has been prepared in order to explain the events which have led to the recognition of His Majesty Feisal as King of Iraq.

His Excellency Sir Percy Z. Cox, G.C.I.E., K.C.S.I., K.C.M.G., arrived at Basrah on the 1st October, 1920, and assumed charge of his office as High Commissioner for Mesopotamia under a salute of seventeen guns. Having spent four days at Basrah in continuous consultation with representatives of all elements of the population of the place, his Excellency embarked, on the 5th October, on the S. 1 *en route* for Baghdad.

On the way up river the High Commissioner held receptions of local notables at Qurnah, Qalat Salih, Amarah and Kut-el-Amarah, and thus had favourable opportunities of ascertaining the views and wishes of the people of those districts, as also he had had previously at Nasiriyah, which he visited by air during his stay at Basrah.

On the 11th October, 1920, he arrived by special train from Kut at Baghdad at 5 P.M. and was received by a large gathering of officers and of the notables of the capital headed by the G.O.C.-in-chief. The next two weeks were spent by the High Commissioner in close consultation with the notables and people of Baghdad and its surroundings in a series of public and private audiences. His Excellency furthermore paid a visit to Mosul on the 16th October, returning the following day, after seeing and taking into consultation the notables of that place.

As the result of the consultations above-mentioned the High Commissioner was in a position to formulate his policy in respect of the setting up of a National Government of 'Iraq by the 23rd October, 1920, when he paid a personal visit to His Highness the Naqib of Baghdad to invite him to form a Provisional Council of State to carry on the administration of the country under the High Commissioner's control pending the convocation of a representative National Assembly to decide upon the future constitution of the State and to frame an organic law in connection therewith. The Naqib, after some heart-searching, accepted office from a sense of duty to his country.

The negotiations leading up to the formation of a Council of State were largely conducted orally between his Excellency and His Highness the Naqib, and the details of the scheme for setting up a Provisional National Government were worked out in the same way, but the documents printed in Appendix may be of interest as marking the successive stages arrived at in the course of those negotiations, which may be said to have reached their culminating point in the first formal meeting of the Council of State on the 13th November, 1920, which the High Commissioner attended to explain his policy and their responsibilities to the assembled Ministers, and to obtain their acceptance of the working instructions framed for them.

The military position at that time and during the days in which the provisional Government was being constituted was roughly as follows:—

(1.) On the lower Euphrates the column from Nasiriyah was within six miles of Samawah and the town was relieved on the 14th October. Lower down the line the tribes inhabiting the edges of the Hammar lake continued to make desultory attacks on the block-houses protecting the Basrah–Nasiriyah line. The storm centre was the 'alim, Mirza Muhammad, who had originated the trouble on the Hai, and from Butnijah encouraged the insurgents to resistence.

283

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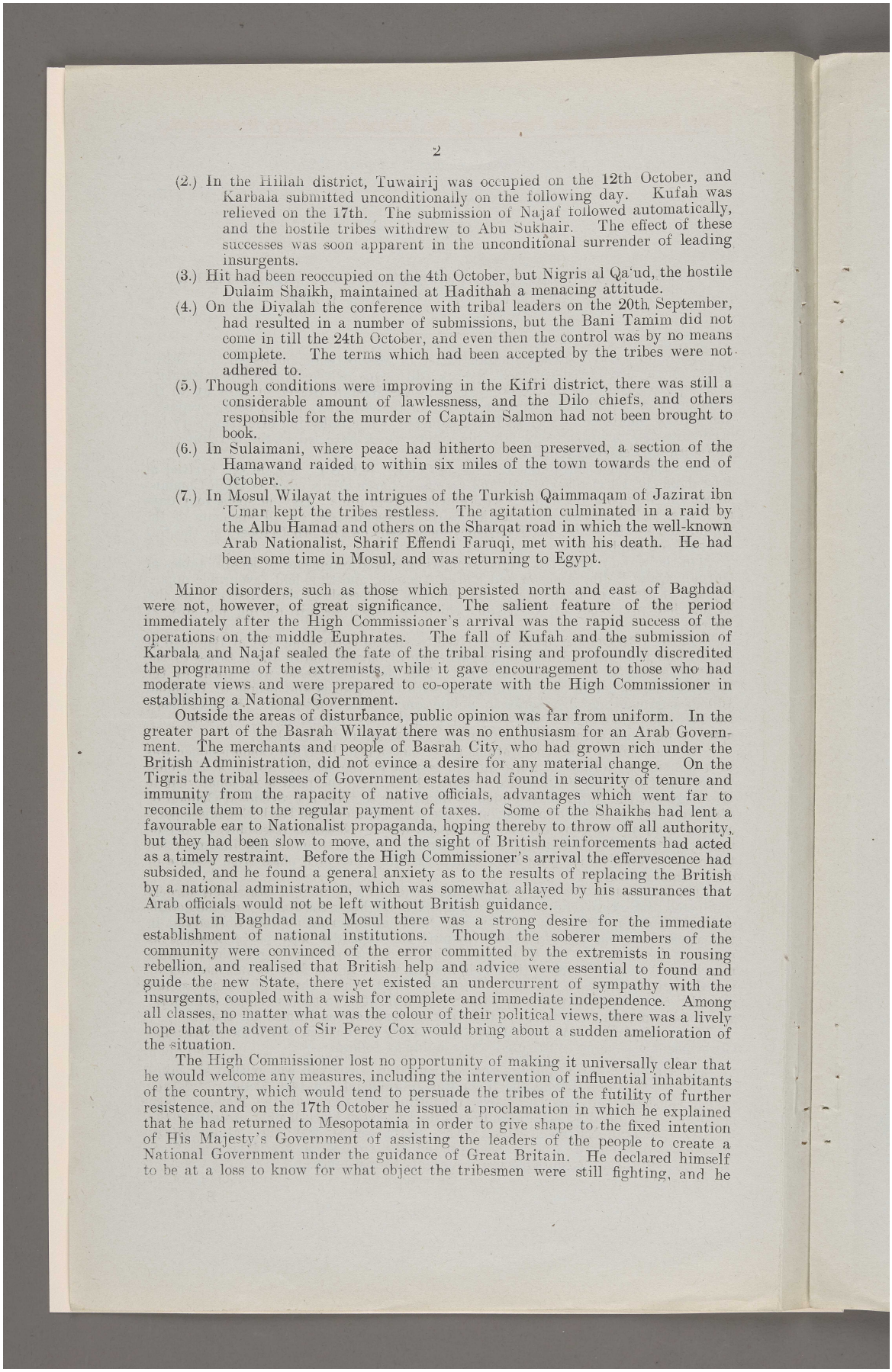

(2.) In the Hillah district, Tuwairij was occupied on the 12th October, and Karbala submitted unconditionally on the following day. Kufah was relieved on the 17th. The submission of Najaf followed automatically, and the hostile tribes withdrew to Abu Sukhair. The effect of these successes was soon apparent in the unconditional surrender of leading insurgents.

(3.) Hit had been reoccupied on the 4th October, but Nigris al Qa'ud, the hostile Dulaim Shaikh, maintained at Hadithah a menacing attitude.

(4.) On the Diyalah the conference with tribal leaders on the 20th September, had resulted in a number of submissions, but the Bani Tamim did not come in till the 24th October, and even then the control was by no means complete. The terms which had been accepted by the tribes were not adhered to.

(5.) Though conditions were improving in the Kifri district, there was still a considerable amount of lawlessness, and the Dilo chiefs, and others responsible for the murder of Captain Salmon had not been brought to book.

(6.) In Sulaimani, where peace had hitherto been preserved, a section of the Hamawand raided to within six miles of the town towards the end of October.

(7.) In Mosul Wilayat the intrigues of the Turkish Qaimmaqam of Jazirat ibn 'Umar kept the tribes restless. The agitation culminated in a raid by the Albu Hamad and others on the Sharqat road in which the well-known Arab Nationalist, Sharif Effendi Faruqi, met with his death. He had been some time in Mosul, and was returning to Egypt.

Minor disorders, such as those which persisted north and east of Baghdad were not, however, of great significance. The salient feature of the period immediately after the High Commissioner's arrival was the rapid success of the operations on the middle Euphrates. The fall of Kufah and the submission of Karbala and Najaf sealed the fate of the tribal rising and profoundly discredited the programme of the extremists, while it gave encouragement to those who had moderate views and were prepared to co-operate with the High Commissioner in establishing a National Government.

Outside the areas of disturbance, public opinion was far from uniform. In the greater part of the Basrah Wilayat there was no enthusiasm for an Arab Government. The merchants and people of Basrah City, who had grown rich under the British Administration, did not evince a desire for any material change. On the Tigris the tribal lessees of Government estates had found in security of tenure and immunity from the rapacity of native officials, advantages which went far to reconcile them to the regular payment of taxes. Some of the Shaikhs had lent a favourable ear to Nationalist propaganda, hoping thereby to throw off all authority, but they had been slow to move, and the sight of British reinforcements had acted as a timely restraint. Before the High Commissioner's arrival the effervescence had subsided, and he found a general anxiety as to the results of replacing the British by a national administration, which was somewhat allayed by his assurances that Arab officials would not be left without British guidance.

But in Baghdad and Mosul there was a strong desire for the immediate establishment of national institutions. Though the soberer members of the community were convinced of the error committed by the extremists in rousing rebellion, and realised that British help and advice were essential to found and guide the new State, there yet existed an undercurrent of sympathy with the insurgents, coupled with a wish for complete and immediate independence. Among all classes, no matter what was the colour of their political views, there was a lively hope that the advent of Sir Percy Cox would bring about a sudden amelioration of the situation.

The High Commissioner lost no opportunity of making it universally clear that he would welcome any measures, including the intervention of influential inhabitants of the country, which would tend to persuade the tribes of the futility of further resistence, and on the 17th October he issued a proclamation in which he explained that he had returned to Mesopotamia in order to give shape to the fixed intention of His Majesty's Government of assisting the leaders of the people to create a National Government under the guidance of Great Britain. He declared himself to be at a loss to know for what object the tribesmen were still fighting, and he

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expressed his wish that they should put themselves into communication with the nearest Political Officer in case any misunderstanding existed which could be removed.

Since the first week of August, a Committee composed of ex-Deputies of the Turkish régime, under the presidency of Saiyid Talib Pasha of Basrah, had been engaged in revising the Turkish electoral law in preparation for the election of a representative assembly which should decide on the form of Government desired by the people of Mesopotamia. But it was self-evident, as the High Commissioner was careful to point out, that any elective assembly convened to interpret the will of the people on such a vital issue must be fully representative of every element of the population and every part of the country, and no elections could be complete while certain districts still remained unpacified. Some time must therefore elapse before the register of electors could be compiled and necessary arrangements completed. To have delayed action, however, for a period of several months would have disappointed public expectation and might well have destroyed confidence in the benevolent announcements made by His Majesty's Government. Moreover, the High Commissioner found himself confronted with questions of policy affecting the future of the 'Iraq with which he did not feel justified in dealing without consultation with representatives of the people of the country. He judged it therefore necessary to institute a provisional Government which should conduct the administration under his guidance and control until the meeting of the National Assembly.

The high social and religious position of the Naqib of Baghdad, and the universal respect which he enjoys, pointed to him as the most suitable person to form and preside over a provisional Council of State. A strong body of opinion in Baghdad was in favour of entrusting to him these duties, and this desire was quickened by the fear that in the event of his refusal they would devolve on Saiyid Talib, a contingency contemplated with the strongest apprehension by the best elements of the intelligentia both in Baghdad and Mosul. The Naqib has hitherto constantly refused to take part in public affairs. Age and ill-health might well have excused him from emerging from the seclusion of a Darwish; nevertheless, when on the 23rd October the High Commissioner proposed to him that he should undertake the formation of a Cabinet, he consented after some heart-searching to do so.

It was agreed that for present purposes the three Wilayets and the different communities of the 'Iraq must be represented on the Council, and invitations were sent by the Naqib to nineteen persons, eleven of whom were asked to be members of Council without portfolio. The Cabinet was to be constructed as follows:—

President	... ...	The Naqib.
Minister of the Interior	...	Saiyid Talib Pasha.
,, of Finance	...	Sasun Effendi Haskail.
,, of Justice	...	Hasan Effendi Pachahji.
,, for Education	...	'Izzat Pasha.
,, for Defence	..	Ja'far Pasha al'Askari.
,, for Public Works	...	Muhammad Effendi Fadhil.
,, for Commerce	...	'Abdul Latiff Pasha Mandil.
,, of Auqaf	...	Mustafa Effendi Alusi.

After the Naqib, Sasun Effendi was probably the man who carried most weight. A member of one of the most distinguished Jewish families of Baghdad, he had been elected to the Chamber of Deputies in 1908, when representative institutions were conferred on the Turkish Empire by the Constitution. He had sat in every subsequent Parliament, and in 1913 had held a ministerial appointment. His wisdom and integrity are universally appreciated, and when in the early summer of 1920, the Nationalist agitations were at their height in Baghdad, it was commonly said that Sasun Effendi would be offered the Ministry of Finance in the independent Arab Government which was to be inaugurated under the auspices of Yusuf Suwaidi and Saiyid Muhammad Sadr. Hasan Effendi Pachahji is a lawyer of considerable distinction, generally accounted to be the ablest advocate in Baghdad. 'Izzat Pasha is a native of Kirkuk, of Turkish descent. He had held high military office under the Ottoman Government, and has a great reputation throughout Mesopotamia. Ja'far Pasha, one of the Amir Faisal's Major-Generals, had recently returned to Baghdad, which is his native town, after serving for a year as Governor of Aleppo under the Arab Government of Syria. Muhammad Effendi

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Fadhil, a leading citizen of Mosul, had been one of the deputies for Mosul under the Turks, and is now acting as Mayor of the town. 'Abdul Latif Pasha Mandil is a distinguished native of Basrah, of Najd origin, a landowner and a merchant. Mustafa Effendi Alusi belongs to one of the best-known learned families of Baghdad, and has held the post of Qadhi in many parts of the Ottoman dominions, including Mecca.

Those asked to join the Government without portfolio were: Hamdi Pasha Baban, a Kurd and head of the old ruling family of Sulaimaniyah; 'Abdul Majid Effendi Shawi, Mayor of Baghdad; 'Abdul Rahman Pasha Haidari and Fakhri Effendi Jamil Zadah, notables of Baghdad; Ahmad Pasha Sani', a notable of Basrah; 'Abdul Jabbar Pasha Khaiyat and Daud Yusufani, leading Christians of Baghdad and Mosul respectively; and four Shi'ahs, namely, 'Abdul Ghani Kubbah, head of the principal Shi'ah family of Baghdad; Saiyid Hadi Qaswini, of Hillah; 'Ajil Pasha ibn 'Ali Samarmad, formerly paramount Shaikh of the Zubaid; and the Amir Muhammad Saihud, paramount chief of the Bani Rabi'ah.

It was not considered probable that Hasan Effendi Pachahji would accept office. His private practice is lucrative, and he has constantly refused to relinquish it for public employment. His refusal, therefore, caused no surprise. But when Sasun Effendi and Hamdi Pasha Baban declined the Naqib's invitation, a serious situation arose. In both cases, in spite of the excuses put forward, the underlying reason was unwillingness to serve in any Cabinet of which Saiyid Talib Pasha was a member. Hamdi Pasha held to his decision, but Sasun Effendi, whose absence from the Council would have produced a deplorable effect, was persuaded to reconsider his attitude. It was pointed out to him that while it would have been impossible to omit so prominent a man as Saiyid Talib from the Provisional Government, the latter's future position would depend on whether he could prove himself to be of value to his country and his compatriots. After a short hesitation and further exchange of views with the Naqib, Sasun Effendi got the better of his apprehensions and accepted the Ministry of Finance. The episode was instructive. It showed how deep-seated was the mistrust and fear inspired by Saiyid Talib's post, and how prevalent the belief that the British authorities intended to support his pretensions, whatever might be the will of the people. Ja'far Pasha admitted in private that if he had not hesitated to enter the Cabinet, it was only with the object of defeating Saiyid Talib, whose ambitions he regarded as a menace to the country.

Mustafa Effendi Alusi was offered and accepted the Ministry of Justice, left vacant by Hasan Effendi, and for the moment the Ministry of Auqaf remained unfilled. Saiyid Hadi Qazwini declined to take part in the Council, excusing himself on a plea of ill-health. All the other invitations were accepted.

Some days were necessarily occupied in communication with Ministers-elect in the Basrah and Mosul Wilayats and in their gradual assembly at Baghdad. Meanwhile, the Naqib had some preliminary discussions with those already in Baghdad, and at the same time was in daily consultation with the High Commissioner in regard to rules of procedure to be prescribed for the conduct of the business of the Council, and for regulating the relations of the Ministers with their advisers.

The High Commissioner met the full Council on the 10th instant, when the draft instructions as finally approved by him and the Naqib were formally accepted by the Council which from that date entered on its functions. In the course of the meeting the High Commissioner's co-operation was asked in the direction of an amnesty to some of the political deportees. The High Commissioner expressed his readiness to go through the list and inform the Council which persons it seemed possible to allow to return.

The next few months were spent in reorganising the administration on the new lines. In all but the most unsettled areas in the country Arab executive officials were appointed as mutasarrifs and kaimakams, British officers taking the place of advisers to the Arab officials concerned. Meanwhile, there was a growing feeling in Iraq in favour of the selection of an Arab ruler. The candidates whose names were freely mentioned were: Shereef Feisal, son of the King of the Hedjaz; the Naqib of Baghdad; Saiyid Talib Pasha; the Sheikh of Mohammerah; Ibn Saud; the Agha Khan; and the Turkish Prince Bourhan-ed-Din. His Majesty's Government were anxious to meet the wishes of the majority of the population in their choice of a ruler, subject to the important reservation that he must be an individual upon whom they could rely to enable them to fulfil their international

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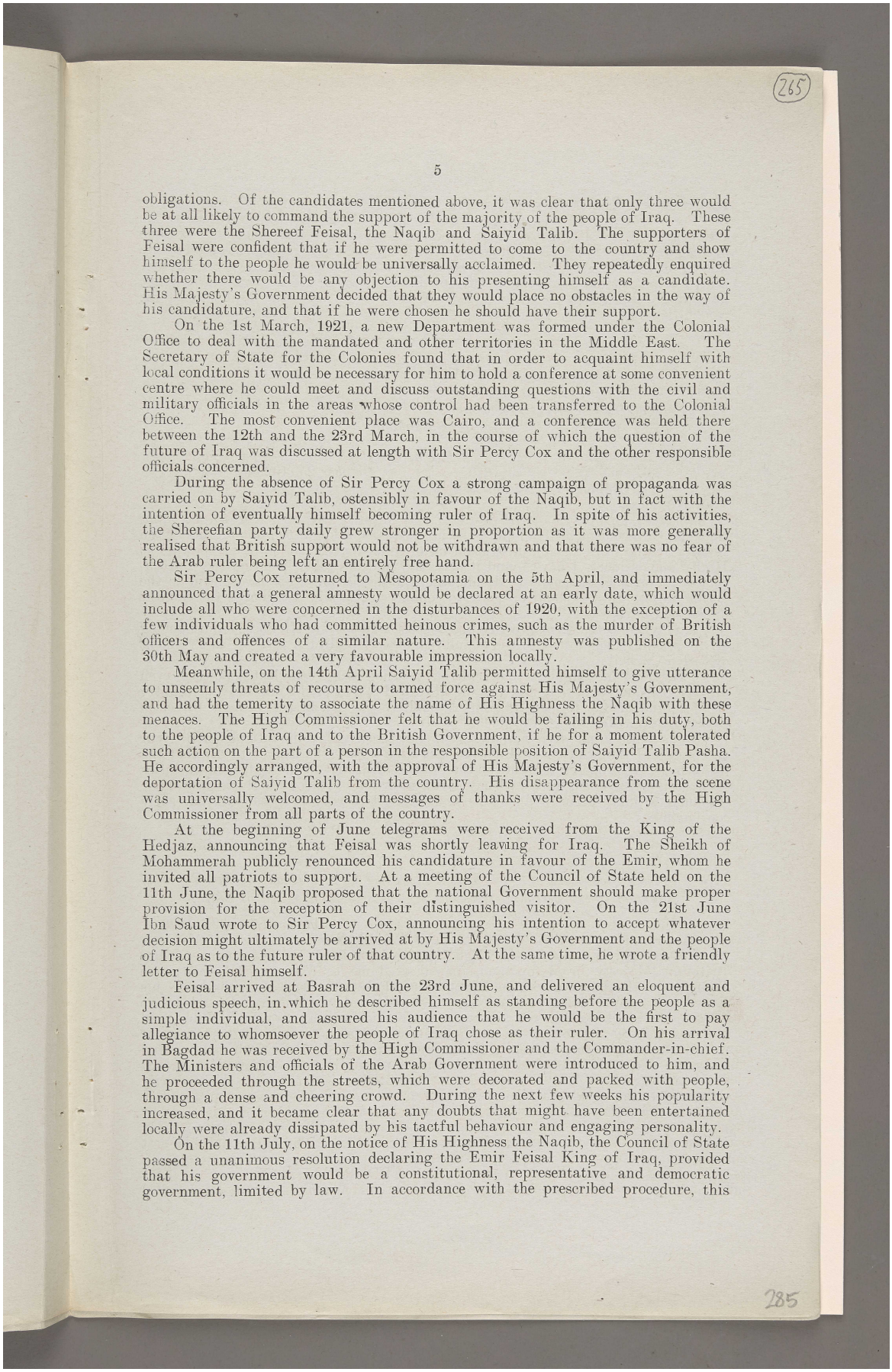

obligations. Of the candidates mentioned above, it was clear that only three would be at all likely to command the support of the majority of the people of Iraq. These three were the Shereef Feisal, the Naqib and Saiyid Talib. The supporters of Feisal were confident that if he were permitted to come to the country and show himself to the people he would be universally acclaimed. They repeatedly enquired whether there would be any objection to his presenting himself as a candidate. His Majesty's Government decided that they would place no obstacles in the way of his candidature, and that if he were chosen he should have their support.

On the 1st March, 1921, a new Department was formed under the Colonial Office to deal with the mandated and other territories in the Middle East. The Secretary of State for the Colonies found that in order to acquaint himself with local conditions it would be necessary for him to hold a conference at some convenient centre where he could meet and discuss outstanding questions with the civil and military officials in the areas whose control had been transferred to the Colonial Office. The most convenient place was Cairo, and a conference was held there between the 12th and the 23rd March, in the course of which the question of the future of Iraq was discussed at length with Sir Percy Cox and the other responsible officials concerned.

During the absence of Sir Percy Cox a strong campaign of propaganda was carried on by Saiyid Talib, ostensibly in favour of the Naqib, but in fact with the intention of eventually himself becoming ruler of Iraq. In spite of his activities, the Shereefian party daily grew stronger in proportion as it was more generally realised that British support would not be withdrawn and that there was no fear of the Arab ruler being left an entirely free hand.

Sir Percy Cox returned to Mesopotamia on the 5th April, and immediately announced that a general amnesty would be declared at an early date, which would include all who were concerned in the disturbances of 1920, with the exception of a few individuals who had committed heinous crimes, such as the murder of British officers and offences of a similar nature. This amnesty was published on the 30th May and created a very favourable impression locally.

Meanwhile, on the 14th April Saiyid Talib permitted himself to give utterance to unseemly threats of recourse to armed force against His Majesty's Government, and had the temerity to associate the name of His Highness the Naqib with these menaces. The High Commissioner felt that he would be failing in his duty, both to the people of Iraq and to the British Government, if he for a moment tolerated such action on the part of a person in the responsible position of Saiyid Talib Pasha. He accordingly arranged, with the approval of His Majesty's Government, for the deportation of Saiyid Talib from the country. His disappearance from the scene was universally welcomed, and messages of thanks were received by the High Commissioner from all parts of the country.

At the beginning of June telegrams were received from the King of the Hedjaz, announcing that Feisal was shortly leaving for Iraq. The Sheikh of Mohammerah publicly renounced his candidature in favour of the Emir, whom he invited all patriots to support. At a meeting of the Council of State held on the 11th June, the Naqib proposed that the national Government should make proper provision for the reception of their distinguished visitor. On the 21st June Ibn Saud wrote to Sir Percy Cox, announcing his intention to accept whatever decision might ultimately be arrived at by His Majesty's Government and the people of Iraq as to the future ruler of that country. At the same time, he wrote a friendly letter to Feisal himself.

Feisal arrived at Basrah on the 23rd June, and delivered an eloquent and judicious speech, in which he described himself as standing before the people as a simple individual, and assured his audience that he would be the first to pay allegiance to whomsoever the people of Iraq chose as their ruler. On his arrival in Bagdad he was received by the High Commissioner and the Commander-in-chief. The Ministers and officials of the Arab Government were introduced to him, and he proceeded through the streets, which were decorated and packed with people, through a dense and cheering crowd. During the next few weeks his popularity increased, and it became clear that any doubts that might have been entertained locally were already dissipated by his tactful behaviour and engaging personality.

On the 11th July, on the notice of His Highness the Naqib, the Council of State passed a unanimous resolution declaring the Emir Feisal King of Iraq, provided that his government would be a constitutional, representative and democratic government, limited by law. In accordance with the prescribed procedure, this

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resolution was not operative unless and until the High Commissioner confirmed it. Sir Percy Cox was of the opinion, in which Feisal entirely concurred, that this resolution was not sufficient without a specific expression of the assent of the people of Iraq as a whole. A referendum was accordingly taken, of which the results were known on the 19th August. In an electorate of about 1,000,000, the votes represented a proportion of 96 per cent. for Feisal, and His Majesty's Government accordingly decided to recognise him as King of Iraq. On the 23rd August his recognition was publicly accorded.

APPENDIX.

I.—*Letter from His Excellency the High Commissioner to His Highness the Naqib of Baghdad.*

Office of the High Commissioner, Baghdad, October 25, 1920.

To—His Highness the Naqib, Baghdad.

Your Highness,

Whereas, in pursuit of the desire of His Majesty's Government to set up a National Government in 'Iraq and to secure the association of the inhabitants of the country in the work of administration meanwhile, and in virtue of my powers as High Commissioner, I have found it necessary and desirable, pending the convocation of a National Assembly to decide as to the precise form of Government in the future, to set up a Council of State to conduct the administration of the country under my control;

And whereas the great prestige and respect which Your Highness enjoys among all classes and communities of the population clearly indicated yourself as President of such a Council:

I begged Your Highness to accept that position in the confident hope that, even at some personal inconvenience, you would regard it as a public duty to your country to do so, and thereby to identify yourself publicly with the first step in the direction of setting up a National Government for 'Iraq.

It is with great satisfaction that I have received your intimation of your acceptance of the position, and at the same time I have the honour to say that the list of members proposed for seats on the Council of State and the statement of duties to be assigned to them meet with my entire approval. I accordingly request Your Highness to take the necessary steps to give effect to your proposals at your early convenience.

P. Z. COX,
High Commissioner.

II.—*Specimen of Letters and Telegrams addressed by His Highness the Naqib of Baghdad to the persons selected as Members of the Council of State.*

Dated October 25, 1920.

To—His Honour Abdul Latif Pasha al-Mandil, Notable of Basrah.

Whereas his Excellency the High Commissioner and Representative of His Britannic Majesty in Mesopotamia has desired me to form an Administrative Council for the purpose of managing the affairs of the country, under his Excellency's supervision, pending the convocation of the General Assembly, the elections to which will, as you are aware, be carried out as soon as possible, and whereas the organisation of the administration in Mesopotamia and the endeavour to restore public peace, especially at the present juncture, are incumbent upon and becoming to every straightforward and sensible person in view of the mischief they avert and the benefit they confer, I have found it necessary to accept the authority delegated to me by his Excellency for that purpose, and I have great pleasure in inviting you to lend me a helping hand and to become a member of this Body by accepting the portfolio of Commerce, and I request you to inform me, by telegraph, if you accept this post, and, in that case, to come to Baghdad at your earliest convenience.

ABDUR RAHMAN,
Naqib al Ashraf, Baghdad.

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III.—*Personnel of Council of State as finally formed by His Highness the Naqib of Baghdad*

President of Council—
His Highness the Naqib of Baghdad.

Minister for the Interior—
Saiyid Talib Pasha al Naqib.

Minister of Finance—
Sasun Effendi Eskell.

Minister of Justice—
Mustafa Effendi al Alusi.

Minister of Defence—
Jafar Pasha al Askari.

Minister of Education and Health—
Izzat Pasha Kirkukli.

Minister of Works and Communications—
Vacant.

Minister of Commerce—
Adbul Latif Pasha al Mandil.

Minister of Auqaf—
Muhammad Ali Fadhil.

Ministers without portfolio—
Abdul Ghani Effendi al Kubba.
Abdul Jabbar Pasha al Khaiyat.
Abdul Majid Beg al Shawi.
Abdul Rahman Pasha al Haidari.
Ahmad Pasha al Sani.
Ajil Pasha al Samarmad.
Daud Effendi al Yusufani.
Fakhri Effendi Jamil Zada.
Muhammad al Saihud Amir Rabia.
Saiyid Hadi al Qazwini.

Secretary to the Council—
Saiyid Husain al Afnan.

IV.—*Proposed Distribution of Headquarters Departments among Ministries.*

(*a.*) Ministry of Interior—
General Administration.
Police.
Land Revenue and Excise.
Agriculture.
Jails.
Printing and Publishing.

(*b.*) Ministry of Finance—
Finance.
Accounts.
Audit.
Ottoman Debt and special revenues.

(*c.*) Ministry of Justice—
Judicial, &c.
Tapu.

(*d.*) Ministry of Defence—
Levies.
Gendarmes.
Local Forces.

(*e.*) Ministry of Education and Health—
Education.
Health Services.
Municipalities (as temporary measure).

(*f.*) Ministry of Works and Communications—
Buildings.
Roads.
Railways.
Posts and Telegraphs.
Irrigation.
Surveys.

(*g.*) Ministry of Commerce—
Commerce.
Customs.
Port.

(*h.*) Ministry of Auqaf—
Waqfs.
Trusts.

V.—*Press Communique issued by His Excellency the High Commissioner on November 7, 1920.*

The High Commissioner desires to keep the public informed as far as possible as to the measures which he finds it expedient to take in order to give effect to the wishes of His Majesty's Government, that all that is possible should be done to facilitate and expedite a decision on the part of the people of 'Iraq as to the precise form of government which they desire, and, pursuant to that decision, to promote the early establishment of such a Government under the guidance of Great Britain as Mandatory.

The position is that the question of choice is one which must be decided by the people themselves, and this can only be properly done by the convocation of a National Congress fully representative of the people

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Electoral regulations are being devised by the Committee of ex-Deputies now sitting, and all possible steps will be taken to expedite action on their recommendations and to start the electoral machinery in the settled districts, but it must be obvious to all that in certain localities the business of election cannot proceed until the inhabitants have made their submission to Government, and settled down to normal conditions. In any case, the work of the elections can hardly be completed in less than two or three months. Meanwhile, in order, firstly, that the leaders of the people may participate more fully in the work of Government, and secondly, to obviate disappointment on the part of the peaceable and loyal elements of the population at the delay involved by the elections, the High Commissioner has decided to invite His Highness the Naqib to assist patriotically towards this end by forming and presiding over a Council of State, which, under the High Commissioner's guidance, will direct the Government pending the decision of the Congress and the framing of the law of the Constitution.

The names of the gentlemen who have accepted His Highness the Naqib's invitation to become members of the Council will be notified in due course, as also the duties assigned to them as soon as details are finally completed. Those who share the High Commissioner's desire to hasten the Assembly of the Congress and the realisation of their decision can best assist him by co-operating in the task of bringing about forthwith the submission of the disturbed districts, so that the re-establishment of law and order may not be delayed, and the elections may proceed.

The High Commissioner, in conclusion, wishes to make it clear that the establishment of the Council of State now created, with a view to applying itself to the work of reconstruction under contemplation, will in no wise prejudice the work of the National Congress and the free decisions at which it will arrive.

VI.—*Proclamation.*

Whereas by Notification, dated the 17th June, 1920, it was announced that His Majesty's Government had authorised the calling of a General Elective Assembly for the purpose of preparing an organic law for 'Iraq;

And whereas it is considered expedient that, pending the convocation of such General Assembly and the framing thereby of an organic law, the Government of the country should be conducted, subject to my supervision and direction, by a provisional National Government:

Now, therefore, I, Major-General Sir P. Z. Cox, G.C.I.E., K.C.S.I., K.C.M.G., by virtue of the authority vested in me as High Commissioner for Mesopotamia, do hereby proclaim as follows:—

1. There shall be constituted a Council of State consisting of a President, Ministers for the following Departments: Interior, Finance, Justice, Auqaf, Education and Health, Defence, Public Works, Commerce, and such other members without portfolios as may be nominated.

2. Until the organic law is promulgated and brought into effect, the Council of State and Ministers shall be responsible for the conduct, subject to my supervision and control, of the administration of Government, excluding foreign affairs, military operations and in general military affairs, except such military affairs as concerns solely the locally recruited forces.

Made at Baghdad this 11th day of November, 1920.

P. Z. COX,
High Commissioner for Mesopotamia.

VII.—*Instructions for the Council of State (as finally issued).*

I. The Council of State should realise that at any rate until the convening of a National Assembly for the purpose of deciding the future Constitution of 'Iraq, I, as High Commissioner, am personally and directly responsible to His Majesty's Government for the administration of the country. Accordingly, in the event of difference of opinion between myself and the Council of State in reference to matters under disposal, the final decision will rest with me.

II. In view of the fact that the elections for an Assembly and its convocation must necessarily take some time, I have decided upon taking preparatory measures

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for the conduct of the actual administration (with the exception of such questions as concern foreign policy and military considerations) under my supervision by the formation of a Council of State under the presidency of His Highness the Naqib as President. Such Council shall consist of Ministers, some of whom will preside over the various Departments of State, while the others will be Members of Council without portfolio.

III. The Head of each State Department will be the Minister in charge of it and the administration of such department will vest in him subject—

(*a.*) To the control of the Council over the action of the Ministers.

(*b.*) To the hearing of the views expressed by the British officers selected by me as advisers to the several departments.

As regards the functions of these Advisers, they are to be not executive but advisory, but I trust that the Council and the members in charge of Departments will realise that the officers whom I select for the post of Adviser, having been so selected owing to their long experience of the working of the administration and their knowledge of the conduct of the departments attached to the said Ministries, it is necessary both that attention should be paid to their views and that the latter should be taken into careful consideration.

(*c.*) To the fact that in the last resort supreme control will vest in my own person.

IV. It seems to me that the best method of conducting the affairs of the departments of State will be by the reference of all matters concerning a particular Ministry to its Minister through his Adviser, and it will be incumbent on the latter to refer communications and papers so received to his Minister without delay, in order that the Minister may be able to take action for the disposal of the matter after consulting the Adviser. Similarly, if a Minister desires to initiate action in regard to any matter concerning his Ministry, it is necessary either that he should call his Adviser into consultation in the first instance or that he should send his orders to the department concerned through the Adviser so that the latter may be able to put forward his views before the matter takes final shape.

V. Such being the position, it is necessary to make provision for the contingency of a difference of opinion on any matter between the Minister and his Adviser, thus :—

(*a.*) If in any case the Adviser tenders advice to his Minister and the latter feels unable to accept such advice, the Minister should call the Adviser into consultation. If they are unable to arrive at an agreement after discussion of the matter, and if the Adviser considers the matter of sufficient importance to be pursued further, he will have the right to ask the Minister to refer the matter to the Council of State for consideration. It will then be incumbent on the Minister to suspend action on the matter until the next meeting of the Council, when the subject will be brought before it.

(*b.*) In the interval which occurs while the matter is being referred to the Council the Minister and Adviser have full discretion to refer the matter to me as High Commissioner. I shall thus have an opportunity of conveying my views to the Council of State without the least prejudice to the procedure provided for in Article 10 of this programme.

VI. As regards the Council, it is necessary that it should hold regular meetings at least once a week or even more, as may be necessary.

VII. To facilitate the business of efficient administration the Council requires a competent Secretary and a clerical staff, for the appointment of whom steps should be taken without delay.

VIII. All business to be brought before the Council meeting for discussion should be intimated by the Minister concerned to the Secretary of the Council, who will prepare a list of agenda for each meeting in time for circulation—

(*a.*) To the High Commissioner,

(*b.*) To all Ministers and Advisers,

at least twenty-four hours before the time fixed for the meeting.

As a general rule no question not included on the agenda paper should be discussed at such meeting. At any rate, no formal resolution should be taken on it,

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except in the case of any matter of great urgency the prompt disposal of which is essential.

IX. The Secretary will attend all meetings of the Cabinet and will prepare a record of the proceedings of such meetings in the form of a list and statement of matters in respect of which resolutions have been passed. These lists will be circulated within twenty-four hours of such meeting under the Secretary's signature—

(*a.*) To the High Commissioner.
(*b.*) To all Ministers and Advisers.

Each Minister will be responsible to give effect to resolutions of the Council affecting it and to report such action to the Secretary for the information of the Council at subsequent meetings. In accordance with the usual practice the deliberations of the Council are to be considered confidential and it is not permitted to disclose them outside the Council.

X. All resolutions of the Council will be final, subject to their confirmation by myself as head of the Government. I must also reserve for myself the right inherent in me as High Commissioner to veto or modify on grounds of expediency any resolution passed by the Council.

XI. In order that the Council may be kept informed of all matters appertaining to the subjects included in the agenda, the presence of the Adviser will be necessary at the meetings of the Council while any matter affecting the Ministry to which he belongs is under discussion. He will have the right in the course of the proceedings to tender his advice regarding the matter under consideration, but he will not take part in the recording of votes.

XII. It is my confident hope that the instructions above set forth in regard to the working of the Council of State and the several Ministries and their relations with myself on the one hand and with the Advisers on the other will conduce to the smooth progress of the administrative machinery at Headquarters.

As regards the central departments at present engaged in the work of administration, in view of the fact that for several years past they have been working smoothly, the attachment of them to the new scheme of Government, after the necessary adjustments, should offer no serious difficulty. As regards the administration of the provinces, it is probable that we shall be confronted with a good many difficulties—but In'Shallah they will admit of solution.

XIII. As you all know, the administration of the various districts and sub-districts of 'Iraq is still, as it has been for some time past, conducted by an organisation of British Political Officers, with suitable local personnel in minor administrative posts as D.A.P.O.'s and Mudirs, &c.; some districts are still in a disturbed state and British troops are still present therein; consequently in such places it is difficult to make the change from British to indigenous personnel in the immediate circumstances; on the other hand, there are districts in which it is possible to take the necessary steps in the desired direction as soon as competent personnel is forthcoming.

XIV. And whereas it is among the duties of the Council of State to devise administrative measures to promote the speedy pacification of the provinces, the said Council should give their early attention to the selection of experienced and suitable candidates from indigenous elements of the population for appointment by degrees to those posts where such appointment is expedient. Having done so, they should formulate their proposals with the names of candidates recommended in each case for my consideration and orders.

VIII.—*Copy of Letter from High Commissioner to each Member of the Electoral Law Committee, dated November* 12, 1920.

Sir,

I have been informed by the President of the Committee for the 'Iraq Elections that the said Committee has now completed the task for which it was convened by Sir A. T. Wilson, Acting Civil Commissioner, in August last, and that the draft Electoral Law prepared by it is now ready for submission to me.

I have accordingly directed that the Committee shall be considered dissolved with effect from the 7th November, 1920 (the date of the above-mentioned letter to the President), and I desire to mark the occasion by recording my very high appreciation of the manner in which you have acquitted yourself of the task entrusted to you as a member of the said Committee. For three months you have laboured in a

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cause which, I am convinced, will prove of great and lasting benefit to your Country, and I feel sure that, when the Electoral Law, which you have helped to frame, assumes its final form and is put into operation in conection with the election of members to the National Assembly, which it is my intention to convene as soon as possible, your fellow-countrymen will realise that you have amply earned the thanks which I now convey to you on their behalf and on my own.

I hope that it will be my good fortune to see you hereafter continuing to take as prominent a part in the public life of your country as you have done during the past three months by participating in the framing of an Electoral Law for 'Iraq.

P. Z. COX,
High Commissioner for Mesopotamia.

IX.—*List of Advisers appointed by His Excellency the High Commissioner to the Various Ministries.*

Adviser to the Ministry of the	Interior	-	Mr. H. St. J. B. Philby, C.I.E., I.C.S.
,, ,,	Finance	-	Lieut.-Col. S. H. Slater, C.I.E., I.C.S.
,, ,,	Justice } Auqaf }	-	Sir Edgar Bonham-Carter, K.C.M.G., C.I.E.
,, ,,	Defence	-	(*No appointment yet made.*)
,, ,,	Education	-	Mr. E. L. Norton, I.C.S. (acting).
,, ,,	Works and Communications		Major-General E. H. de Vere Atkinson, C.B., C.M.G., C.I.E.
,, ,,	Commerce	-	Mr. C. R. Watkins, C.I.E. (subject to his acceptance).

X.—*Proceedings of Informal Meeting of the Council of State, dated November* 10, 1920.

MEMORANDUM.

The Council met informally on Wednesday, the 10th November, 1920, and the draft instructions framed by the High Commissioner were read over and discussed.

Section 1 thereof was accepted.

Section 2 was accepted, but the Minister of Defence asked for an explanation as to his present functions before the convocation of the Assembly. It was resolved that an enquiry be made from his Excellency the High Commissioner in that connection.

Section 3 was accepted.

Section 4 was accepted, but the Council resolved that the wording should be: "It will be incumbent on the Adviser to refer communications and papers so received to his Minister without delay, in order that the Minister may be able to take action for the disposal of the matter after consultation with the Adviser."

Section 5 was accepted.

Section 6 was accepted.

Section 7 was accepted, and the Council suggested the appointment of Saiyid Husain Effendi Afnan as Secretary, and agreed that he should nominate a sufficient number of clerks and submit their names to the Council for approval.

Sections 8, 9, 10, 11 and 12 were accepted.

Sections 13 and 14 were accepted, but the Council suggested the amendment of the wording as follows:—

> "And whereas it is among the duties of the Council of State to devise means for ensuring peace and order outside (in the provinces), the Council thinks it advisable that the Ministry of Interior be permitted to find and select experienced and suitable officials from the indigenous elements of the population for appointment by degrees to those posts when such appointment is expedient. Having done so, it will submit their names and their duties to the Council and these will, after confirmation, be submitted to his Excellency the High Commissioner for orders."

His Excellency the Minister for Education, Izzat Pasha, asked for ten days' leave to proceed to Kirkuk on private affairs, and stated that he would ask the

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Minister of Interior, his Excellency Saiyid Talib Pasha, to act for him. The Council agreed to this.

It was decided that the next meeting should take place on Saturday next, the 13th November, 1920, at 8 o'clock (Arabic time).

It was then resolved as follows: Whereas the pacification of the provinces is a matter of great importance and this depends on the improvement of certain conditions in the provinces and seeing that one of the improvements is the pardoning of some of the deportees who have not committed an unpardonable offence, among them being Shaikh Mukhif, it would be desirable therefore that, if the Government agreed to pardon him, and to order his return to Baghdad, reliable securities be taken from him pledging him to obedience and submission to the orders of the Government so that no trouble may be caused by him in future. This action will be useful for the purpose of attaining the object we have referred to above, viz., the pacification of the country and the encouragement of the insurgents to submit. Should there be no reason which is unknown to us, we would request that action be taken in this direction.

The said request should apply to certain other deportees, viz., Shaikh Ahmad al Shaikh Daud, Jafar al Shabibi, Muhammad Effendi al Mustafa al Khalil, Saiyid Khairi Effendi Hindawi, Rauf Effendi and his companions from amongst the people of Hillah, viz., Saiyid Ahmad ibn Saiyid Salim, Jabbar ibn Hassani, Ali ibn Hammadi al Hasan, Saiyid Abdul Salama Effendi al Khatib and Taufiq Effendi ibn Mulla Laila, and Abdul Rahman Effendi ibn Hasan Effendi of Kirkuk.

Dated November 10, 1920.

True Copy:

ABDUL RAHMAN,
Naqib al Ashraf, Baghdad.

XI.—*Letter to His Highness the Naqib in reply to his Report on the Proceedings of the Second Informal Meeting of the Council of State.*

Office of the High Commissioner, Baghdad, November 12, 1920.

To—His Highness Saiyid Abdul Rahman Effendi al Naqib.

I am directed by his Excellency the High Commissioner to acknowledge with thanks the receipt of your report on the proceedings of the Council of State at its meeting of yesterday, the 10th November, 1920. His Excellency notes with pleasure that the draft of instructions issued by him for the guidance of the Council has met with its general approval and has directed me to make the following observations on the points of detail raised by the Council.

As regards the remarks made against paragraph 2 of the draft, his Excellency would like to discuss the question of the present functions of the Minister of Defence with Jafar Pasha al Askari, and will arrange a meeting with him.

As regards paragraph 4, the wording proposed by the Council is approved by his Excellency. The words "it will be incumbent on the latter (*i.e.*, the Adviser) to refer communications and papers so received to his Minister without delay, in order that the Minister may be able to take action for the disposal of the matter after consultation with the Adviser" are being substituted for the words "it will be incumbent . . . . disposal of the matter" in the original draft of this section.

As regards paragraph 7, his Excellency the High Commissioner is pleased to approve the appointment of Sayid Husain Effendi al Afnan as Secretary to the Council, and hopes that he will be able to take up his appointment at an early date. The question of his staff should be taken up by the Council in consultation with the Ministry of Interior.

As regards paragraphs 13 and 14, his Excellency notes the views expressed by the Council, and has in accordance therewith decided to substitute the following for the wording of the original draft of paragraph 14 in the hope that it will meet the wishes of the Council, namely:—

"Paragraph 14. And whereas it is among the duties of the Council of State to devise administrative measures to promote the speedy pacification of the provinces, the said Council should pay their early attention to the selection of experienced and suitable candidates from indigenous elements of the population for appointment by degrees to those posts when such appointment is expedient. Having done so, they should formulate their proposals with the names of candidates recommended in each case for my consideration and orders."

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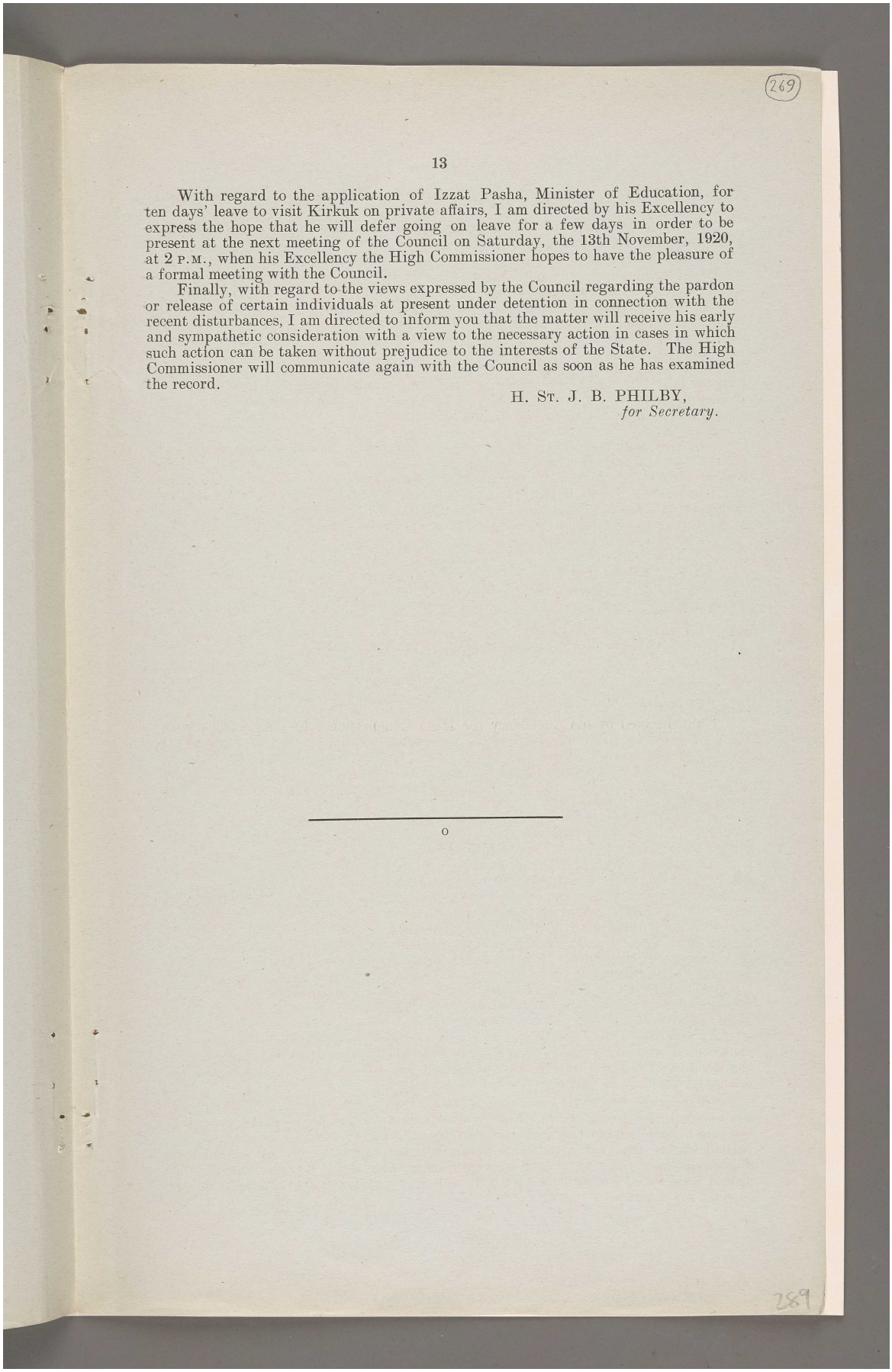

269

13

With regard to the application of Izzat Pasha, Minister of Education, for ten days' leave to visit Kirkuk on private affairs, I am directed by his Excellency to express the hope that he will defer going on leave for a few days in order to be present at the next meeting of the Council on Saturday, the 13th November, 1920, at 2 P.M., when his Excellency the High Commissioner hopes to have the pleasure of a formal meeting with the Council.

Finally, with regard to the views expressed by the Council regarding the pardon or release of certain individuals at present under detention in connection with the recent disturbances, I am directed to inform you that the matter will receive his early and sympathetic consideration with a view to the necessary action in cases in which such action can be taken without prejudice to the interests of the State. The High Commissioner will communicate again with the Council as soon as he has examined the record.

H. ST. J. B. PHILBY,
for Secretary.

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269

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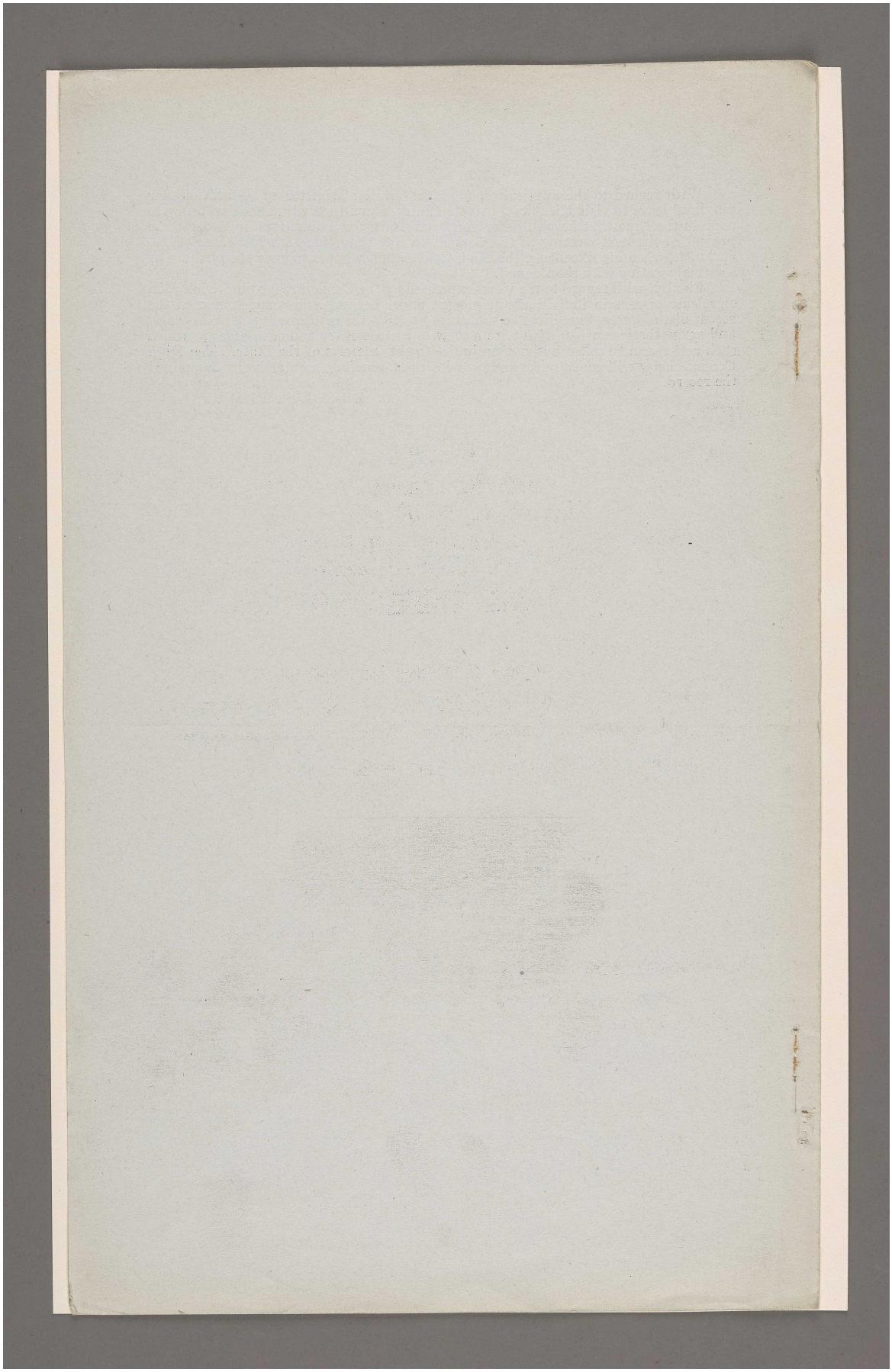

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No. 1.—SECRETARY OF STATE.

NORTH AMERICA. [September 13.]

CONFIDENTIAL. SECTION 2.

[W 9810/1149/98] No. 1.

Colonial Office to Foreign Office.—(Received September 13.)

Sir, *Downing Street, September 13, 1921.*

I AM directed by Mr. Secretary Churchill to acknowledge the receipt of your letter of the 26th August, forwarding for his consideration a copy of a memorandum communicated by the United States Ambassador relating to the terms of "A," "B" and "C" mandates, together with a note from the French Ambassador, and to request you to lay the following observations before the Marquess Curzon of Kedleston.

2. It is proposed to deal in this letter with the various points in Mr. Harvey's memorandum in the order in which they occur.

Sections 1, 2 *and* 3.

The first three sections of Mr. Harvey's memorandum deal with general considerations relating to the position of the United States in regard to the issue of mandates. Mr. Churchill proposes to confine himself to observations on the actual modifications suggested by the United States Government, but he wishes to make it clear that, so far as he is concerned, there is not and never has been any intention of discriminating against the United States in the mandated territories for the administration of which he is responsible. (The case of Nauru, to which Mr. Harvey may intend to refer, is dealt with in the latter part of this letter.) Further, he assumes that if any changes are to be made in the mandates, as a result of the representations of the United States Government, they cannot be effected by means of a special arrangement between His Majesty's Government and the Government of the United States, as is apparently contemplated in Mr. Harvey's memorandum, but, if made, must be agreed to by His Majesty's Government in their capacity as a member of the League of Nations.

"A" Mandates.

Section 4.

Without entering into the question whether the co-operation of the United States was in effect an indispensable factor in the victory of the Allied Powers over Turkey, Mr. Churchill wishes to state that the provision in the "A" mandates, which secures that there shall be no discrimination in these territories against nationals of any State a member of the League of Nations, is not intended to imply that discrimination will necessarily be exercised against all other States, and, with particular reference to the United States, he emphatically disclaims any disposition to discriminate against them, or to refuse equality of commercial opportunity for their nationals.

Section 5.

(*a.*) Neither in Mesopotamia nor in Palestine are foreign tribunals at present functioning, and there is therefore no question of their continuing to perform their duties. So far as Mesopotamia is concerned His Majesty's Government, who are fully conscious of their obligations under article 6 of the mandate, propose that the judicial system referred to therein shall be established with the least possible delay. During the short interval that must necessarily elapse before this is done the provision in the concluding sentence of article 1 of the mandate is, in Mr. Churchill's opinion, a sufficient safeguard for the interest of foreign nationals. In Palestine, on the other hand, adequate courts have already been established, and in the constitution which is now in contemplation for that country His Majesty's Government propose to insert a provision that nationals of the United States shall have the right to be tried by a court with a majority of British judges, except in trivial cases where this provision would lead to administrative inconvenience, in these cases American nationals will have the special right to appeal to a court composed with a majority of British judges.

As regards the last sentence of this sub-section, I am to say that there would be no objection to extending the provisions of article 20 and 28 respectively of the mandates

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for Mesopotamia and Palestine, so as to ensure that the Council of the League of Nations shall make such arrangements as may be deemed necessary for safeguarding in perpetuity the rights secured by articles 6 and 9 respectively in the event of the termination of the mandates.

(*b.*) It will be convenient to take into consideration in this connection the proposal made in the French Ambassador's note of the 22nd August that the nationals of the Principal Allied and Associated Powers should be put upon the same footing as that of members of the League of Nations, with the express object of including the United States of America without mentioning them by name. The United States proposal goes further still, and suggests that all States mentioned in the annex to the Covenant of the League of Nations should be specified by name in the actual terms of the mandate. Both of these proposals appear to Mr. Churchill to be open to strong objection, since they strike at the root of the main principle upon which the mandatory system is based. The intention of the mandatory principle, as Mr. Churchill understands it, is to ensure that mandatory Powers shall remain permanently responsible to whatever body of States have at any given time to bind themselves by covenant to pursue certain aims. For this reason it is, in his opinion, essential that the terms of the mandates themselves should not refer to any other body of States, whether by name or by collective definition. Both the French and the American proposal would lead to the possibility of a State which is now a member of the League of Nations withdrawing from the League, but still claiming privileges which should properly only be granted to members of that body. Inasmuch as the French proposal would only cover the five Principal Allied Powers, it appears preferable to the American proposal; but Mr. Churchill would prefer that neither the French nor the United States proposal should be adopted, and that instead separate guarantees should be given to the United States by all the mandatory Powers that, so far as they are concerned, they have no intention of exercising discrimination in the mandated territories against the United States of America.

As regards the last sentence of the first paragraph of sub-section (*b*), Mr. Churchill presumes that the reference is to article 11 of the mandate for Mesopotamia, and article 18 of the mandate for Palestine. He would deprecate any alteration in the wording of these articles, which was carefully considered before it was adopted; and he desires to point out that in British practice the word "company" embraces all bodies which would properly be entitled to the protection of the articles in question.

As regards the question of concessions, Mr. Churchill could not agree to the introduction of "A" mandates of the provision of article 7 of the "B" mandate for East Africa, which is quoted in Mr. Harvey's memorandum. So far as Palestine is concerned, article 11 of the mandate expressly provides that the Administration may arrange with the Jewish agency, mentioned in article 4, to develop any of the natural resources of the country in so far as these matters are not directly undertaken by the Administration. The reason for this is that, in order that the policy of establishing in Palestine a national home for the Jewish people should be successfully carried out, it is impracticable to guarantee that equal facilities for developing the natural resources of the country should be granted to persons or bodies who may be actuated by other motives. In the case of Mesopotamia, which has been recognised as provisionally independent, subject only to the advice and assistance of the mandatory Power, it is, in Mr. Churchill's opinion, undesirable that the mandatory should assume further responsibilities than those contemplated in the draft mandate in the direction of limiting the discretion of the Arab State. In this connection I am to refer to the letter from this Department of the 30th August, and to state that Mr. Churchill sees no objection to such portions of the enclosed correspondence as his Lordship may consider desirable being communicated to the United States Government.

The practical difficulty of defining a "monopolistic concession," without unduly hampering legitimate enterprise, appears to Mr. Churchill to preclude the insertion in the "A" mandates of a definite provision on the subject. The reference to the monopolisation of natural resources by the mandatory is not understood; but if it means that there should be a special provision in the mandates to prevent the mandatory developing the natural resources of either country for his own benefit rather than for that of the country and its inhabitants, the general spirit of both mandates appears to render such provision uncalled for.

(*c.*) Mr. Churchill considers that the United States Government should be informed that His Majesty's Government are of opinion that the religious and educational activities of nationals of the United States are adequately safeguarded by the

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provisions of articles 10 and 16 respectively of the mandates for Mesopotamia and Palestine. These articles are in substance identical with article 8 of the British mandate for German East Africa, which is referred to in Mr. Harvey's memorandum.

(*d.*) The claim made by the United States Government in this sub-section that the consent of the United States is necessary for the modification of a mandate after it has been issued raises the whole question of the relation of the United States Government to the League of Nations, and their claim to a privileged position as regards mandates. This is not a matter on which the Secretary of State for the Colonies is called upon to advise, but he desires to point out that it would not in any case be possible for His Majesty's Government to give such a pledge as that which is asked for in regard to "A" and "B" mandates without prior consultation with the Governments of the Dominions holding "C" mandates, in respect of which a similar claim is advanced in the memorandum.

"B" Mandates.

(*a.*) *First paragraph.*—This point has been discussed already in connection with "A" mandates.

(*a.*) *Second paragraph.*—I am to refer to what is said above in the case of "A" mandates with regard to the practical difficulty of defining a "monopolistic concession." The same considerations, of course, apply in the case of "B" mandates.

(*b.*) Mr. Churchill sees no objection to the substitution of article 8 of the British mandate for East Africa for the corresponding article numbered 7 in mandates for the British sphere of the Cameroons and the British sphere of Togoland, as the circumstances of the British portions of the Cameroons and Togoland do not differ materially from those of the Tanganyika territory.

(*c.*) The object aimed at by the words quoted in article 10 of the British mandate for East Africa, viz., "provided always that the measures adopted to that end do not infringe upon the provisions of this mandate," is attained in article 9 of the mandates for the British part of the Cameroons, and the British part of Togoland by the words "and subject to the above provisions." The proviso suggested in Mr. Harvey's note is therefore redundant, and while Mr. Churchill sees no objection to the adoption of whichever form of words is thought more satisfactory, it appears to him unnecessary at this stage to alter the draft mandate by the addition of the words suggested.

(*d.*) I am to refer to what is said above regarding the same point in relation to "A" mandates.

"C" Mandates.

It is noted that Mr. Harvey does not expect any discussion at present of the point of view of the United States with regard to "C" mandates. No answer could, of course, be returned, except after communication with the Dominion Governments concerned. While some of the points raised can be discussed when the time comes without reference to the position under "A" and "B" mandates, certain of the points raised in connection with "A" and "B" mandates require consideration as affecting "C" mandates equally, viz.:—

1. The claim of the United States Government to the same position as Members of the League in regard to mandates.
2. The claim of the United States Government that no alterations should be made in a mandate without their consent.

It would, of course, be necessary to consult the Dominion Governments at once if His Majesty's Government should propose to entertain these claims in connection with "A" and "B" mandates.

The case of Nauru is somewhat special. The mandate was conferred on His Britannic Majesty, and the island is administered under an agreement between the United Kingdom, Australia and New Zealand, scheduled to the Act 10 & 11 Geo. V, cap. 27 (Nauru Agreement Act), which confirmed the agreement subject to article 22 of the Covenant of the League of Nations. The present administrator was appointed by the Commonwealth Government.

The agreement makes certain provisions for the disposal of the phosphates, which, when the Bill was before Parliament, were attacked as being in direct conflict with the

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covenant and as establishing a Government monopoly. For the reply made to these criticisms I am to refer to the remarks of Lord Milner (then Secretary of State for the Colonies) in the House of Lords on the 29th July, 1920.

Section 6.

Mr. Churchill does not propose to offer any comments on Colonel Harvey's observations with regard to the Philippine Petroleum Act. In paragraph (*b*) of section 6, however, Colonel Harvey alludes to the question of the validity of the concession granted to the Turkish Petroleum Company in respect of the oil-fields of Mesopotamia, and claims that this question should be determined by arbitration.

Mr. Churchill observes that in his note to Mr. Davis of the 28th February, 1921, Lord Curzon stated that the whole of the oil-fields in Mesopotamia referred to in the San Remo Petroleum Agreement are the subject of a concession granted before the war by the Turkish Government to the Turkish Petroleum Company, and that the position of such concessions in territories detached from Turkey is expressly safeguarded by articles 311 and 312 of the Treaty of Sèvres.

Article 311 provides that in territories placed under the authority or tutelage of one of the principal Allied Powers, allied nationals and companies, &c., holding pre-war concessions shall continue in complete enjoyment of their duly acquired rights, and that the Power concerned shall maintain the guarantees granted or shall grant equivalent ones.

Mr. Churchill would be glad to be informed whether, in Lord Curzon's opinion, it rests solely with the Power exercising such authority or tutelage to determine the question of fact whether an allied national or company does hold such a concession, and if so, whether such Power is entitled to determine the question without having recourse to any judicial machinery or procedure. The treaty appears to assume that the question of fact whether a concession is or is not in existence does not admit of dispute or require to be determined, but Mr. Churchill anticipates that strong opposition would be offered by the United States Government to an intimation that the sole decision rests with a Power which may have and, in the particular case under consideration, clearly has a substantial interest in determining the question of fact in a particular way.

I am, &c.
G. GRINDLE.

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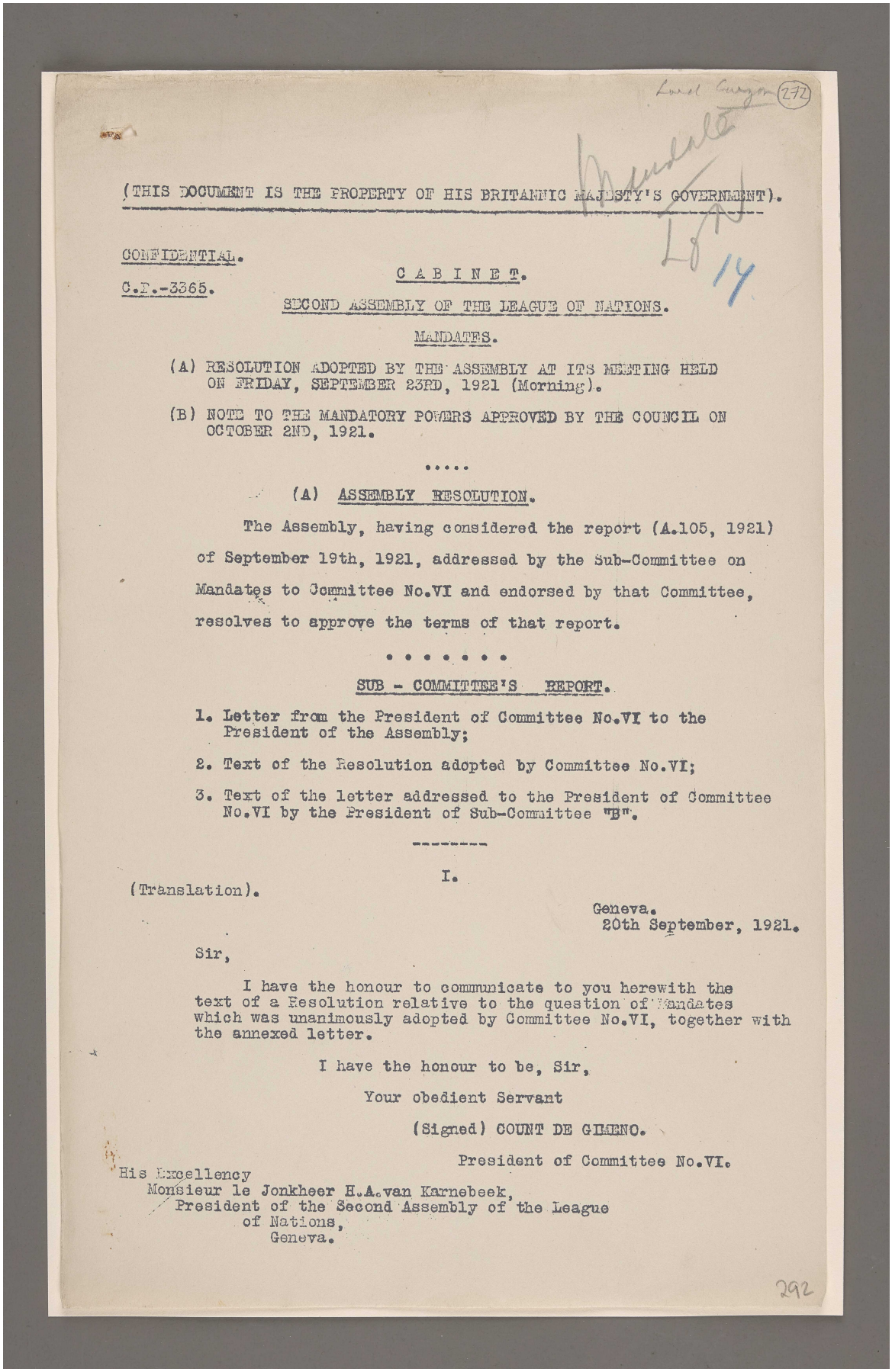

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C.P.-3365.

C A B I N E T.

SECOND ASSEMBLY OF THE LEAGUE OF NATIONS.

MANDATES.

(A) RESOLUTION ADOPTED BY THE ASSEMBLY AT ITS MEETING HELD ON FRIDAY, SEPTEMBER 23RD, 1921 (Morning).

(B) NOTE TO THE MANDATORY POWERS APPROVED BY THE COUNCIL ON OCTOBER 2ND, 1921.

.....

(A) ASSEMBLY RESOLUTION.

The Assembly, having considered the report (A.105, 1921) of September 19th, 1921, addressed by the Sub-Committee on Mandates to Committee No.VI and endorsed by that Committee, resolves to approve the terms of that report.

• • • • • • •

SUB - COMMITTEE'S REPORT.

1. Letter from the President of Committee No.VI to the President of the Assembly;

2. Text of the Resolution adopted by Committee No.VI;

3. Text of the letter addressed to the President of Committee No.VI by the President of Sub-Committee "B".

I.

(Translation).

Geneva.
20th September, 1921.

Sir,

I have the honour to communicate to you herewith the text of a Resolution relative to the question of Mandates which was unanimously adopted by Committee No.VI, together with the annexed letter.

I have the honour to be, Sir,

Your obedient Servant

(Signed) COUNT DE GIMENO.

President of Committee No.VI.

His Excellency
Monsieur le Jonkheer H.A.van Karnebeek,
President of the Second Assembly of the League
of Nations,
Geneva.

292

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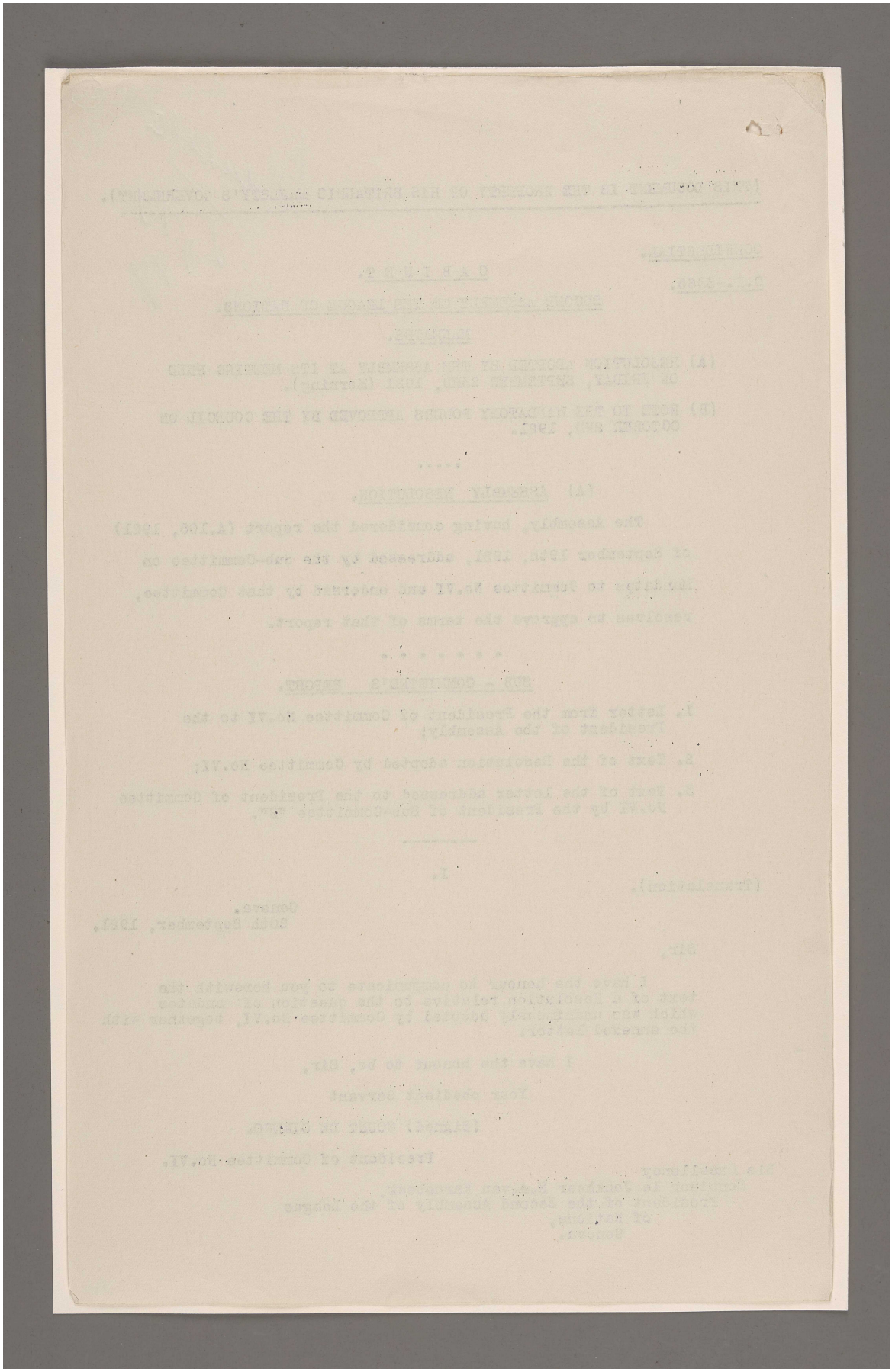

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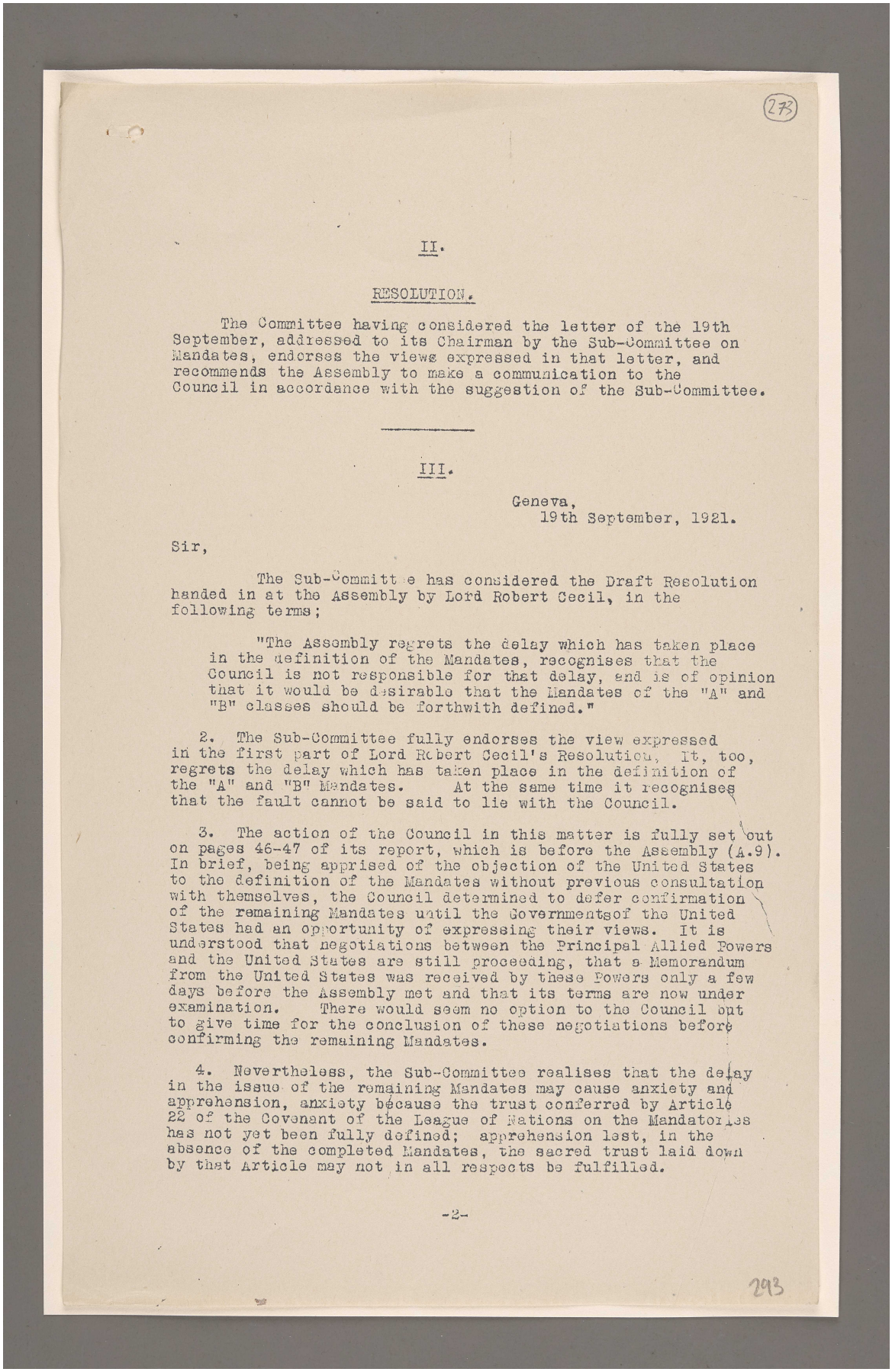

273

II.

RESOLUTION.

The Committee having considered the letter of the 19th September, addressed to its Chairman by the Sub-Committee on Mandates, endorses the views expressed in that letter, and recommends the Assembly to make a communication to the Council in accordance with the suggestion of the Sub-Committee.

III.

Geneva,
19th September, 1921.

Sir,

The Sub-Committee has considered the Draft Resolution handed in at the Assembly by Lord Robert Cecil, in the following terms;

"The Assembly regrets the delay which has taken place in the definition of the Mandates, recognises that the Council is not responsible for that delay, and is of opinion that it would be desirable that the Mandates of the "A" and "B" classes should be forthwith defined."

2. The Sub-Committee fully endorses the view expressed in the first part of Lord Robert Cecil's Resolution. It, too, regrets the delay which has taken place in the definition of the "A" and "B" Mandates. At the same time it recognises that the fault cannot be said to lie with the Council.

3. The action of the Council in this matter is fully set out on pages 46-47 of its report, which is before the Assembly (A.9). In brief, being apprised of the objection of the United States to the definition of the Mandates without previous consultation with themselves, the Council determined to defer confirmation of the remaining Mandates until the Governmentsof the United States had an opportunity of expressing their views. It is understood that negotiations between the Principal Allied Powers and the United States are still proceeding, that a Memorandum from the United States was received by these Powers only a few days before the Assembly met and that its terms are now under examination. There would seem no option to the Council but to give time for the conclusion of these negotiations before confirming the remaining Mandates.

4. Nevertheless, the Sub-Committee realises that the delay in the issue of the remaining Mandates may cause anxiety and apprehension, anxiety because the trust conferred by Article 22 of the Covenant of the League of Nations on the Mandatories has not yet been fully defined; apprehension lest, in the absence of the completed Mandates, the sacred trust laid down by that Article may not in all respects be fulfilled.

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293

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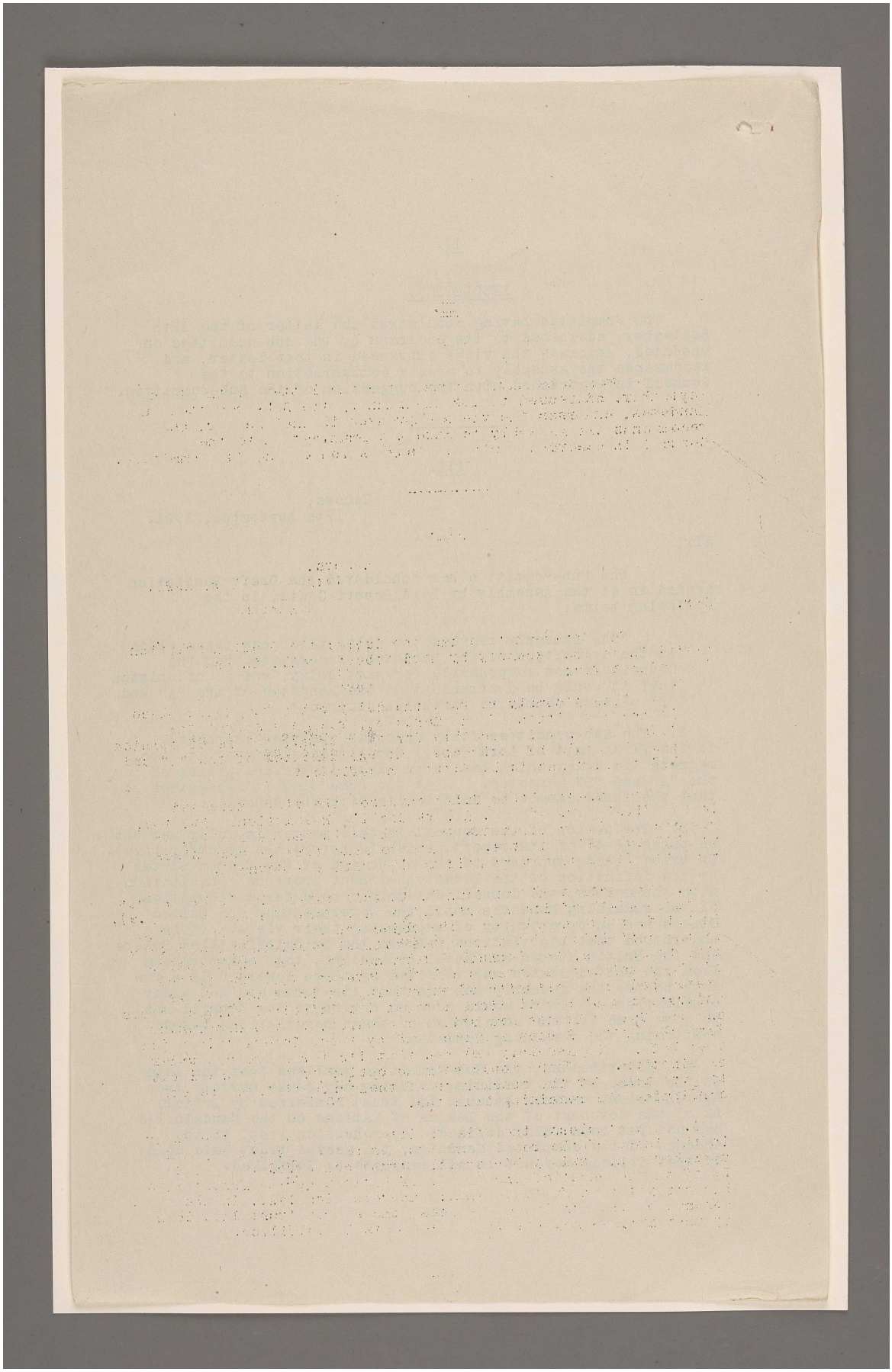

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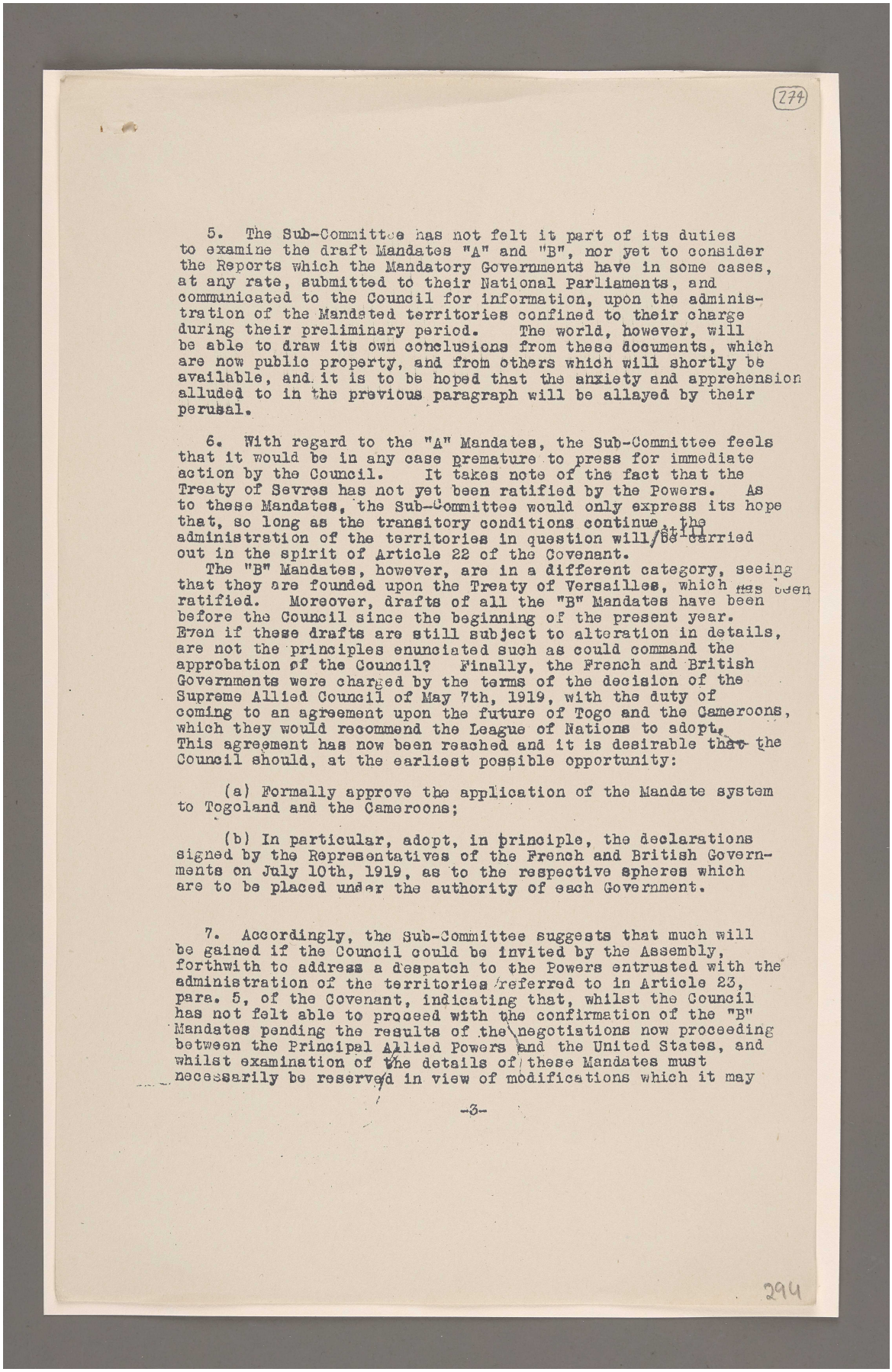

(274)

5. The Sub-Committee has not felt it part of its duties to examine the draft Mandates "A" and "B", nor yet to consider the Reports which the Mandatory Governments have in some cases, at any rate, submitted to their National Parliaments, and communicated to the Council for information, upon the administration of the Mandated territories confined to their charge during their preliminary period. The world, however, will be able to draw its own conclusions from these documents, which are now public property, and from others which will shortly be available, and it is to be hoped that the anxiety and apprehension alluded to in the previous paragraph will be allayed by their perusal.

6. With regard to the "A" Mandates, the Sub-Committee feels that it would be in any case premature to press for immediate action by the Council. It takes note of the fact that the Treaty of Sevres has not yet been ratified by the Powers. As to these Mandates, the Sub-Committee would only express its hope that, so long as the transitory conditions continue, the administration of the territories in question will still be carried out in the spirit of Article 22 of the Covenant.

The "B" Mandates, however, are in a different category, seeing that they are founded upon the Treaty of Versailles, which has been ratified. Moreover, drafts of all the "B" Mandates have been before the Council since the beginning of the present year. Even if these drafts are still subject to alteration in details, are not the principles enunciated such as could command the approbation of the Council? Finally, the French and British Governments were charged by the terms of the decision of the Supreme Allied Council of May 7th, 1919, with the duty of coming to an agreement upon the future of Togo and the Cameroons, which they would recommend the League of Nations to adopt. This agreement has now been reached and it is desirable that the Council should, at the earliest possible opportunity:

(a) Formally approve the application of the Mandate system to Togoland and the Cameroons;

(b) In particular, adopt, in principle, the declarations signed by the Representatives of the French and British Governments on July 10th, 1919, as to the respective spheres which are to be placed under the authority of each Government.

7. Accordingly, the Sub-Committee suggests that much will be gained if the Council could be invited by the Assembly, forthwith to address a despatch to the Powers entrusted with the administration of the territories referred to in Article 23, para. 5, of the Covenant, indicating that, whilst the Council has not felt able to proceed with the confirmation of the "B" Mandates pending the results of the negotiations now proceeding between the Principal Allied Powers and the United States, and whilst examination of the details of these Mandates must necessarily be reserved in view of modifications which it may

-3-

294

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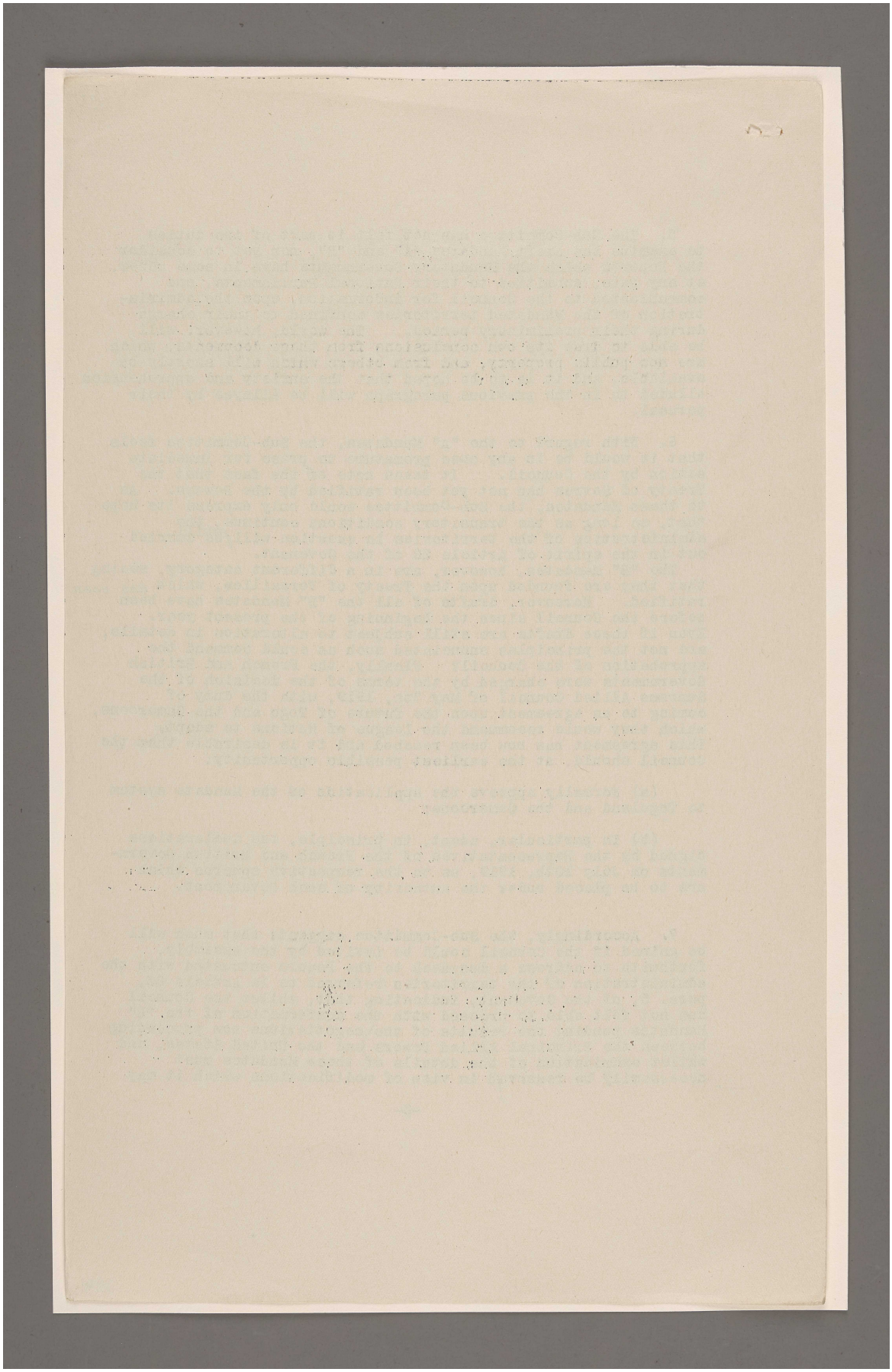

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eventually be found suitable to make in the terms of these Mandates, the Council is satisfied by its perusal of the drafts (if such should be the case) that, generally speaking, the principles there laid down express the high objects which the Covenant has in view and lay down, in a spirit in harmony with that of the Covenant, safeguards for the rights of all Members of the League.

The Sub-Committee would further represent that the Council should now formally approve the application of the Mandates system to Togoland and the Cameroons, and, in particular, adopt, in principle, the Declarations signed by the Representatives of the French and British Governments on July 10th, 1919. as to the respective spheres which are to be placed under the authority of each Government. Finally, it might be suggested that the Council should express its confidence that Mandatory Powers will continue to exercise the administration of the territories committed to their charge in the spirit of the draft Mandates until such time as the position shall have been definitely regularised.

8. The Sub-Committee feels convinced that the action by the Council, in particular such a communication from the Mandatory Powers, and such a measure of confirmation of the terms of the "B" Mandates, would not only be welcomed by the Mandatory Powers themselves, but would serve as a token to the world of the earnestness of the League in pressing for the speedy realisation of the aims of Article 22 of the Covenant.

I have the honour to be, Sir,

Your obedient Servant,

(Signed) FRIDTJOF NANSEN,
President of the Sub-Committee

His Excellency Count de Gimeno,
President of Committee No. VI of the Second Assembly,
Geneva.

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-4-

295

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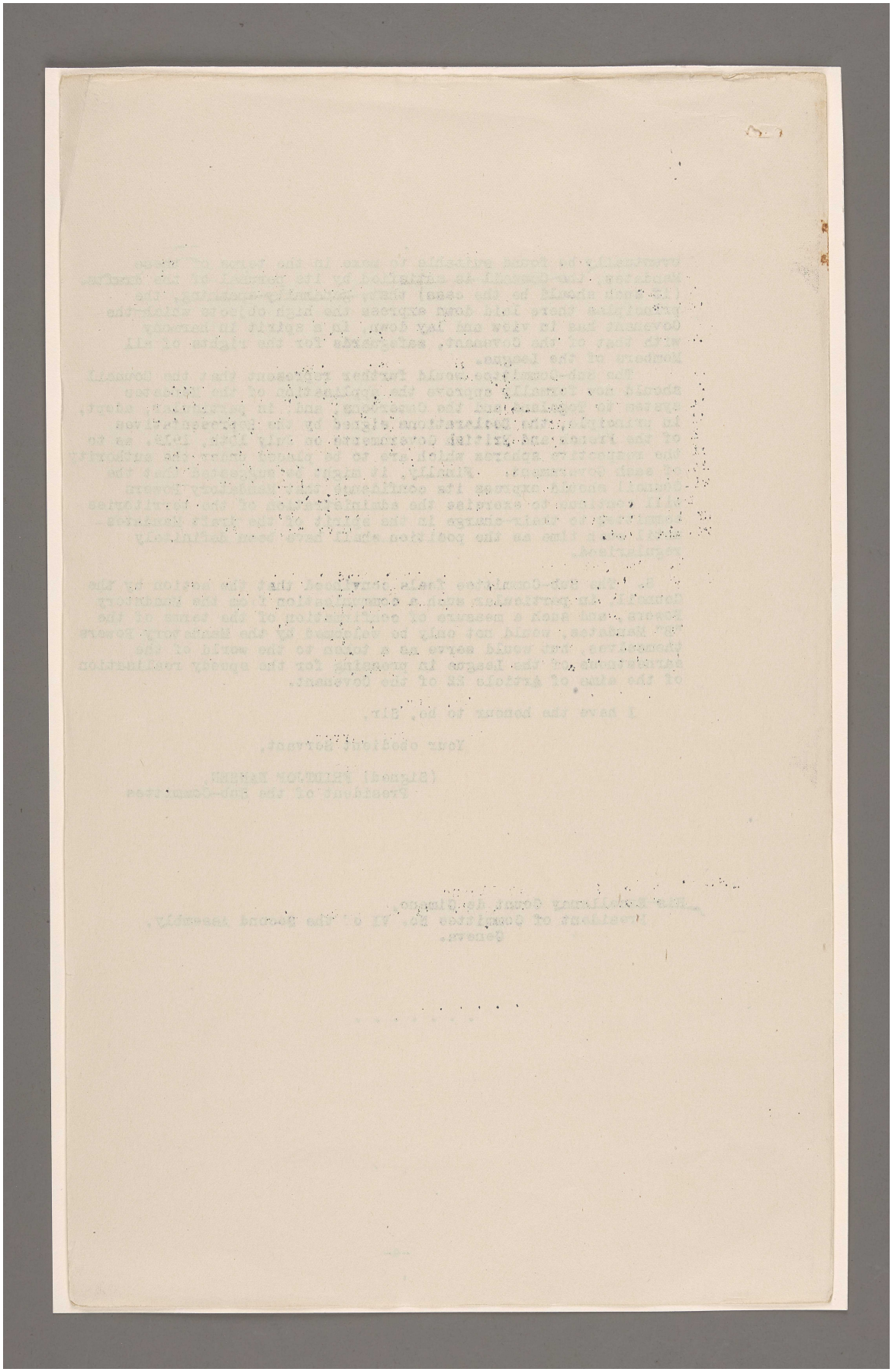

("B")

C.376(a) M.273.1921.

NOTE TO THE MANDATORY POWERS.

APPROVED BY THE COUNCIL ON OCTOBER 2nd 1921.

Sir,

I have the honour, in my capacity as President for the time being of the Council of the League of Nations, to invite your attention to the enclosed papers which were submitted to the Second Assembly of the League of Nations. After a debate of which the provisional verbatim record x is also enclosed, the Assembly passed on September 23rd, 1921, the following resolution:

"The Assembly having considered the Report
"of September 19th, 1921, addressed by the
"Sub-Committee on Mandates to Committee
"No.VI and endorsed by that Committee,
"resolves to approve the terms of that
"report."

The Council, at its sitting of October 2nd considered the resolution passed by the Assembly and was glad to be able to associate itself with the views therein expressed. On the one hand, it was anxious not to take any steps which might in any way prejudice the result of the negotiations now proceeding between the Principal Allied Powers and the Government of the United States. On the other, it was no less anxious to allay any feelings of apprehension and anxiety which may have been caused by the unavoidable delay in the issue of the Mandates. The Council has, therefore, taken the following decisions;

a) As regards the territories which are to be administered in accordance with paragraph 5 of Article 22 of the Covenant, i.e., the former German possessions of East Africa, Togoland and the Cameroons, the Council, whilst reserving examination of the details

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x Not yet available.

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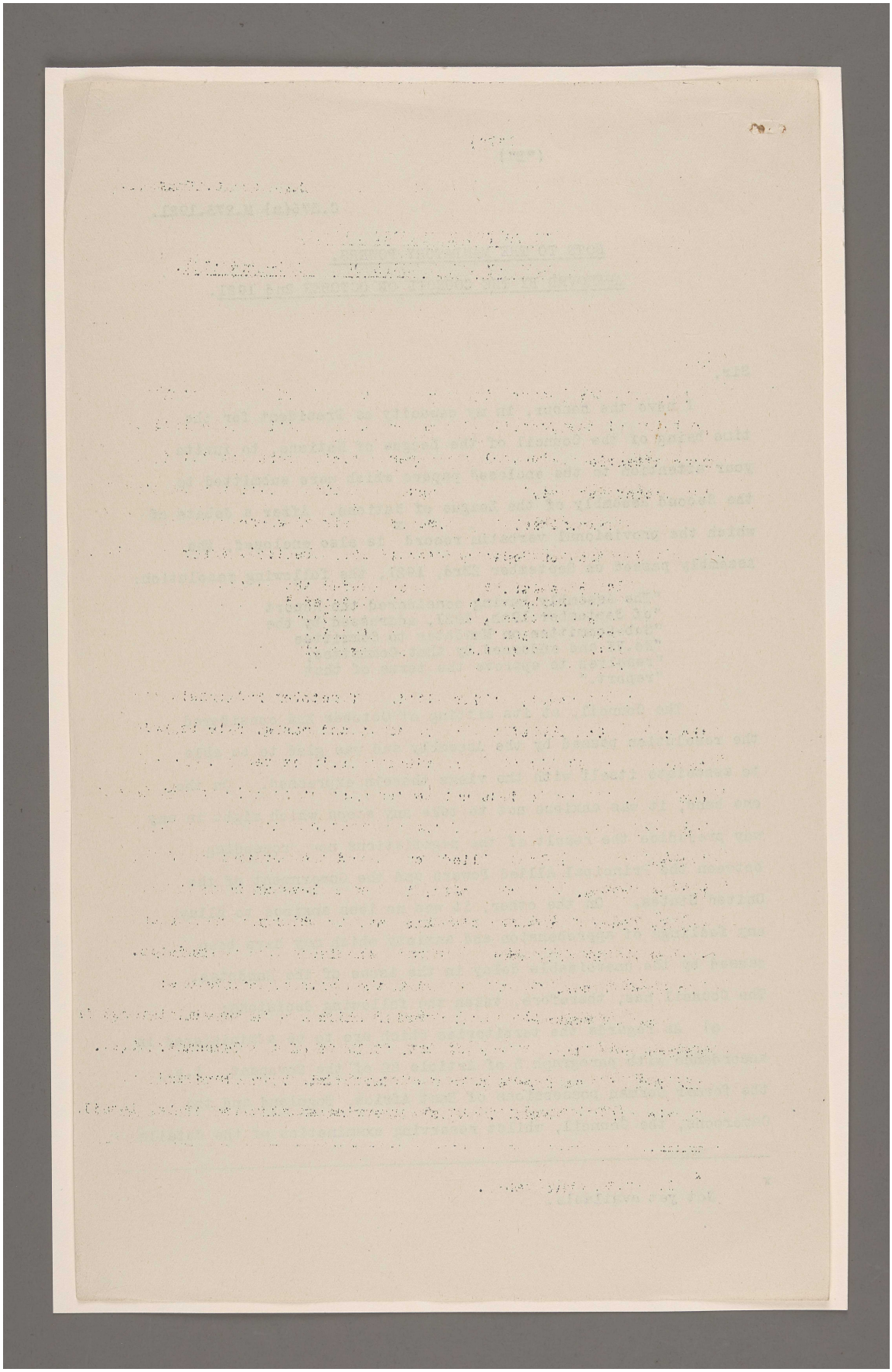

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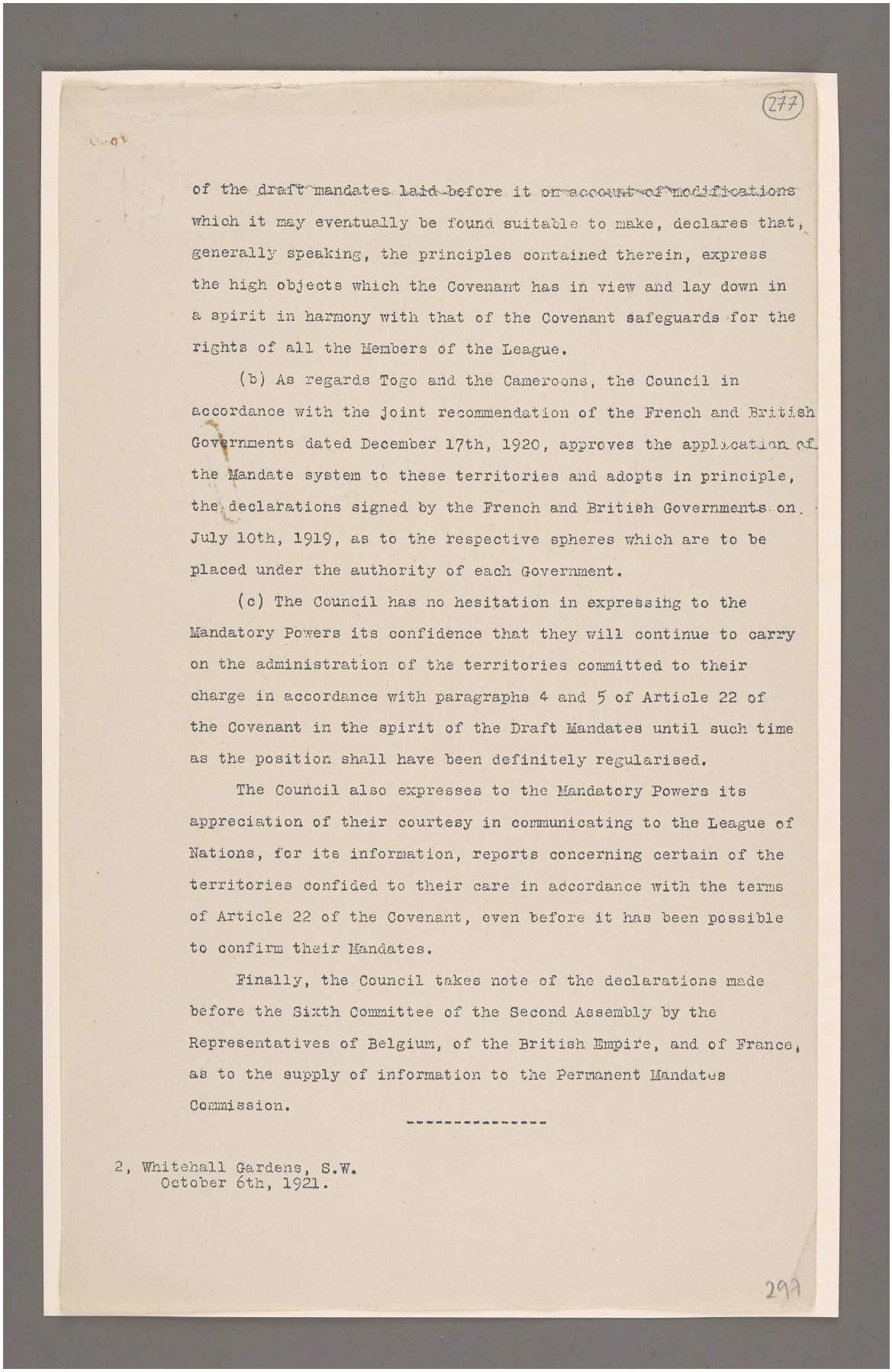

277

of the draft mandates laid before it on account of modifications which it may eventually be found suitable to make, declares that, generally speaking, the principles contained therein, express the high objects which the Covenant has in view and lay down in a spirit in harmony with that of the Covenant safeguards for the rights of all the Members of the League.

(b) As regards Togo and the Cameroons, the Council in accordance with the joint recommendation of the French and British Governments dated December 17th, 1920, approves the application of the Mandate system to these territories and adopts in principle, the declarations signed by the French and British Governments on July 10th, 1919, as to the respective spheres which are to be placed under the authority of each Government.

(c) The Council has no hesitation in expressing to the Mandatory Powers its confidence that they will continue to carry on the administration of the territories committed to their charge in accordance with paragraphs 4 and 5 of Article 22 of the Covenant in the spirit of the Draft Mandates until such time as the position shall have been definitely regularised.

The Council also expresses to the Mandatory Powers its appreciation of their courtesy in communicating to the League of Nations, for its information, reports concerning certain of the territories confided to their care in accordance with the terms of Article 22 of the Covenant, even before it has been possible to confirm their Mandates.

Finally, the Council takes note of the declarations made before the Sixth Committee of the Second Assembly by the Representatives of Belgium, of the British Empire, and of France, as to the supply of information to the Permanent Mandates Commission.

2, Whitehall Gardens, S.W.
October 6th, 1921.

277

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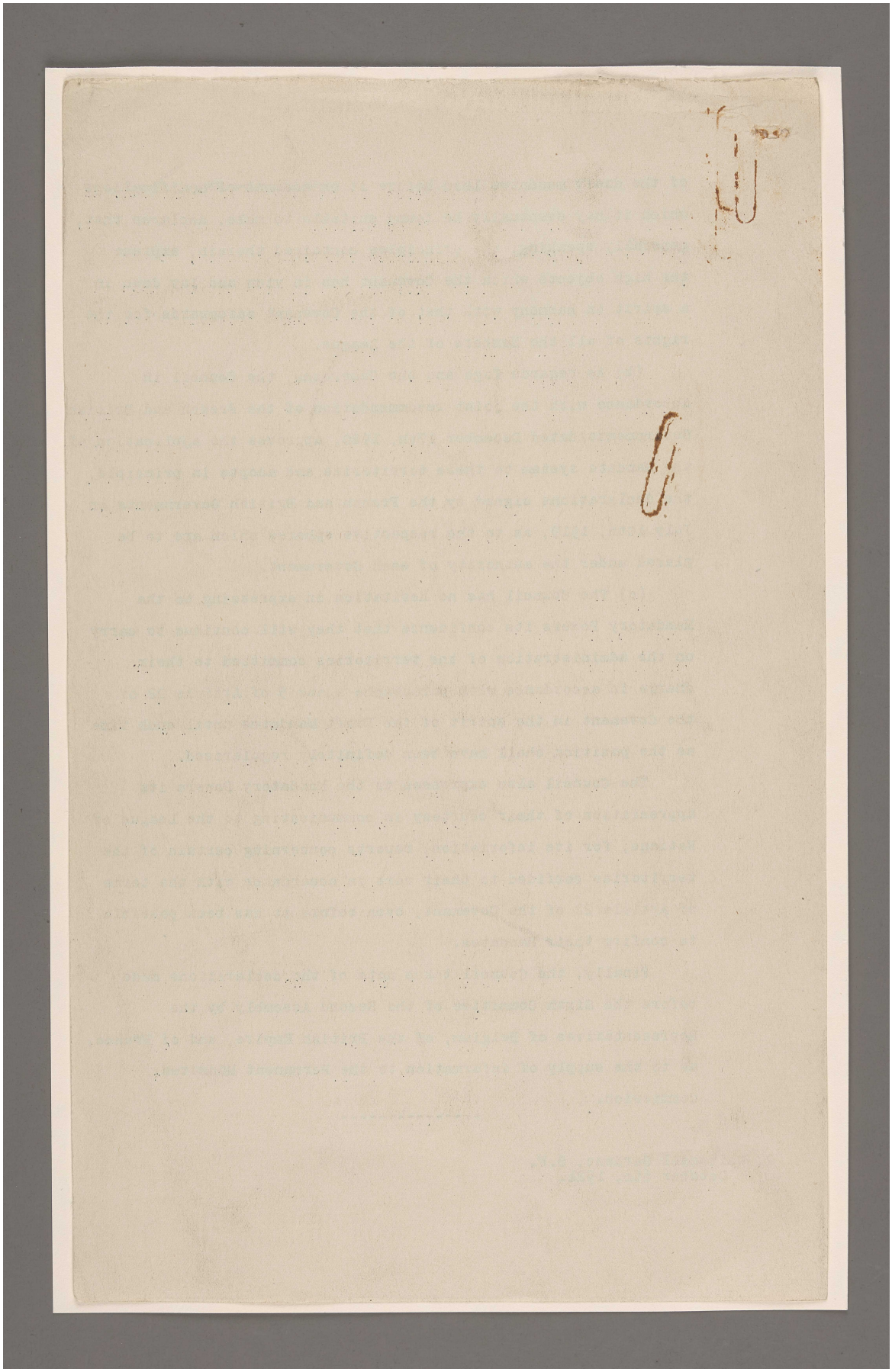

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No. 1.—SECRETARY OF STATE.

NORTH AMERICA. [September 30.]

CONFIDENTIAL. SECTION 1.

[W 10320/1149/98] No. 1.

Foreign Office to Colonial Office.

Sir, *Foreign Office, September* 30, 1921.

I AM directed by the Marquess Curzon of Kedleston to invite the attention of Mr. Secretary Churchill to the note which has been received from the principal British delegate to the present session of the Assembly of the League of Nations covering a draft, prepared by Sir C. Hurst, M. Fromageot, and Mr. Harding of your Department, of a reply to the note of the United States Government defining their desiderata in regard to mandates.

2. It will be observed that the draft reserves till a later date the reply to that part of the American note which deals with the "A" mandates and, as regards the other mandates, answers only that part which is common to the Allied Governments, thus entailing a further concerted note to cover the "A" mandates, and a separate one from His Majesty's Government on the points not common to other mandatories.

3. The Secretary of State would be glad to learn whether Mr. Churchill concurs in this procedure and, if so, in the terms of the draft which represents an endeavour to co-ordinate as far as possible the views of His Majesty's and of the French Governments.

4. Without examining the various points in detail, which is a matter rather for your Department, Lord Curzon considers the general tenor of the draft to be as firm as can reasonably be expected in the light of the attitude of the French, particularly in regard to the American demand that no mandate shall be modified without their consent. Mr. Churchill will have noted that the suggested answer does not bind His Majesty's Government actually to obtain the consent of the United States Government, but merely to consult them beforehand. For this reason it appears to him, as presumably it has to Mr. Balfour, to be comparatively innocuous. And if, as is apparently the case, the French would resolutely decline to go any further in resistance to the American demand and, rather than do so, would take an independent line in meeting it in full, it would seem clearly advisable to adopt it in the absence of very strong arguments to the contrary. It would at any time raise great difficulties if the American note were answered independently by His Majesty's Government in terms less conciliatory than those of the French reply, but it would be particularly unfortunate on the eve of the Washington Conference, where so many vital British interests will be discussed, and at which the United States Government have privately intimated their desire to work in the closest sympathy and co-operation with His Majesty's Government—an intention which would doubtless be adversely modified were His Majesty's Government in the present question to show themselves less conciliatory than other Governments represented at the conference.

5. If Mr. Churchill approves the draft, or approves it subject to such modifications as are not likely to be rejected by the French, there would be considerable advantage if it were possible for Mr. Balfour to be informed before the close of the present session of the Assembly so as to enable him to instruct Sir C. Hurst to arrange, or prepare the way, for the concurrence of the other Governments concerned.

I am, &c.

R. H. CAMPBELL.

[6909 *gg*—1]

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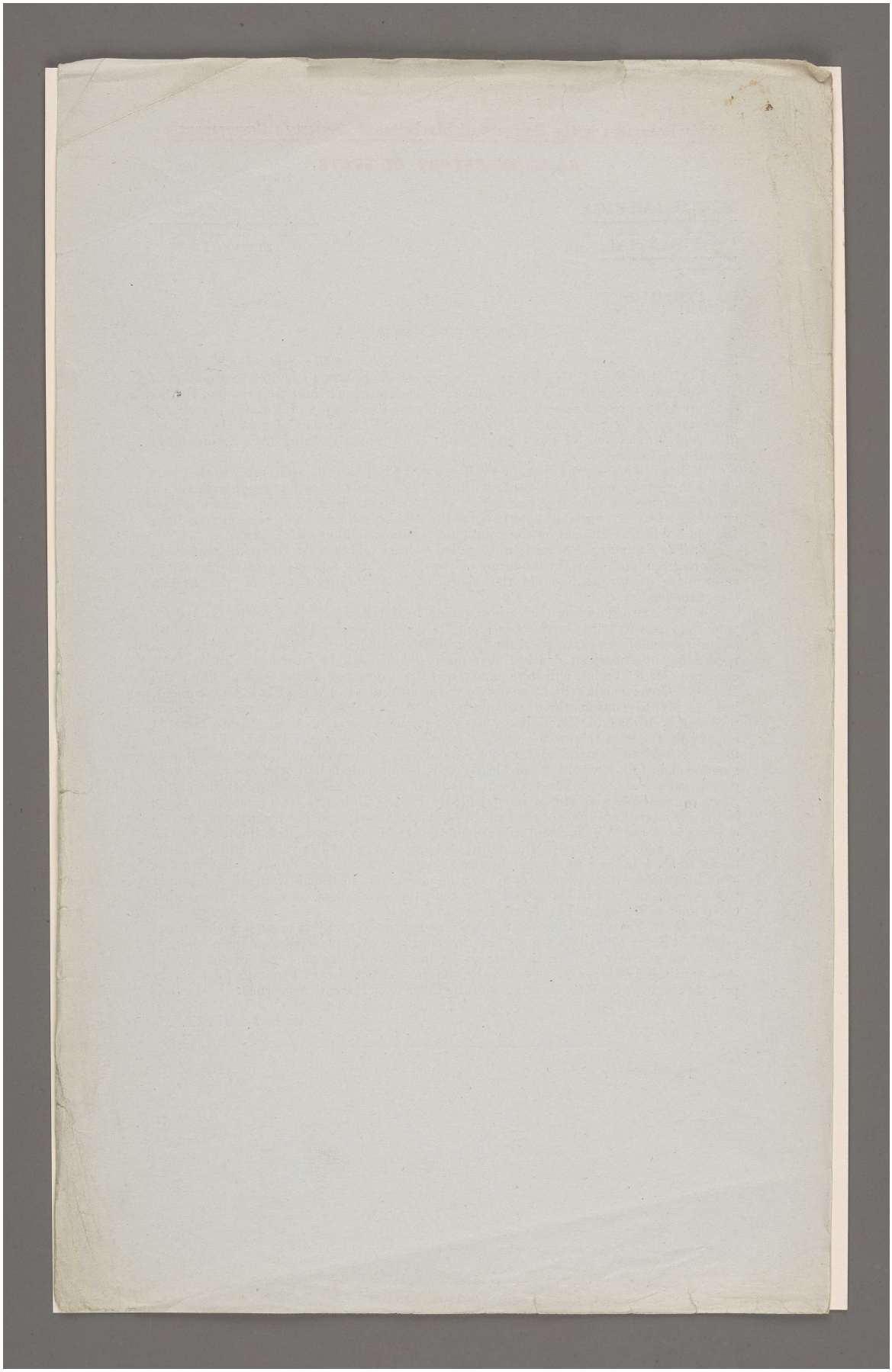

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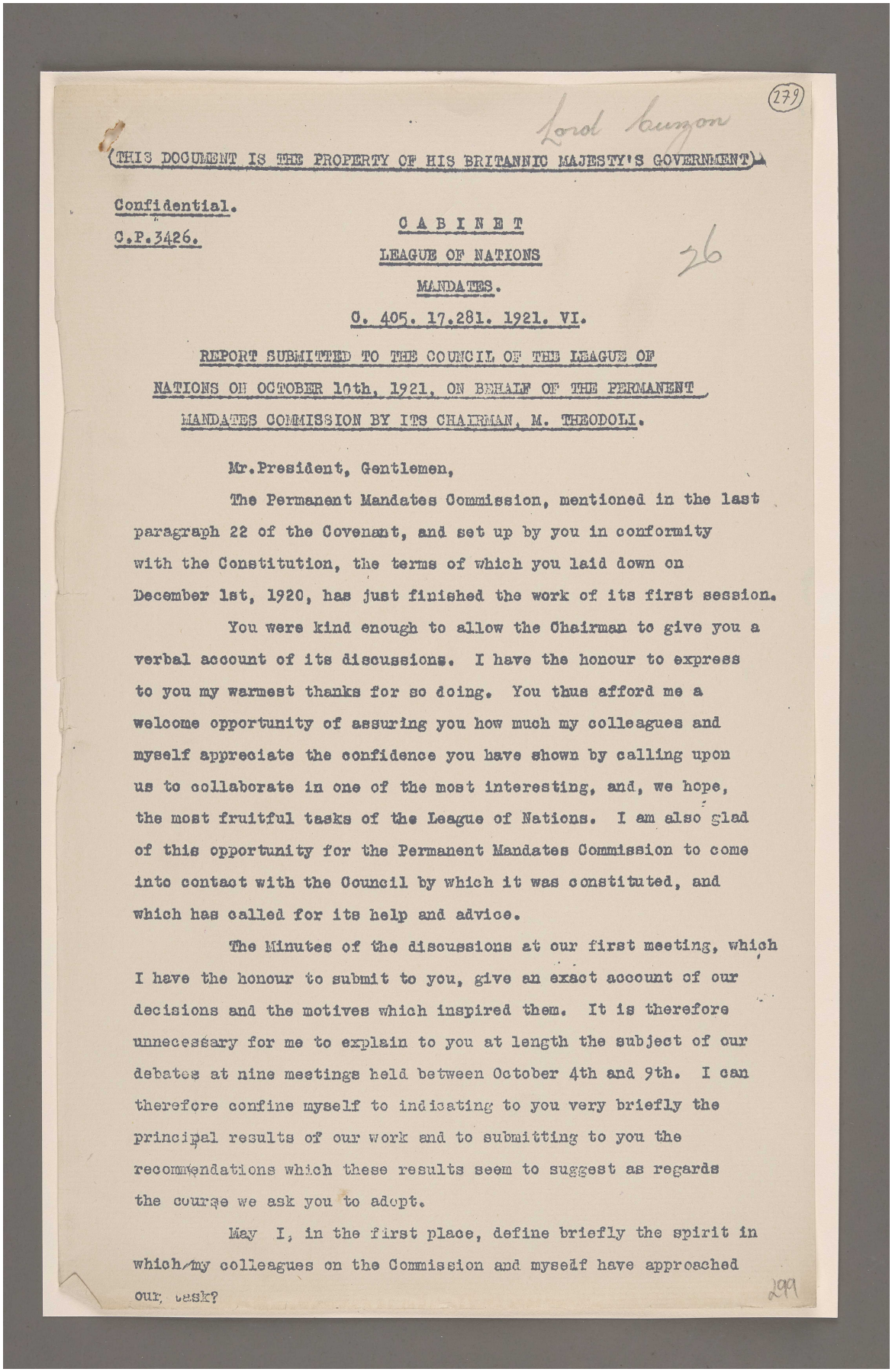

279

Lord Lansdowne

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C A B I N E T

LEAGUE OF NATIONS

MANDATES.

26

O. 405. 17.281. 1921. VI.

REPORT SUBMITTED TO THE COUNCIL OF THE LEAGUE OF NATIONS ON OCTOBER 10th, 1921, ON BEHALF OF THE PERMANENT MANDATES COMMISSION BY ITS CHAIRMAN, M. THEODOLI.

Mr.President, Gentlemen,

The Permanent Mandates Commission, mentioned in the last paragraph 22 of the Covenant, and set up by you in conformity with the Constitution, the terms of which you laid down on December 1st, 1920, has just finished the work of its first session.

You were kind enough to allow the Chairman to give you a verbal account of its discussions. I have the honour to express to you my warmest thanks for so doing. You thus afford me a welcome opportunity of assuring you how much my colleagues and myself appreciate the confidence you have shown by calling upon us to collaborate in one of the most interesting, and, we hope, the most fruitful tasks of the League of Nations. I am also glad of this opportunity for the Permanent Mandates Commission to come into contact with the Council by which it was constituted, and which has called for its help and advice.

The Minutes of the discussions at our first meeting, which I have the honour to submit to you, give an exact account of our decisions and the motives which inspired them. It is therefore unnecessary for me to explain to you at length the subject of our debates at nine meetings held between October 4th and 9th. I can therefore confine myself to indicating to you very briefly the principal results of our work and to submitting to you the recommendations which these results seem to suggest as regards the course we ask you to adopt.

May I, in the first place, define briefly the spirit in which my colleagues on the Commission and myself have approached our task?

299

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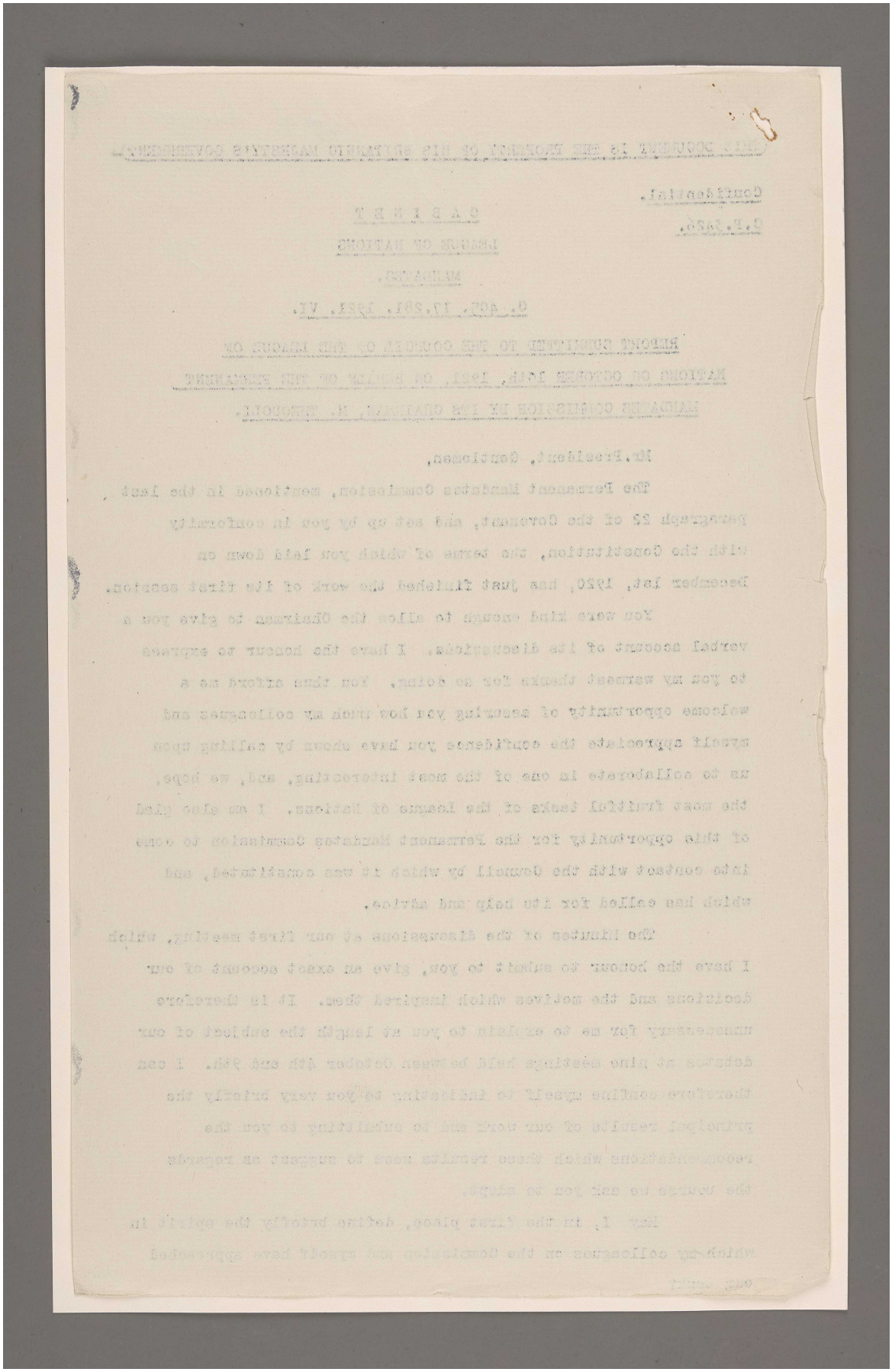

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The Covenant provides that "the Permanent-Commission shall be constituted to receive and examine the annual Report" which the Mandatory Powers are pledged to send to the Council concerning the territories under their charge, and "to advise the Council on all matters relating to the observance of the Mandates." Such investigations and such advice can only be of value if inspired by absolute independence and impartiality of judgment concerning the data furnished to us. We know that the Council intended us to act in that spirit, since it insisted that the Commission should be composed of experts answerable only to the League of Nations as a body, and further, insisted that that majority of these Members should be nationals of non-Mandatory States. Allow me, Mr.President and Gentlemen, to assure you that this is the manner in which we as a Commission unanimously interpret the mission entrusted to us, a mission of which we hope to prove ourselves worthy.

In the second place, the study of the Reports which will be submitted to us and any proposals they may suggest will be inspired by the sincere desire to facilitate the execution of the task which the Mandatory Powers have agreed to accomplish in the name of the League of Nations, the importance and difficulty of which we fully realise. Whilst supervising the strict observance of the principles of tutelage laid down in Article 22 of the Covenant, in the interest of the native populations and of all the Members of the League, we shall endeavour to exercise our authority, less as judges from whom critical pronouncements are expected, than as collaborators who are resolved to devote their experience and their energies to a joint endeavour.

In the course of our first meeting, we had to devote our attention to three principal questions:-

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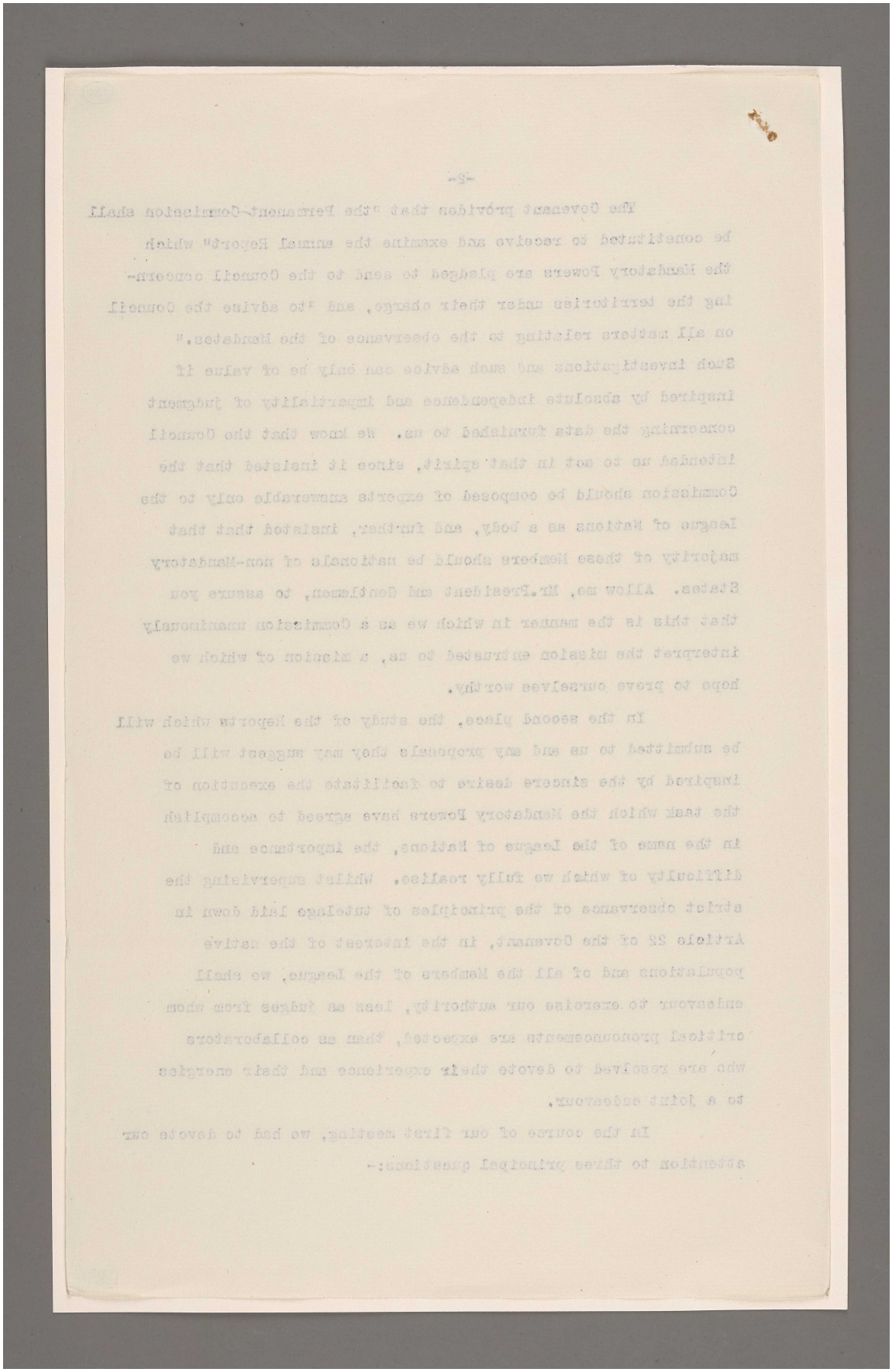

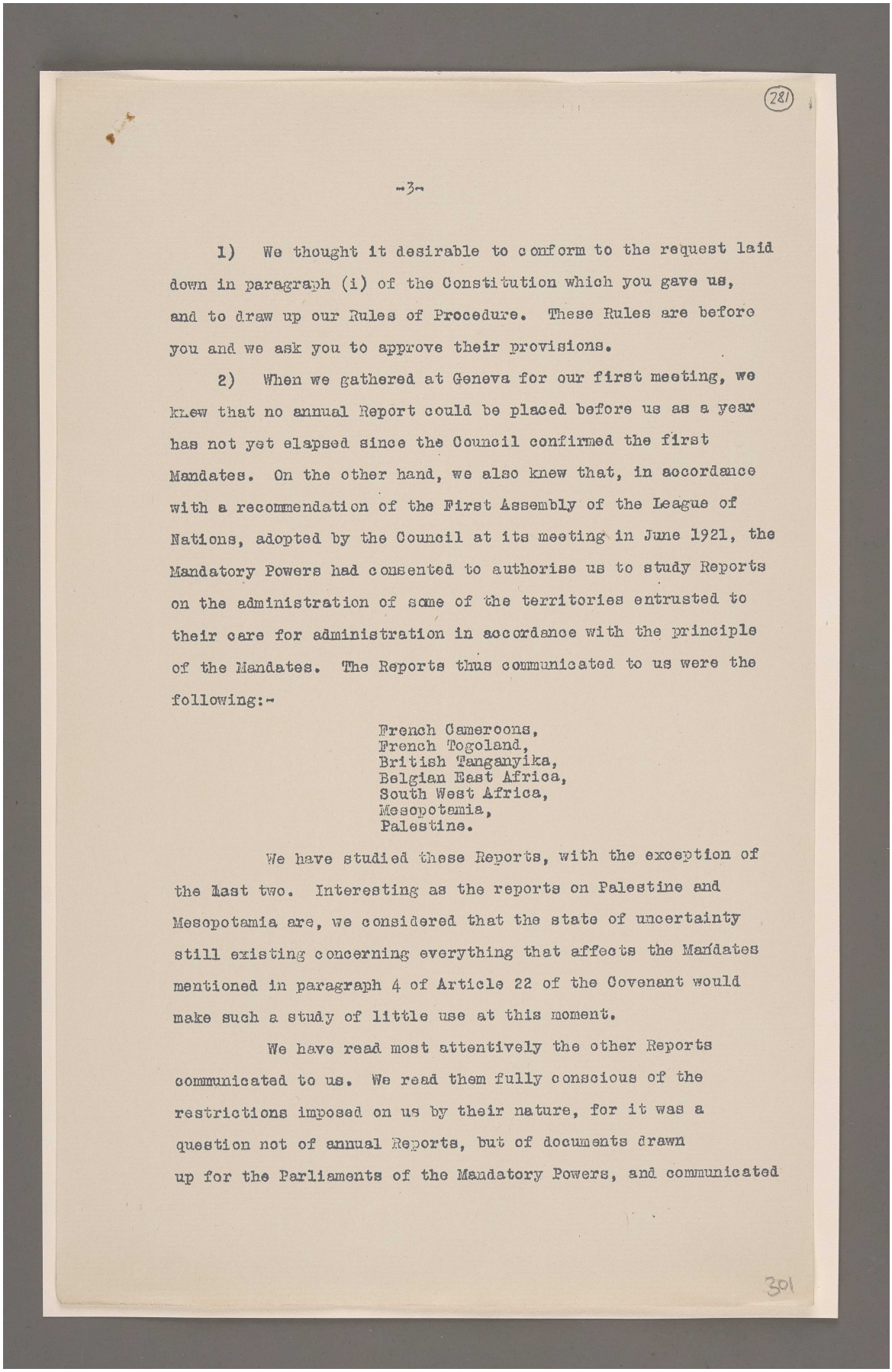

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-3-

1) We thought it desirable to conform to the request laid down in paragraph (i) of the Constitution which you gave us, and to draw up our Rules of Procedure. These Rules are before you and we ask you to approve their provisions.

2) When we gathered at Geneva for our first meeting, we knew that no annual Report could be placed before us as a year has not yet elapsed since the Council confirmed the first Mandates. On the other hand, we also knew that, in accordance with a recommendation of the First Assembly of the League of Nations, adopted by the Council at its meeting in June 1921, the Mandatory Powers had consented to authorise us to study Reports on the administration of some of the territories entrusted to their care for administration in accordance with the principle of the Mandates. The Reports thus communicated to us were the following:-

French Cameroons,
French Togoland,
British Tanganyika,
Belgian East Africa,
South West Africa,
Mesopotamia,
Palestine.

We have studied these Reports, with the exception of the last two. Interesting as the reports on Palestine and Mesopotamia are, we considered that the state of uncertainty still existing concerning everything that affects the Mandates mentioned in paragraph 4 of Article 22 of the Covenant would make such a study of little use at this moment.

We have read most attentively the other Reports communicated to us. We read them fully conscious of the restrictions imposed on us by their nature, for it was a question not of annual Reports, but of documents drawn up for the Parliaments of the Mandatory Powers, and communicated

301

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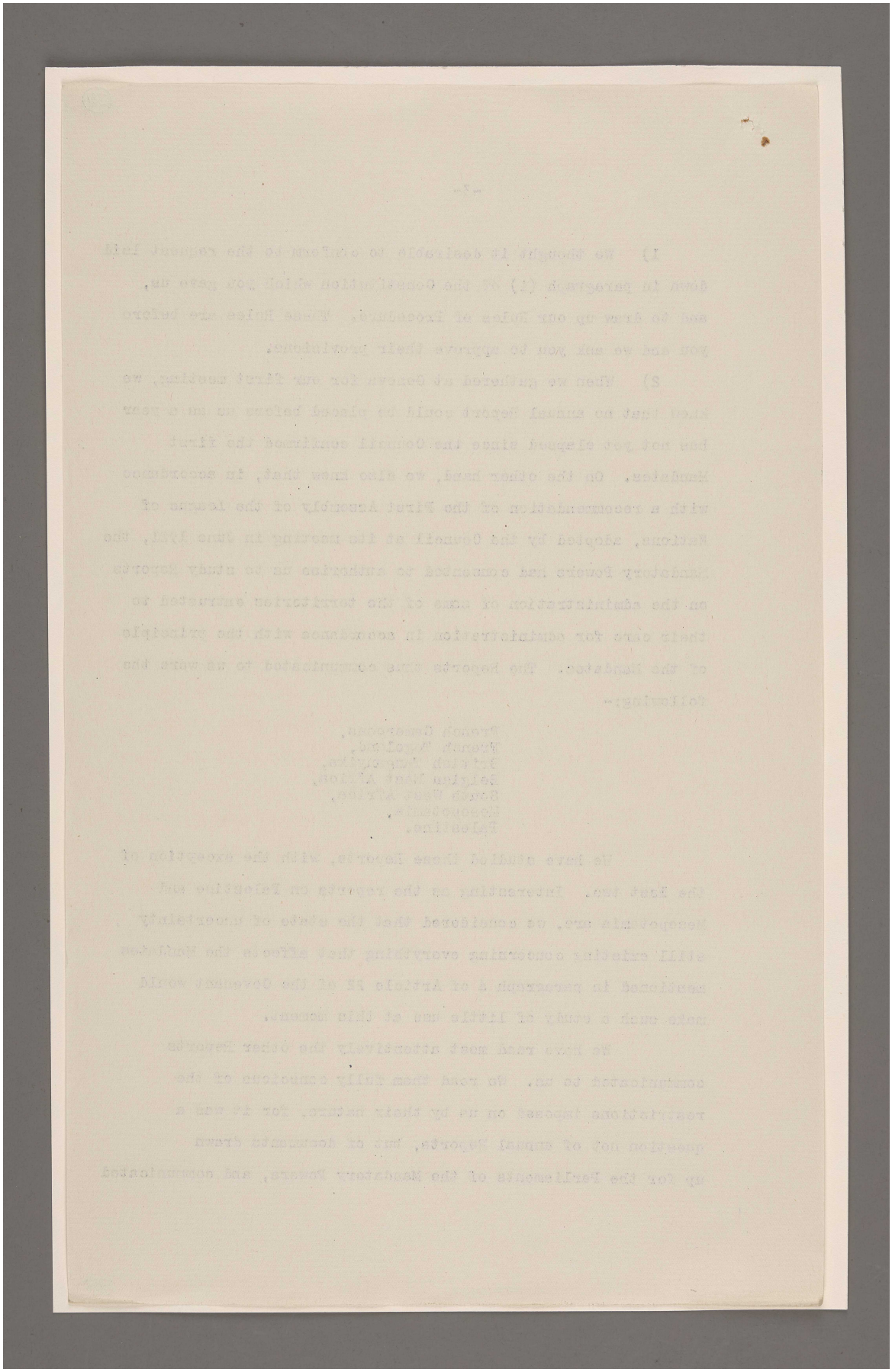


282

-4-

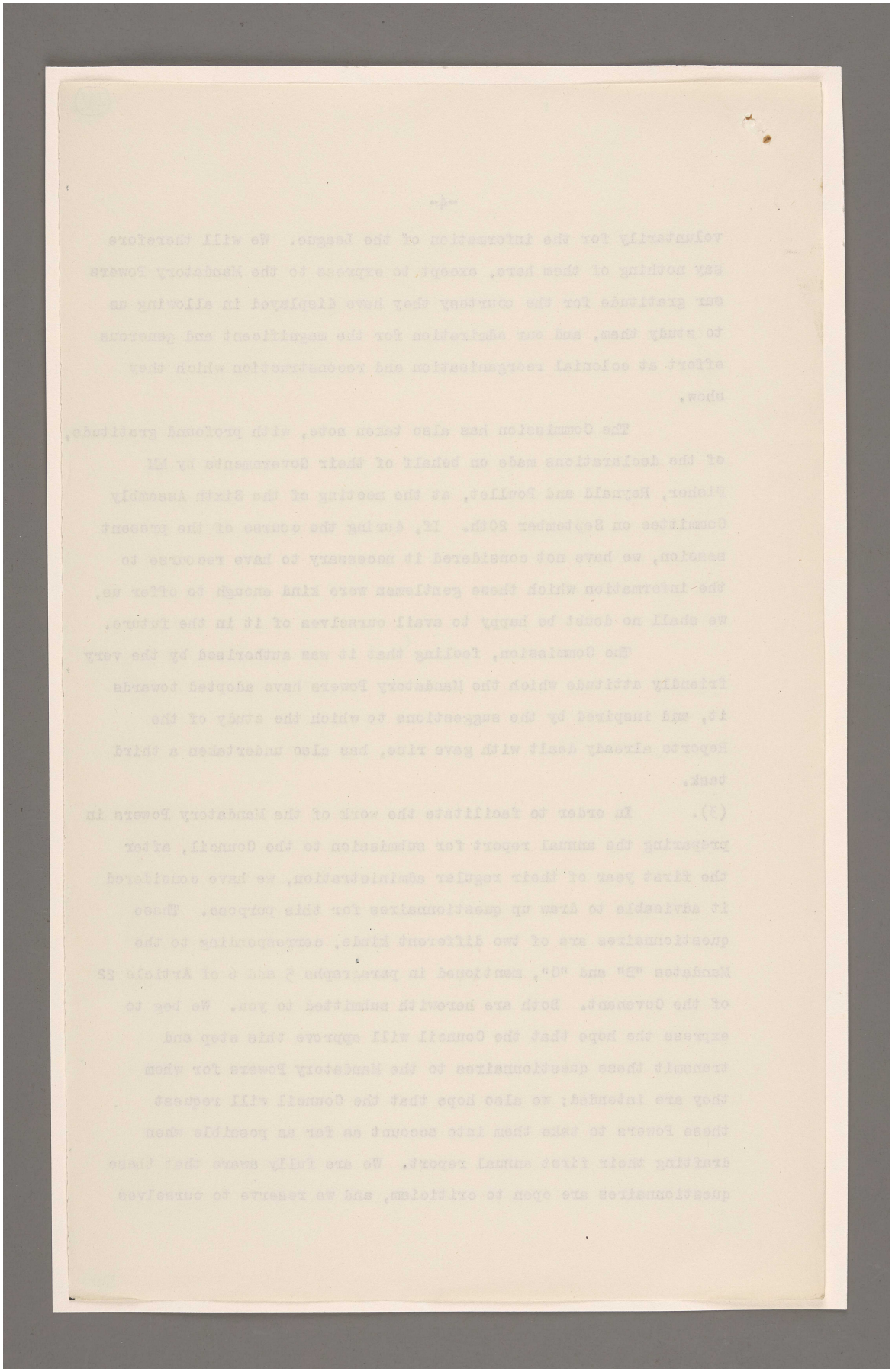
voluntarily for the information of the League. We will therefore say nothing of them here, except to express to the Mandatory Powers our gratitude for the courtesy they have displayed in allowing us to study them, and our admiration for the magnificent and generous effort at colonial reorganisation and reconstruction which they show.

The Commission has also taken note, with profound gratitude, of the declarations made on behalf of their Governments by MM Fisher, Reynald and Poullet, at the meeting of the Sixth Assembly Committee on September 20th. If, during the course of the present session, we have not considered it necessary to have recourse to the information which these gentlemen were kind enough to offer us, we shall no doubt be happy to avail ourselves of it in the future.

The Commission, feeling that it was authorised by the very friendly attitude which the Mandatory Powers have adopted towards it, and inspired by the suggestions to which the study of the Reports already dealt with gave rise, has also undertaken a third task.

(3). In order to facilitate the work of the Mandatory Powers in preparing the annual report for submission to the Council, after the first year of their regular administration, we have considered it advisable to draw up questionnaires for this purpose. These questionnaires are of two different kinds, corresponding to the Mandates "B" and "C", mentioned in paragraphs 5 and 6 of Article 22 of the Covenant. Both are herewith submitted to you. We beg to express the hope that the Council will approve this step and transmit these questionnaires to the Mandatory Powers for whom they are intended; we also hope that the Council will request these Powers to take them into account as far as possible when drafting their first annual report. We are fully aware that these questionnaires are open to criticism, and we reserve to ourselves

302



283

-5-

the right to complete and improve them according to experience acquired in studying the reports.

In drawing up these questionnaires, we have had in mind the "C" Mandates, the terms of which were definitely laid down by the Council nearly a year ago, and the draft "B" Mandates, which still await confirmation by the Council. We have, however, refrained from giving any opinion on these drafts themselves, since we were unanimous in considering, as shown by the resolution adopted at our meeting of October 5th, that, subject to instructions to the contrary from the Council, the competence of the Permanent Mandates Commission is, by the last paragraph of Article 22 of the Covenant, limited to the examination of questions relating to the observance of the Mandates.

In order to facilitate the work of the Mandatory Powers, and to throw light on certain doubtful points, we would, however, submit to the Council a certain number of questions and suggestions based on the study of the reports and draft Mandates which have come before us. The questions and suggestions are embodied in an annex to this report.

I will therefore only mention very briefly the question of the national status of the inhabitants of the mandated territories, which was brought to the notice of the Commission when it examined the report on South West Africa.

In view of the importance of this problem, the Commission considers that it deserves a very detailed examination and that it calls for the speediest possible solution.

The Commission is of opinion that, while authorising the incorporation of a territory under Mandate "B" in the neighbouring possessions of the Mandatory Powers for customs purposes, it is not the Council's intention to sanction any infringement of the principles of economic equality laid down at the end of paragraph 5 of Article 22 of the Covenant.

303

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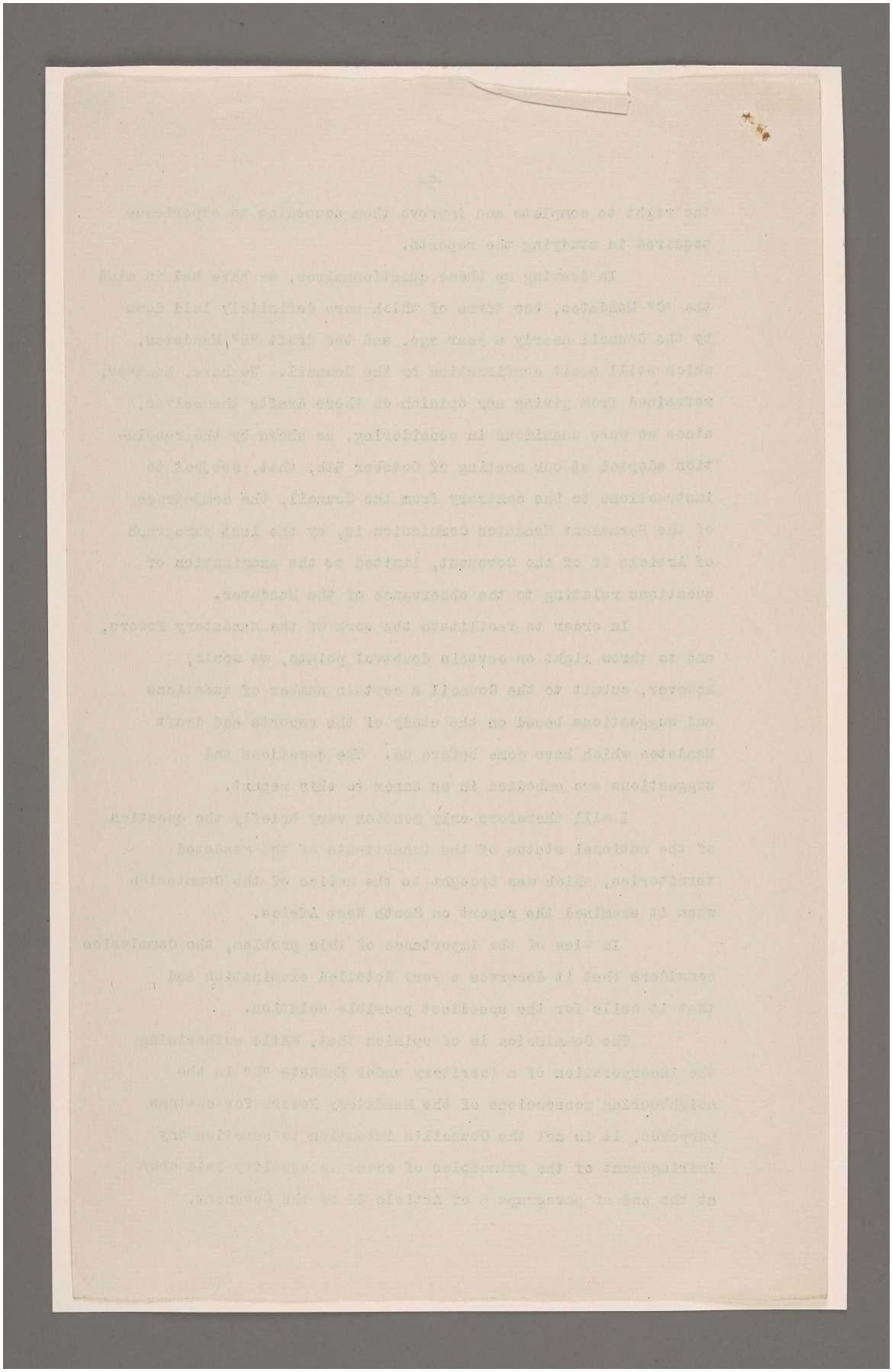

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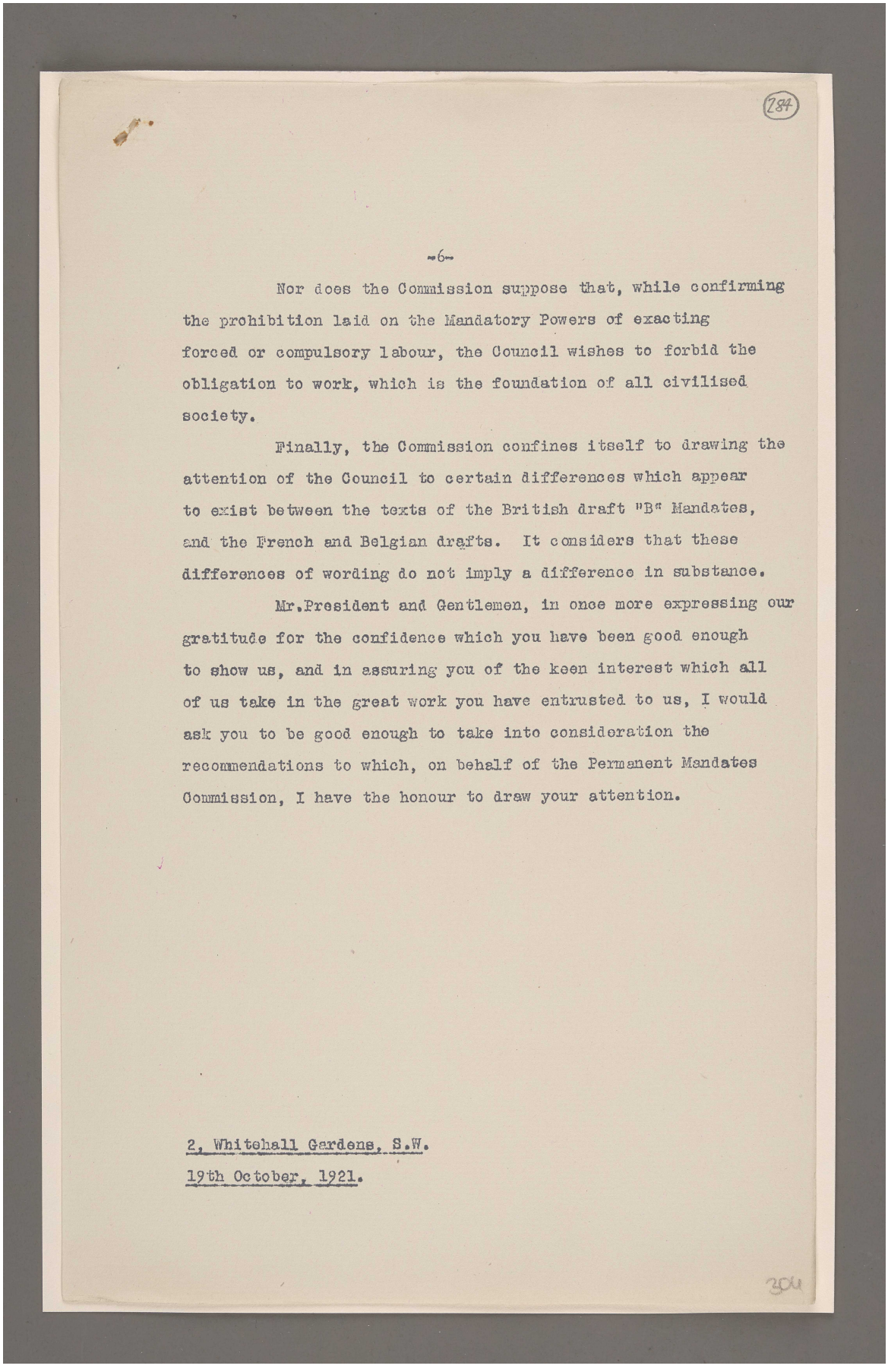

284

-6-

Nor does the Commission suppose that, while confirming the prohibition laid on the Mandatory Powers of exacting forced or compulsory labour, the Council wishes to forbid the obligation to work, which is the foundation of all civilised society.

Finally, the Commission confines itself to drawing the attention of the Council to certain differences which appear to exist between the texts of the British draft "B" Mandates, and the French and Belgian drafts. It considers that these differences of wording do not imply a difference in substance.

Mr.President and Gentlemen, in once more expressing our gratitude for the confidence which you have been good enough to show us, and in assuring you of the keen interest which all of us take in the great work you have entrusted to us, I would ask you to be good enough to take into consideration the recommendations to which, on behalf of the Permanent Mandates Commission, I have the honour to draw your attention.

2, Whitehall Gardens, S.W.
19th October, 1921.

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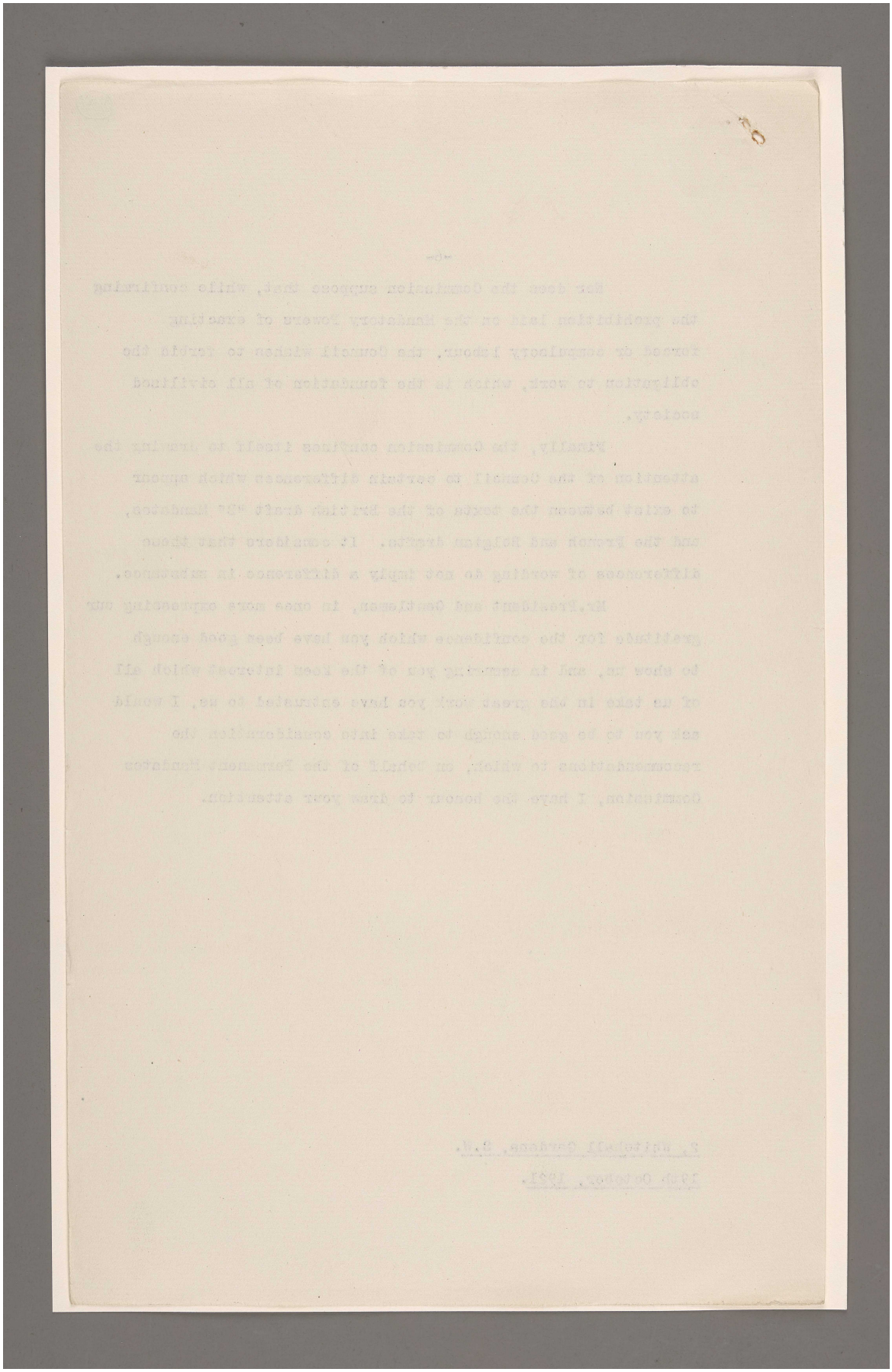

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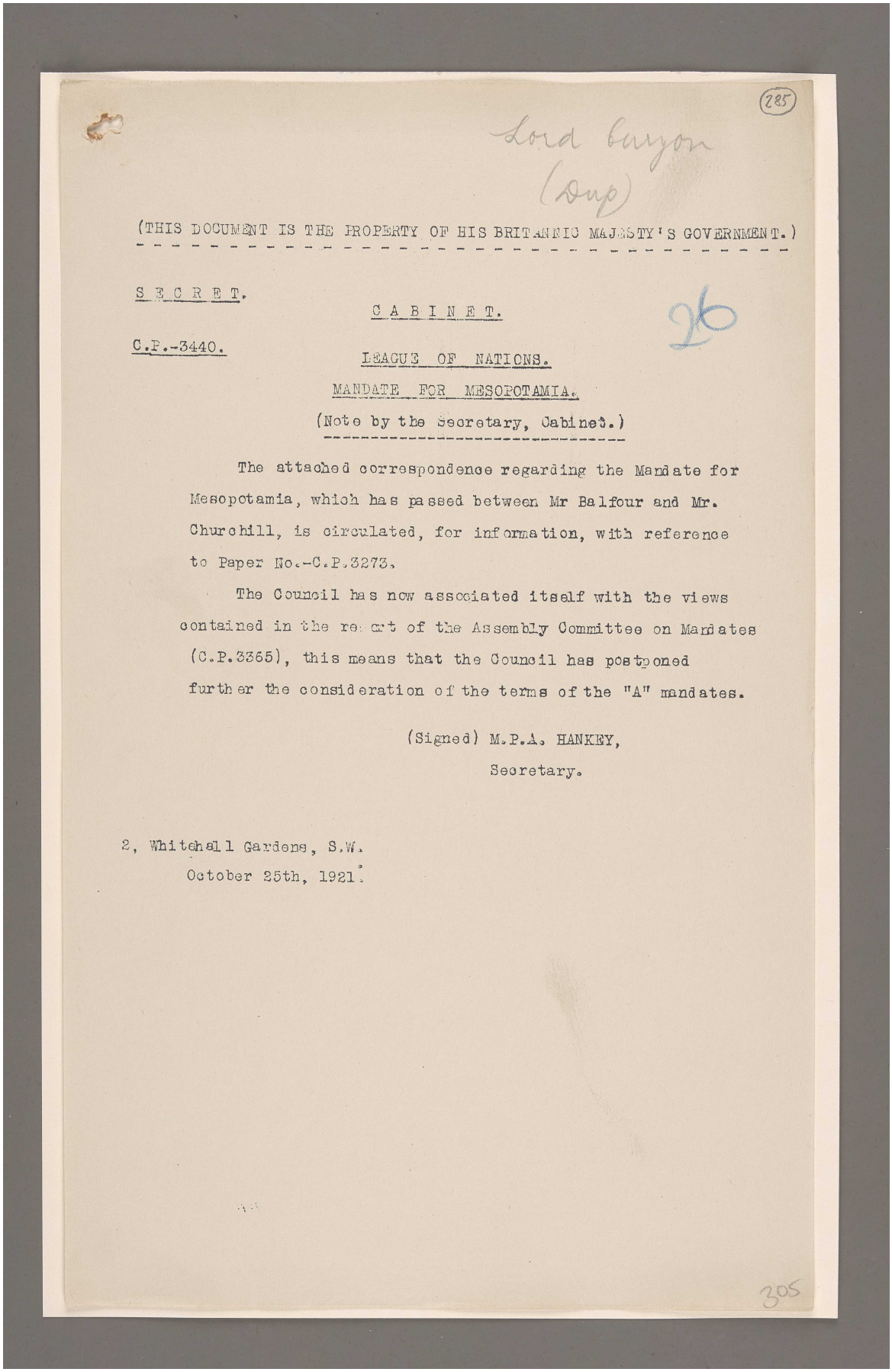

285

Lord Curzon
(Dup)

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S E C R E T.

C A B I N E T.

C.P.-3440.

LEAGUE OF NATIONS.

MANDATE FOR MESOPOTAMIA.

(Note by the Secretary, Cabinet.)

The attached correspondence regarding the Mandate for Mesopotamia, which has passed between Mr Balfour and Mr. Churchill, is circulated, for information, with reference to Paper No.-C.P.3273.

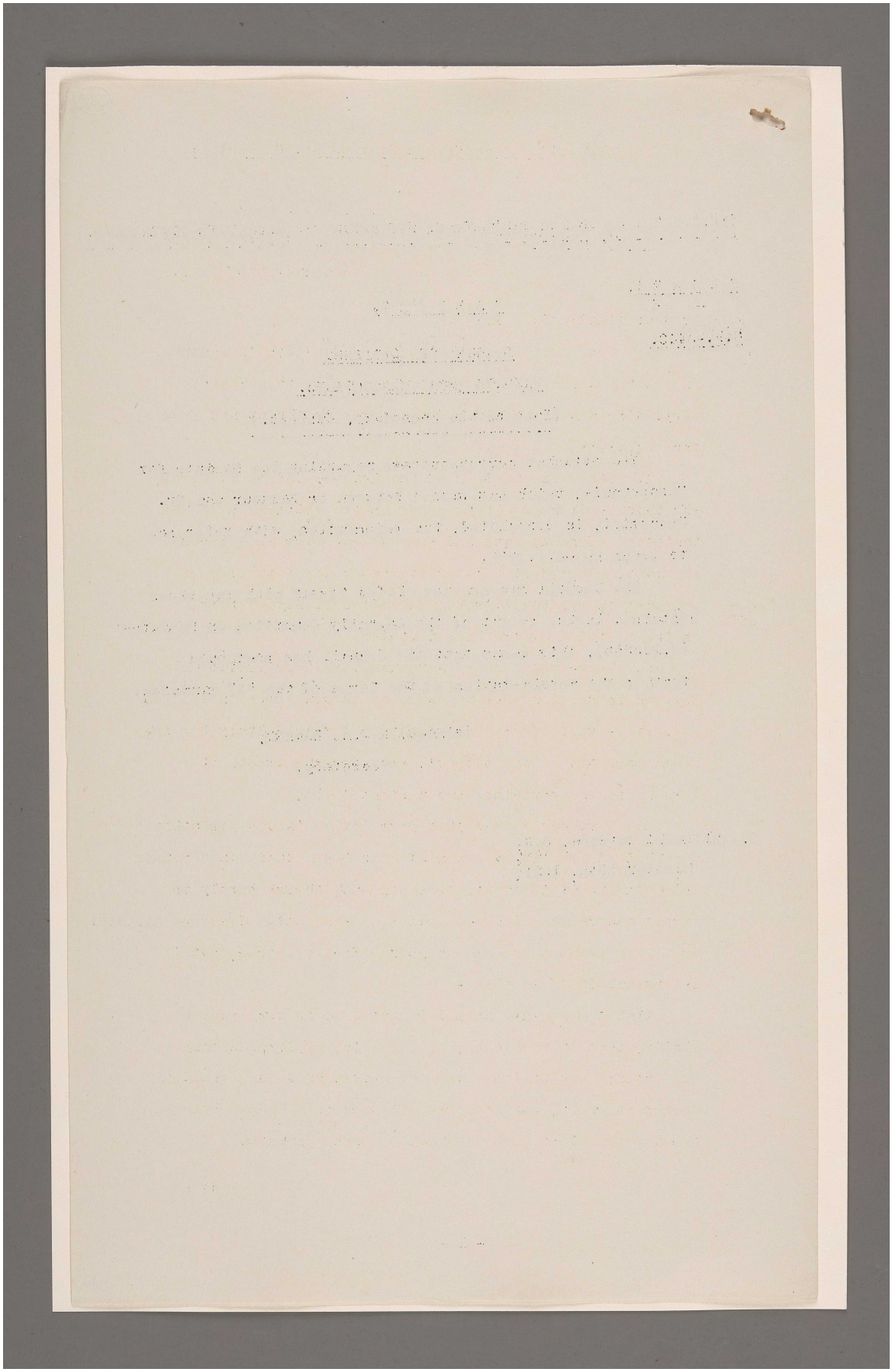
The Council has now associated itself with the views contained in the report of the Assembly Committee on Mandates (C.P.3365), this means that the Council has postponed further the consideration of the terms of the "A" mandates.

(Signed) M.P.A. HANKEY,
Secretary.

2, Whitehall Gardens, S.W.
October 25th, 1921.

305

أوراق متعلقة بانتدابات عصبة الأمم [٢٨٥ظ] (٦٤٦/٥٧٠)



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(286)

(Copy letter from Mr. Balfour to Mr. Churchill).

Hotel Beau Rivage,
Geneve, Suisse,
September 8th, 1921.

My dear Winston Churchill,

The position of the Mandates question in general, and of the A Mandates in particular, is at this moment perplexing and difficult. Controversy is threatened from three quarters.

1. There are members of the League, led by R. Cecil, who think that we ought to press on the settlement of the Mandates before we have had time to consider what lines should be adopted with regard to the general principles embodied in Mr. Harvey's communication of August 24th[ϕ] on the position of the United States.

ϕ See – C.P.3275.

2. There seems to be some doubt whether France and England in dealing with the A Mandates can count on Italian support: - since (very unfortunately I think) Italy has not been consulted on the subject, as under the Treaty of Versailles she certainly had a right to be.

3. I rather gather that your Office is contemplating a method of treating the Mandate for Mesopotamia in a manner which in itself is doubtless excellent, though hardly in strict accordance with the letter of the Pact. I may be mistaken as to the exact course which your Office proposes, but I understand it to be this:-

That the Mandate should be cut down to very narrow limits; that it should be, in the main, applicable only to Kurdistan; and that our arrangements with Feisal shall not form part of it, but shall be embodied in a Treaty between the Government of Irak and that of Great Britain.

I do not

- 1 -

286

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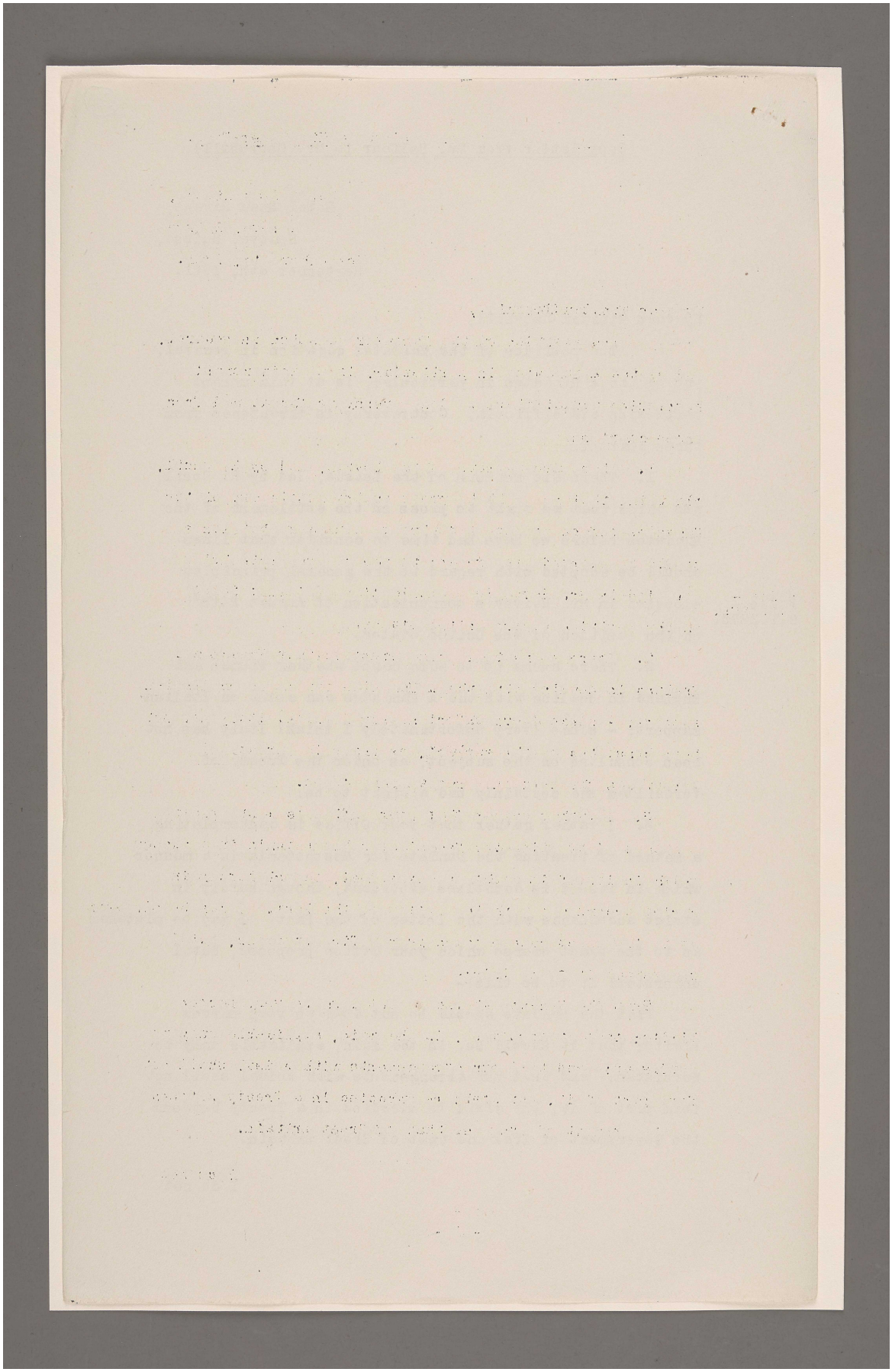

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(287)

I do not question the value of the arguments by which this policy is supported; but I doubt whether they can be made consistent with the Covenant. The effect of the scheme would surely be to withdraw our relations with Feisal altogether from the exceptional procedure contemplated by the system of Mandates, and to substitute for it the ordinary relations subsisting between two Powers bound together by a Treaty, in which no third Power has any right or title to interfere. I cannot believe that this would be received with favour in any quarter; and the French, who as yet know nothing of the proposed arrangement, would probably side with its most uncompromising critics.

After talking to Hurst I incline with some hesitation to the view that the Pact would adequately be carried out if a Mandate were drawn up explicitly embodying our Treaty arrangements with Feisal and the scheme of the organic law. But, of course, this would only be satisfactory to the majority of the Council if they were consulted before final arrangements were made with Feisal as to the character of these provisions. To negotiate the Treaty with Feisal, and then to submit it as a 'fait accompli' to the Council, is a procedure which it would be difficult or impossible to defend.

It is for this reason that I ventured to telegraph to you this morning asking you to hold your hand in any negotiations with Feisal until you had heard from me. As a Messenger leaves tonight the slight delay involved will, I trust, not prove inconvenient.

Yours etc.,

(Sgd.) ARTHUR JAMES BALFOUR.

- 2 -

309

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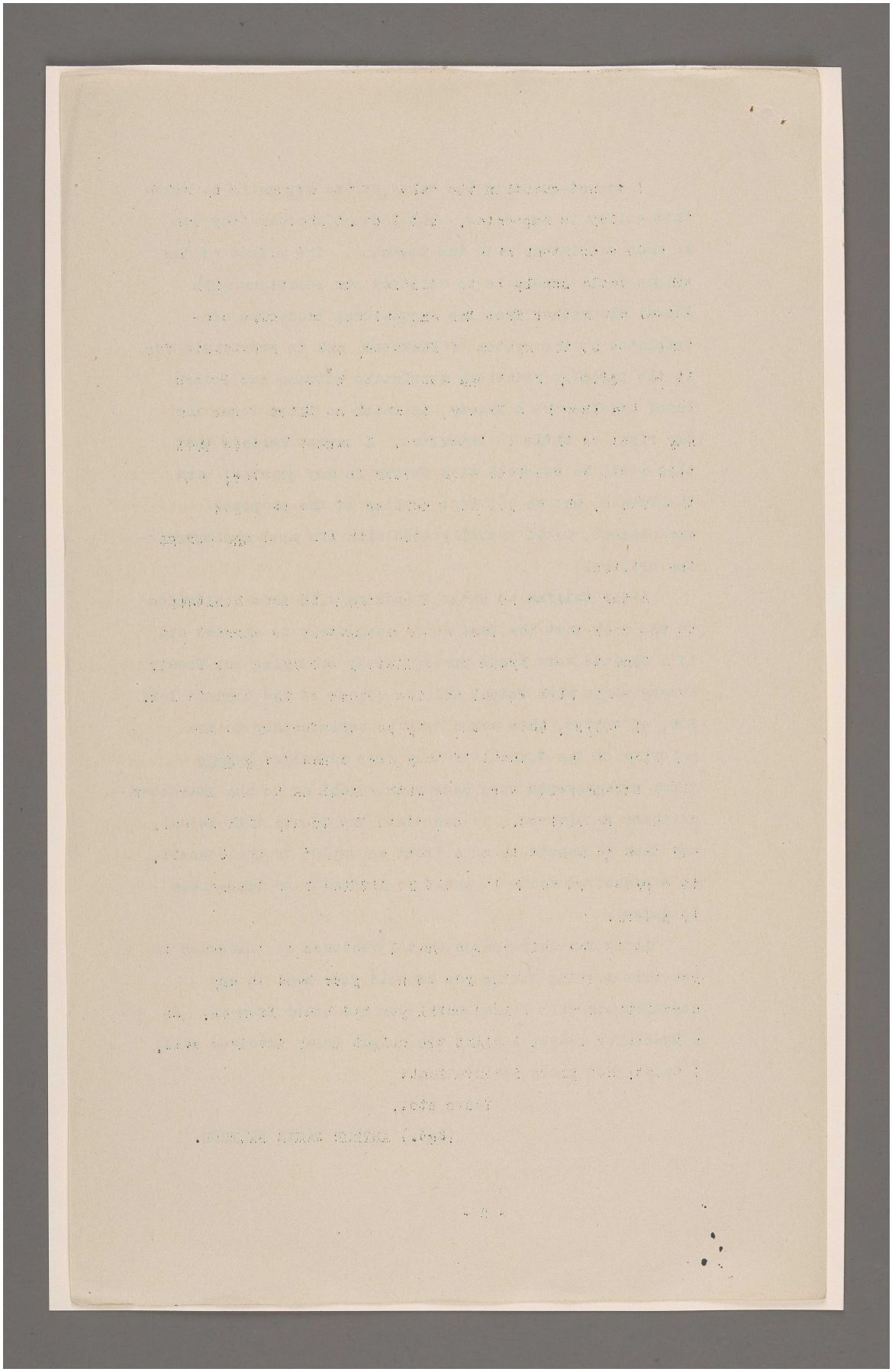

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288

(Copy letter from Mr. CHurchill to Mr. Balfour).

DO'NING STREET,
20th September, 1921.

Dear Mr. Balfour,

Thank you for your letter of September 8th about the Mandates.

I am very sorry that our proposals about the Mesopotamian Mandate should have caused you difficulty.

I should explain in the first place that Major Young's letter of the 29th August[x] was not the spontaneous production of "my office." It was based upon the decisions of a sub-Committee of the Cabinet held on the 19th August at which Lord Curzon, Mr. Montagu and Mr. Fisher were present as well as myself.

[x] See C.P. 3273.

But in any case I think that some misunderstanding has arisen.

The "change of policy" so far as there has been one - is none of our seeking. It has been brought about by the rapid march of events in Iraq. In the course of the delicate negotiations which ended in Feisal's coronation as King of Iraq a promise was given him that his relations with us should be embodied in a Treaty. That promise we are bound to carry out, and we ought, in my view, to let the League of Nations know of our intentions. But that does not mean shuffling out of the mandate or altering its terms out of recognition; and I never intended to suggest any such thing. Vis-à-vis the League the mandate will remain the operative document; we shall still be responsible to them for the due execution of its provisions, though we may choose our own means of regularising the position with Feisal in the form most palatable to him and his people.

- 3 -

308

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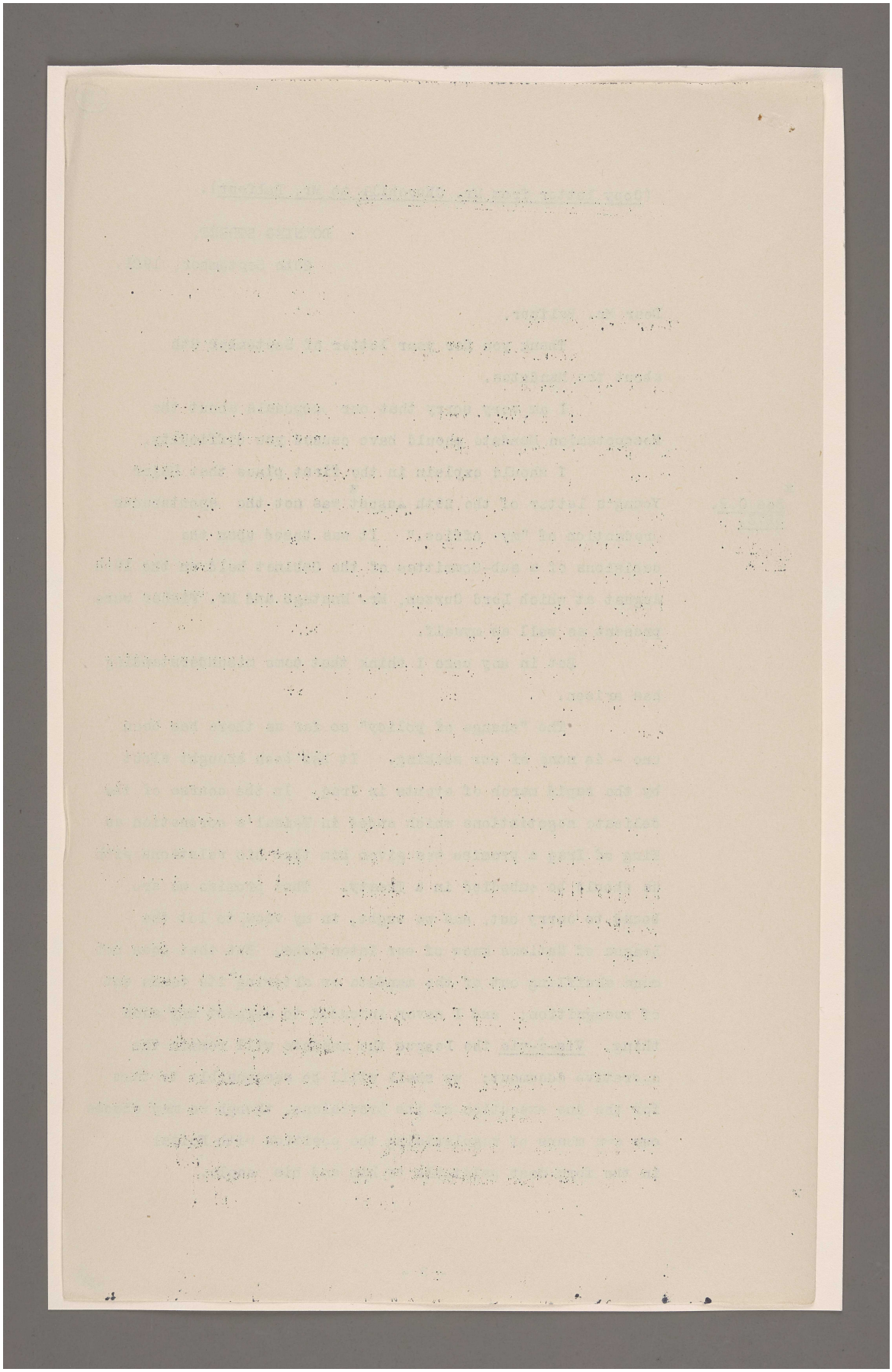

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289

I suggest that you should take the following line:-

Urge the Council of the League to accept the Final Draft of the Mesopotamian Mandate (August 1921) with the single exception of the words "for approval" in line 1 of page 3. (After discussing the matter with Feisal, Sir P. Cox thinks it quite impossible that the Organic Law of Iraq should be subject to the approval of the League; the people of Iraq would resent it and our whole policy might be imperilled). At the same time intimate to the Council that their delay in dealing with the question has caused us serious embarrassment; that we have been obliged to take into account the strong Arab nationalist feeling which has grown up in Iraq and to recognise the King who, as a result of that feeling, has ascended the throne at the invitation of an overwhelming majority of the people of the country; and that, while fully determined to give effect to the provisions of the Mandates, we find it necessary to do so through the medium of a treaty with the local Government rather than by requiring Feisal formally to accept the Mandate as a Mandate. Finally you might say that events cannot be expected to stand still in Iraq; and that, if the Mandate is not approved at this session of the Council, we shall nevertheless be obliged to proceed with the conclusion of a treaty with Feisal on the lines proposed. The text of the treaty will of course, be laid before the League in due course; and in the meanwhile we should welcome any suggestions that the Council may have to offer as to its form or substance.

- 4 -

309

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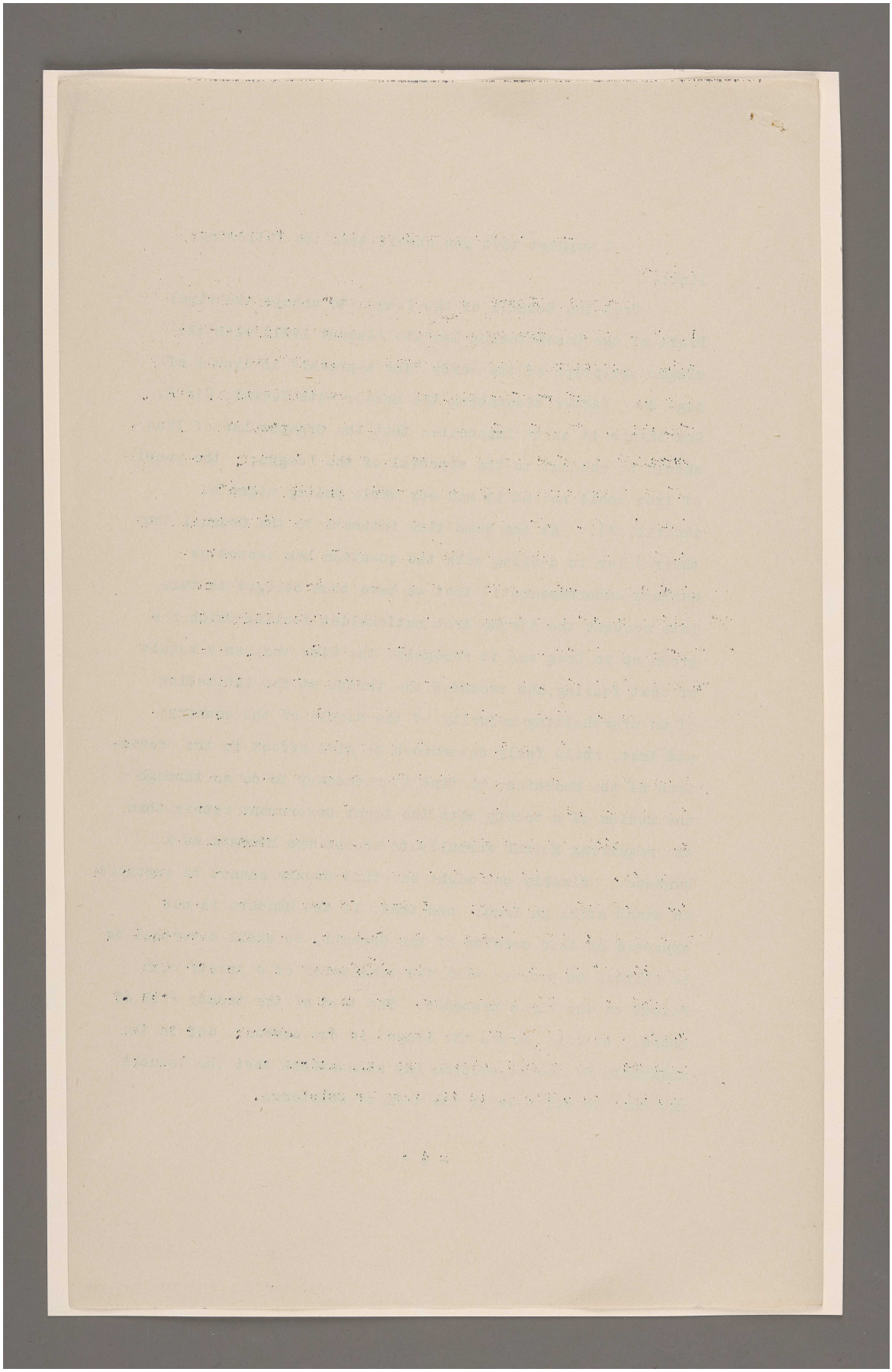

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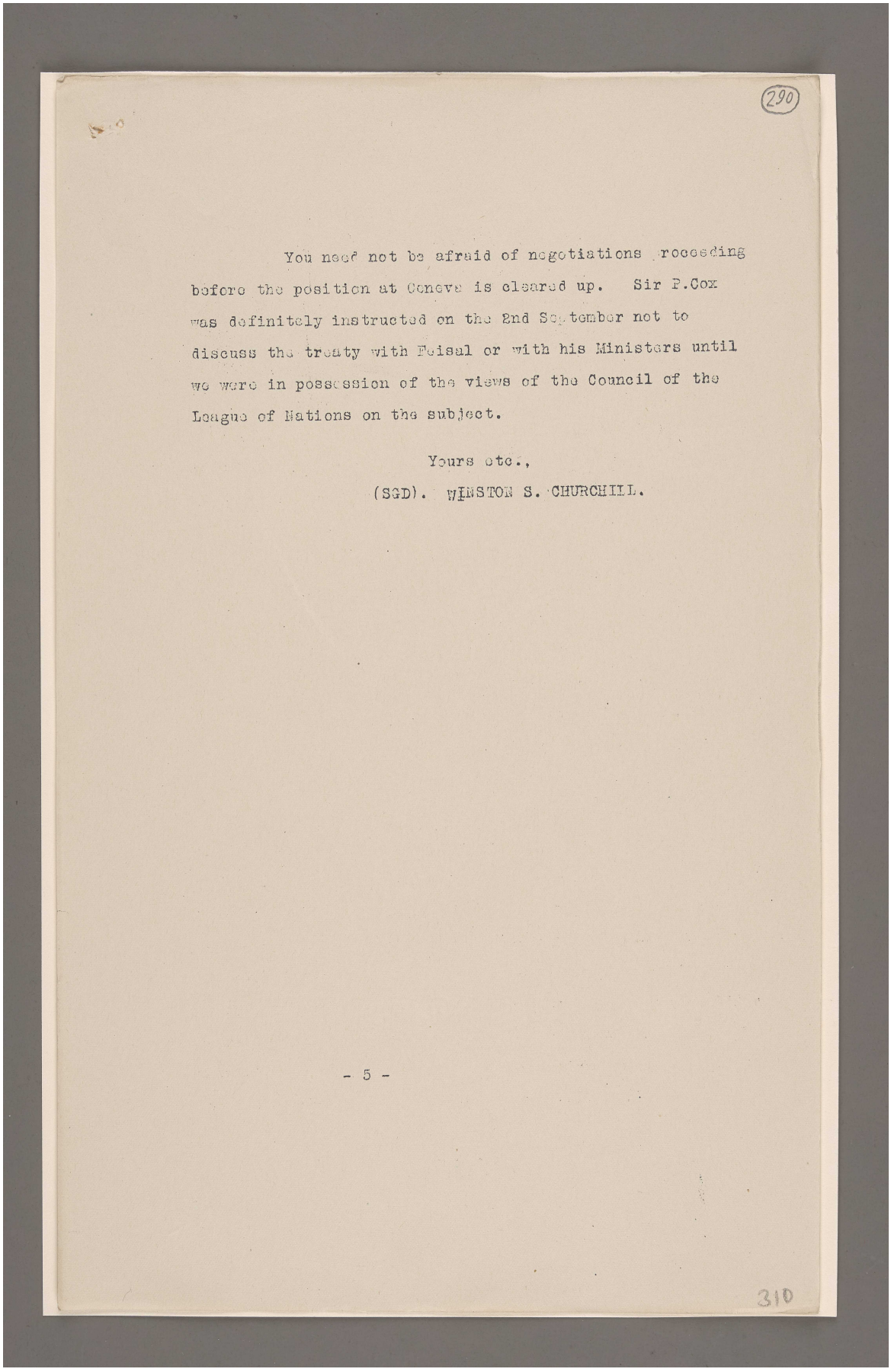

(290)

You need not be afraid of negotiations proceeding before the position at Geneva is cleared up. Sir P.Cox was definitely instructed on the 2nd September not to discuss the treaty with Feisal or with his Ministers until we were in possession of the views of the Council of the League of Nations on the subject.

Yours etc.,

(SGD). WINSTON S. CHURCHILL.

- 5 -

310

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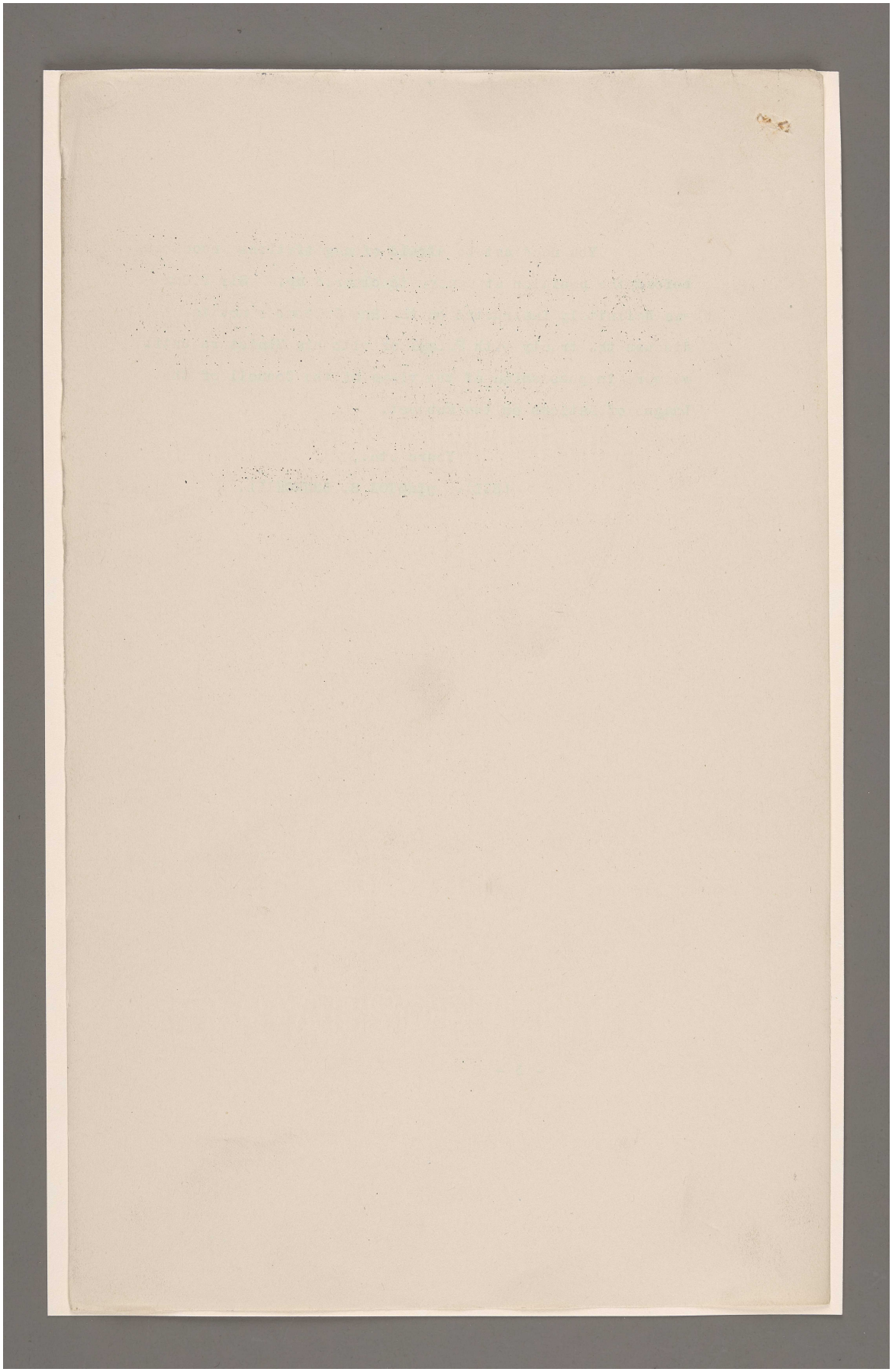

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Lord Curzon Paper 26 (291)

SECRET.

C.P.-3449.

C A B I N E T.

PROPOSED TREATY WITH THE KING OF IRAQ.

Copy of letter from Colonial Office to Secretary to the Cabinet forwarding further telegraphic correspondence, together with the Draft Treaty.

(Circulated to the Cabinet for information with reference to Cabinet 76(21), Min.10.)

.....

Downing Street.

IMMEDIATE. October, 1921.

51690/1921.

Sir,

With reference to previous correspondence regarding the proposed Treaty with the King of Iraq, I am directed by Mr. Secretary Churchill to enclose, for your information, copies of further telegraphic correspondence (Appendix A.) on the subject with the High Commissioner for Iraq.

A copy of the draft Treaty (Appendix B.) as prepared by the Conference of Legal Advisers in August last is also enclosed for convenience of reference.

I am to invite reference in this connection to the recent demi-official correspondence ϕ between Mr. Balfour and Mr. Churchill, copy of which has been communicated to you, showing the circumstances in which:

(1) it was not found practicable to make any intimation to the Council of the League of Nations at the recent session at Geneva, regarding the intention of His Majesty's Government to conclude a Treaty with King Feisal; and

(2) it was decided notwithstanding to proceed at once with the negotiation of such a Treaty.

A copy of this letter has been communicated to the Foreign Office.

I am, etc.

(Sgd) J. E. SHUCKBURGH.

ϕ C.P.3440.

311

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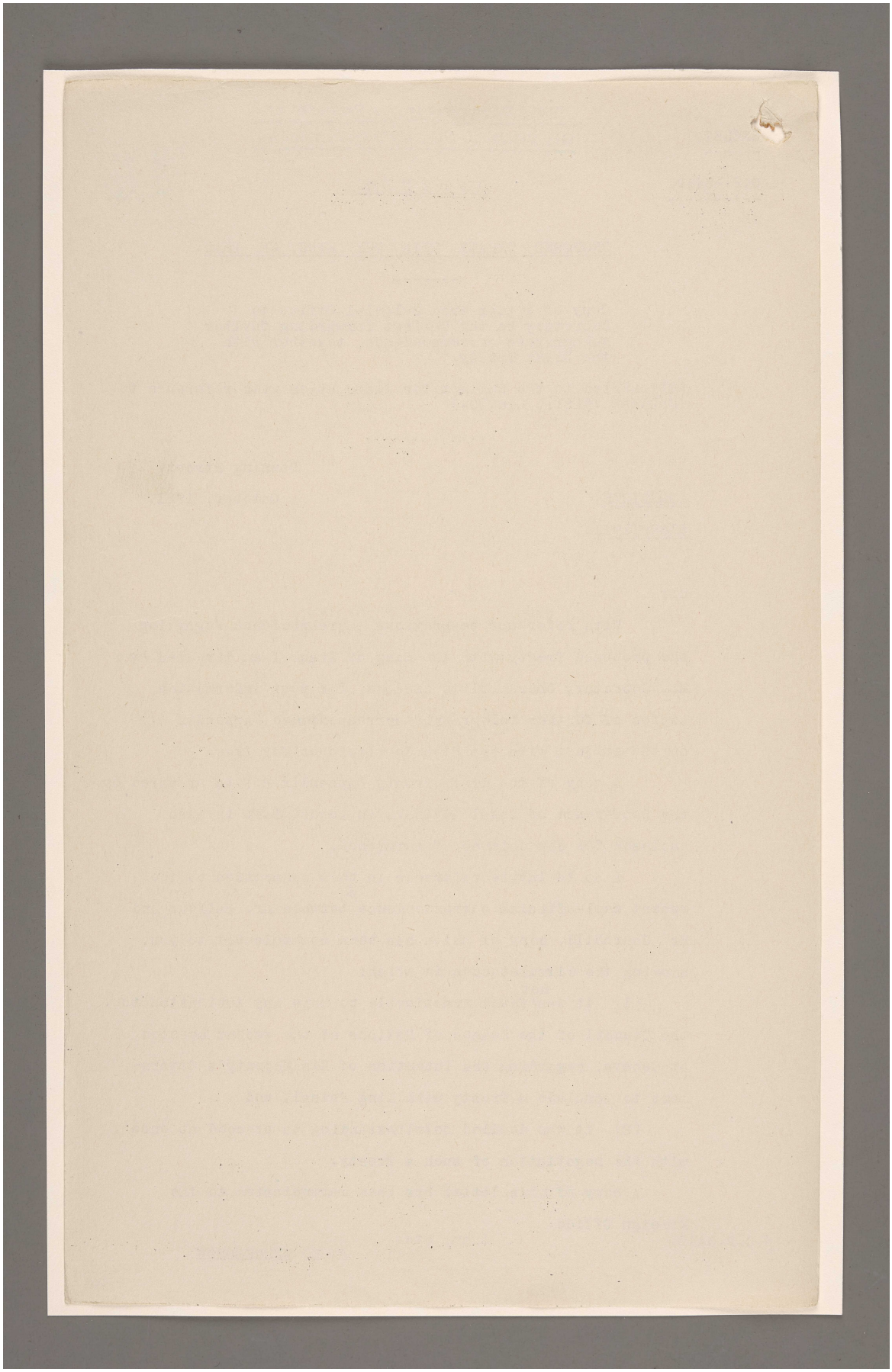

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292

APPENDIX "A".

PARAPHRASE Telegram from the High Commissioner for Iraq to the Secretary of State for the Colonies.
Dated 17th October)

(Received Colonial Office 11.55 a.m.17th October,1921).

No.590.

Papers including Mr. Balfour's letter to you of September 8th and your reply regarding our position in regard to mandate question before League of Nations have come with Young. As it is important we should have up-to-date information before commencing discussions with Feisal May I be informed please what transpired after (?that).

2. In your letter above cited I notice that you observe "Sir P.Cox thinks it (?quite) impossible that organic law of Iraq should be subject to approval of League of Nations." The position is not quite this. This Iraqis expect to draw it up for themselves and it is contemplated that in practice it would be drawn up by Feisal and Cabinet and myself and putbefore constituent assembly for acceptance but I do not see why they should or would object to its then being submitted to League for its approval.

PARAPHRASE TELEGRAM from the High Commissioner of Iraq to the Secretary of State for the Colonies.

(Received Colonial Office 10.20 p.m. 17th October, 1921.)

Clear the Line.

No.592 dated 17th October.

Summary of draft Treaty together with copies of correspondence indicated in your telegram No.364 of 2nd September came with Young but the statement of exact obligations/

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312

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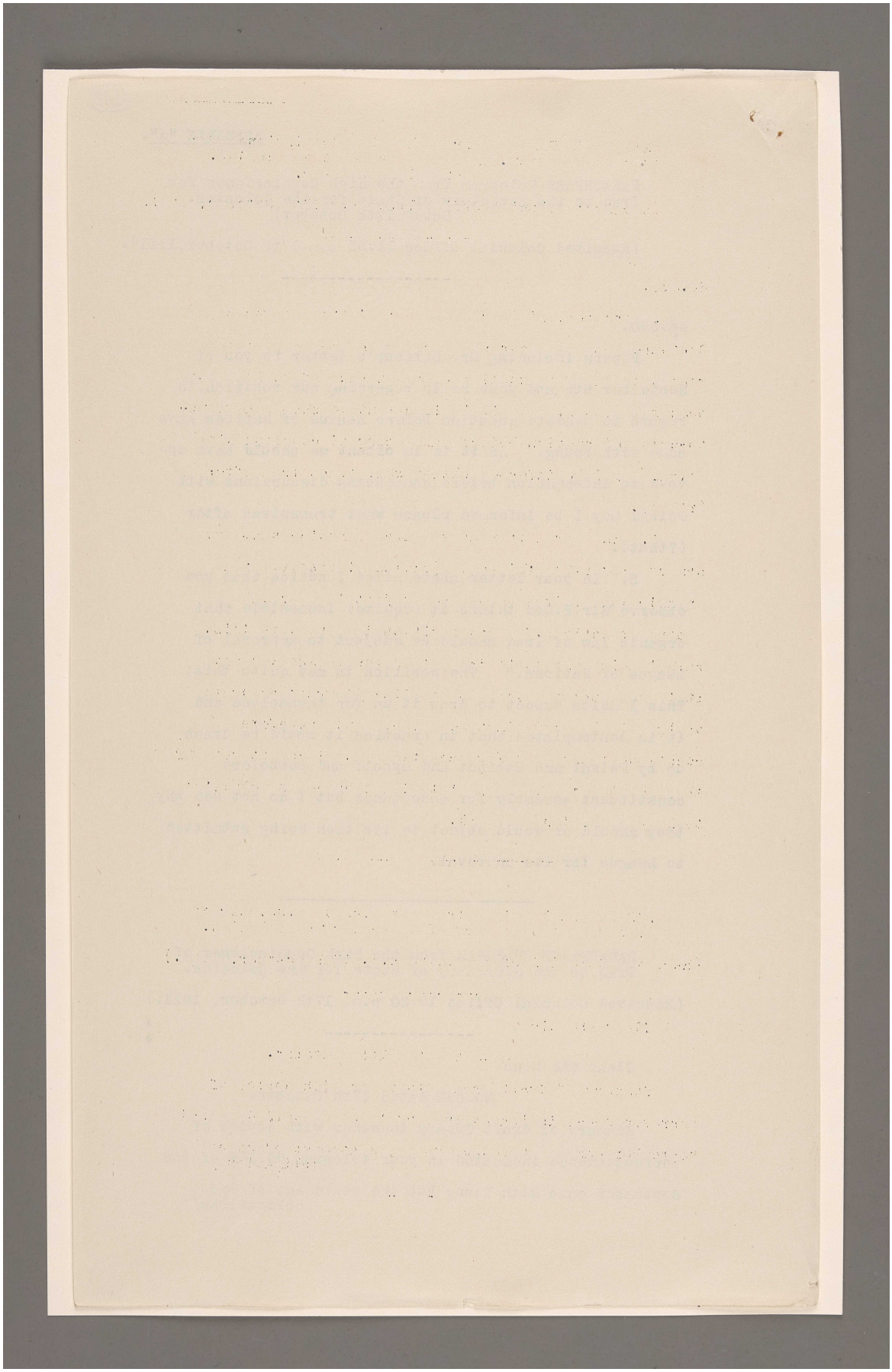

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293

obligations which your telegram No.365 dated 3rd September led me to expect has not yet come. Am I to expect anything further.

2. In view of the terms of telegram No.400 of 24th September before I can open discussion of Treaty with Feisal I need definite authority from you.

Private. If draft Treaty as now received (wording of which is admittedly bald) is all there is to come I am hopeful that it can be put through. COX.

F.O./48117/Middle East.

PARAPHRASE TELEGRAM from the Secretary of State for the Colonies to the High Commissioner for Iraq.

(Sent 1 p.m. 19th October, 1921)

No.457.

With reference to your telegram dated October 17th No.590. The session of the League of Nations has come to an end without "A" Mandates having been considered. You may now discuss treaty with Feisal and Young and I shall await your joint proposals. I am sending you by air mail October 20th copies of further correspondence with Mr. Balfour but it is not essential to the present discussion. Further instructions will be sent later regarding your telegram dated 17th October No.592 which had not been received at the time this telegram was drafted.

51690/21.

PARAPHRASE TELEGRAM from the Secretary of State for the Colonies to the High Commissioner for Iraq.

(Sent 11.35 a.m. 22nd October, 1921).

Clear the Line.

No.465. In reply to your telegram dated October 17th, I have no further instructions to send at present stage. I presume/

293

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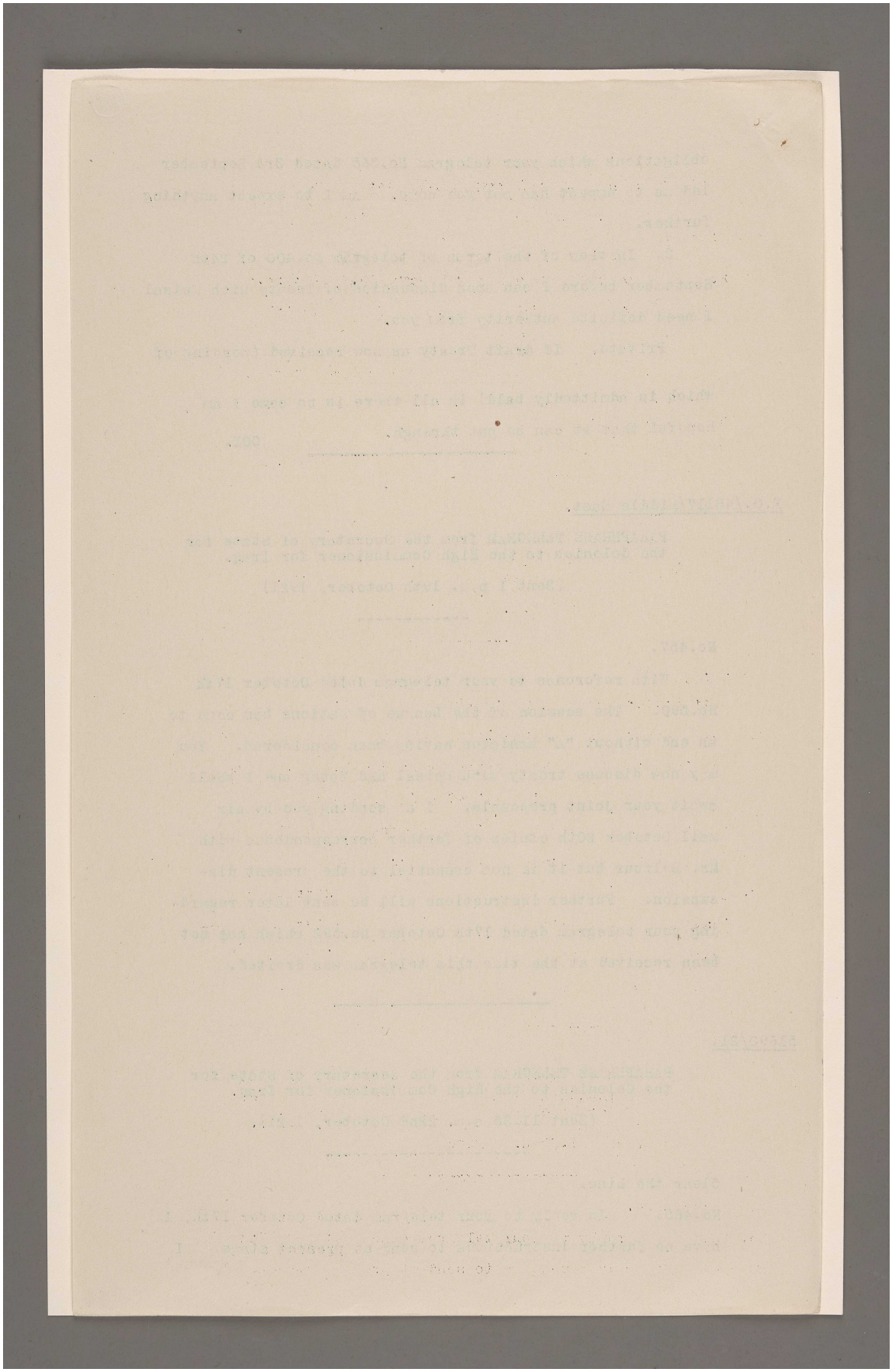

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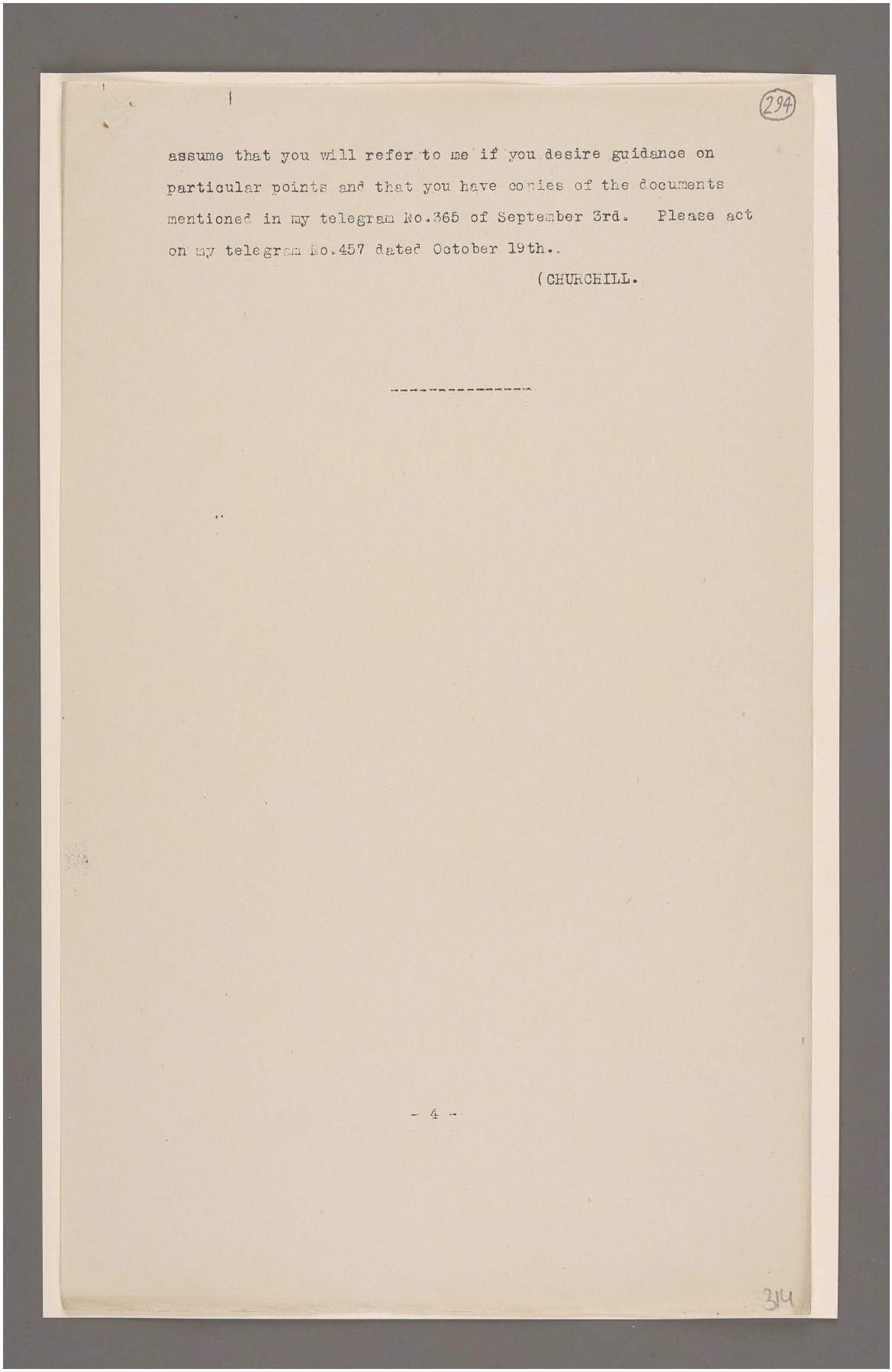

294

assume that you will refer to me if you desire guidance on particular points and that you have copies of the documents mentioned in my telegram No.365 of September 3rd. Please act on my telegram No.457 dated October 19th..

(CHURCHILL.

- 4 -

314

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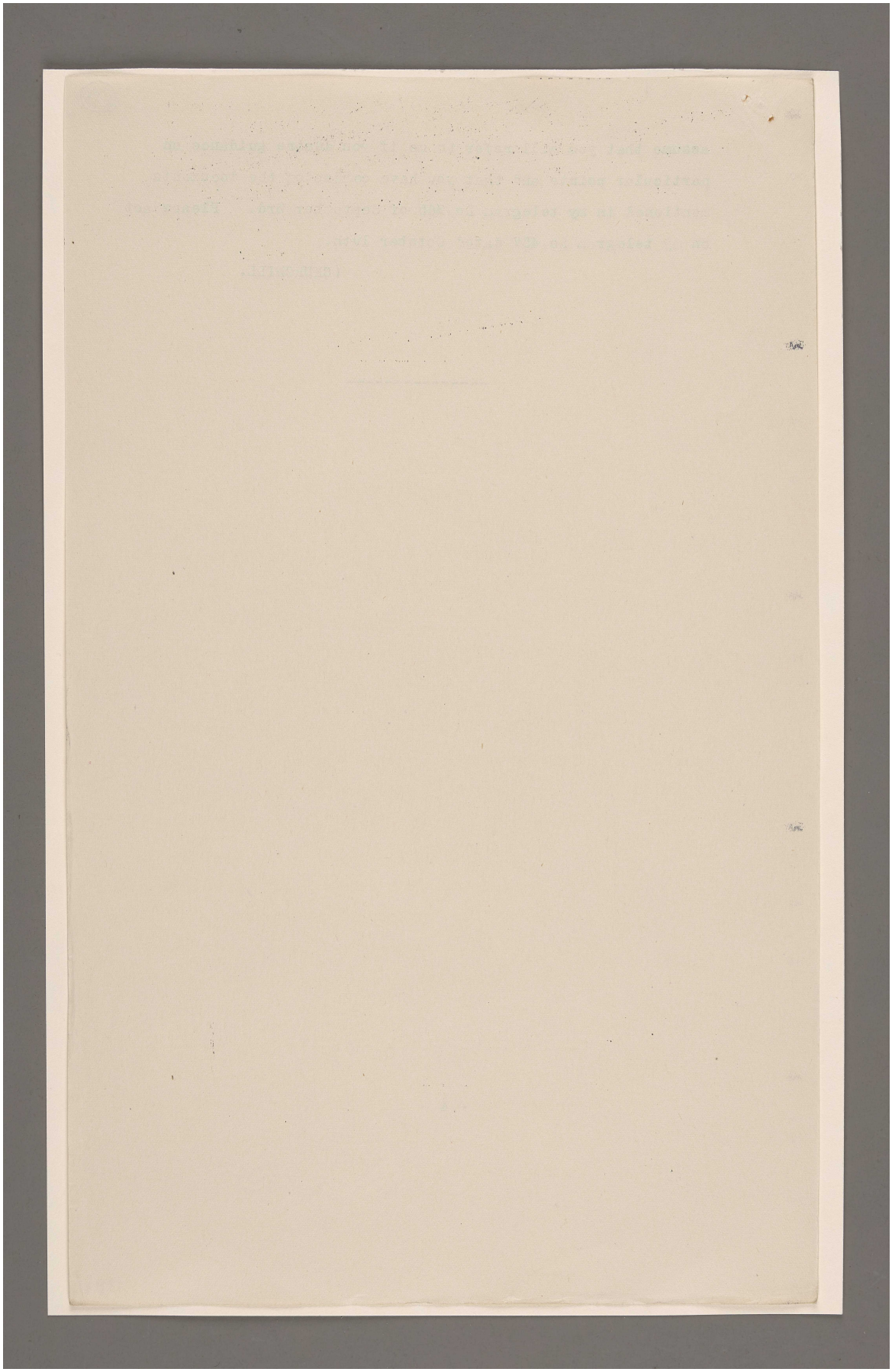

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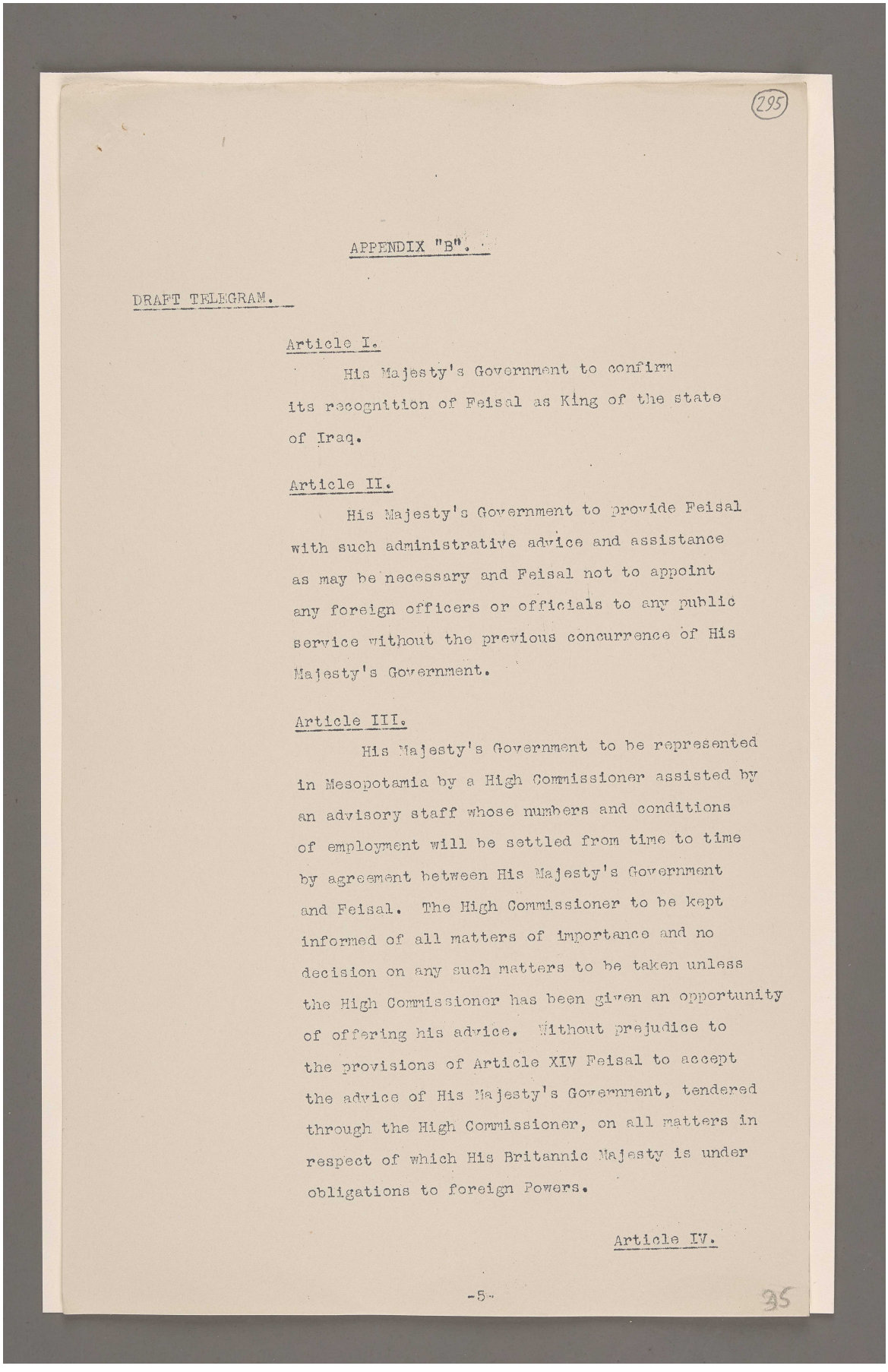

295

APPENDIX "B".

DRAFT TELEGRAM.

Article I.

His Majesty's Government to confirm its recognition of Feisal as King of the state of Iraq.

Article II.

His Majesty's Government to provide Feisal with such administrative advice and assistance as may be necessary and Feisal not to appoint any foreign officers or officials to any public service without the previous concurrence of His Majesty's Government.

Article III.

His Majesty's Government to be represented in Mesopotamia by a High Commissioner assisted by an advisory staff whose numbers and conditions of employment will be settled from time to time by agreement between His Majesty's Government and Feisal. The High Commissioner to be kept informed of all matters of importance and no decision on any such matters to be taken unless the High Commissioner has been given an opportunity of offering his advice. Without prejudice to the provisions of Article XIV Feisal to accept the advice of His Majesty's Government, tendered through the High Commissioner, on all matters in respect of which His Britannic Majesty is under obligations to foreign Powers.

Article IV.

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35

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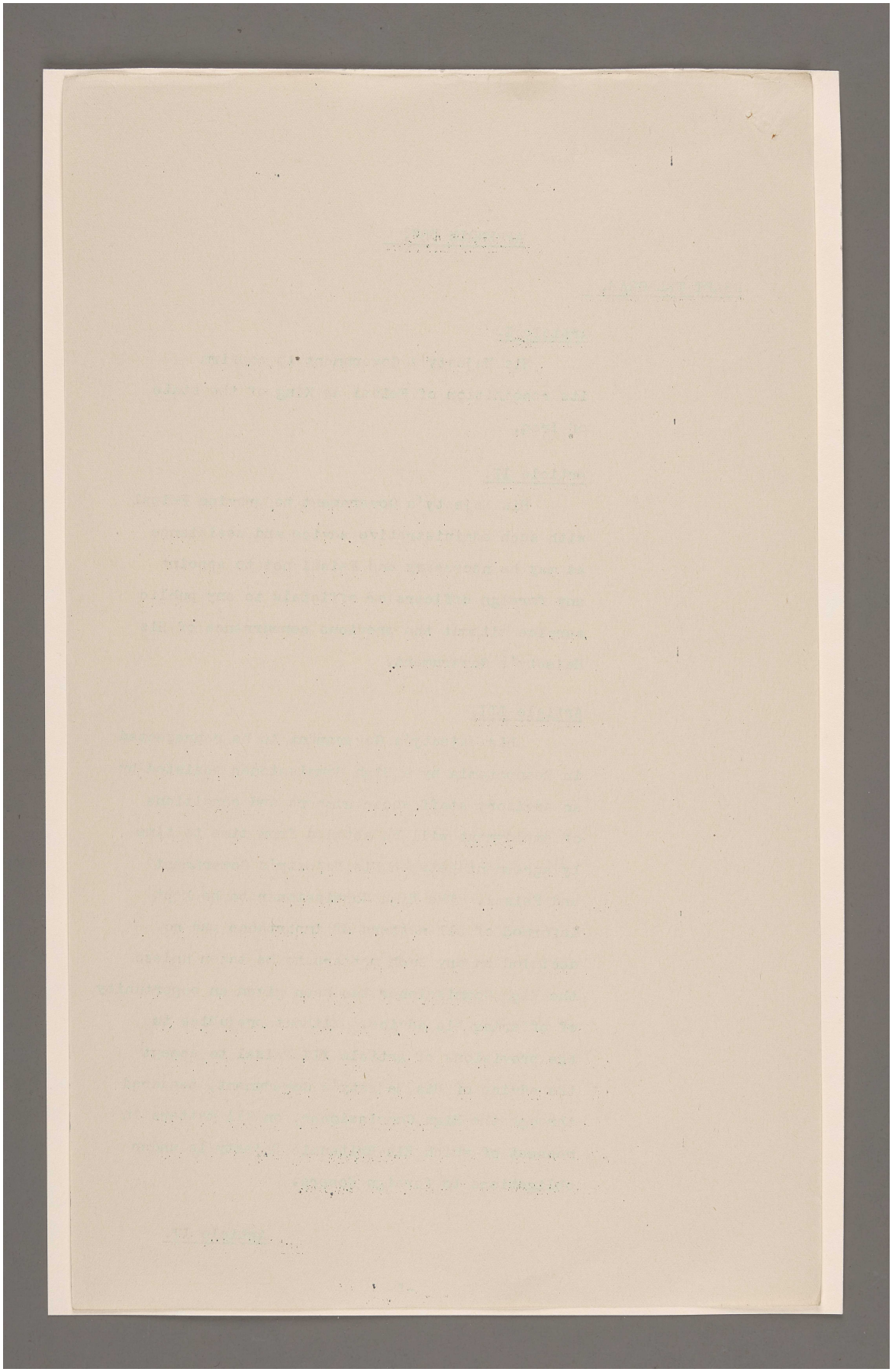

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Article IV.

Feisal to frame, in consultation with the High Commissioner and the native authorities an Organic Law which shall take account of the rights, interests and wishes of all populations inhabiting Iraq, and shall give effect to Articles 8 and 11 of the mandate.

Article V.

Feisal to entrust the control of foreign relations to Iraq to His Majesty's Government, without prejudice to such arrangements as may be made with the consent of His Majesty's Government for the direct representation of the interests of Iraq in neighbouring countries. His Majesty's Government to have the right to issue exequaturs to Consuls appointed by foreign Powers in Iraq, and also to be entitled to afford diplomatic and consular protection to citizens of Iraq when outside its territorial limits.

Article VI.

His Britannic Majesty may maintain armed forces in Iraq for defence and for the maintenance of order, and may at all times use the roads, railways and ports of Iraq for the movement of armed forces and the carriage of fuel and supplies. Feisal to undertake that so long as British forces are required to assist the local forces in the maintenance of order in, or the defence of Iraq he will be guided by the advice of the High Commissioner as regards the strength, disposition and employment of the local forces.

Article VII.

No territory in Iraq to be ceded or leased to or in any way placed under the control of any foreign Power.

Article VIII.

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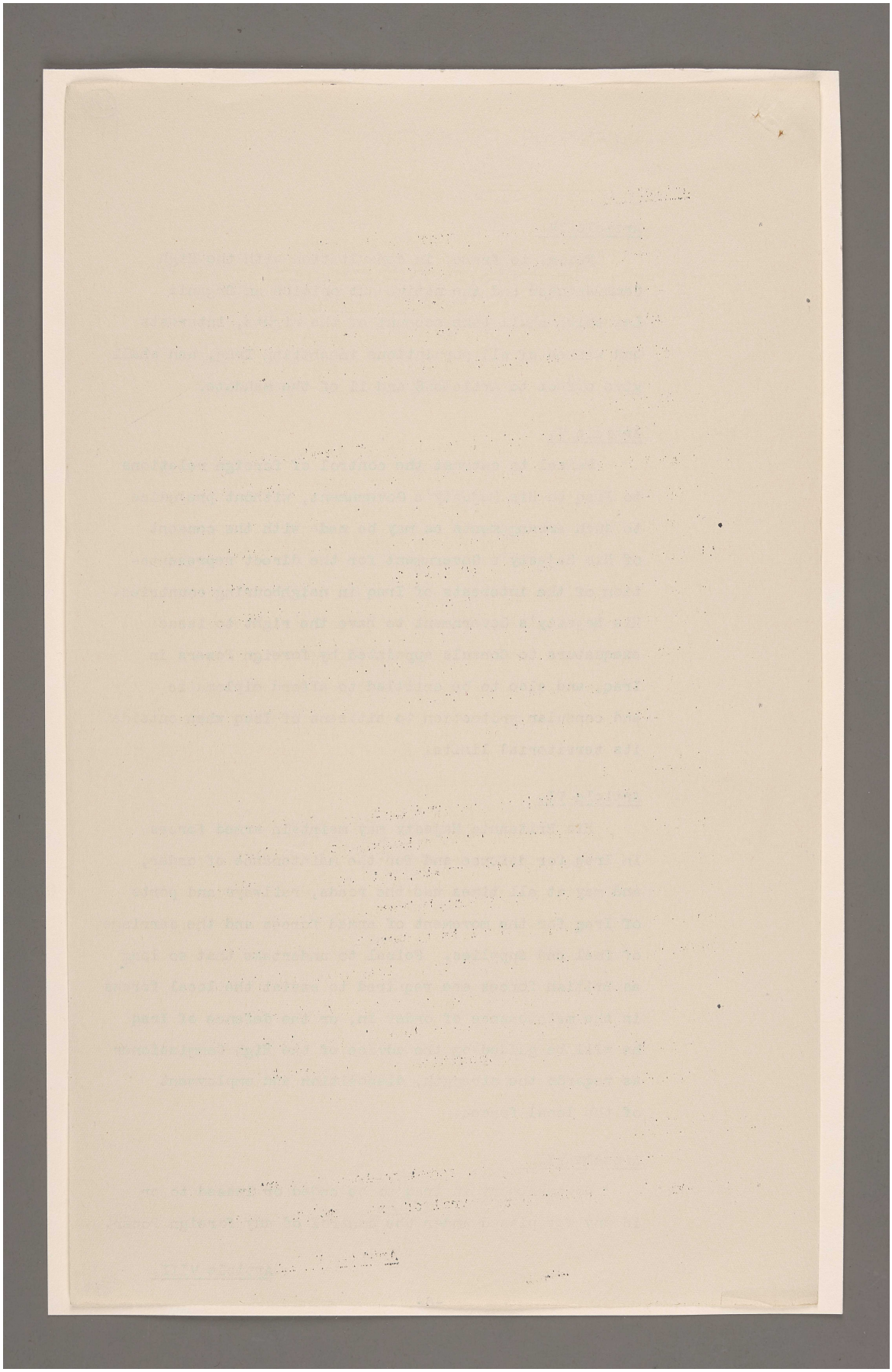

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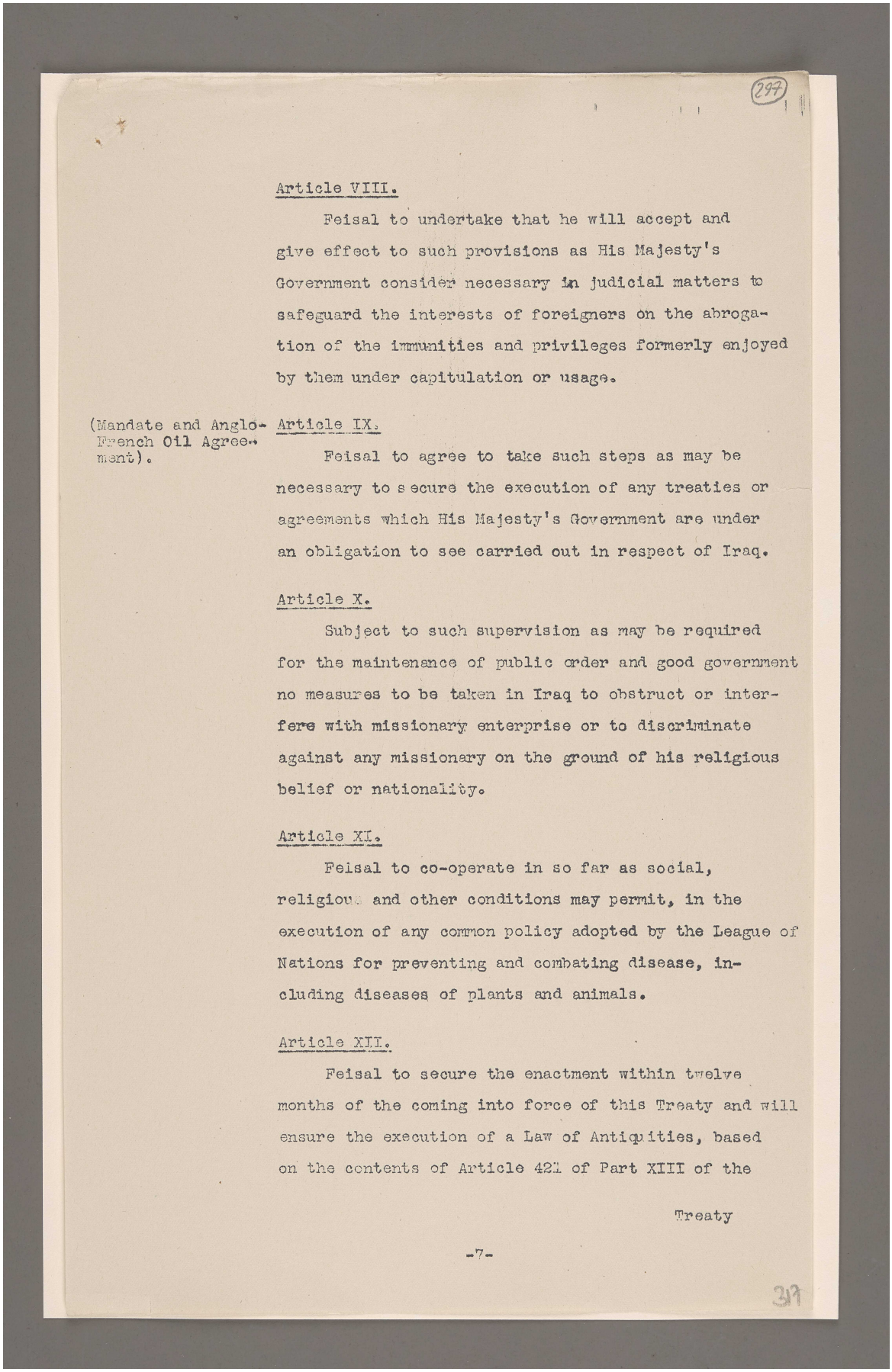

(297)

Article VIII.

Feisal to undertake that he will accept and give effect to such provisions as His Majesty's Government consider necessary in judicial matters to safeguard the interests of foreigners on the abrogation of the immunities and privileges formerly enjoyed by them under capitulation or usage.

(Mandate and Anglo-French Oil Agreement).

Article IX.

Feisal to agree to take such steps as may be necessary to secure the execution of any treaties or agreements which His Majesty's Government are under an obligation to see carried out in respect of Iraq.

Article X.

Subject to such supervision as may be required for the maintenance of public order and good government no measures to be taken in Iraq to obstruct or interfere with missionary enterprise or to discriminate against any missionary on the ground of his religious belief or nationality.

Article XI.

Feisal to co-operate in so far as social, religious and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

Article XII.

Feisal to secure the enactment within twelve months of the coming into force of this Treaty and will ensure the execution of a Law of Antiquities, based on the contents of Article 421 of Part XIII of the

Treaty

-7-

297

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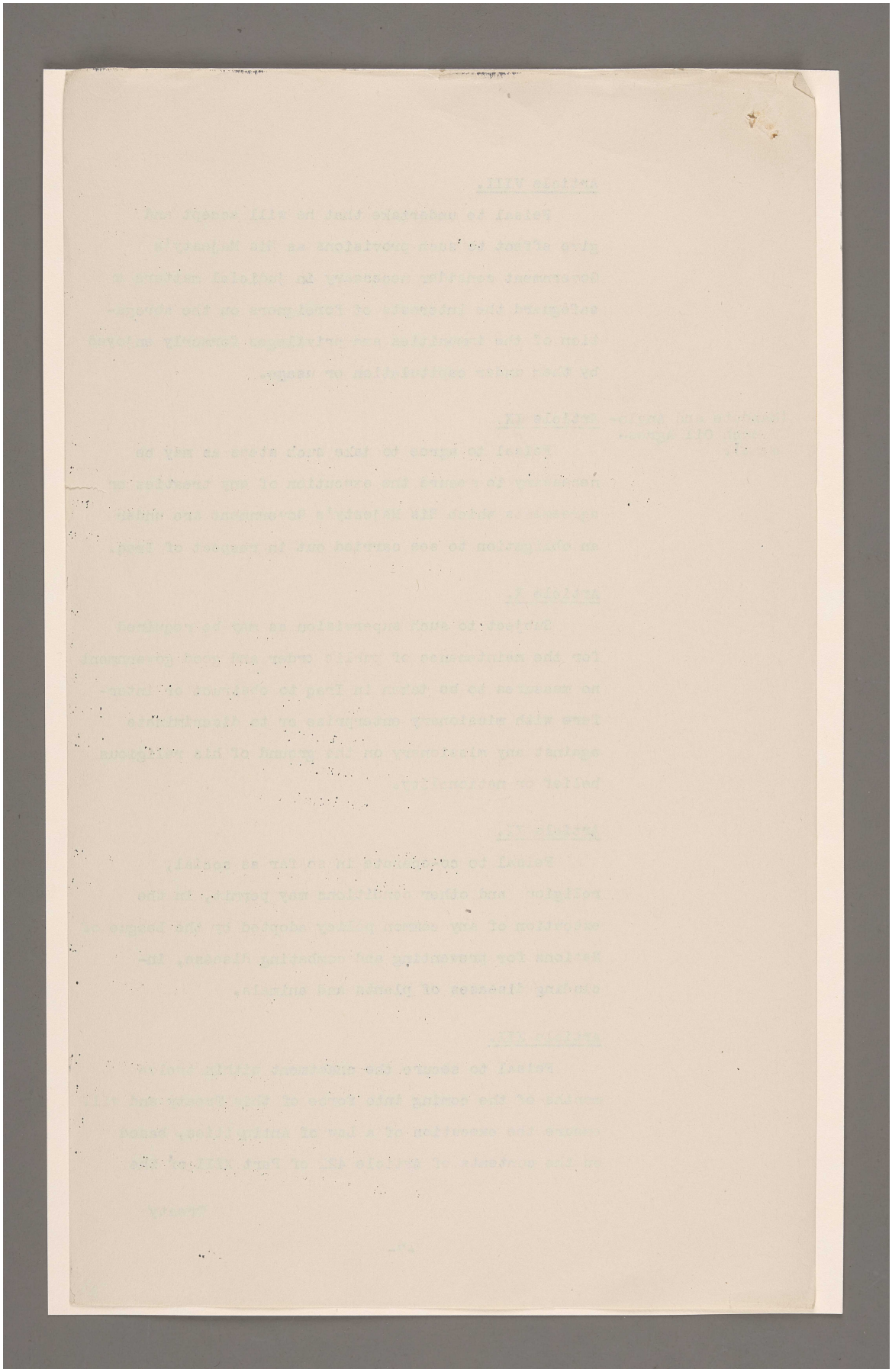

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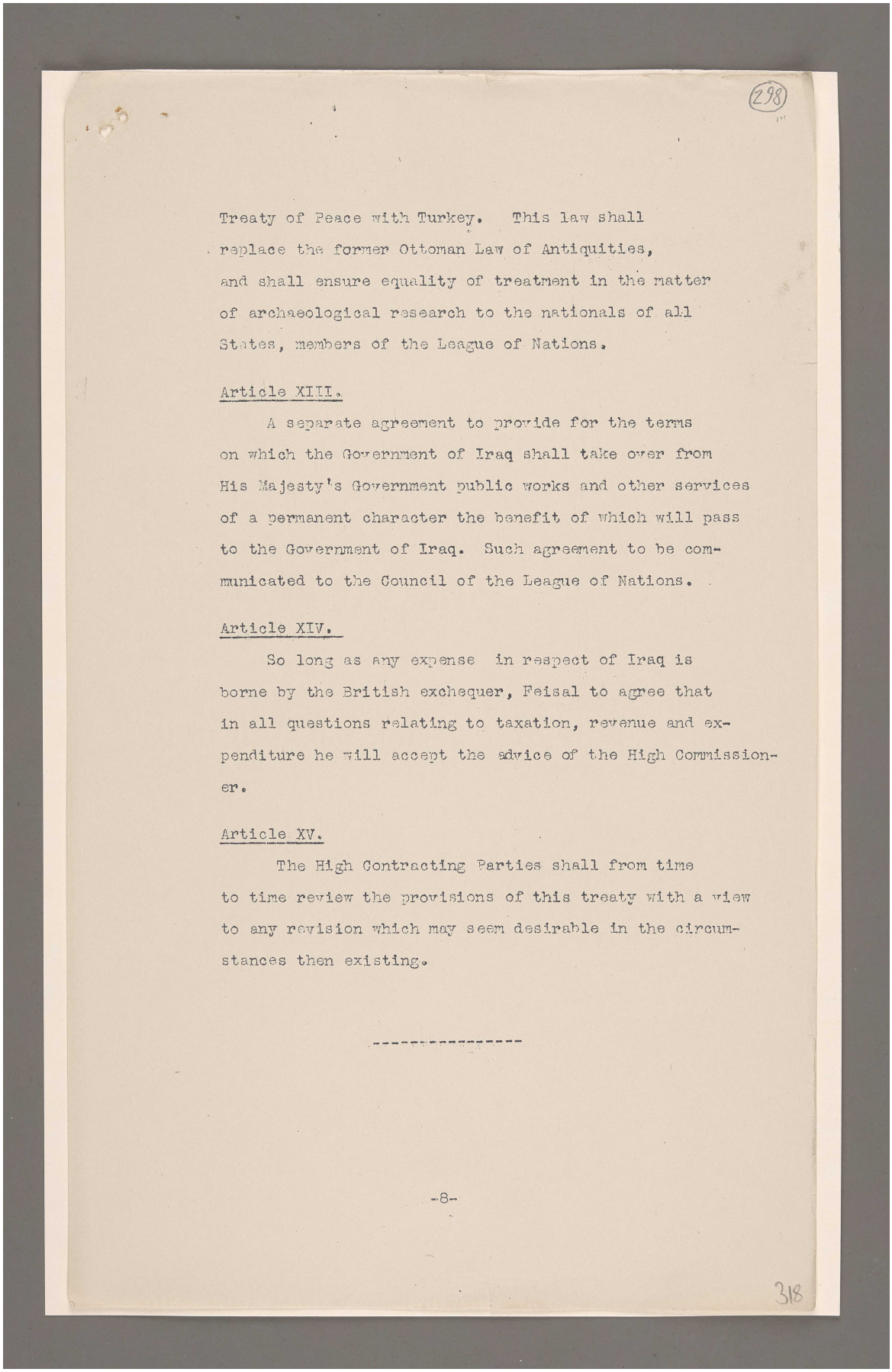

298

Treaty of Peace with Turkey. This law shall replace the former Ottoman Law of Antiquities, and shall ensure equality of treatment in the matter of archaeological research to the nationals of all States, members of the League of Nations.

Article XIII.

A separate agreement to provide for the terms on which the Government of Iraq shall take over from His Majesty's Government public works and other services of a permanent character the benefit of which will pass to the Government of Iraq. Such agreement to be communicated to the Council of the League of Nations.

Article XIV.

So long as any expense in respect of Iraq is borne by the British exchequer, Feisal to agree that in all questions relating to taxation, revenue and expenditure he will accept the advice of the High Commissioner.

Article XV.

The High Contracting Parties shall from time to time review the provisions of this treaty with a view to any revision which may seem desirable in the circumstances then existing.

-8-

318

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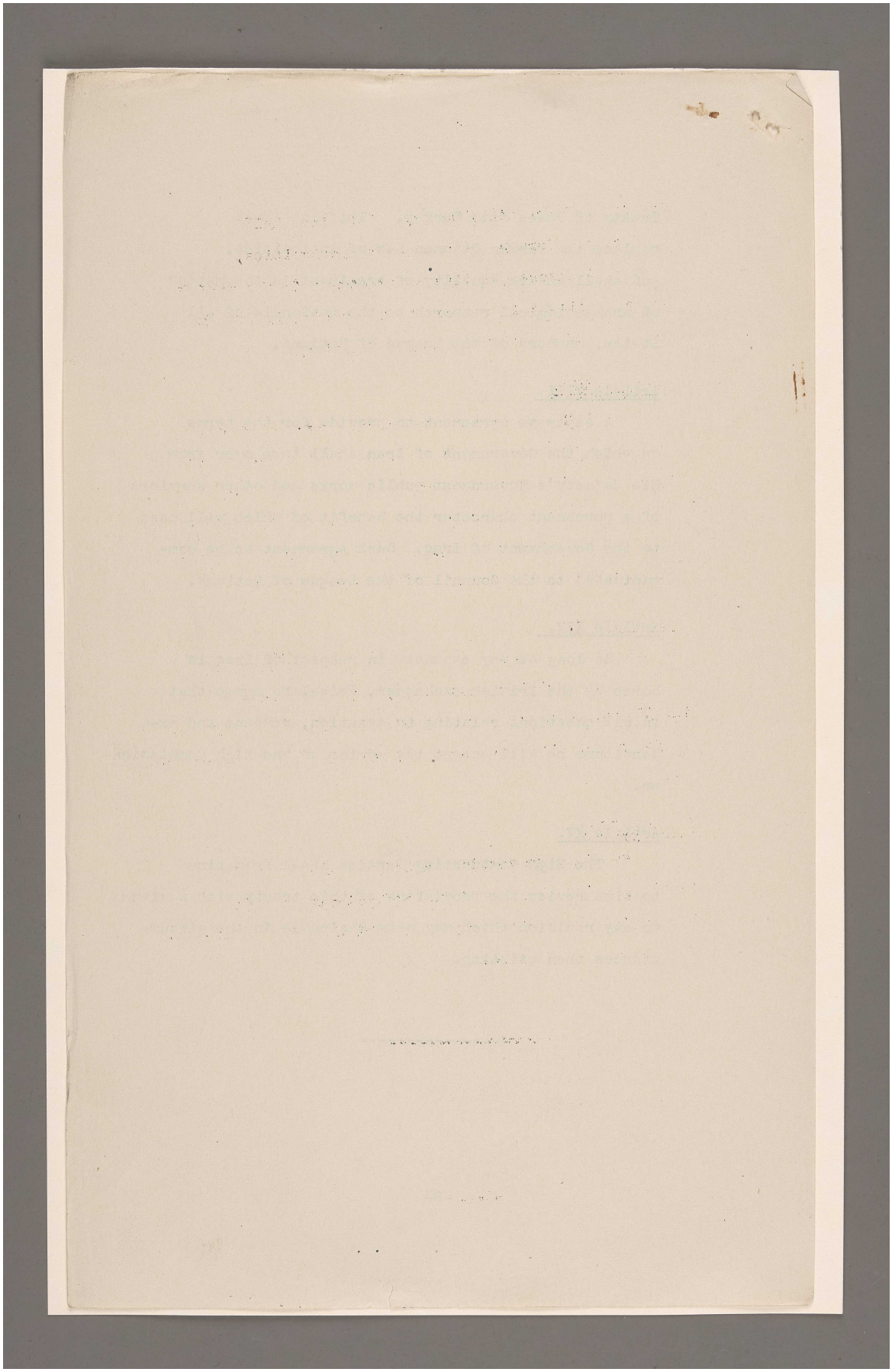

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299

Lord Curzon
(Sup)

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CONFIDENTIAL.

C.P.3486

C A B I N E T

LEAGUE OF NATIONS.

MANDATE FOR MESOPOTAMIA.

Note by the Acting Secretary, Cabinet.

With reference to C.P.3449, a copy of a draft of a statement prepared by the Colonial Office, which it is proposed that Mr.Fisher should make orally to the Council of the League of Nations at its forthcoming meeting at Paris is circulated herewith for information.

(Signed) THOMAS JONES.

2,Whitehall Gardens,S.W.1.
15th November, 1921.

319

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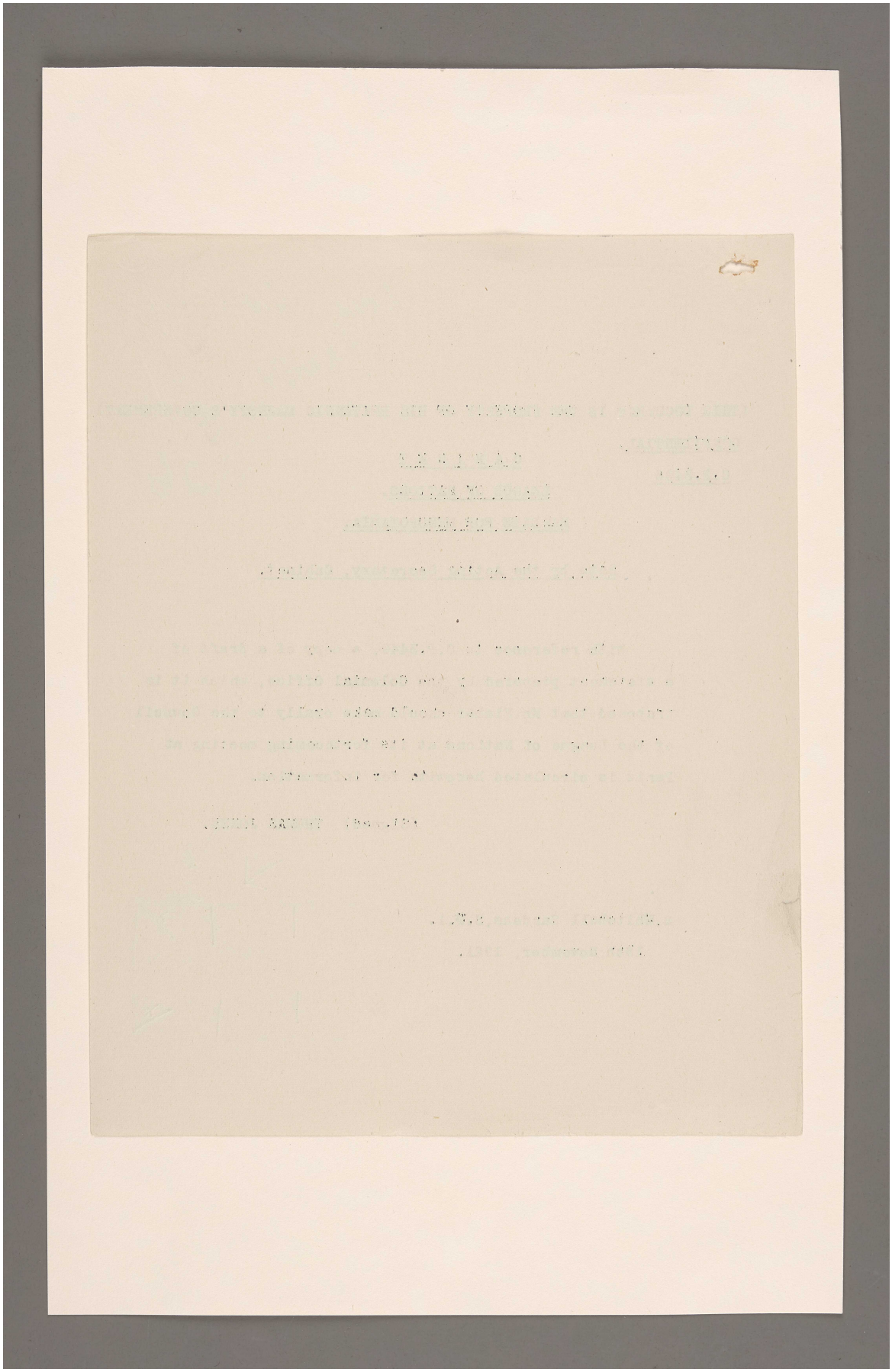

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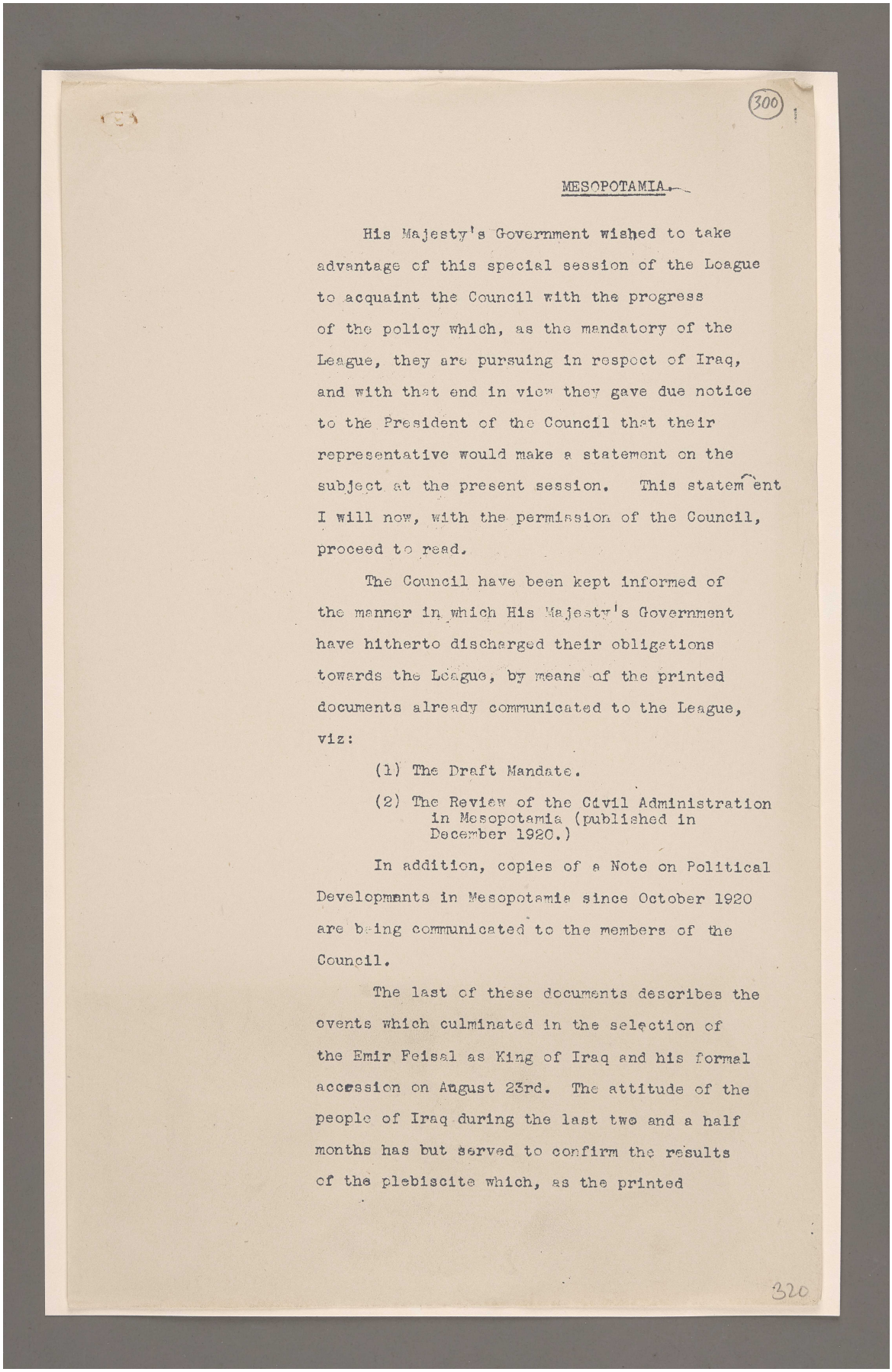

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MESOPOTAMIA.

His Majesty's Government wished to take advantage of this special session of the League to acquaint the Council with the progress of the policy which, as the mandatory of the League, they are pursuing in respect of Iraq, and with that end in view they gave due notice to the President of the Council that their representative would make a statement on the subject at the present session. This statement I will now, with the permission of the Council, proceed to read.

The Council have been kept informed of the manner in which His Majesty's Government have hitherto discharged their obligations towards the League, by means of the printed documents already communicated to the League, viz:

(1) The Draft Mandate.

(2) The Review of the Civil Administration in Mesopotamia (published in December 1920.)

In addition, copies of a Note on Political Developments in Mesopotamia since October 1920 are being communicated to the members of the Council.

The last of these documents describes the events which culminated in the selection of the Emir Feisal as King of Iraq and his formal accession on August 23rd. The attitude of the people of Iraq during the last two and a half months has but served to confirm the results of the plebiscite which, as the printed

320

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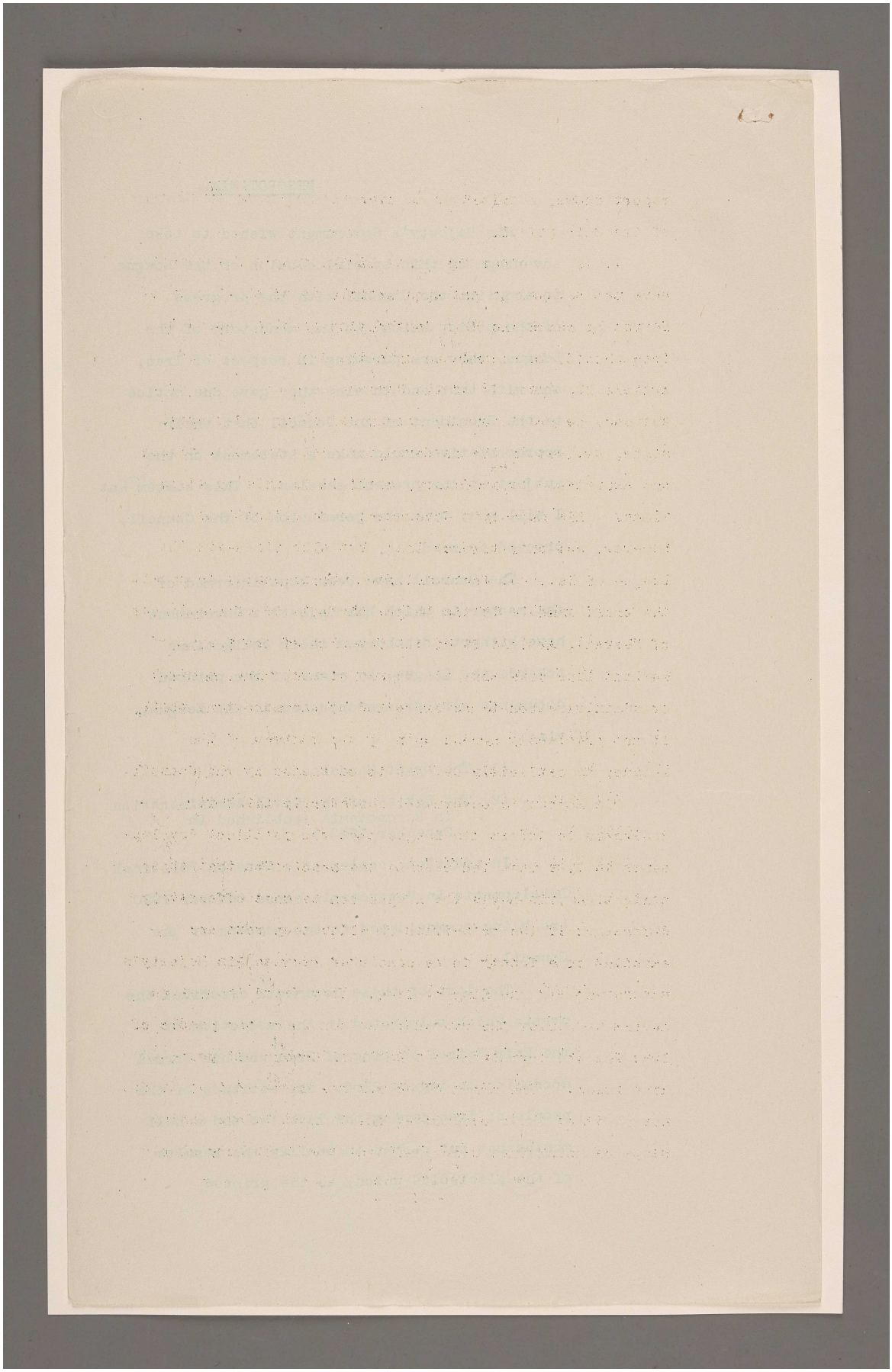

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report shows, resulted in an overwhelming vote in favour of the Emir Feisal.

It is clear then that His Majesty's Government have not delayed to act upon Article 94 of the Treaty of Sèvres by which the High Contracting Parties agreed that Iraq should, in accordance with the 4th paragraph of Article 22, (part I) of the Covenant of the League of Nations, be provisionally recognised as an independent state, subject to the rendering of administrative advice and assistance by the mandatory, until it is able to stand alone. His Majesty's Government have obligations, however, not only towards Iraq, but also vis-à-vis the League of Nations, for apart from the necessity to submit the draft mandate to the League (Article 96 of the Treaty of Sèvres), Article 22 of the Covenant of the League of Nations lays down that the degree of authority, control or administration to be exercised by the mandatory shall, if not previously agreed upon by the members of the League, be explicitly defined in each case by the Council.

His Majesty's Government accordingly think it desirable to inform the League that the political developments in Iraq have led them to the conclusion that their obligations vis-à-vis the League can be most effectively discharged if the principles on which they rest are embodied in a Treaty to be concluded between His Majesty's Government and the King of Iraq. They found themselves unable to resist the overwhelming desire of the people of Iraq for the formation of a National Government under an Arab ruler. The march of events was so rapid that it did not admit of their consulting the Council before taking steps of which they were confident that that body should

- 2 -

321

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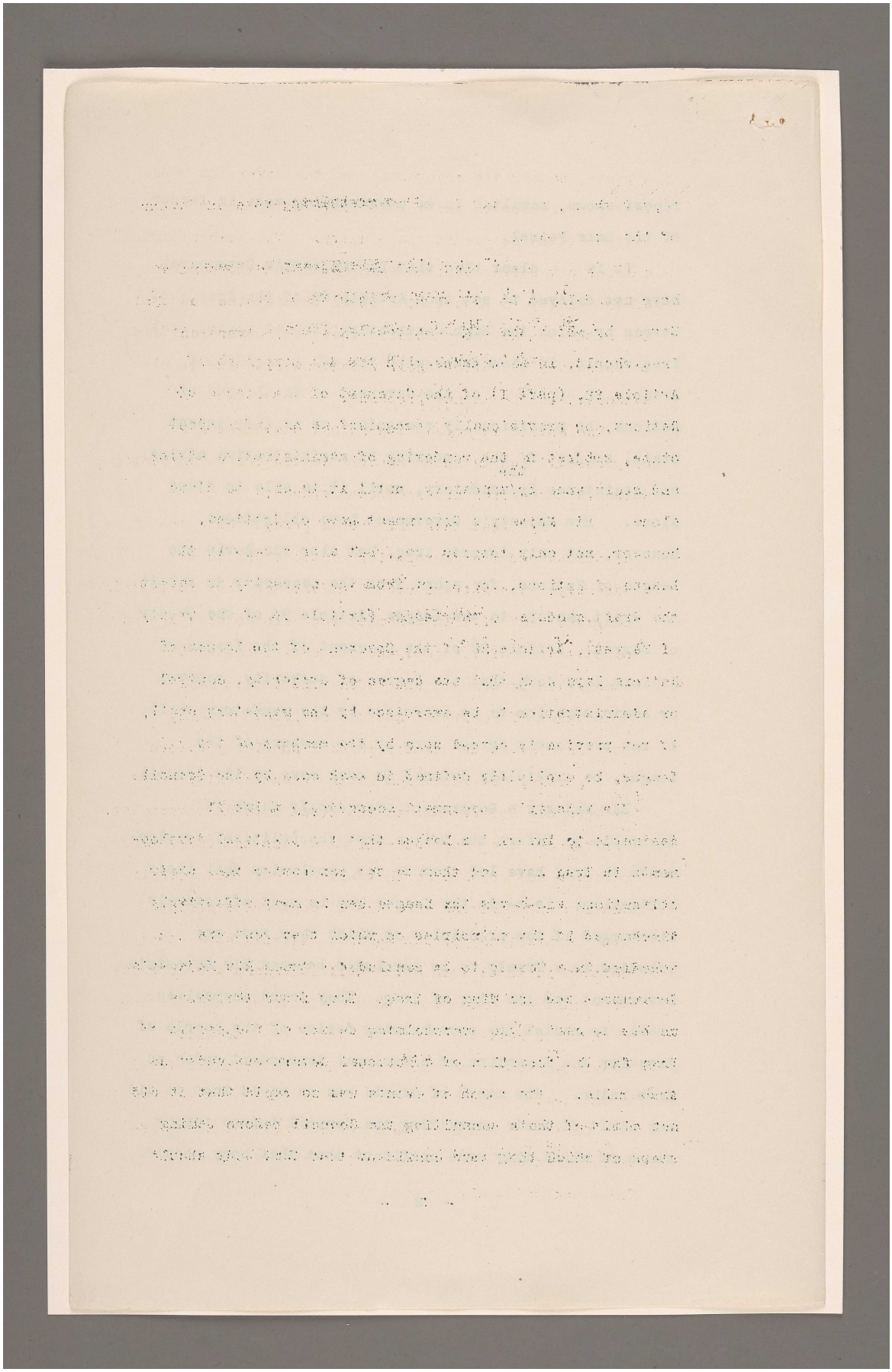

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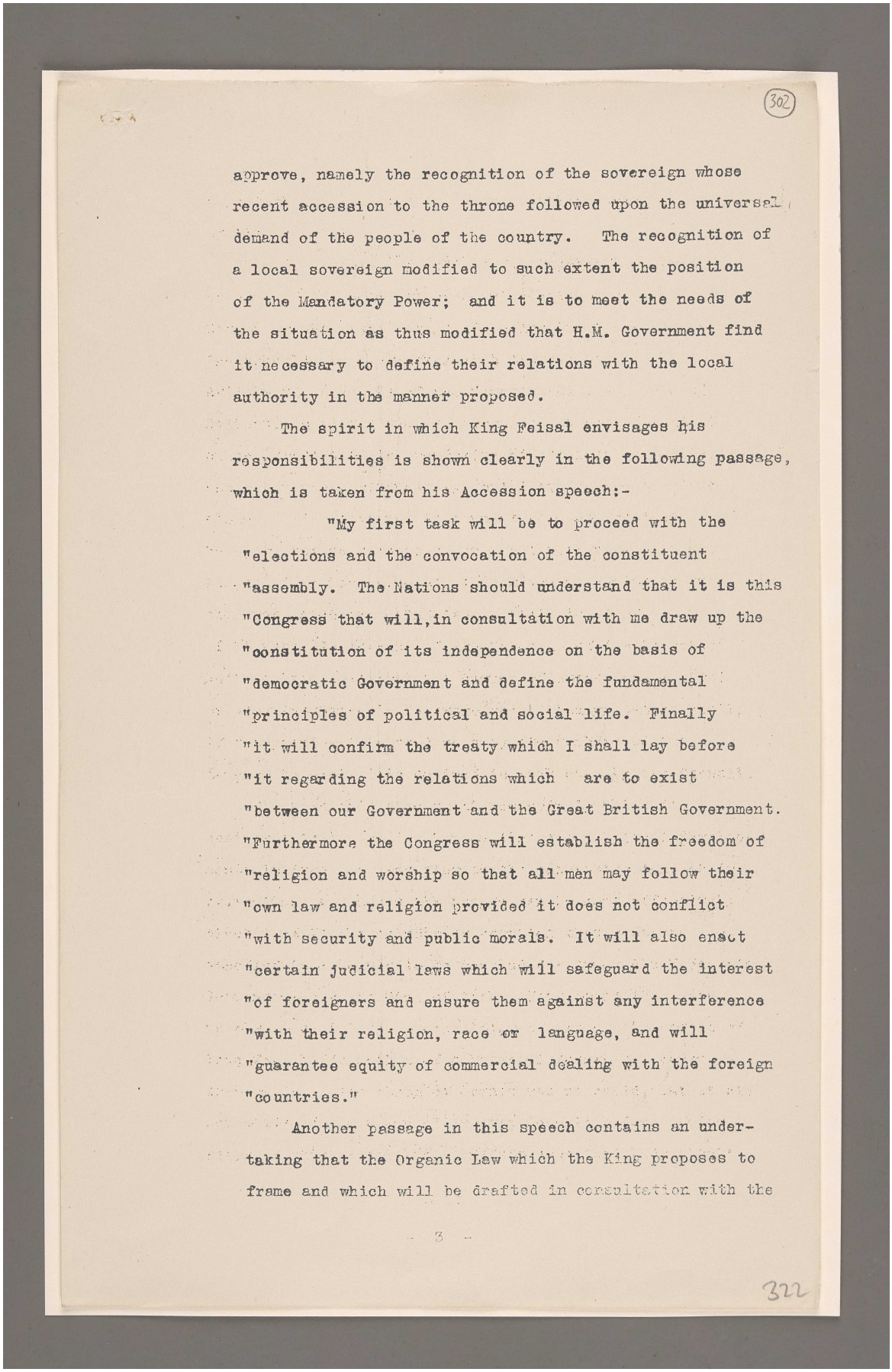

(302)

approve, namely the recognition of the sovereign whose recent accession to the throne followed upon the universal demand of the people of the country. The recognition of a local sovereign modified to such extent the position of the Mandatory Power; and it is to meet the needs of the situation as thus modified that H.M. Government find it necessary to define their relations with the local authority in the manner proposed.

The spirit in which King Feisal envisages his responsibilities is shown clearly in the following passage, which is taken from his Accession speech:-

"My first task will be to proceed with the "elections and the convocation of the constituent "assembly. The Nations should understand that it is this "Congress that will, in consultation with me draw up the "constitution of its independence on the basis of "democratic Government and define the fundamental "principles of political and social life. Finally "it will confirm the treaty which I shall lay before "it regarding the relations which are to exist "between our Government and the Great British Government. "Furthermore the Congress will establish the freedom of "religion and worship so that all men may follow their "own law and religion provided it does not conflict "with security and public morals. It will also enact "certain judicial laws which will safeguard the interest "of foreigners and ensure them against any interference "with their religion, race or language, and will "guarantee equity of commercial dealing with the foreign "countries."

Another passage in this speech contains an under-taking that the Organic Law which the King proposes to frame and which will be drafted in consultation with the

- 3 -

322

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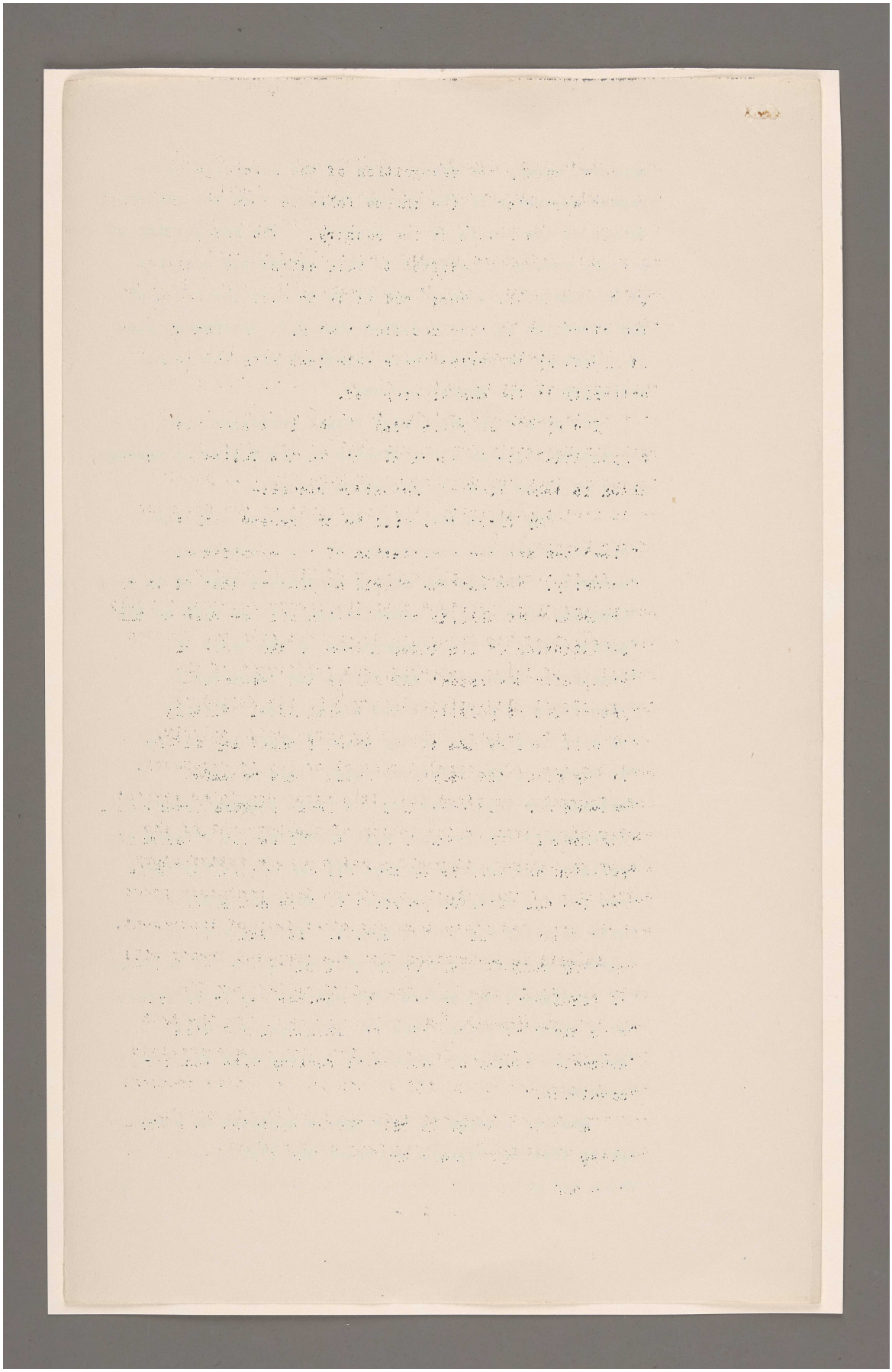

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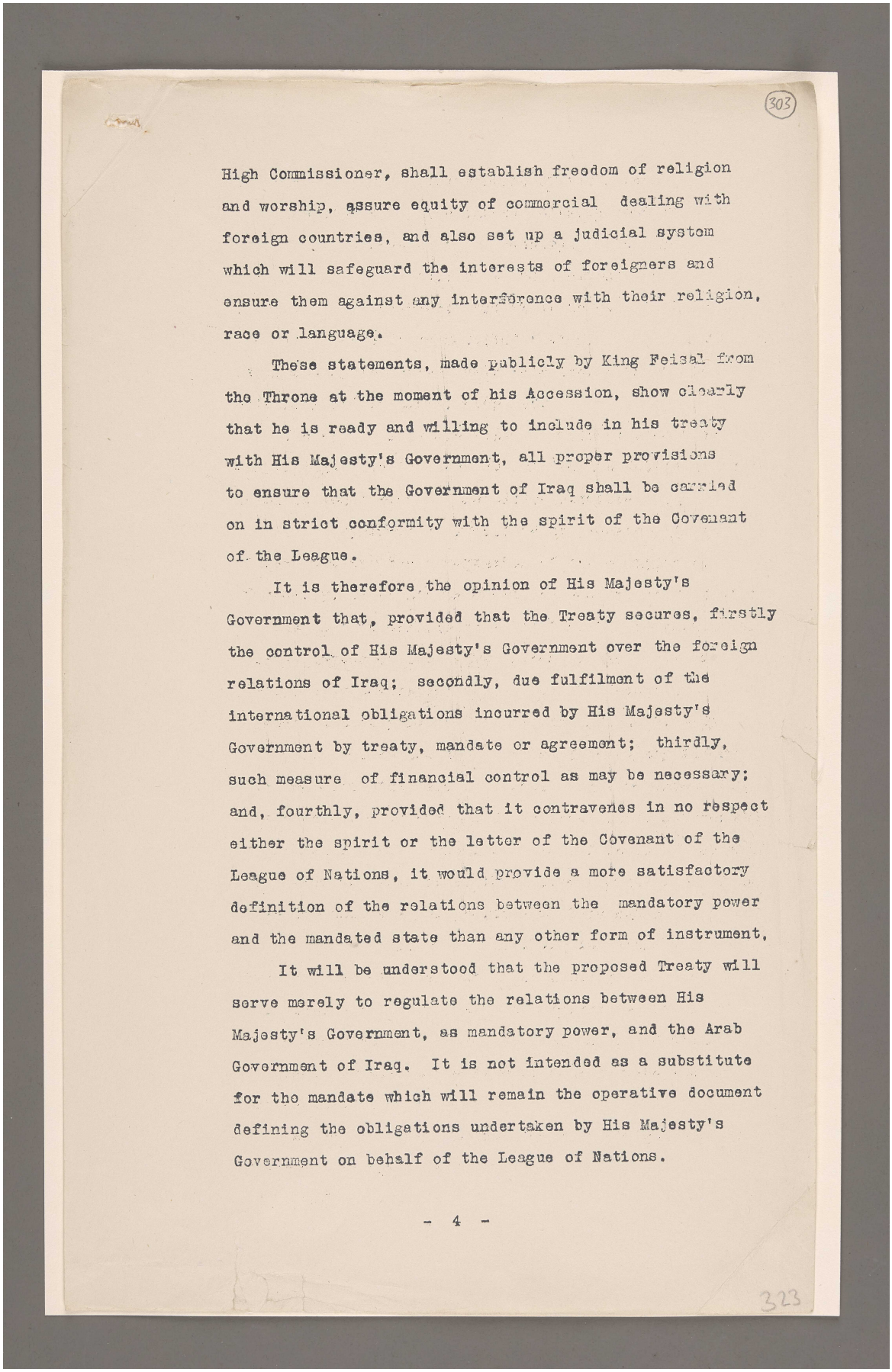

303

High Commissioner, shall establish freedom of religion and worship, assure equity of commercial dealing with foreign countries, and also set up a judicial system which will safeguard the interests of foreigners and ensure them against any interference with their religion, race or language.

These statements, made publicly by King Feisal from the Throne at the moment of his Accession, show clearly that he is ready and willing to include in his treaty with His Majesty's Government, all proper provisions to ensure that the Government of Iraq shall be carried on in strict conformity with the spirit of the Covenant of the League.

It is therefore the opinion of His Majesty's Government that, provided that the Treaty secures, firstly the control of His Majesty's Government over the foreign relations of Iraq; secondly, due fulfilment of the international obligations incurred by His Majesty's Government by treaty, mandate or agreement; thirdly, such measure of financial control as may be necessary; and, fourthly, provided that it contravenes in no respect either the spirit or the letter of the Covenant of the League of Nations, it would provide a more satisfactory definition of the relations between the mandatory power and the mandated state than any other form of instrument.

It will be understood that the proposed Treaty will serve merely to regulate the relations between His Majesty's Government, as mandatory power, and the Arab Government of Iraq. It is not intended as a substitute for the mandate which will remain the operative document defining the obligations undertaken by His Majesty's Government on behalf of the League of Nations.

- 4 -

323

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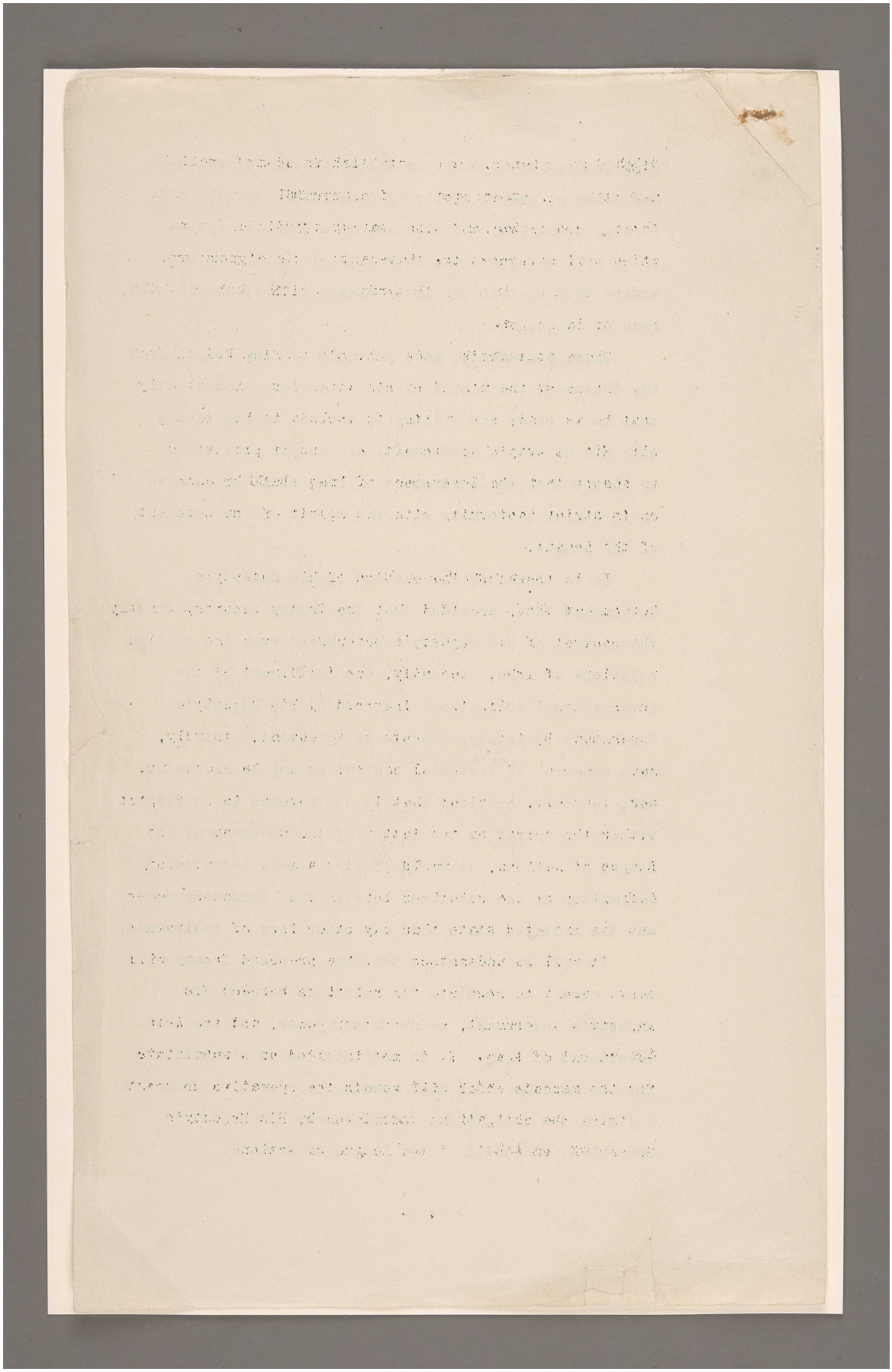

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(304)

No. 1.—SECRETARY OF STATE.

NORTH AMERICA. [December 22.]

CONFIDENTIAL. SECTION 1.

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No. 1.

The Marquess Curzon of Kedleston to Mr. Harvey.

Your Excellency, *Foreign Office, December 22, 1921.*

THE memorandum of the 24th August, 1921, containing the views of the Government of the United States concerning the mandates for certain territories which, under the terms of the Treaties of Peace, ceased to be under the sovereignty of the enemy Powers, has received the fullest consideration of the British Government in concert with the Governments of the Allied Powers to whom those views were also communicated.

The Government of the United States claims the right to take part in the disposition of these territories and raises, in this connection, various points in regard to the consequences of the non-ratification by the United States of the Treaty of Versailles and of their non-participation in the war with Turkey.

In furtherance of the general principles governing the mandates, as set out in the previous correspondence between the two Governments, the Government of the United States now submits for the consideration of His Majesty's Government certain modifications which it considers should be made in the texts of the British mandates.

His Majesty's Government have the honour to state that they have never desired to deprive the United States of the fruits of a victory to which it contributed so generously.

They are quite willing to meet the wishes of the United States as regards the British mandates, and it does not, therefore, seem necessary to enter into a detailed consideration of the general considerations contained in the American note.

The co-operation of the United States in the making of peace was a necessary corollary of their co-operation in the war and in the victory. The Treaty of Versailles was the outcome of the co-operation. It was entered into by the Allied Powers upon the assumption that it represented the common views of all those who had taken part in its preparation after their combined effort to achieve the victory. It was upon the faith of this assumption that the Allied Powers undertook obligations not only towards Germany, but also towards each other, and from which it is now impossible for them to escape.

The decision of one of the Allied and Associated Powers not to ratify the treaty does not modify the obligations which that treaty imposed upon those who have ratified it, nor release them from the pledges it contains; nor can they now enter into new engagements which would be inconsistent with its terms.

What is said above is pre-eminently true with regard to the overseas territories which formerly belonged to Germany. By the Treaty of Versailles Germany renounced all her sovereignty over them; that renunciation was intended, as pointed out in the American note, to be indivisible; no part of that sovereignty remains to Germany to-day. But Germany parted with her sovereignty upon the terms laid down in the treaty. Among the conditions so laid down was the assurance that these territories would in future be administered by mandatories on behalf of, and subject to, the general control of the League of Nations. By that engagement the Allied Powers are bound to stand; they are pledged not only to Germany but to their own peoples to recognise and to accept the special rôle and function of the League of Nations in connection with the mandates over these territories; they can consent to no arrangement with any Power which is inconsistent with the pledges they have given.

In these circumstances His Majesty's Government put forward the following suggestions as calculated to meet the American proposals concerning the British mandates in Central Africa. As regards the mandates for territories in the Middle East, the position of such territories being still legally undefined, His Majesty's Government will make them the subject of a later note:—

1. The Government of the United States proposes that the words "citizens of States mentioned in the annex to the Covenant of the League of Nations" should be

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324

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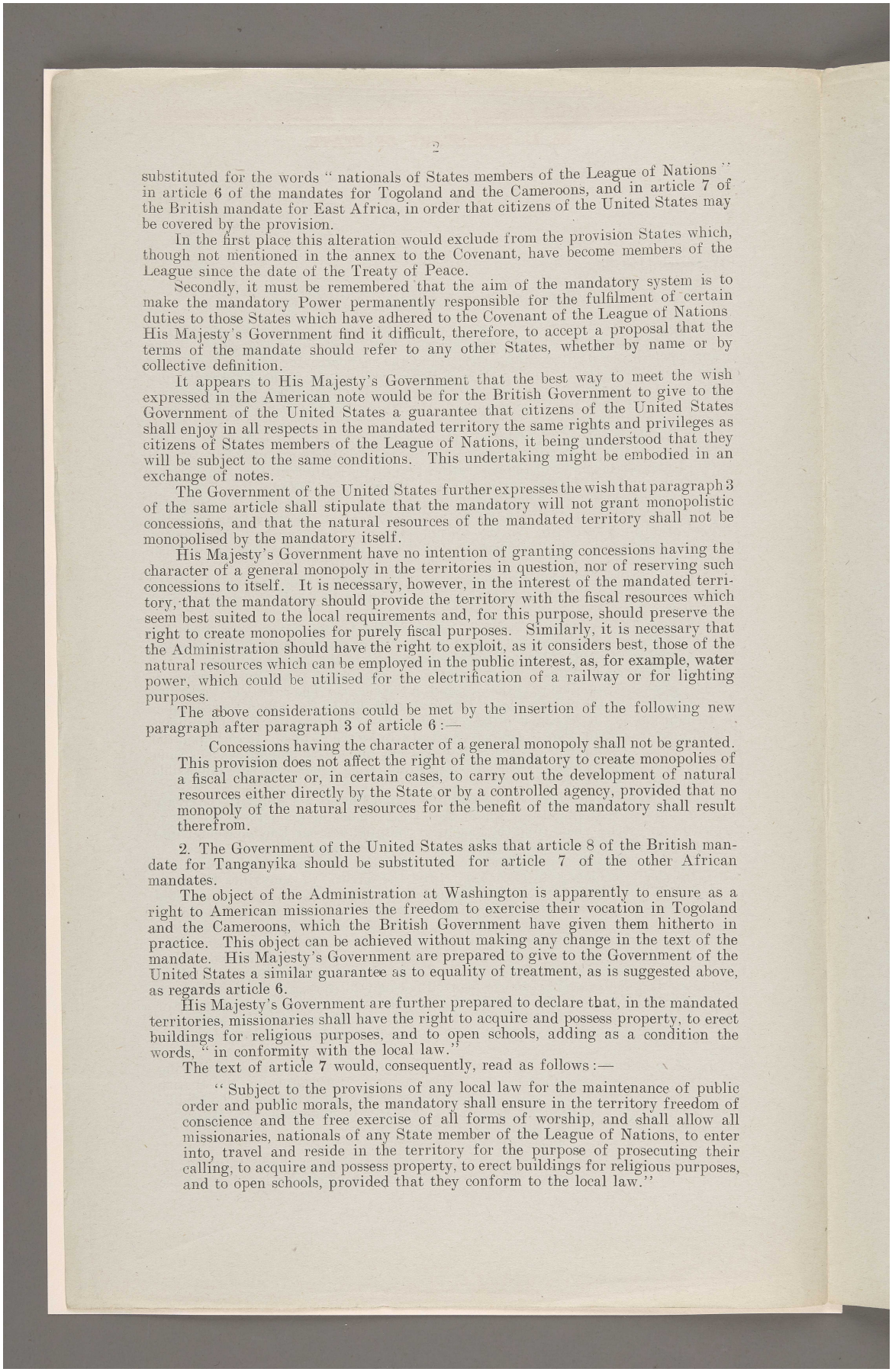

substituted for the words " nationals of States members of the League of Nations " in article 6 of the mandates for Togoland and the Cameroons, and in article 7 of the British mandate for East Africa, in order that citizens of the United States may be covered by the provision.

In the first place this alteration would exclude from the provision States which, though not mentioned in the annex to the Covenant, have become members of the League since the date of the Treaty of Peace.

Secondly, it must be remembered that the aim of the mandatory system is to make the mandatory Power permanently responsible for the fulfilment of certain duties to those States which have adhered to the Covenant of the League of Nations. His Majesty's Government find it difficult, therefore, to accept a proposal that the terms of the mandate should refer to any other States, whether by name or by collective definition.

It appears to His Majesty's Government that the best way to meet the wish expressed in the American note would be for the British Government to give to the Government of the United States a guarantee that citizens of the United States shall enjoy in all respects in the mandated territory the same rights and privileges as citizens of States members of the League of Nations, it being understood that they will be subject to the same conditions. This undertaking might be embodied in an exchange of notes.

The Government of the United States further expresses the wish that paragraph 3 of the same article shall stipulate that the mandatory will not grant monopolistic concessions, and that the natural resources of the mandated territory shall not be monopolised by the mandatory itself.

His Majesty's Government have no intention of granting concessions having the character of a general monopoly in the territories in question, nor of reserving such concessions to itself. It is necessary, however, in the interest of the mandated territory, that the mandatory should provide the territory with the fiscal resources which seem best suited to the local requirements and, for this purpose, should preserve the right to create monopolies for purely fiscal purposes. Similarly, it is necessary that the Administration should have the right to exploit, as it considers best, those of the natural resources which can be employed in the public interest, as, for example, water power, which could be utilised for the electrification of a railway or for lighting purposes.

The above considerations could be met by the insertion of the following new paragraph after paragraph 3 of article 6 :—

> Concessions having the character of a general monopoly shall not be granted. This provision does not affect the right of the mandatory to create monopolies of a fiscal character or, in certain cases, to carry out the development of natural resources either directly by the State or by a controlled agency, provided that no monopoly of the natural resources for the benefit of the mandatory shall result therefrom.

2. The Government of the United States asks that article 8 of the British mandate for Tanganyika should be substituted for article 7 of the other African mandates.

The object of the Administration at Washington is apparently to ensure as a right to American missionaries the freedom to exercise their vocation in Togoland and the Cameroons, which the British Government have given them hitherto in practice. This object can be achieved without making any change in the text of the mandate. His Majesty's Government are prepared to give to the Government of the United States a similar guarantee as to equality of treatment, as is suggested above, as regards article 6.

His Majesty's Government are further prepared to declare that, in the mandated territories, missionaries shall have the right to acquire and possess property, to erect buildings for religious purposes, and to open schools, adding as a condition the words, " in conformity with the local law."

The text of article 7 would, consequently, read as follows :—

> " 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 the free exercise of all forms of worship, and shall allow all missionaries, nationals of any State member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling, to acquire and possess property, to erect buildings for religious purposes, and to open schools, provided that they conform to the local law."

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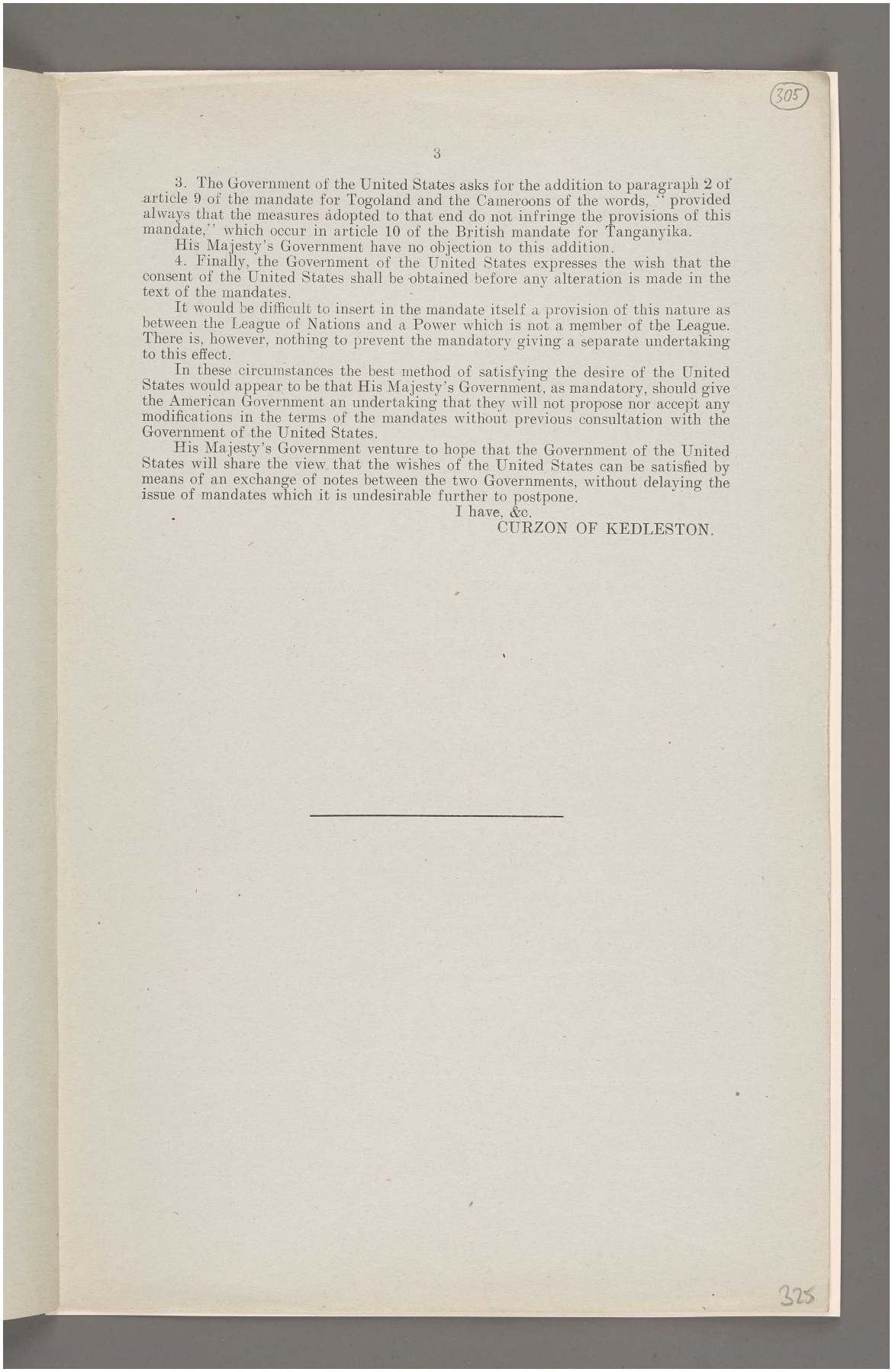

3. The Government of the United States asks for the addition to paragraph 2 of article 9 of the mandate for Togoland and the Cameroons of the words, "provided always that the measures adopted to that end do not infringe the provisions of this mandate," which occur in article 10 of the British mandate for Tanganyika.

His Majesty's Government have no objection to this addition.

4. Finally, the Government of the United States expresses the wish that the consent of the United States shall be obtained before any alteration is made in the text of the mandates.

It would be difficult to insert in the mandate itself a provision of this nature as between the League of Nations and a Power which is not a member of the League. There is, however, nothing to prevent the mandatory giving a separate undertaking to this effect.

In these circumstances the best method of satisfying the desire of the United States would appear to be that His Majesty's Government, as mandatory, should give the American Government an undertaking that they will not propose nor accept any modifications in the terms of the mandates without previous consultation with the Government of the United States.

His Majesty's Government venture to hope that the Government of the United States will share the view that the wishes of the United States can be satisfied by means of an exchange of notes between the two Governments, without delaying the issue of mandates which it is undesirable further to postpone.

I have, &c.

CURZON OF KEDLESTON.

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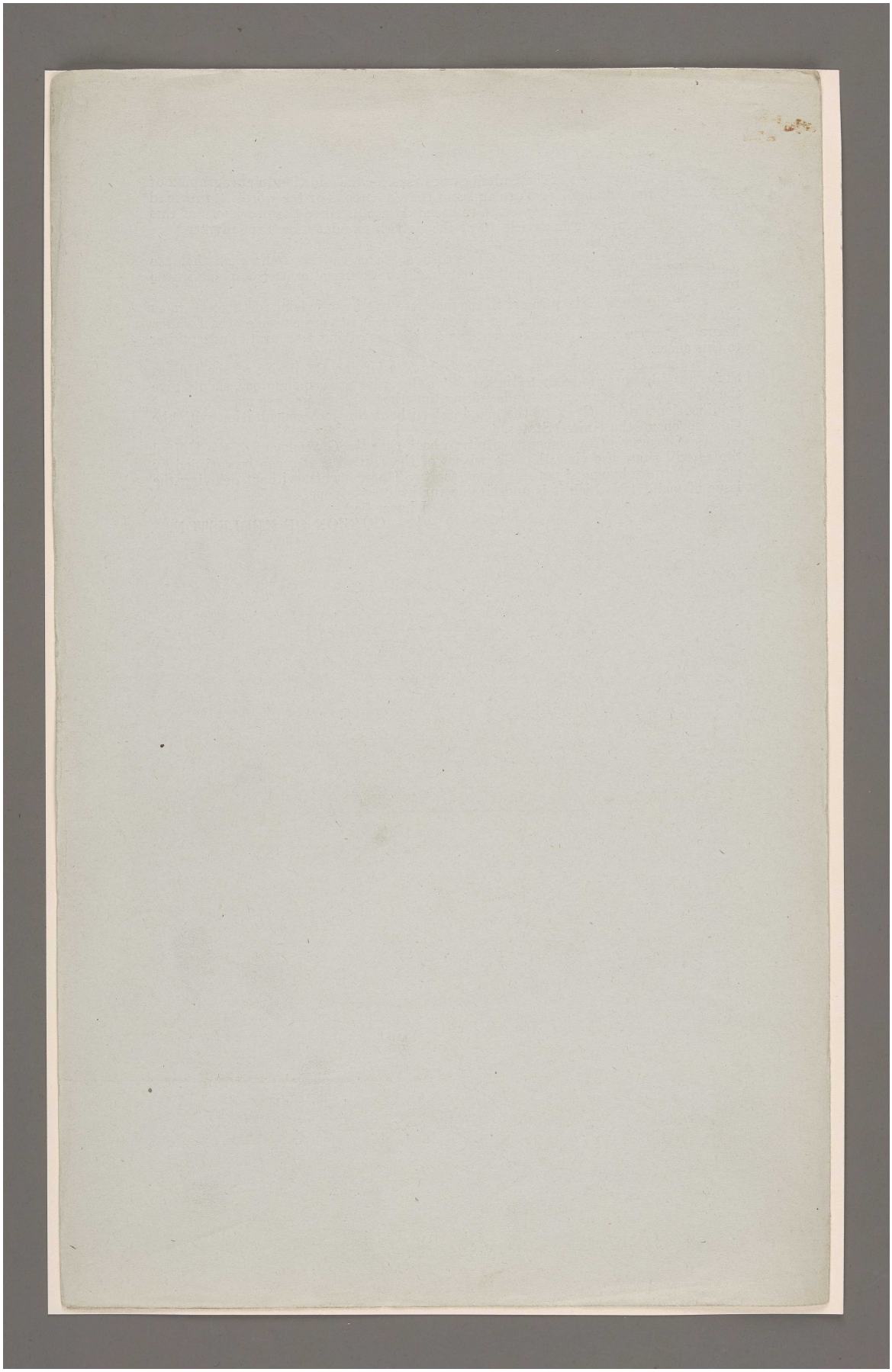

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306

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No. 1.—SECRETARY OF STATE.

EASTERN (CAUCASUS). [December 28.]

CONFIDENTIAL. SECTION 3.

[E 14200/116/58] No. 1.

Sir H. Rumbold to the Marquess Curzon of Kedleston.—(*Received December* 28.)

(No. 1162.)

My Lord, *Constantinople, December* 21, 1921.

WITH reference to my despatch No. 1110 of the 6th December, I have the honour to state that very little further information has reached me regarding the situation in the Caucasus, and that there has been a distinct falling off in the crop of rumours even. Such little information as can be gleaned tends to show that I was right in receiving the rumours summarised in my previous despatch with great reserve.

2. I have heard nothing further regarding the alleged decree abolishing the independence of the Caucasian Republics. I enclose a translation of a resolution by Kav Bureau, which was published in the Batoum press, and which may easily be the sole foundation for the report in question. It is an interesting document, but it is no more than a public affirmation of what has been the policy of Moscow for some time past.

3. It is now clear that the reports as to what had happened in Batoum itself were much exaggerated.

4. It seems pretty well established that the Bolsheviks brought off a *coup* about the middle of November by arresting Lordkipanidze, the President, and several members of the "Adjarian Medjliss," a body in sympathy with the Turkish Nationalists, and so asserted their own supremacy over the so-called autonomous Republic of Adjaria. Apart from this, however, things appear to be fairly normal at Batoum, at any rate on the surface. It is not clear who now actually exercises authority, but whoever may be the rulers they are presumably a reflex of the Bolsheviks. There was apparently no ground for the report that Enver Pasha had taken charge. His whereabouts are doubtful, and rumour locates him in all sorts of places from Trebizond to Berlin. The most reliable information points to the fact of his being on his way to, if he has not arrived in Berlin. There is talk of a congress of representatives of oppressed Eastern nations in that capital, also of a congress of the Committee of Union and Progress. His Majesty's representative at Berlin will doubtless report any developments of this nature.

I have, &c.

HORACE RUMBOLD, *High Commissioner.*

Enclosure in No. 1.

Resolution of the Kav Bureau of the Central Committee of the Russian Communist Party.

THE isolated position of the Transcaucasian Republics as independent States tends to weaken them in the eyes of the capitalist and *bourgeois* Powers.

A close political union will serve as a permanent guarantee against all attacks on them by counter-revolutionary forces, and will also strengthen the Soviet Government on the threshold of the East.

A political union will enable the republics to form a close economic union among themselves, an end for which they have been constantly striving.

Their individual independence, on the other hand, has had a detrimental effect on the economical situation, has increased poverty and the misfortunes of the popular masses and has given rise to an endless number of misunderstandings between the republics.

Transcaucasia must be considered as one entire economic unit, and the economic development of the country is only possible providing there is a general economic union of the Caucasus.

[7416 *ee*—3]

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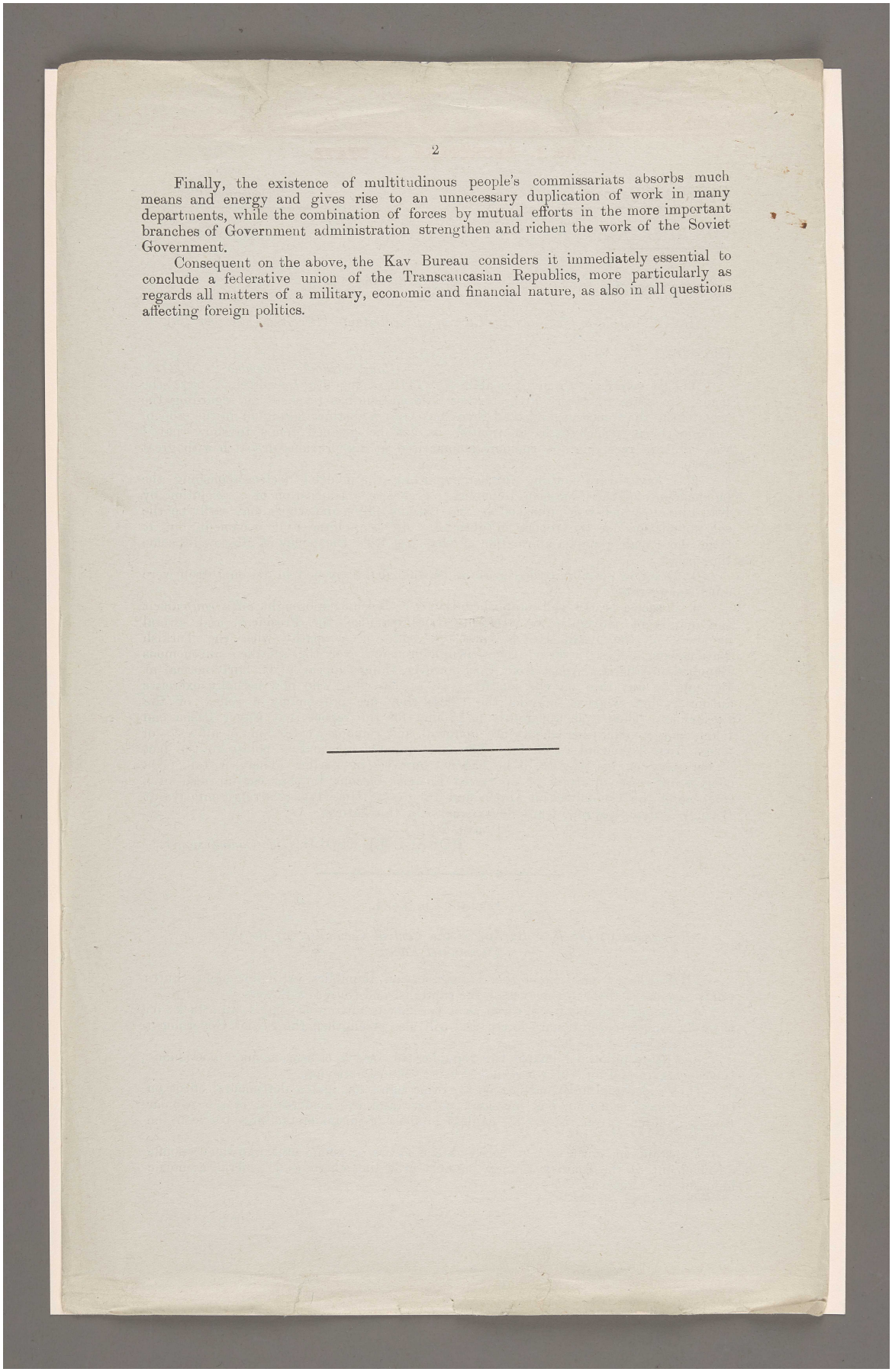

Finally, the existence of multitudinous people's commissariats absorbs much means and energy and gives rise to an unnecessary duplication of work in many departments, while the combination of forces by mutual efforts in the more important branches of Government administration strengthen and richen the work of the Soviet Government.

Consequent on the above, the Kav Bureau considers it immediately essential to conclude a federative union of the Transcaucasian Republics, more particularly as regards all matters of a military, economic and financial nature, as also in all questions affecting foreign politics.

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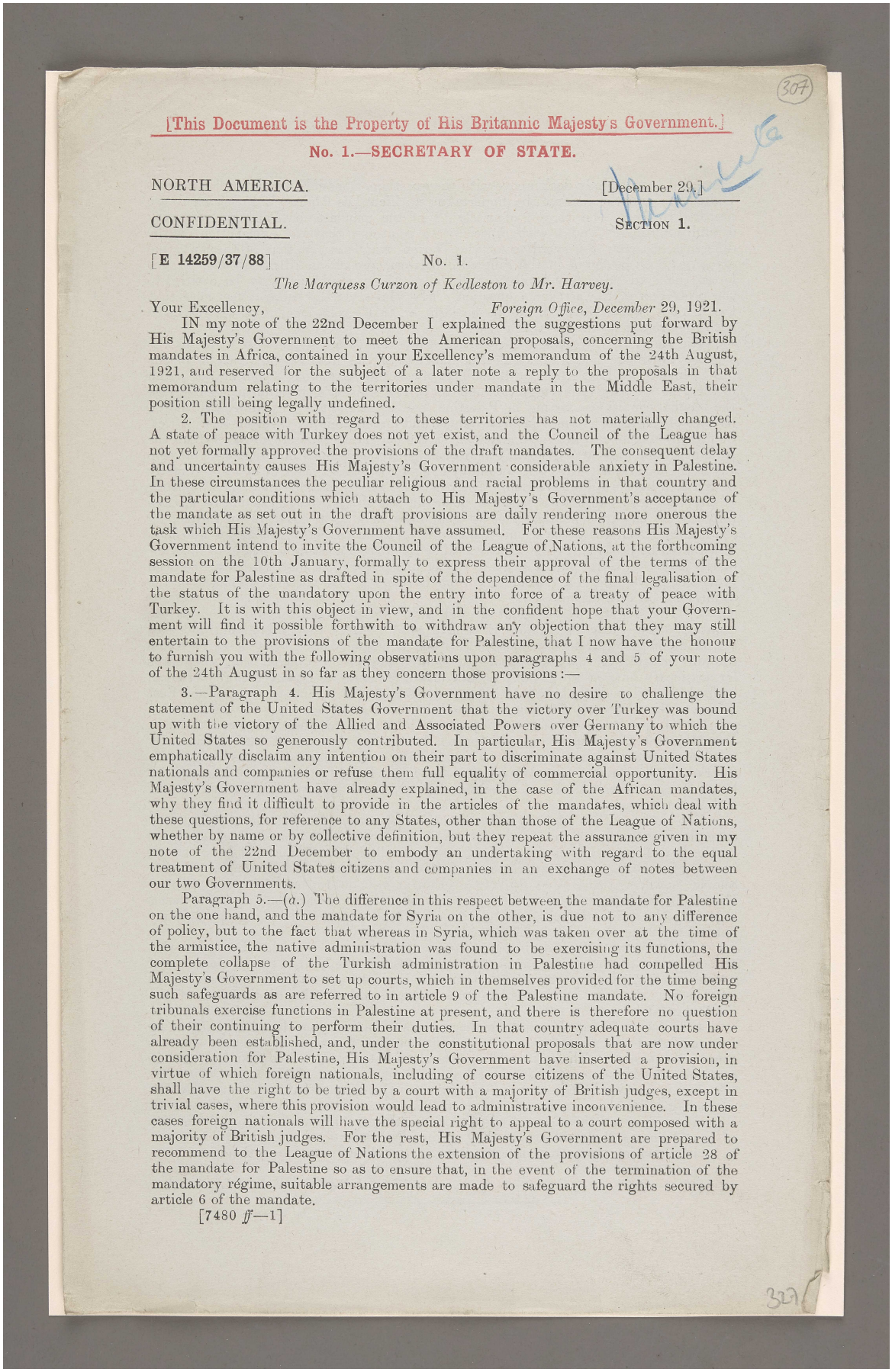

307

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No. 1.—SECRETARY OF STATE.

NORTH AMERICA. [December 29.]

CONFIDENTIAL. SECTION 1.

[E 14259/37/88] No. 1.

The Marquess Curzon of Kedleston to Mr. Harvey.

Your Excellency, *Foreign Office, December* 29, 1921.

IN my note of the 22nd December I explained the suggestions put forward by His Majesty's Government to meet the American proposals, concerning the British mandates in Africa, contained in your Excellency's memorandum of the 24th August, 1921, and reserved for the subject of a later note a reply to the proposals in that memorandum relating to the territories under mandate in the Middle East, their position still being legally undefined.

2. The position with regard to these territories has not materially changed. A state of peace with Turkey does not yet exist, and the Council of the League has not yet formally approved the provisions of the draft mandates. The consequent delay and uncertainty causes His Majesty's Government considerable anxiety in Palestine. In these circumstances the peculiar religious and racial problems in that country and the particular conditions which attach to His Majesty's Government's acceptance of the mandate as set out in the draft provisions are daily rendering more onerous the task which His Majesty's Government have assumed. For these reasons His Majesty's Government intend to invite the Council of the League of Nations, at the forthcoming session on the 10th January, formally to express their approval of the terms of the mandate for Palestine as drafted in spite of the dependence of the final legalisation of the status of the mandatory upon the entry into force of a treaty of peace with Turkey. It is with this object in view, and in the confident hope that your Government will find it possible forthwith to withdraw any objection that they may still entertain to the provisions of the mandate for Palestine, that I now have the honour to furnish you with the following observations upon paragraphs 4 and 5 of your note of the 24th August in so far as they concern those provisions:—

3.—Paragraph 4. His Majesty's Government have no desire to challenge the statement of the United States Government that the victory over Turkey was bound up with the victory of the Allied and Associated Powers over Germany to which the United States so generously contributed. In particular, His Majesty's Government emphatically disclaim any intention on their part to discriminate against United States nationals and companies or refuse them full equality of commercial opportunity. His Majesty's Government have already explained, in the case of the African mandates, why they find it difficult to provide in the articles of the mandates, which deal with these questions, for reference to any States, other than those of the League of Nations, whether by name or by collective definition, but they repeat the assurance given in my note of the 22nd December to embody an undertaking with regard to the equal treatment of United States citizens and companies in an exchange of notes between our two Governments.

Paragraph 5.—(*a.*) The difference in this respect between the mandate for Palestine on the one hand, and the mandate for Syria on the other, is due not to any difference of policy, but to the fact that whereas in Syria, which was taken over at the time of the armistice, the native administration was found to be exercising its functions, the complete collapse of the Turkish administration in Palestine had compelled His Majesty's Government to set up courts, which in themselves provided for the time being such safeguards as are referred to in article 9 of the Palestine mandate. No foreign tribunals exercise functions in Palestine at present, and there is therefore no question of their continuing to perform their duties. In that country adequate courts have already been established, and, under the constitutional proposals that are now under consideration for Palestine, His Majesty's Government have inserted a provision, in virtue of which foreign nationals, including of course citizens of the United States, shall have the right to be tried by a court with a majority of British judges, except in trivial cases, where this provision would lead to administrative inconvenience. In these cases foreign nationals will have the special right to appeal to a court composed with a majority of British judges. For the rest, His Majesty's Government are prepared to recommend to the League of Nations the extension of the provisions of article 28 of the mandate for Palestine so as to ensure that, in the event of the termination of the mandatory régime, suitable arrangements are made to safeguard the rights secured by article 6 of the mandate.

[7480 *ff*—1]

327

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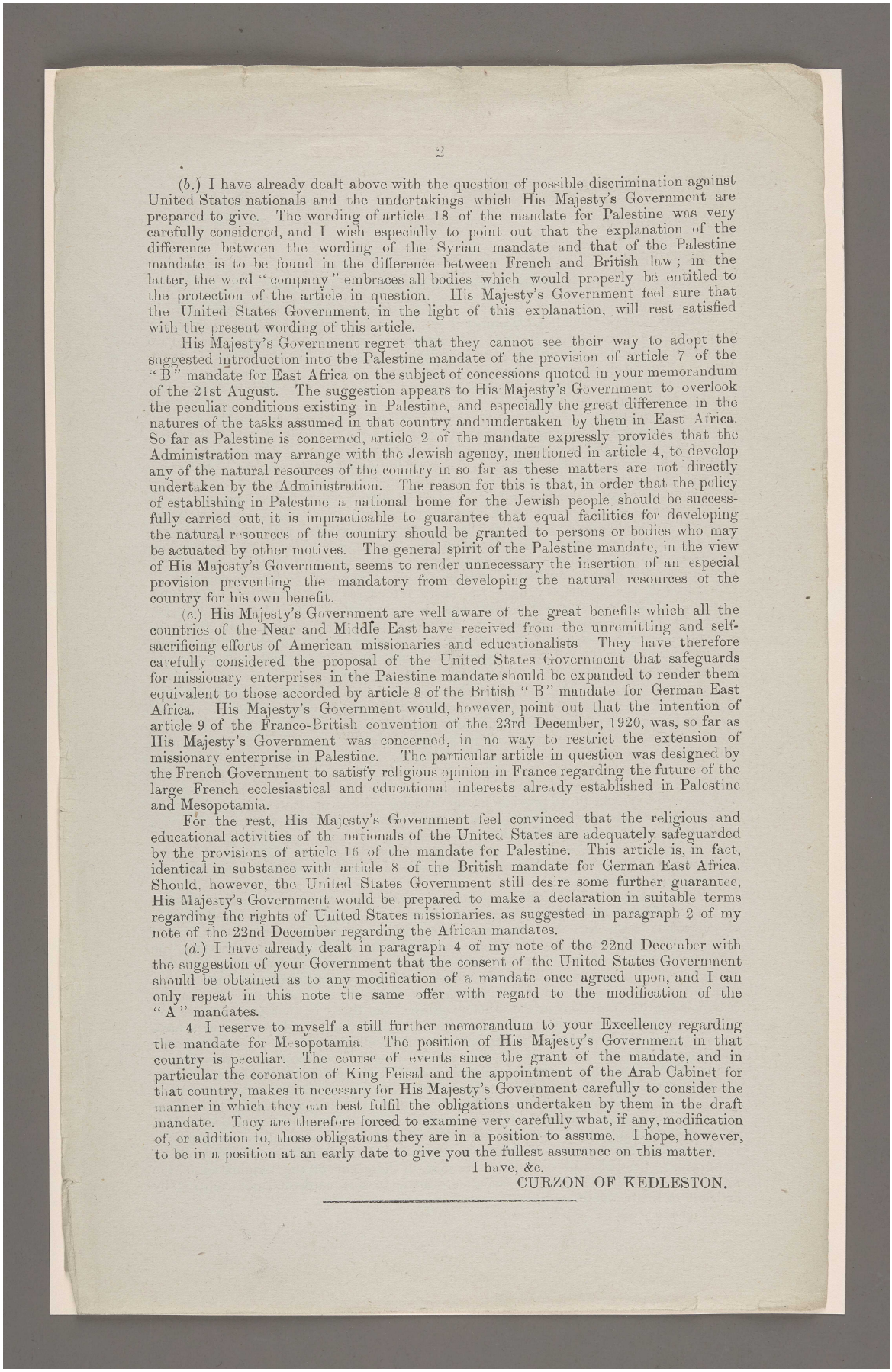

(*b.*) I have already dealt above with the question of possible discrimination against United States nationals and the undertakings which His Majesty's Government are prepared to give. The wording of article 18 of the mandate for Palestine was very carefully considered, and I wish especially to point out that the explanation of the difference between the wording of the Syrian mandate and that of the Palestine mandate is to be found in the difference between French and British law; in the latter, the word "company" embraces all bodies which would properly be entitled to the protection of the article in question. His Majesty's Government feel sure that the United States Government, in the light of this explanation, will rest satisfied with the present wording of this article.

His Majesty's Government regret that they cannot see their way to adopt the suggested introduction into the Palestine mandate of the provision of article 7 of the "B" mandate for East Africa on the subject of concessions quoted in your memorandum of the 21st August. The suggestion appears to His Majesty's Government to overlook the peculiar conditions existing in Palestine, and especially the great difference in the natures of the tasks assumed in that country and undertaken by them in East Africa. So far as Palestine is concerned, article 2 of the mandate expressly provides that the Administration may arrange with the Jewish agency, mentioned in article 4, to develop any of the natural resources of the country in so far as these matters are not directly undertaken by the Administration. The reason for this is that, in order that the policy of establishing in Palestine a national home for the Jewish people should be successfully carried out, it is impracticable to guarantee that equal facilities for developing the natural resources of the country should be granted to persons or bodies who may be actuated by other motives. The general spirit of the Palestine mandate, in the view of His Majesty's Government, seems to render unnecessary the insertion of an especial provision preventing the mandatory from developing the natural resources of the country for his own benefit.

(*c.*) His Majesty's Government are well aware of the great benefits which all the countries of the Near and Middle East have received from the unremitting and self-sacrificing efforts of American missionaries and educationalists. They have therefore carefully considered the proposal of the United States Government that safeguards for missionary enterprises in the Palestine mandate should be expanded to render them equivalent to those accorded by article 8 of the British "B" mandate for German East Africa. His Majesty's Government would, however, point out that the intention of article 9 of the Franco-British convention of the 23rd December, 1920, was, so far as His Majesty's Government was concerned, in no way to restrict the extension of missionary enterprise in Palestine. The particular article in question was designed by the French Government to satisfy religious opinion in France regarding the future of the large French ecclesiastical and educational interests already established in Palestine and Mesopotamia.

For the rest, His Majesty's Government feel convinced that the religious and educational activities of the nationals of the United States are adequately safeguarded by the provisions of article 16 of the mandate for Palestine. This article is, in fact, identical in substance with article 8 of the British mandate for German East Africa. Should, however, the United States Government still desire some further guarantee, His Majesty's Government would be prepared to make a declaration in suitable terms regarding the rights of United States missionaries, as suggested in paragraph 2 of my note of the 22nd December regarding the African mandates.

(*d.*) I have already dealt in paragraph 4 of my note of the 22nd December with the suggestion of your Government that the consent of the United States Government should be obtained as to any modification of a mandate once agreed upon, and I can only repeat in this note the same offer with regard to the modification of the "A" mandates.

4. I reserve to myself a still further memorandum to your Excellency regarding the mandate for Mesopotamia. The position of His Majesty's Government in that country is peculiar. The course of events since the grant of the mandate, and in particular the coronation of King Feisal and the appointment of the Arab Cabinet for that country, makes it necessary for His Majesty's Government carefully to consider the manner in which they can best fulfil the obligations undertaken by them in the draft mandate. They are therefore forced to examine very carefully what, if any, modification of, or addition to, those obligations they are in a position to assume. I hope, however, to be in a position at an early date to give you the fullest assurance on this matter.

I have, &c.

CURZON OF KEDLESTON.

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308

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No. 1.—SECRETARY OF STATE.

NORTH AMERICA. [December 29.]

CONFIDENTIAL. SECTION 2.

[E 14259/37/88] No. 1.

The Marquess Curzon of Kedleston to Lord Hardinge (Paris).

(No. 3435.)

My Lord, *Foreign Office, December 29, 1921.*

WITH reference to your despatch No. 3530 of the 19th December, enclosing a copy of a note from the French Foreign Office regarding the answer to be returned to the United States Government on the subject of the "B" mandates, I transmit to your Excellency the accompanying copy of a further reply which His Majesty's Government have now addressed to the United States Ambassador here in answer to those portions of the note of the 24th August last from the United States Government which concerned the draft mandate for Palestine.*

2. In communicating a copy of this note to the French Government, I shall be glad if you will express to them the sincere regret of His Majesty's Government that they found themselves unable for the following reasons to consult the French Government in advance regarding the terms of this reply.

3. The delay and uncertainty with regard to the issue of the mandate for Palestine have been causing His Majesty's Government for some time considerable anxiety in that country. This delay has been enhanced by the peculiar religious and racial problems in Palestine and the particular conditions which attach to His Majesty's Government's acceptance of the mandate as set out in the draft provisions. These developments have forced His Majesty's Government to take stock of the position, and, in the hope that their action may have a stabilising effect on the population of Palestine, His Majesty's Government have now decided to invite the Council of the League of Nations at their forthcoming session formally to express their approval of the terms of the mandate for Palestine as drafted, in spite of the dependence of the final legalisation of the status of the mandatory upon the entry into force of the Treaty of Peace with Turkey. In order that this invitation may be successful, it was essential to endeavour in the first instance to secure the withdrawal of the United States objections to the Palestine mandate.

4. The necessity for immediate representations to the United States Government, once the decision of His Majesty's Government on this point had been reached, made it in practice impossible for me to consult M. Briand before despatching my note to Mr. Harvey. At the same time His Majesty's Government are confident that their action will not be misunderstood by the French Government. In particular, that Government will readily appreciate that the case of the Palestine mandate is peculiar and raises no such controversial issues as between the mandatory and the United States Government as, for instance, the mandate for Iraq, where larger questions of economic interest affecting American nationals may arise. His Majesty's Government have, however, every intention of consulting the French Government with regard to the terms of their reply to the United States Government's note of the 24th August so far as the Iraq mandate is concerned, that mandate raising, as it does, somewhat similar problems to those with which the French Government will be treating in their reply to the similar American representations regarding the Syrian mandate.

5. In these circumstances, you should express the earnest hope of His Majesty's Government that the French Government will see their way to instruct their representative on the Council of the League of Nations to support the proposal of the British representative, thus furthering the solution of the problem, which is essentially international in all its aspects, and lightening the task of His Majesty's Government pending the final entry into force of the Treaty of Peace with Turkey.

6. You should add that I have addressed similar representations to the Japanese and Italian Governments.

I am, &c.
CURZON OF KEDLESTON.

* December 29, Section 1.

[7480 *ff*—2]

328

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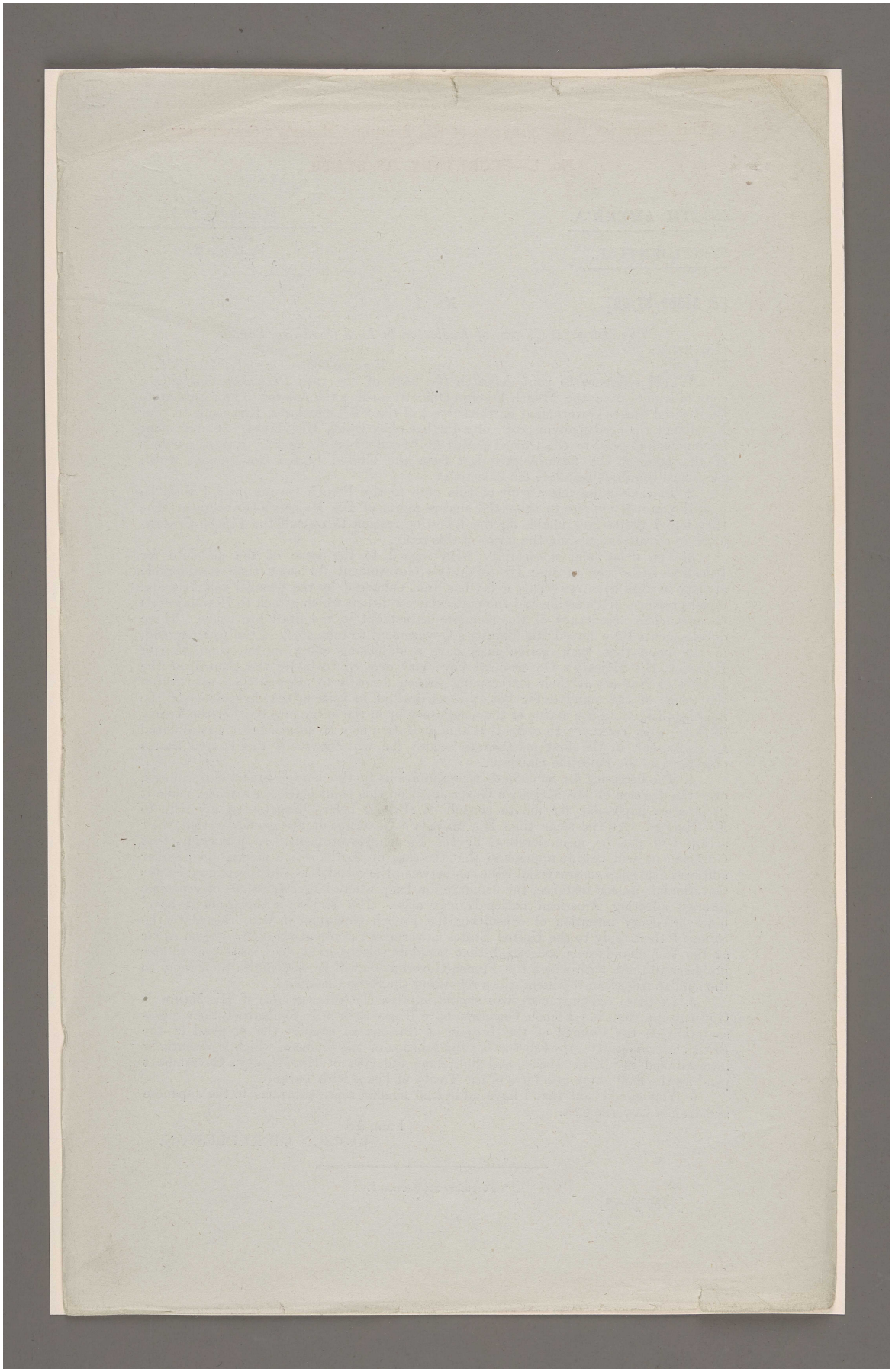

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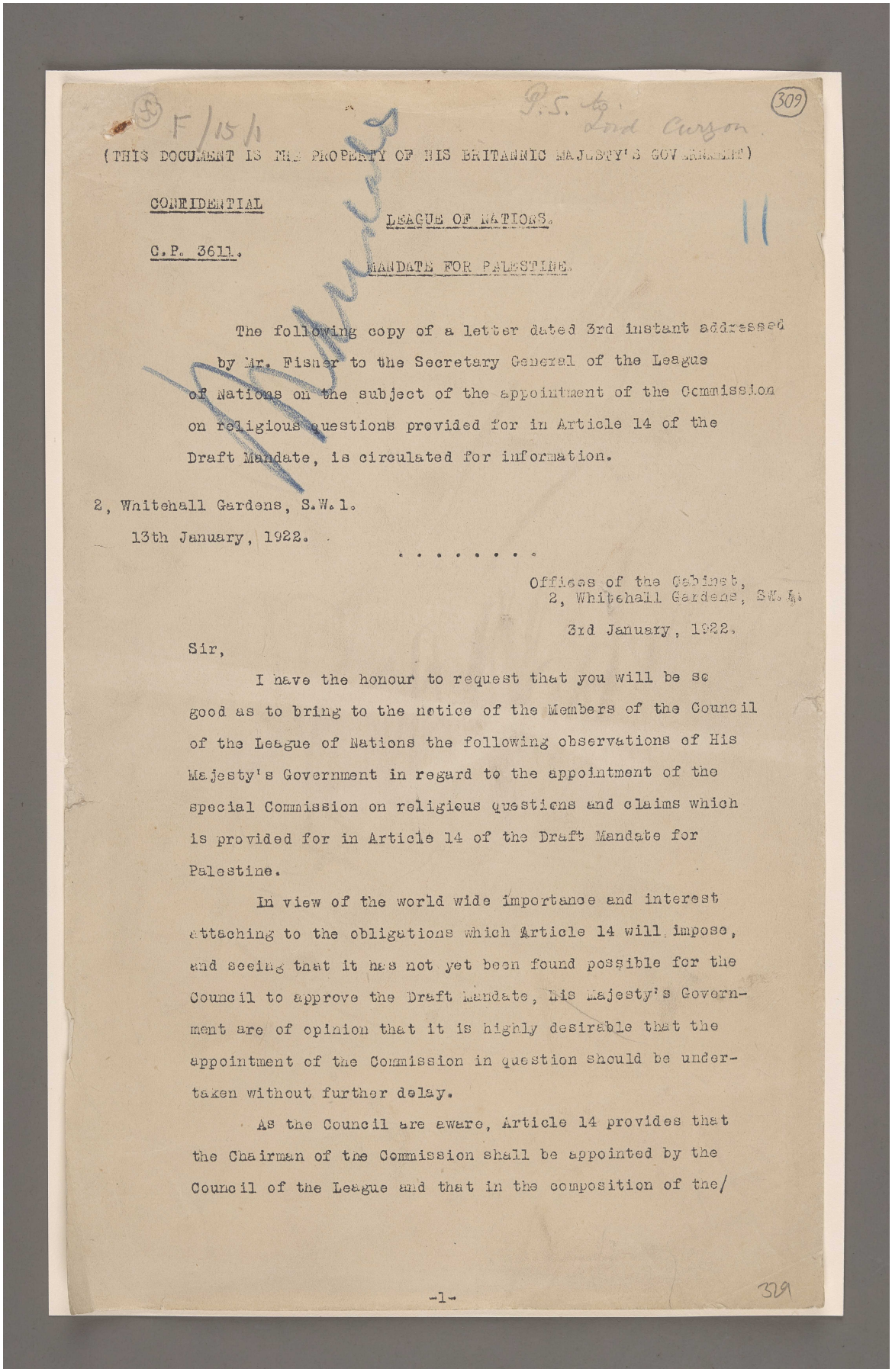

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P.S. to Lord Curzon

309

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C.P. 3611.

LEAGUE OF NATIONS.

MANDATE FOR PALESTINE.

11

The following copy of a letter dated 3rd instant addressed by Mr. Fisher to the Secretary General of the League of Nations on the subject of the appointment of the Commission on religious questions provided for in Article 14 of the Draft Mandate, is circulated for information.

2, Whitehall Gardens, S.W.1.
13th January, 1922.

. . . . . .

Offices of the Cabinet,
2, Whitehall Gardens, S.W.1.
3rd January, 1922.

Sir,

I have the honour to request that you will be so good as to bring to the notice of the Members of the Council of the League of Nations the following observations of His Majesty's Government in regard to the appointment of the special Commission on religious questions and claims which is provided for in Article 14 of the Draft Mandate for Palestine.

In view of the world wide importance and interest attaching to the obligations which Article 14 will impose, and seeing that it has not yet been found possible for the Council to approve the Draft Mandate, His Majesty's Government are of opinion that it is highly desirable that the appointment of the Commission in question should be undertaken without further delay.

As the Council are aware, Article 14 provides that the Chairman of the Commission shall be appointed by the Council of the League and that in the composition of the/

-1-

329

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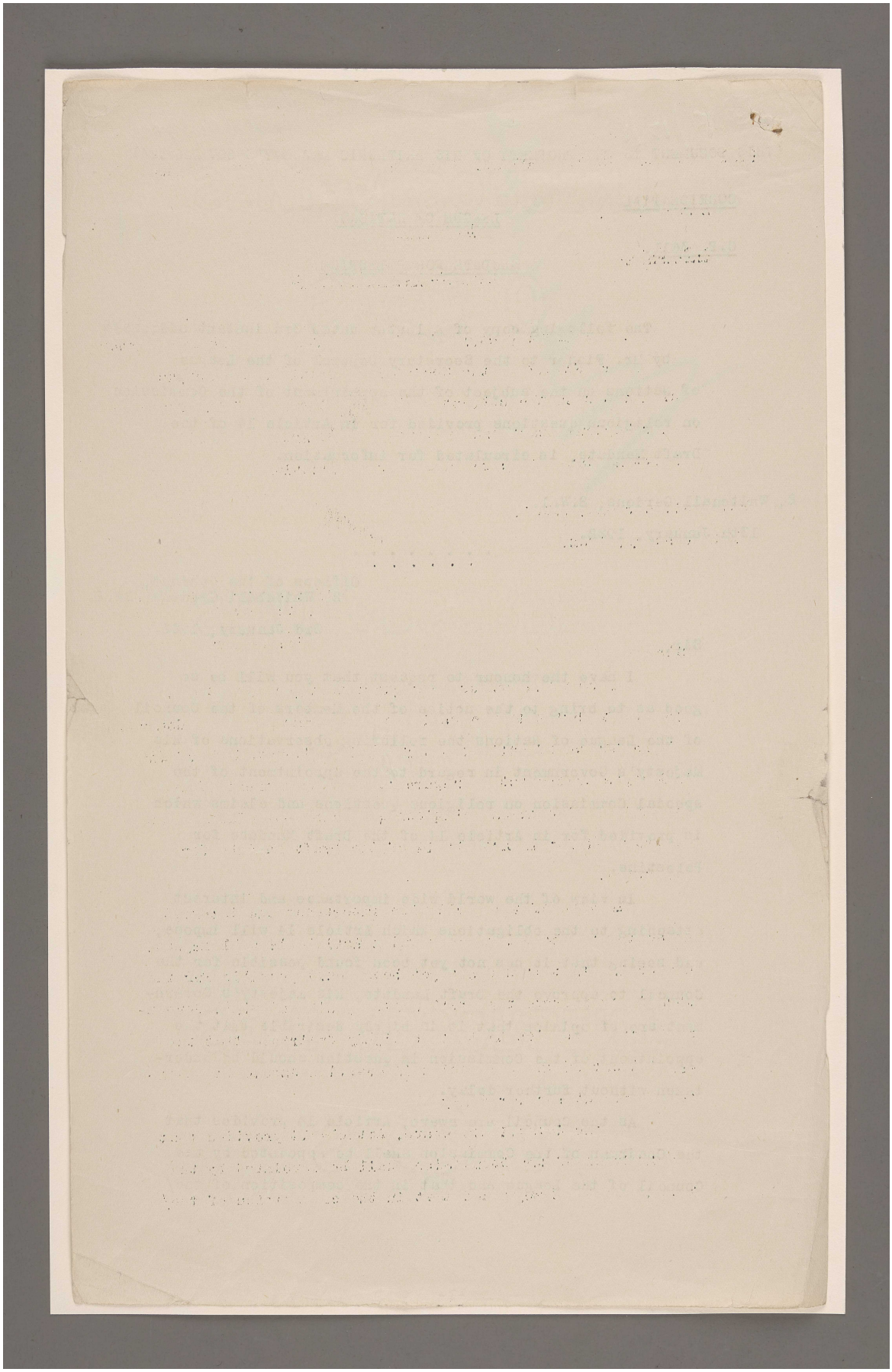

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310

the Commission the religious interests concerned shall be taken into account. His Majesty's Government would propose to proceed on these lines. It is their intention themselves to appoint a Vice-Chairman, and to invite distinguished representatives of the leading Christian, Moslem and Jewish interests to become Members of the Commission, but they have hitherto refrained from approaching any individual as they feel that until the Council of the League has had an opportunity of expressing an opinion on the appointment of the Chairman, it would be undesirable for the Mandatory Power to proceed with the appointment of the Commission, which is provided for, not only in the Draft Mandate which awaits the approval of the Council, but also in the Treaty of Sèvres.

While the provisions of the Mandate have not been formally approved and issued by the Council of the League, the Council has, through its President, in his letter of the 3rd October to the Mandatory Governments, expressed the hope that the Mandatory will continue to conduct the administration of the territory in the spirit of the draft.

In the circumstances His Majesty's Government would be glad if the Council could see their way to proceed with the appointment of a Chairman without awaiting the final definition of the Mandate itself, and in that event His Majesty's Government would be ready to communicate for the confidential information of the Council, the exact composition of the Commission they have in mind, together with the names of the individuals who will be invited to sit upon it.

I would add that it is not proposed that salaries should/

-2-

330

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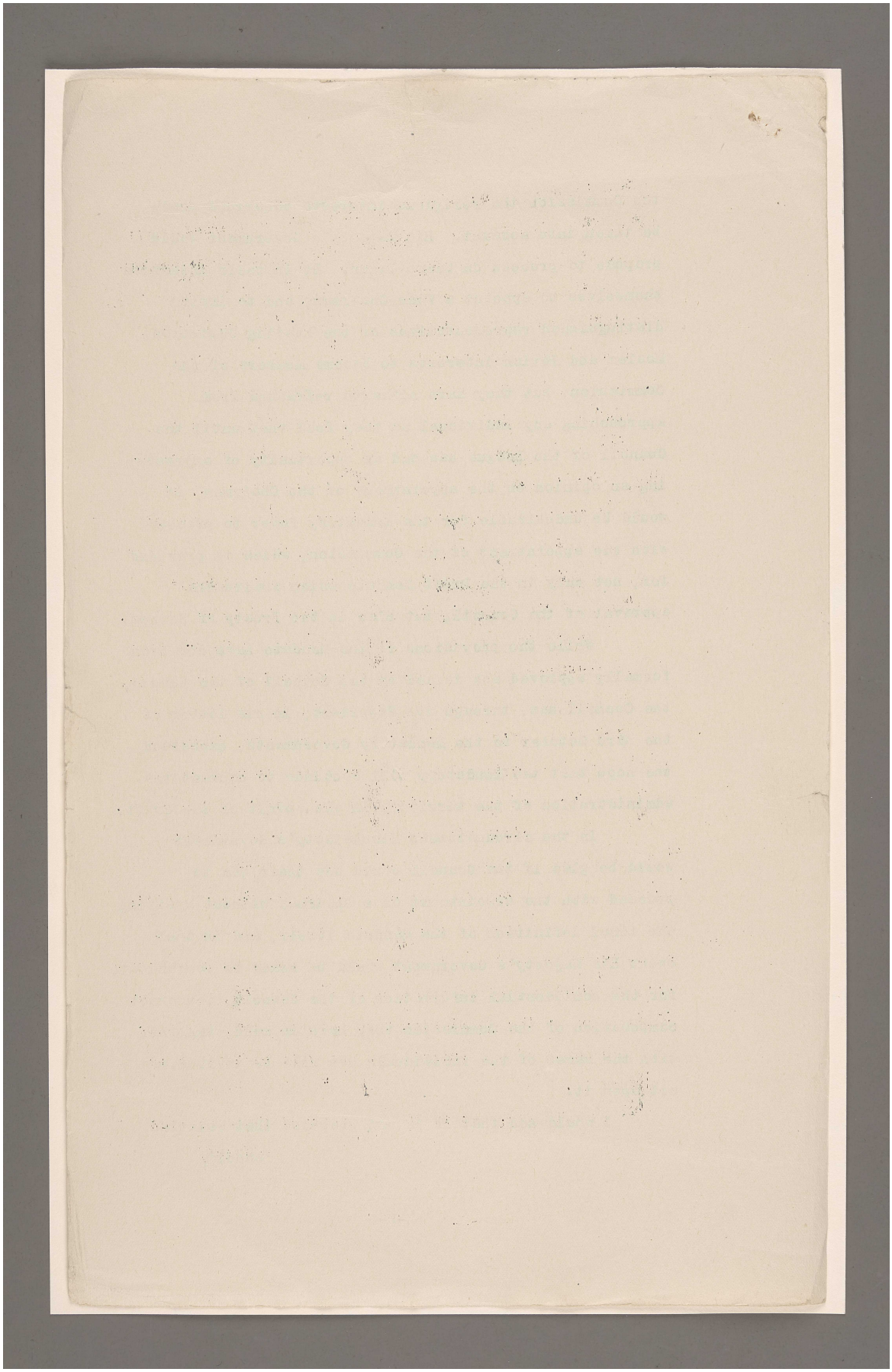

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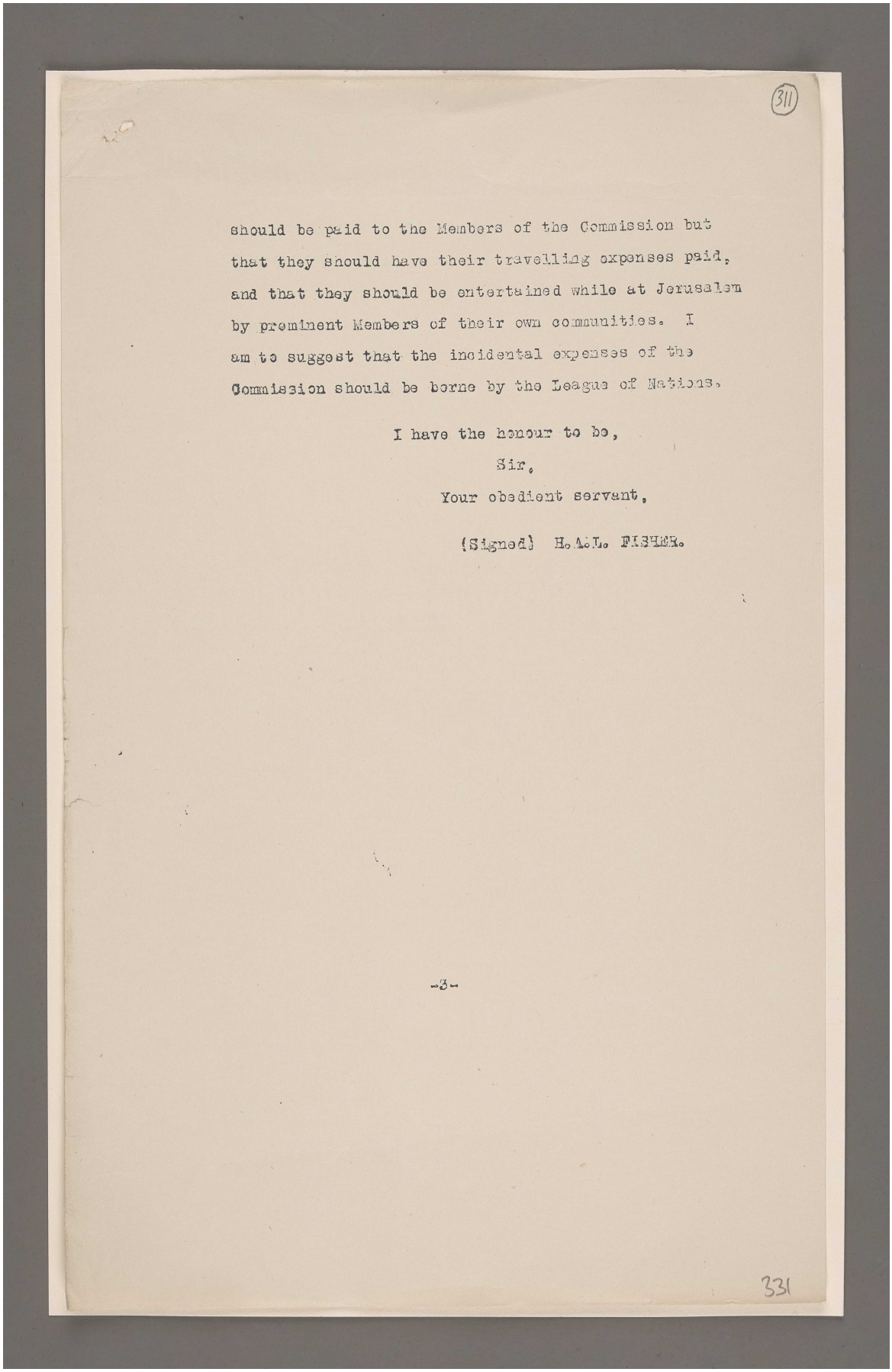


should be paid to the Members of the Commission but that they should have their travelling expenses paid, and that they should be entertained while at Jerusalem by prominent Members of their own communities. I am to suggest that the incidental expenses of the Commission should be borne by the League of Nations.

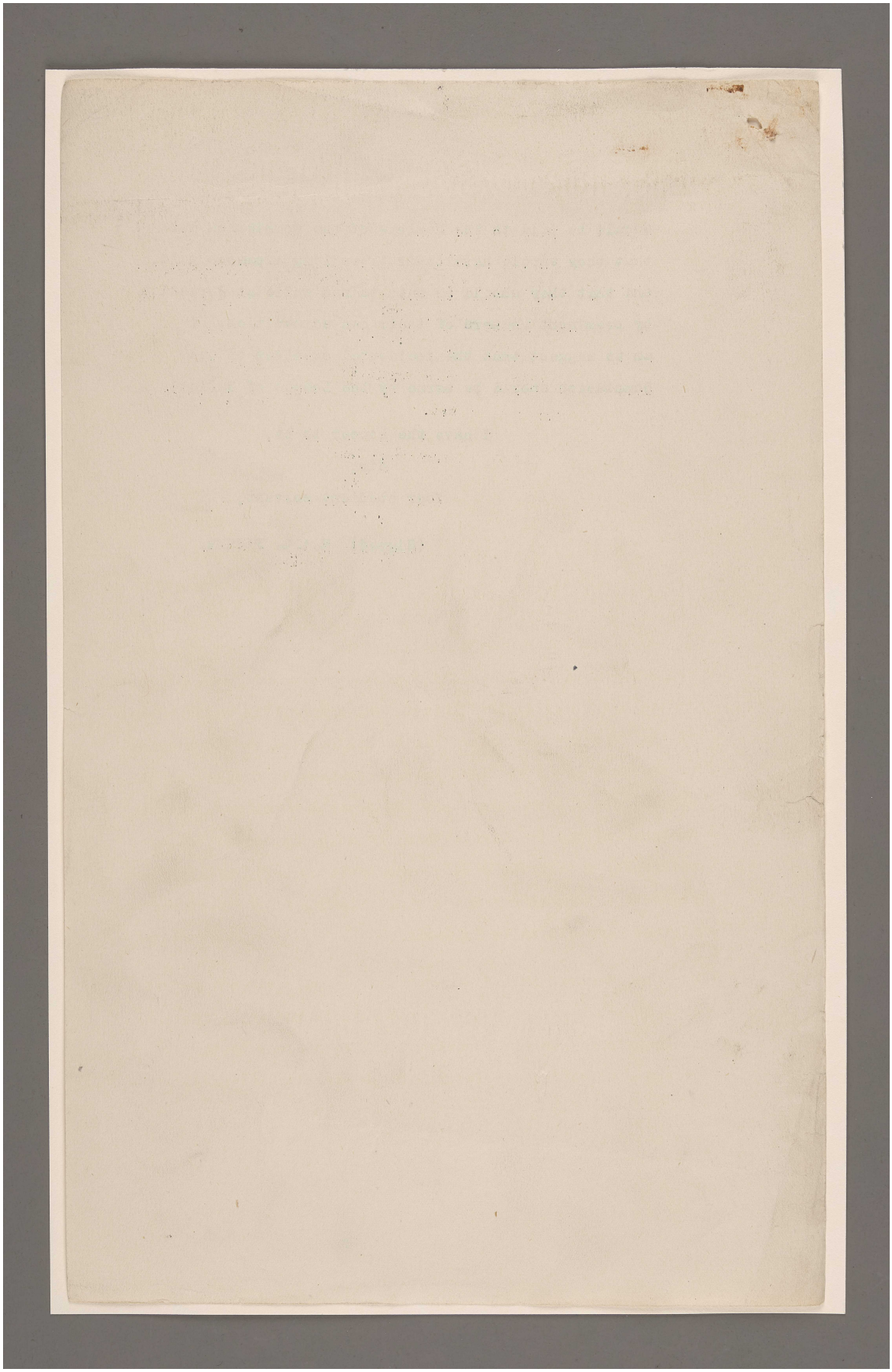
I have the honour to be,

Sir,

Your obedient servant,

(Signed) H.A.L. FISHER.

-3-



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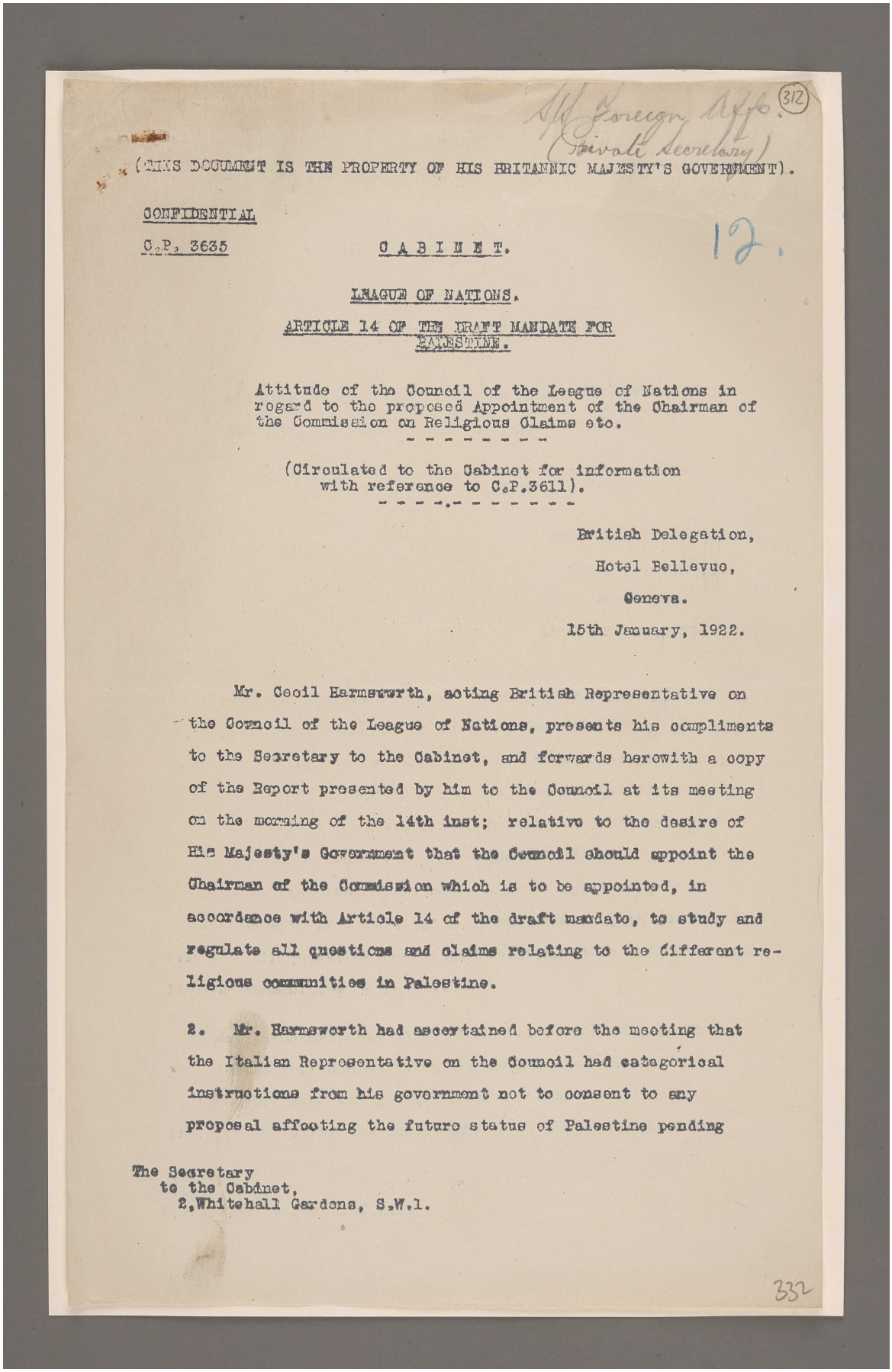

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Foreign Office (Private Secretary) 312

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C.P. 3635 CABINET. 12.

LEAGUE OF NATIONS.

ARTICLE 14 OF THE DRAFT MANDATE FOR PALESTINE.

Attitude of the Council of the League of Nations in regard to the proposed Appointment of the Chairman of the Commission on Religious Claims etc.

(Circulated to the Cabinet for information with reference to C.P.3611).

British Delegation,
Hotel Bellevue,
Geneva.
15th January, 1922.

Mr. Cecil Harmsworth, acting British Representative on the Council of the League of Nations, presents his compliments to the Secretary to the Cabinet, and forwards herewith a copy of the Report presented by him to the Council at its meeting on the morning of the 14th inst; relative to the desire of His Majesty's Government that the Council should appoint the Chairman of the Commission which is to be appointed, in accordance with Article 14 of the draft mandate, to study and regulate all questions and claims relating to the different religious communities in Palestine.

2. Mr. Harmsworth had ascertained before the meeting that the Italian Representative on the Council had categorical instructions from his government not to consent to any proposal affecting the future status of Palestine pending

The Secretary
to the Cabinet,
2,Whitehall Gardens, S.W.1.

332

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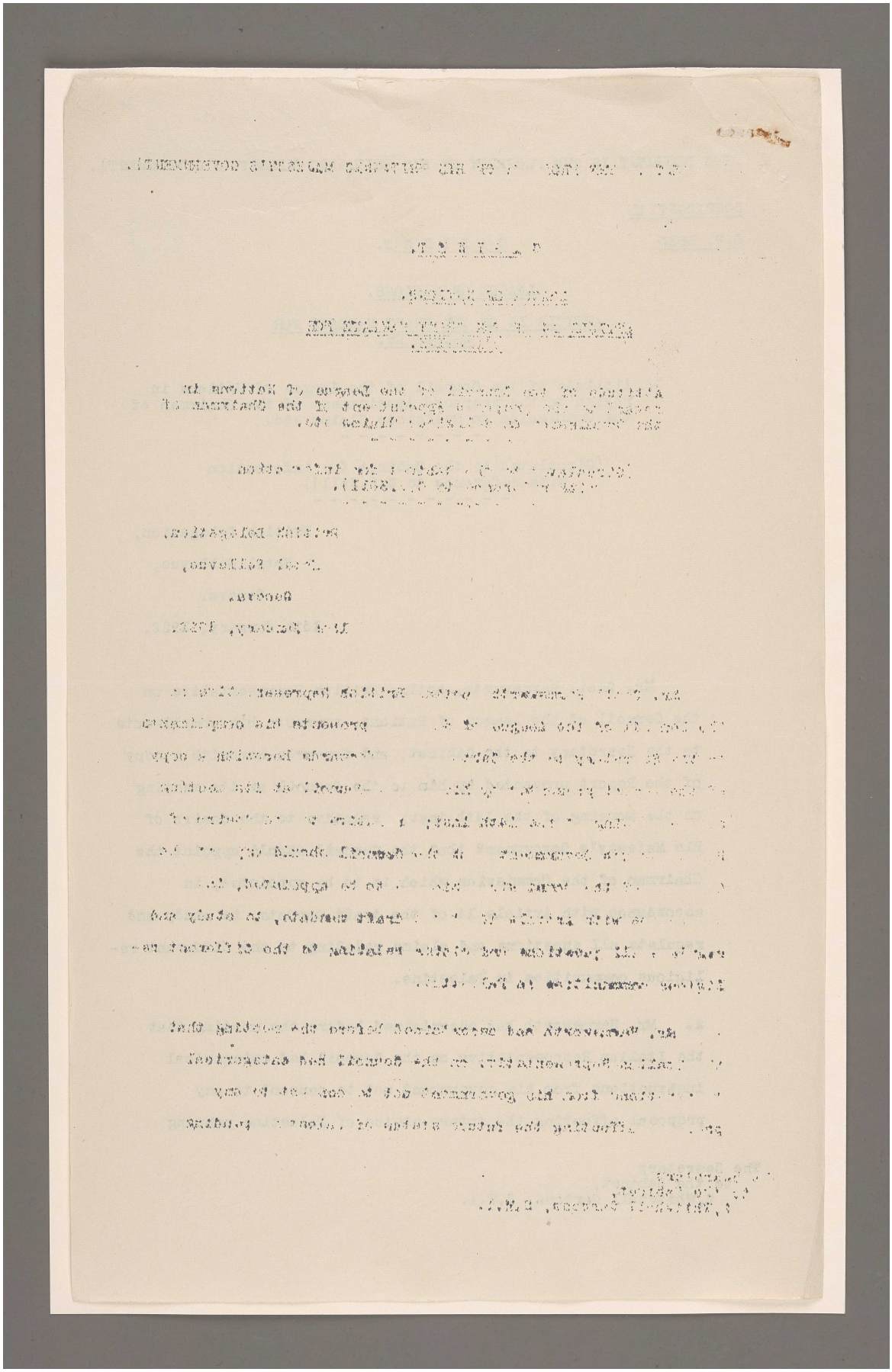

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313

the conclusion of a definite treaty of peace between the Principal Allied Powers and Turkey.

3. The Marquis Imperiali undertook to telegraph to his government in Rome requesting a modification of his instructions, so as to enable him to accept the resolution put forward in the annexed report, but such a request, if actually made, met with no response.

4. Mr. Harmsworth sent a telegram to the Secretary of State for Foreign Affairs on January 13th, suggesting that in all probability a word to the Marquis Torretta, who was then attending the meeting of the Supreme Council at Cannes, might have some good result, but this telegram cannot have reached Lord Curzon in time to be of service.

5. The attitude of the French Representative on the Council was typical. It was intimated privately to Mr. Harmsworth that the French Delegate sympathised warmly with the desire of His Majesty's Government for the setting up of this Commission in Palestine, but that he had categorical instructions to suggest a postponement of the matter; he said he would willingly telegraph to Paris for fresh instructions, but feared it would be useless in view of the fall of the French Government and the temporary lack of a Minister for Foreign Affairs to issue instructions on such a matter!

6. In these circumstances Mr. Harmsworth foresaw that there was no chance of unanimity being obtained, but he thought it better to let the matter come before the Council and be recorded in the minutes with his observations, to the effect that as he was aware that certain Members of the Council were not prepared to discuss the question at the present session, consideration of the matter should be

- 2 -

333

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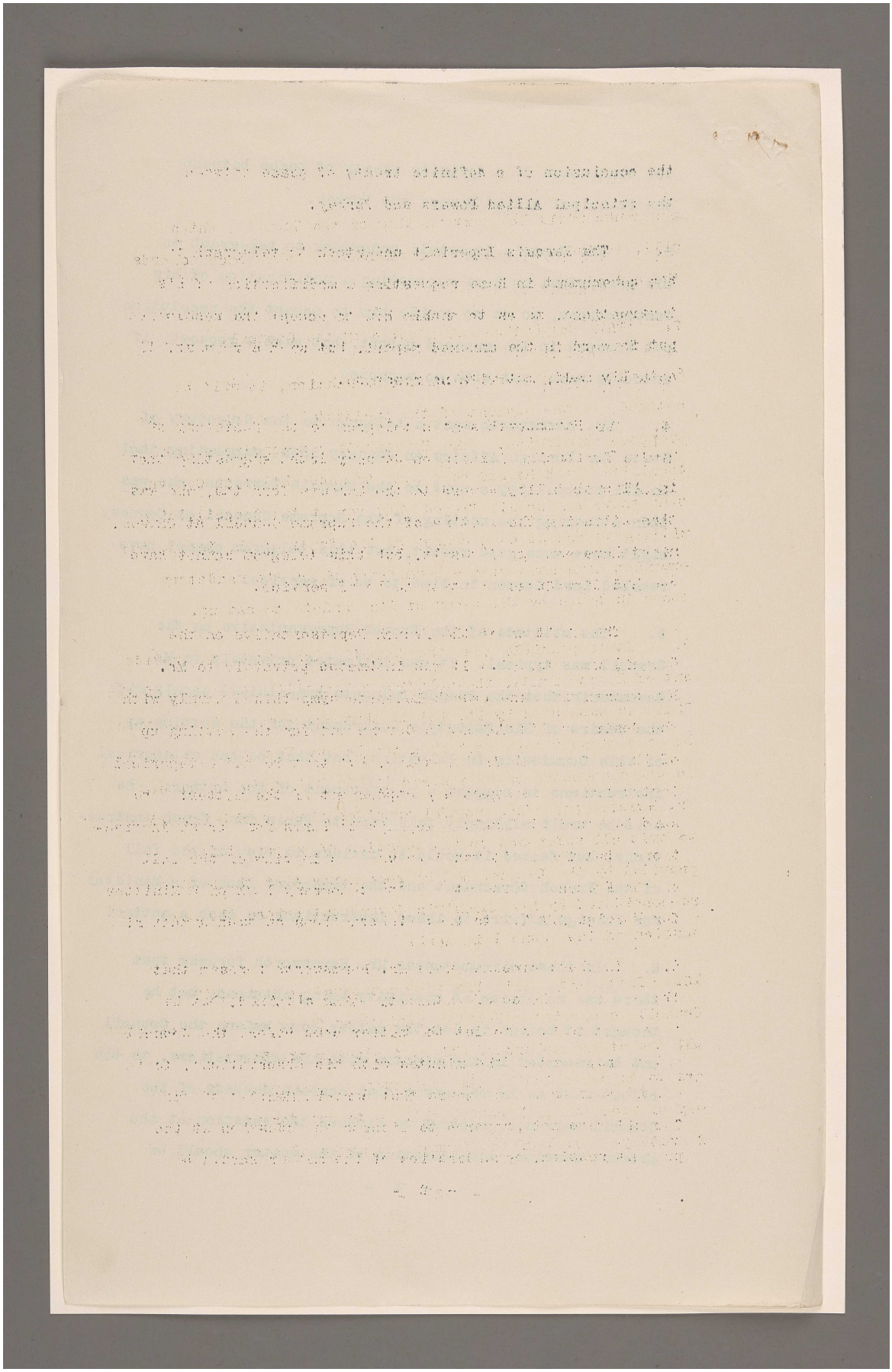

(314)

postponed until the next meeting of the Council, which will, in the ordinary course of events, take place towards the end of April.

7. This suggestion was adopted by the Council.

8. The enclosed report makes no mention, it will be noticed, of the payment of the incidental expenses of the proposed commission. Mr. Harmsworth was convinced from enquiries which he had been able to make whilst in Geneva, that there was no likelihood whatever of the Council being willing to accept as a charge on the funds of the League the expenses connected with a commission which the mandatory power is bound by the terms of its mandate to set up.

9. It is possible that the Council might agree to provide, out of League funds, the salary and travelling expenses of the Chairman appointed by it, but in that case the Chairman would be more closely dependent upon the League than perhaps would in all circumstances be desired by His Majesty's Government. Mr. Harmsworth, after careful consideration, decided therefore to omit all reference to the question of expense being provided by the League, and he recommends that the matter be re-considered by His Majesty's Government before the next session of the Council in April.

10. Difficulty will also be encountered in persuading the Council to appoint a British subject as Chairman of a commission all the other members of which, including the Vice-Chairman, are to be nominated by His Majesty's Government. The best way of proceeding, however, will be to put forward to the Secretary-General of the League the names of persons whom

- 3 -

334

المرجع: Mss Eur F112/287 حق النشر: رخصة حكومة مفتوحة
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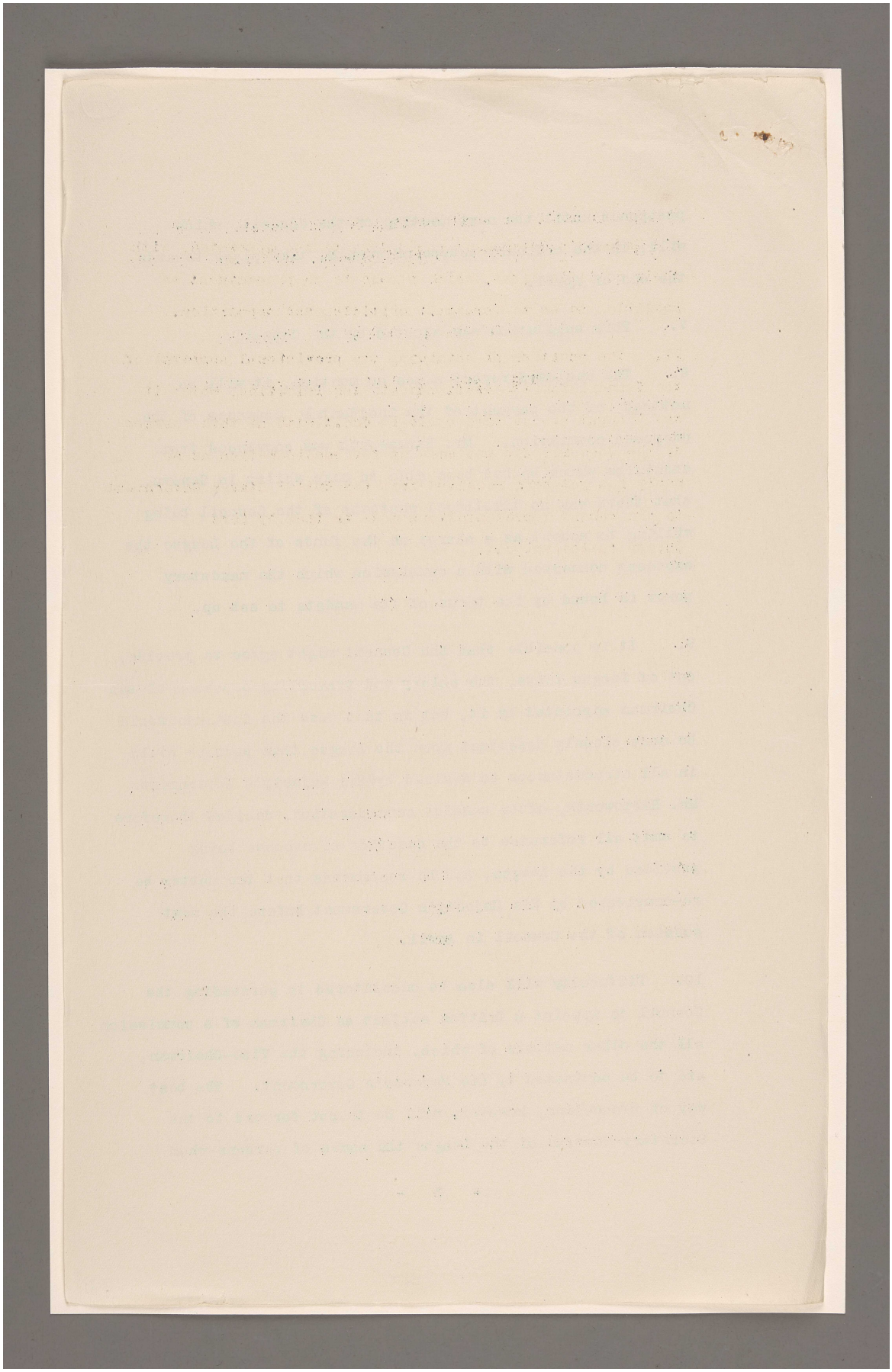

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(315)

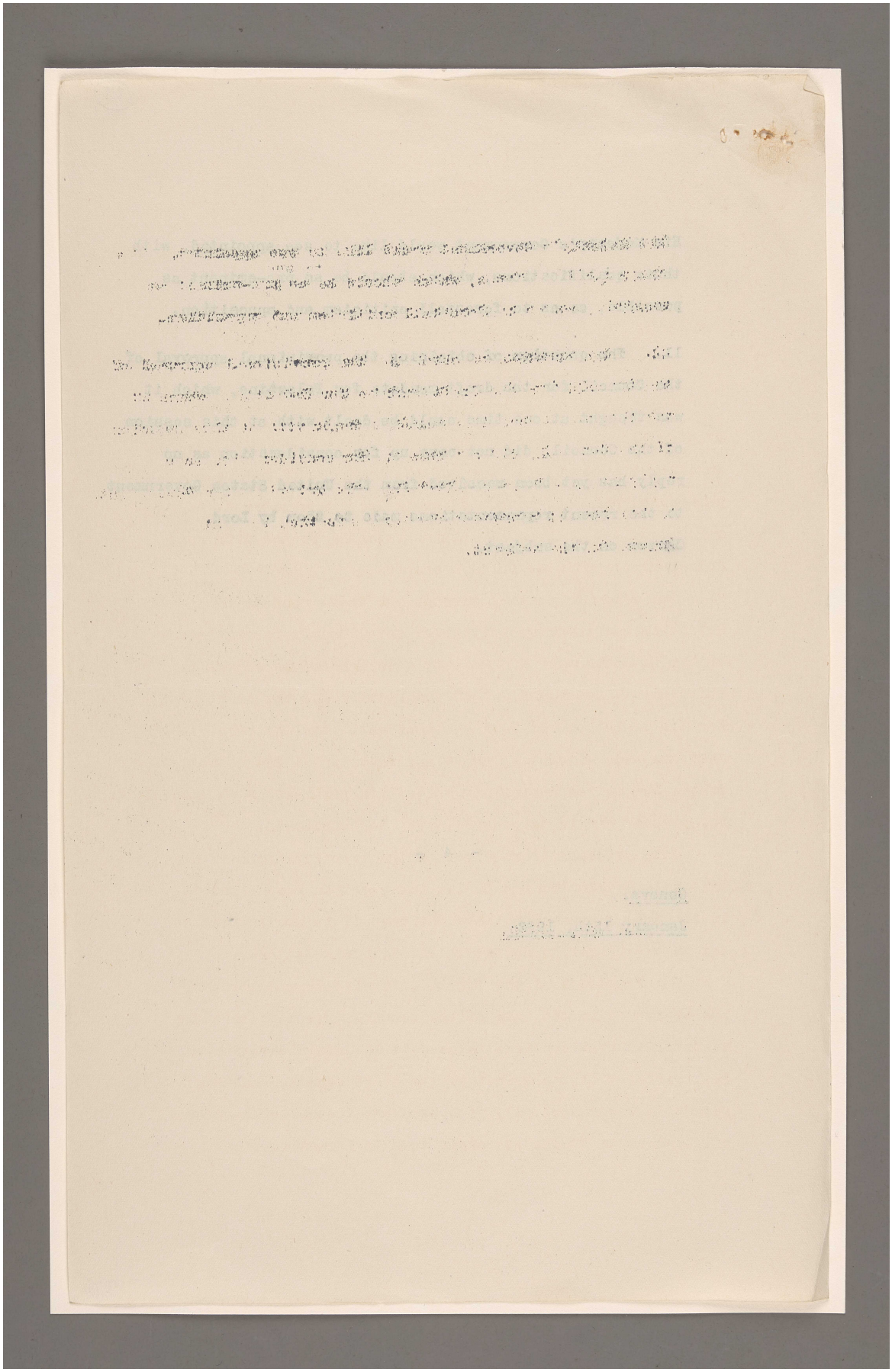
His Majesty's Government would like to see appointed, with their qualifications, which should be as pre-eminent as possible, so as to forestall criticism and opposition.

11. The question of obtaining the provisional approval of the Council for the draft mandate for Palestine, which it was thought at one time could be dealt with at this session of the Council, did not come up for consideration as no reply has yet been received from the United States Government to the recent representations made to them by Lord Curzon on the subject.

- 4 -

Geneva.
January 15th, 1922.

335



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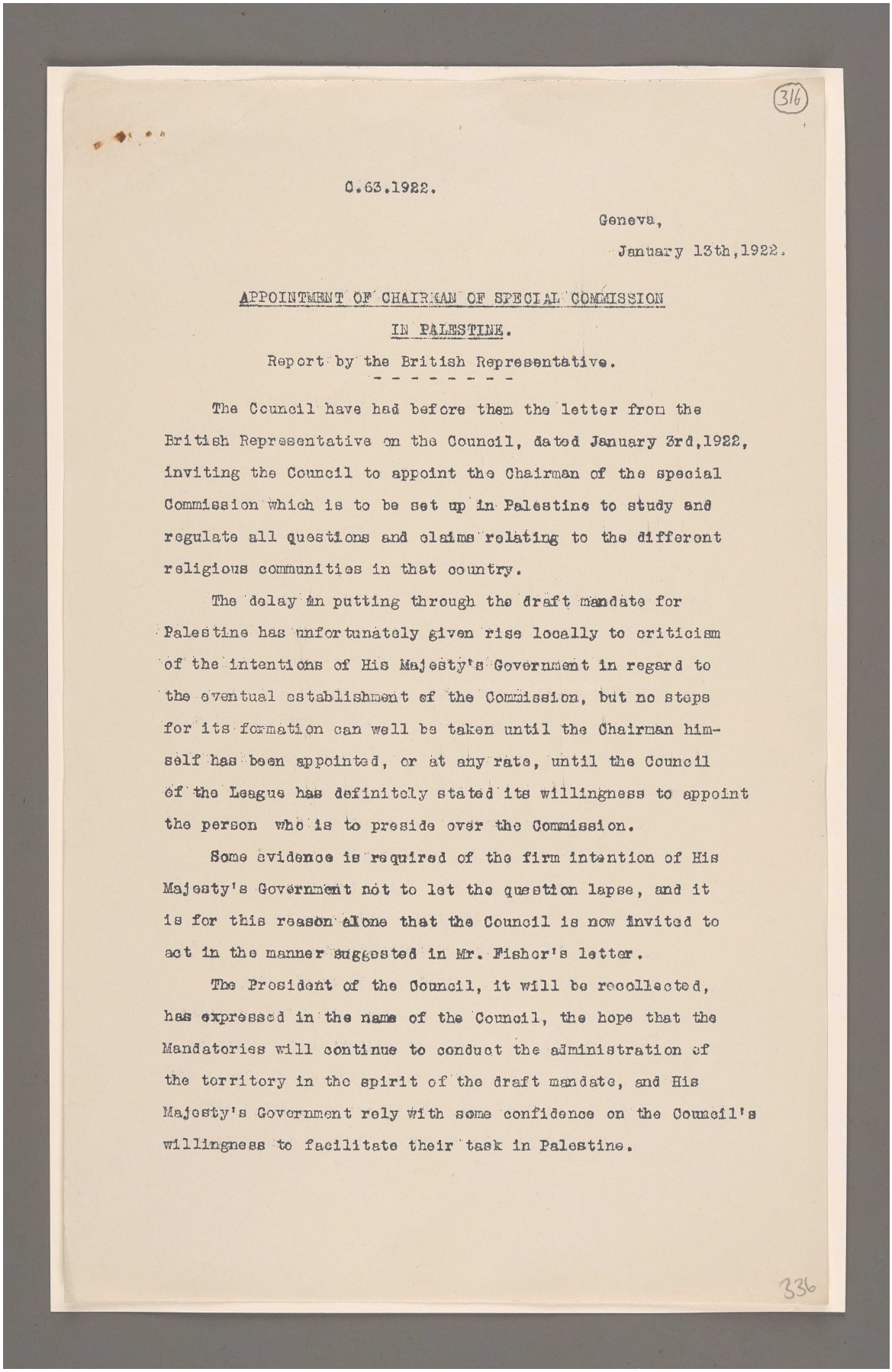

316

C.63.1922.

Geneva,

January 13th,1922.

APPOINTMENT OF CHAIRMAN OF SPECIAL COMMISSION IN PALESTINE.

Report by the British Representative.

The Council have had before them the letter from the British Representative on the Council, dated January 3rd,1922, inviting the Council to appoint the Chairman of the special Commission which is to be set up in Palestine to study and regulate all questions and claims relating to the different religious communities in that country.

The delay in putting through the draft mandate for Palestine has unfortunately given rise locally to criticism of the intentions of His Majesty's Government in regard to the eventual establishment of the Commission, but no steps for its formation can well be taken until the Chairman himself has been appointed, or at any rate, until the Council of the League has definitely stated its willingness to appoint the person who is to preside over the Commission.

Some evidence is required of the firm intention of His Majesty's Government not to let the question lapse, and it is for this reason alone that the Council is now invited to act in the manner suggested in Mr. Fisher's letter.

The President of the Council, it will be recollected, has expressed in the name of the Council, the hope that the Mandatories will continue to conduct the administration of the territory in the spirit of the draft mandate, and His Majesty's Government rely with some confidence on the Council's willingness to facilitate their task in Palestine.

336

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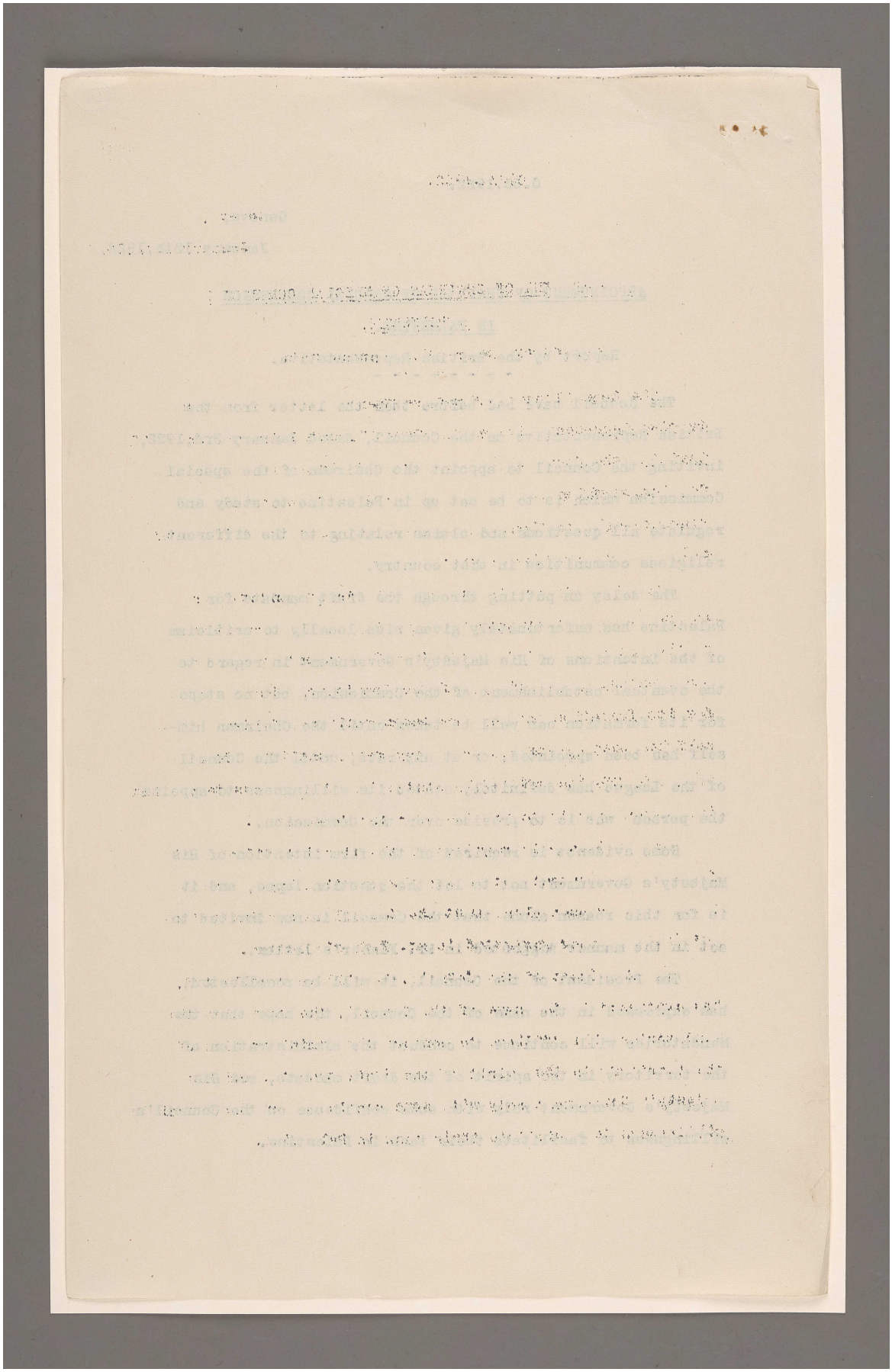

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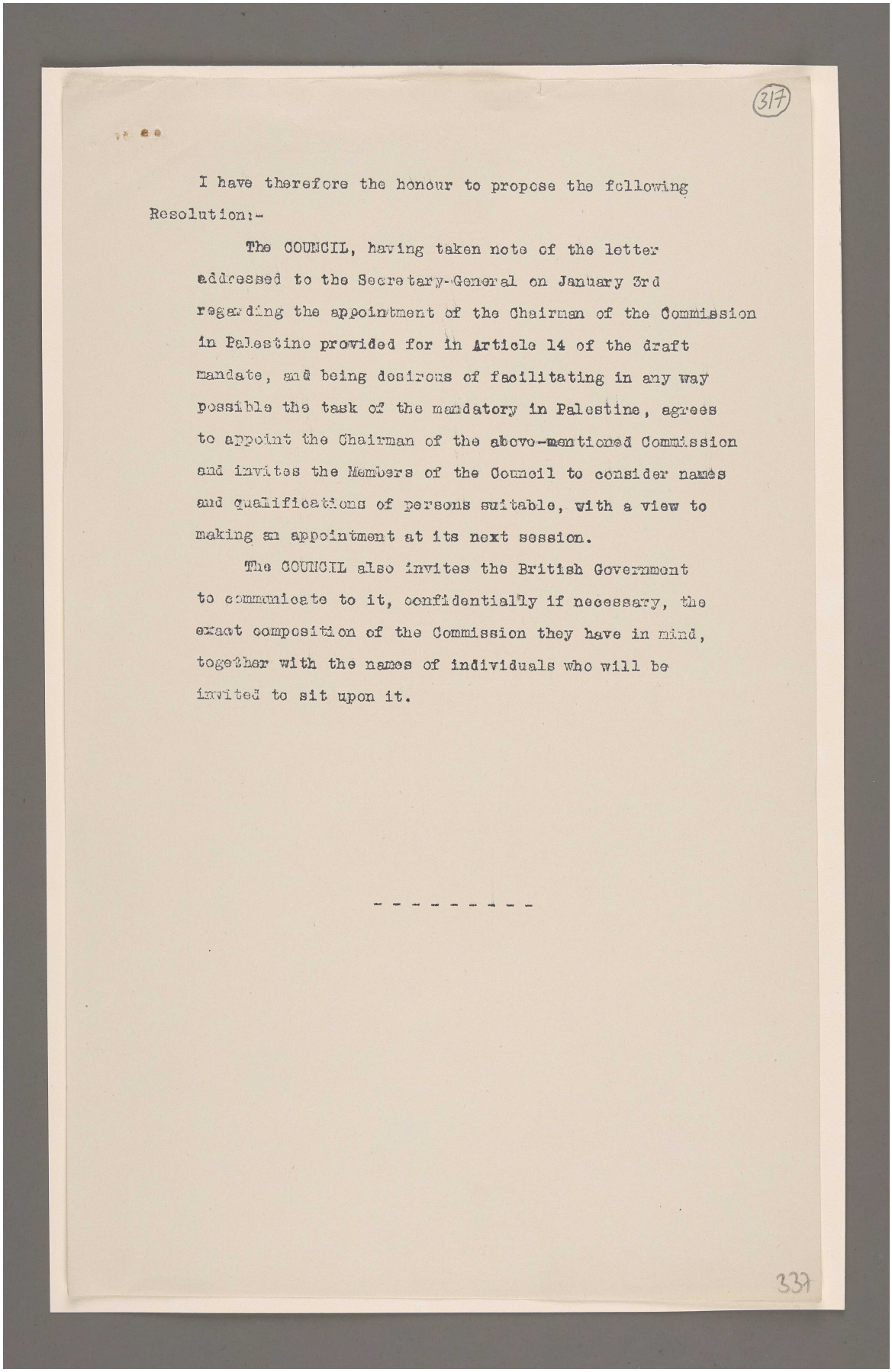

317

I have therefore the honour to propose the following Resolution:-

The COUNCIL, having taken note of the letter addressed to the Secretary-General on January 3rd regarding the appointment of the Chairman of the Commission in Palestine provided for in Article 14 of the draft mandate, and being desirous of facilitating in any way possible the task of the mandatory in Palestine, agrees to appoint the Chairman of the above-mentioned Commission and invites the Members of the Council to consider names and qualifications of persons suitable, with a view to making an appointment at its next session.

The COUNCIL also invites the British Government to communicate to it, confidentially if necessary, the exact composition of the Commission they have in mind, together with the names of individuals who will be invited to sit upon it.

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337

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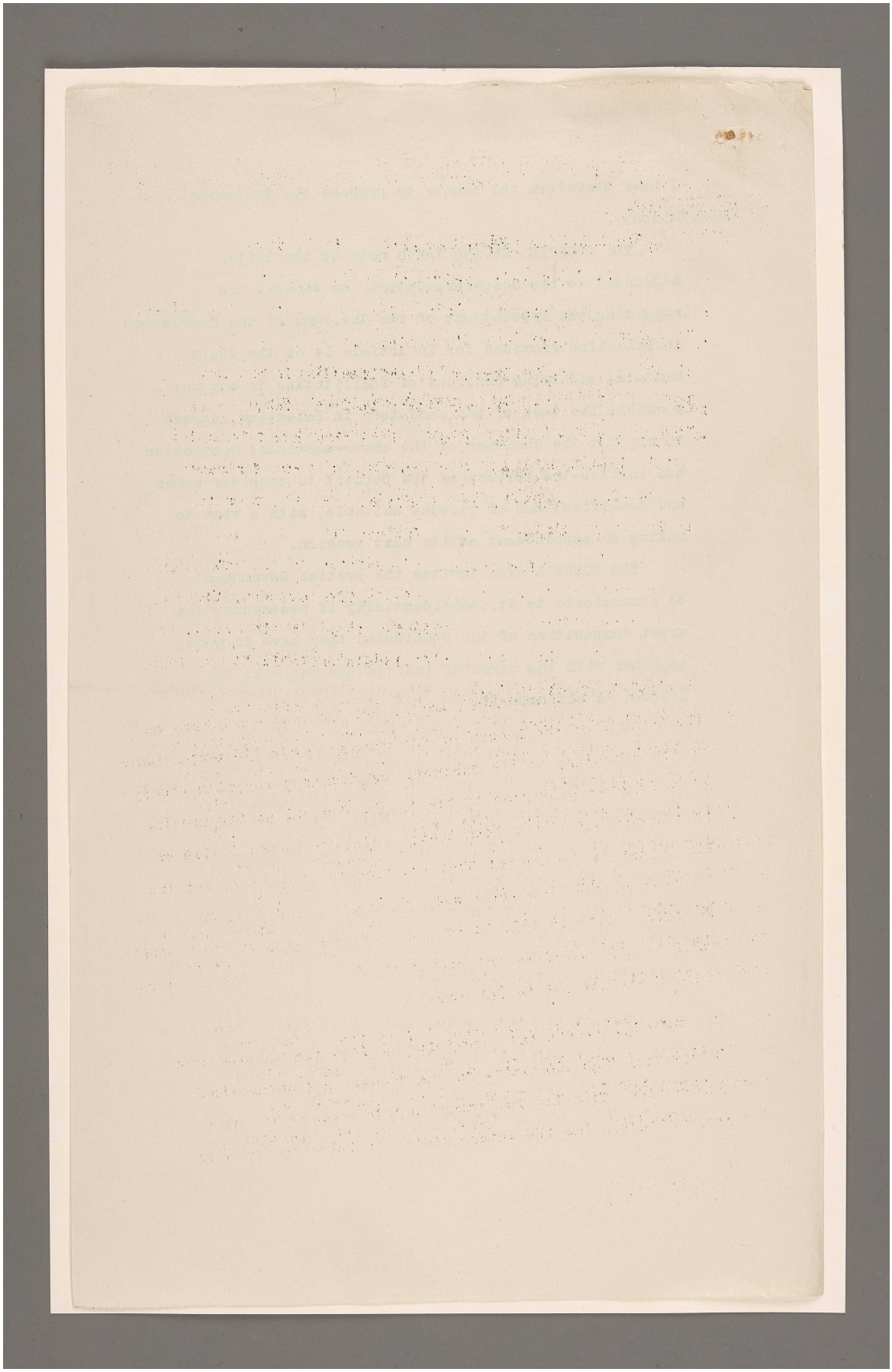

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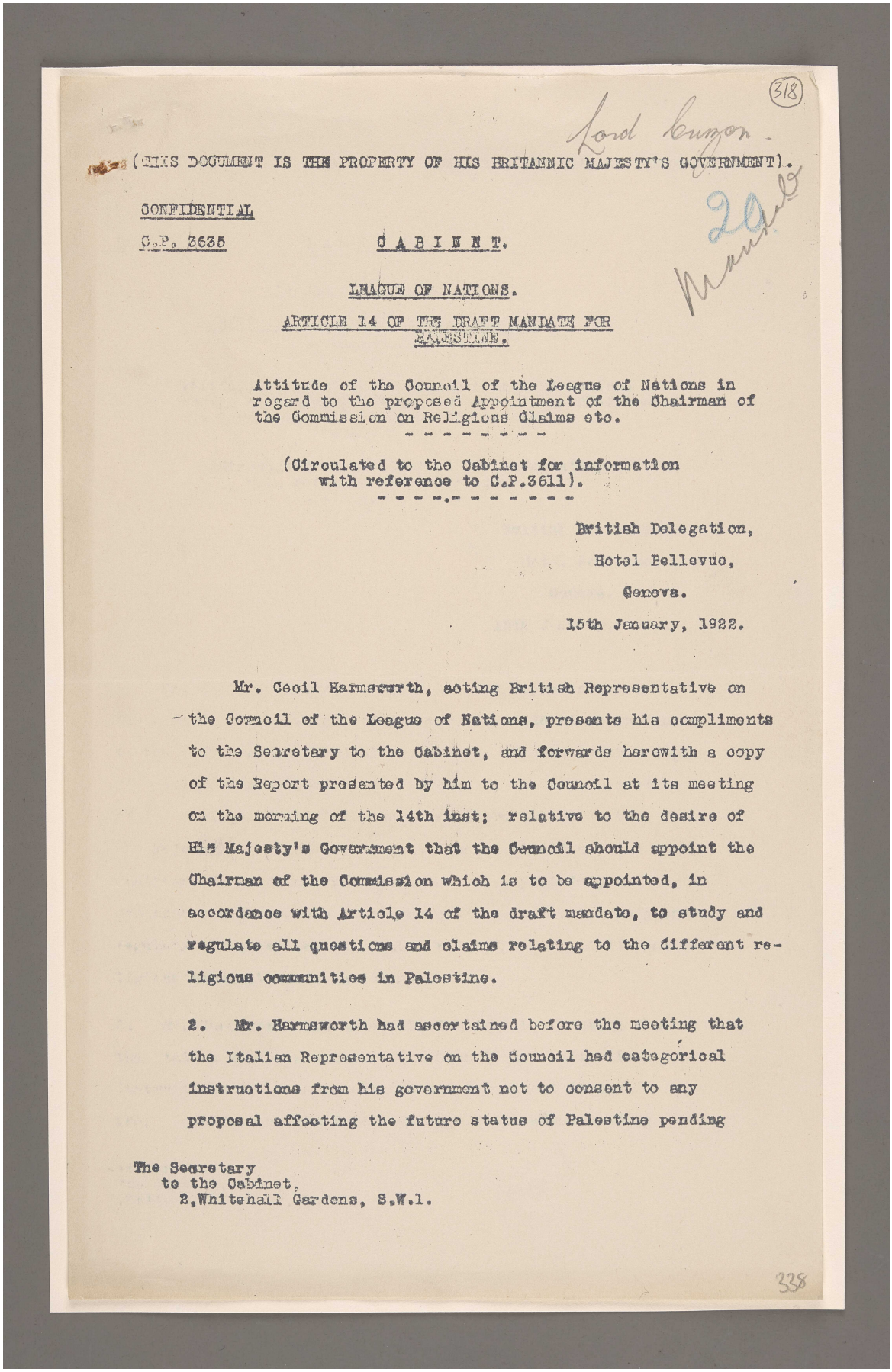

318

Lord Curzon.

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CONFIDENTIAL

C.P. 3635

CABINET.

LEAGUE OF NATIONS.

ARTICLE 14 OF THE DRAFT MANDATE FOR PALESTINE.

Attitude of the Council of the League of Nations in regard to the proposed Appointment of the Chairman of the Commission on Religious Claims etc.

(Circulated to the Cabinet for information with reference to C.P.3611).

British Delegation,
Hotel Bellevue,
Geneva.
15th January, 1922.

Mr. Cecil Harmsworth, acting British Representative on the Council of the League of Nations, presents his compliments to the Secretary to the Cabinet, and forwards herewith a copy of the Report presented by him to the Council at its meeting on the morning of the 14th inst; relative to the desire of His Majesty's Government that the Council should appoint the Chairman of the Commission which is to be appointed, in accordance with Article 14 of the draft mandate, to study and regulate all questions and claims relating to the different religious communities in Palestine.

2. Mr. Harmsworth had ascertained before the meeting that the Italian Representative on the Council had categorical instructions from his government not to consent to any proposal affecting the future status of Palestine pending

The Secretary
to the Cabinet,
2, Whitehall Gardens, S.W.1.

338

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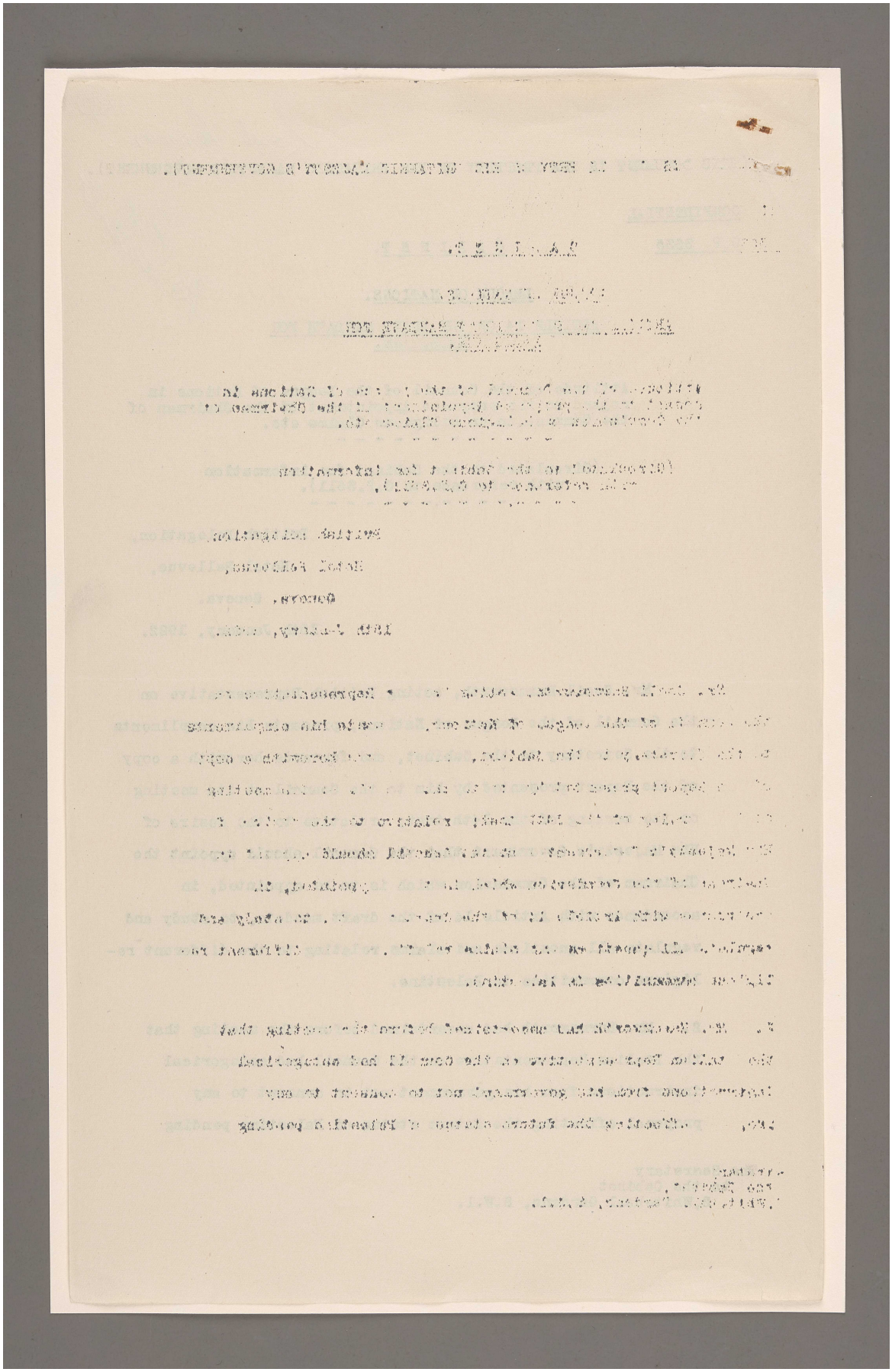

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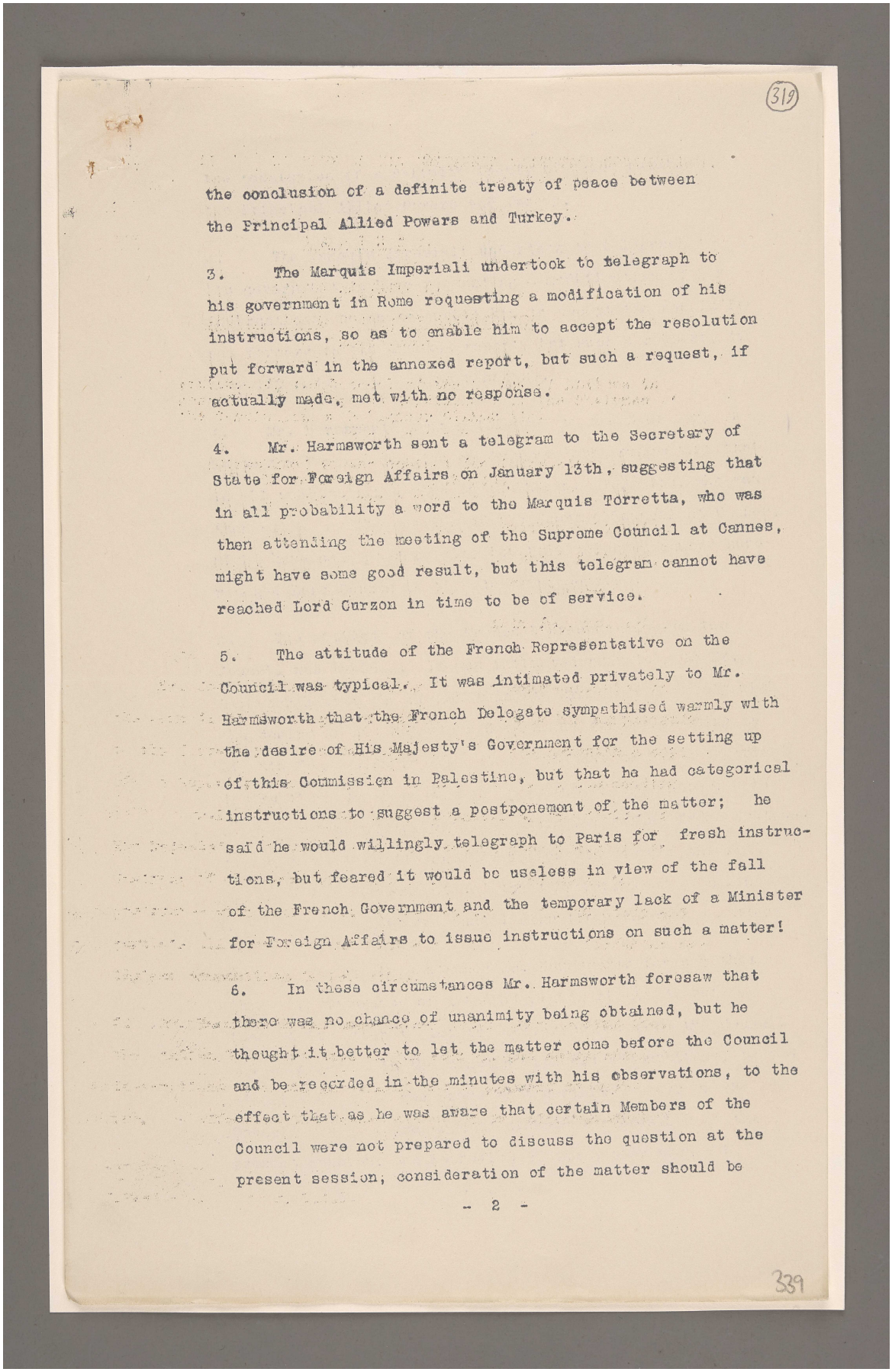

(319)

the conclusion of a definite treaty of peace between the Principal Allied Powers and Turkey.

3. The Marquis Imperiali undertook to telegraph to his government in Rome requesting a modification of his instructions, so as to enable him to accept the resolution put forward in the annexed report, but such a request, if actually made, met with no response.

4. Mr. Harmsworth sent a telegram to the Secretary of State for Foreign Affairs on January 13th, suggesting that in all probability a word to the Marquis Torretta, who was then attending the meeting of the Supreme Council at Cannes, might have some good result, but this telegram cannot have reached Lord Curzon in time to be of service.

5. The attitude of the French Representative on the Council was typical. It was intimated privately to Mr. Harmsworth that the French Delegate sympathised warmly with the desire of His Majesty's Government for the setting up of this Commission in Palestine, but that he had categorical instructions to suggest a postponement of the matter; he said he would willingly telegraph to Paris for fresh instructions, but feared it would be useless in view of the fall of the French Government and the temporary lack of a Minister for Foreign Affairs to issue instructions on such a matter!

6. In these circumstances Mr. Harmsworth foresaw that there was no chance of unanimity being obtained, but he thought it better to let the matter come before the Council and be recorded in the minutes with his observations, to the effect that as he was aware that certain Members of the Council were not prepared to discuss the question at the present session, consideration of the matter should be

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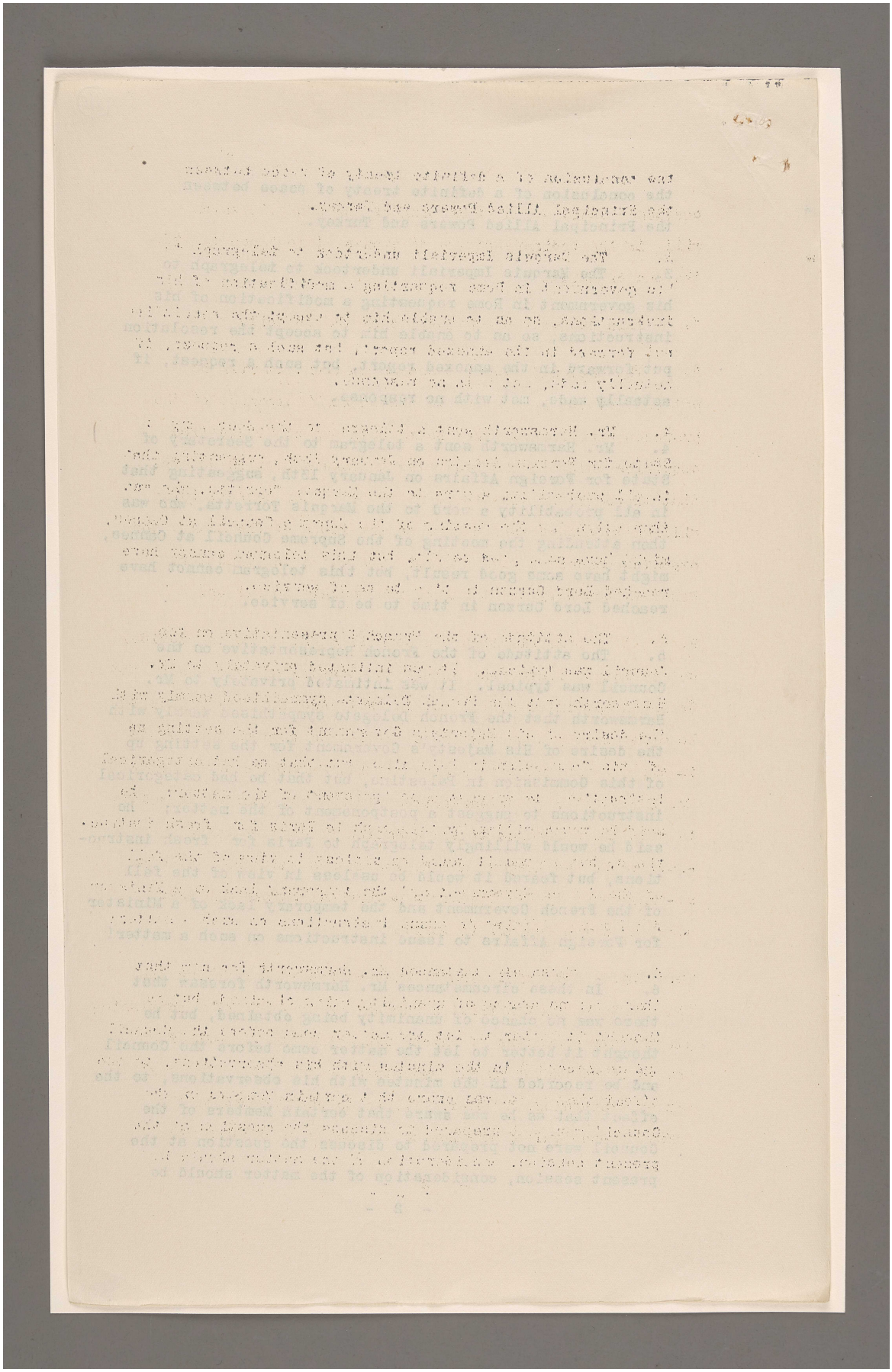
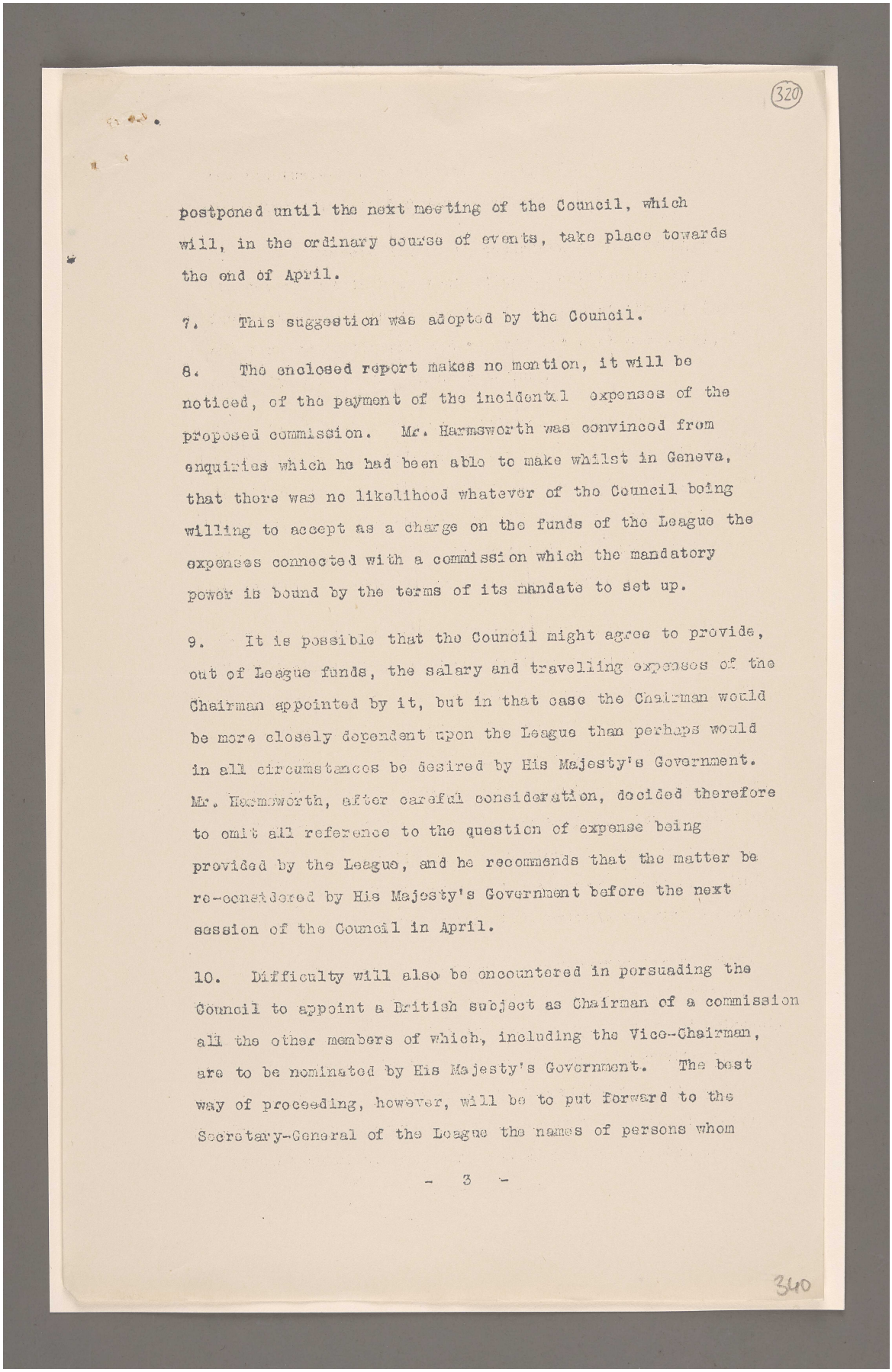
339





(320)

postponed until the next meeting of the Council, which will, in the ordinary course of events, take place towards the end of April.

7. This suggestion was adopted by the Council.

8. The enclosed report makes no mention, it will be noticed, of the payment of the incidental expenses of the proposed commission. Mr. Harmsworth was convinced from enquiries which he had been able to make whilst in Geneva, that there was no likelihood whatever of the Council being willing to accept as a charge on the funds of the League the expenses connected with a commission which the mandatory power is bound by the terms of its mandate to set up.

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340

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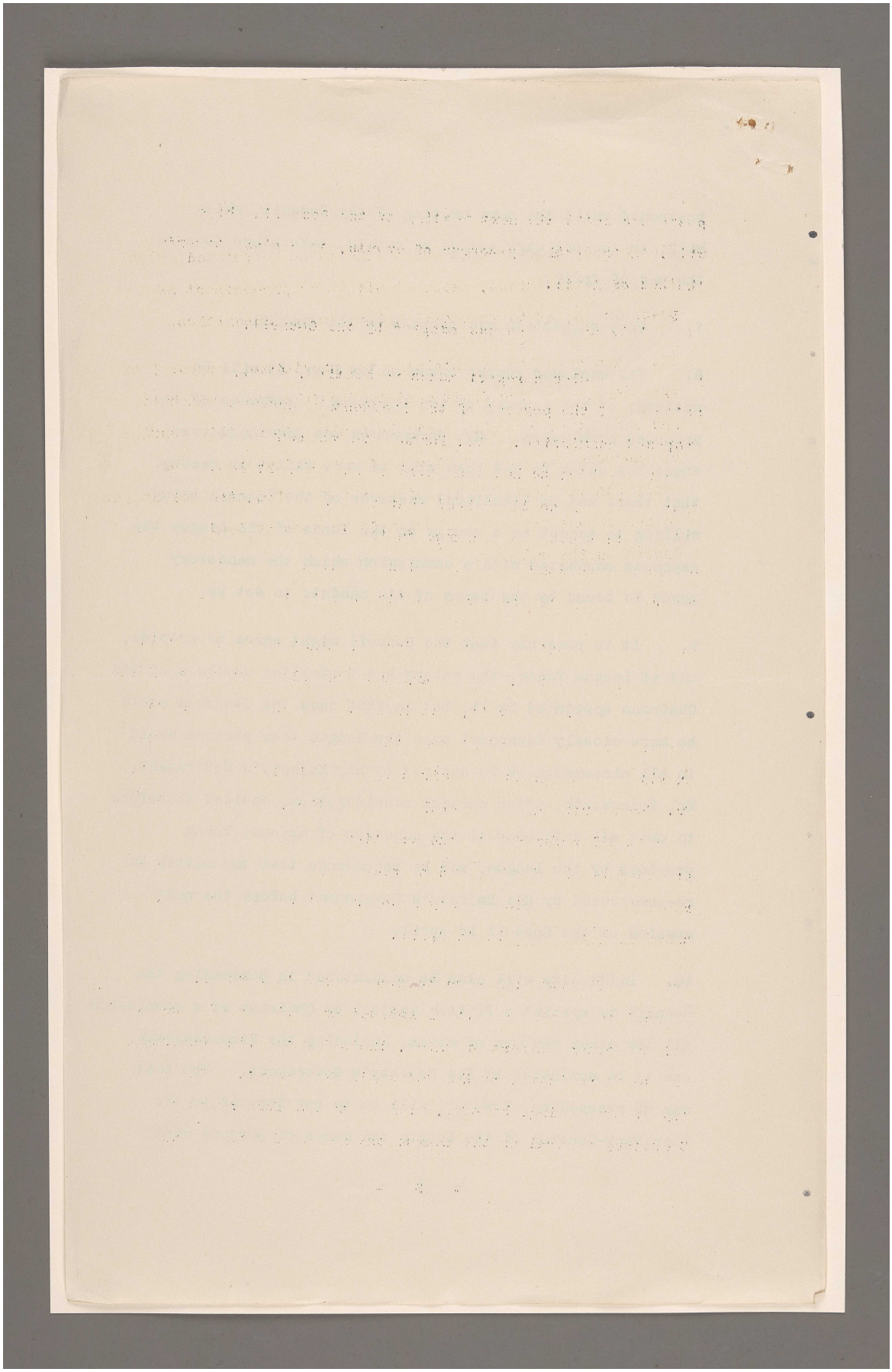

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(321)

His Majesty's Government would like to see appointed, with their qualifications, which should be as pre-eminent as possible, so as to forestall criticism and opposition.

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- 4 -

Geneva.
January 15th, 1922.

341

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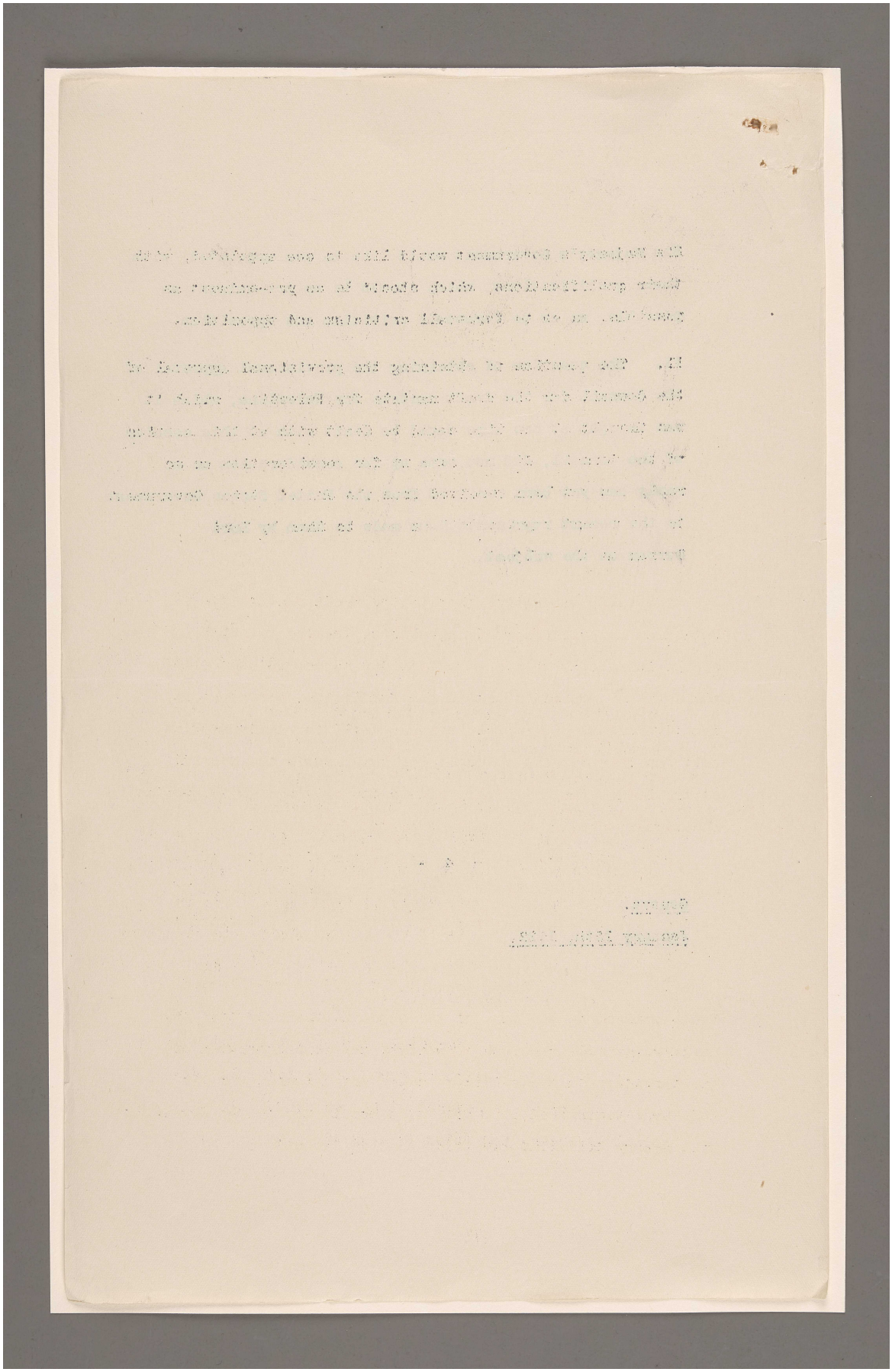

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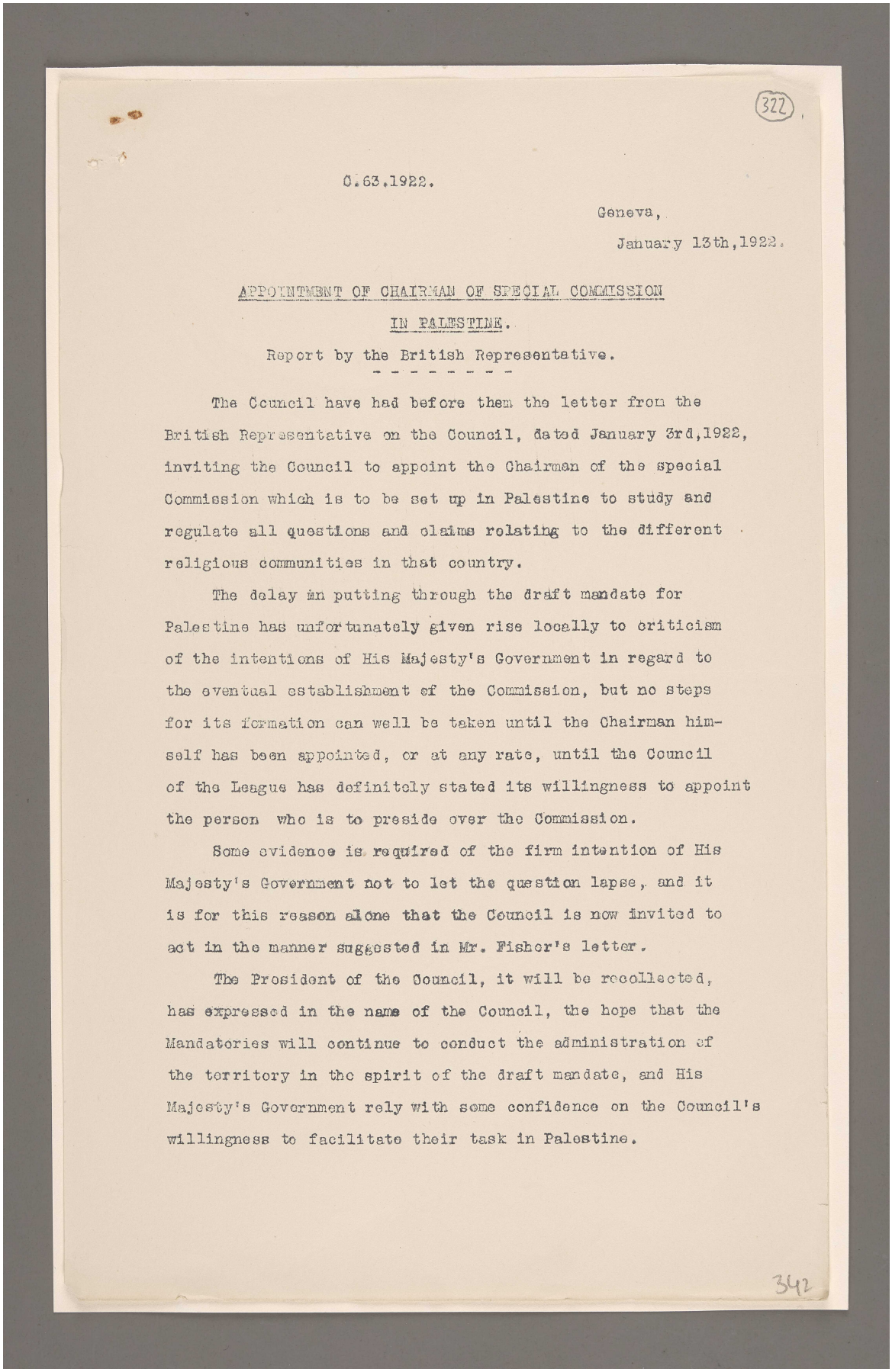

322

C.63.1922.

Geneva,
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342

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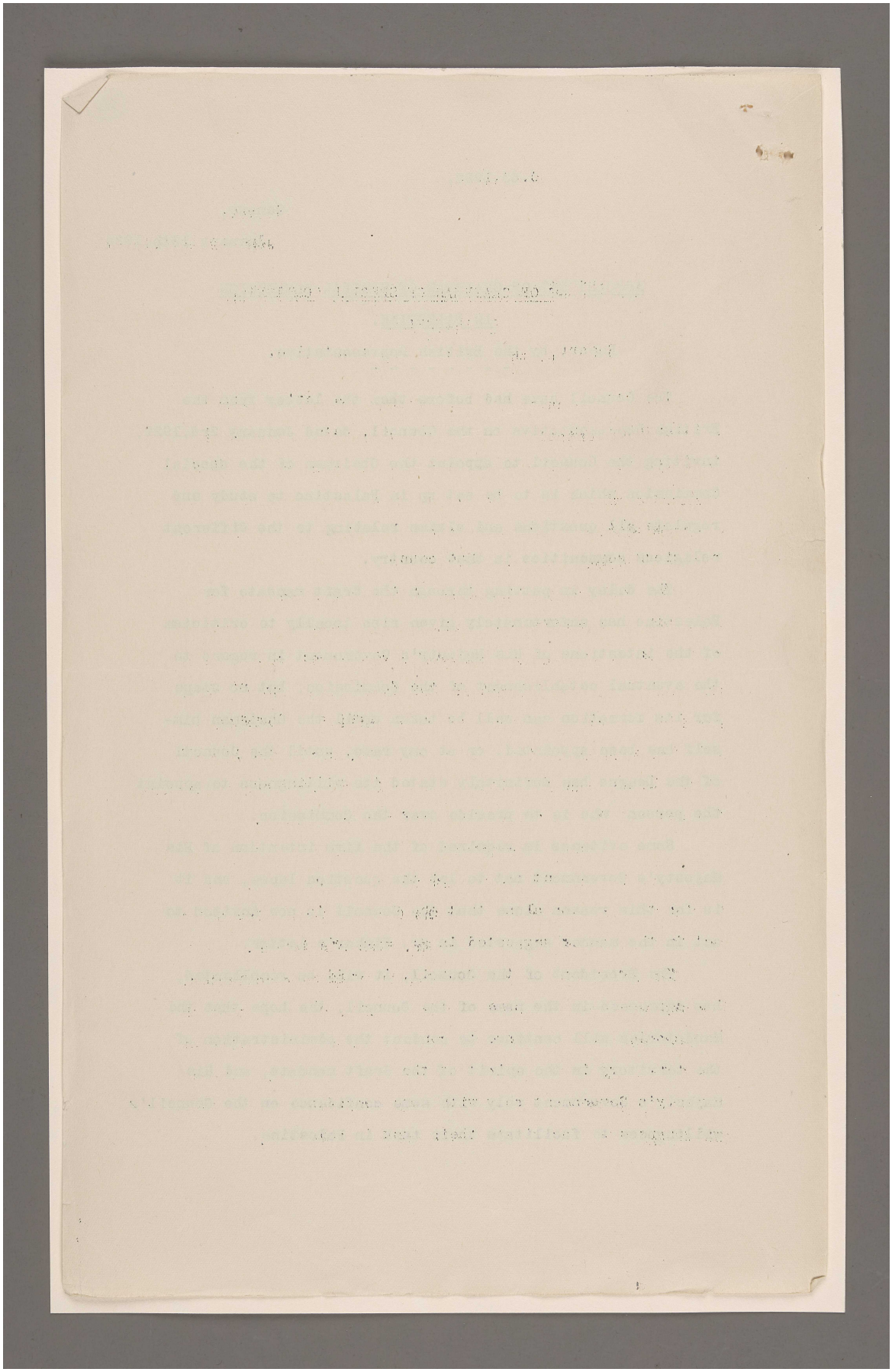

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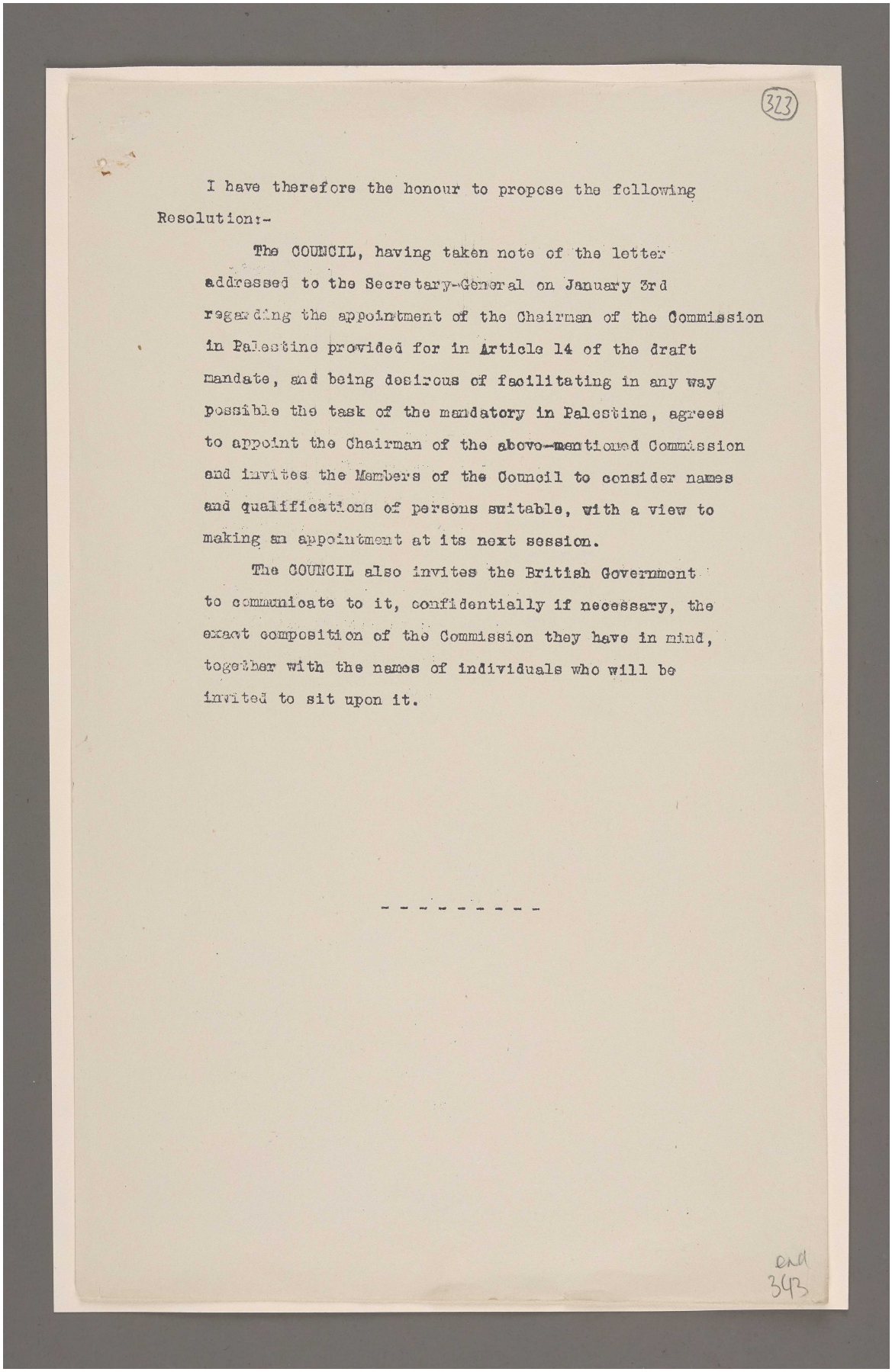

323

I have therefore the honour to propose the following Resolution:-

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The COUNCIL also invites the British Government to communicate to it, confidentially if necessary, the exact composition of the Commission they have in mind, together with the names of individuals who will be invited to sit upon it.

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End
343

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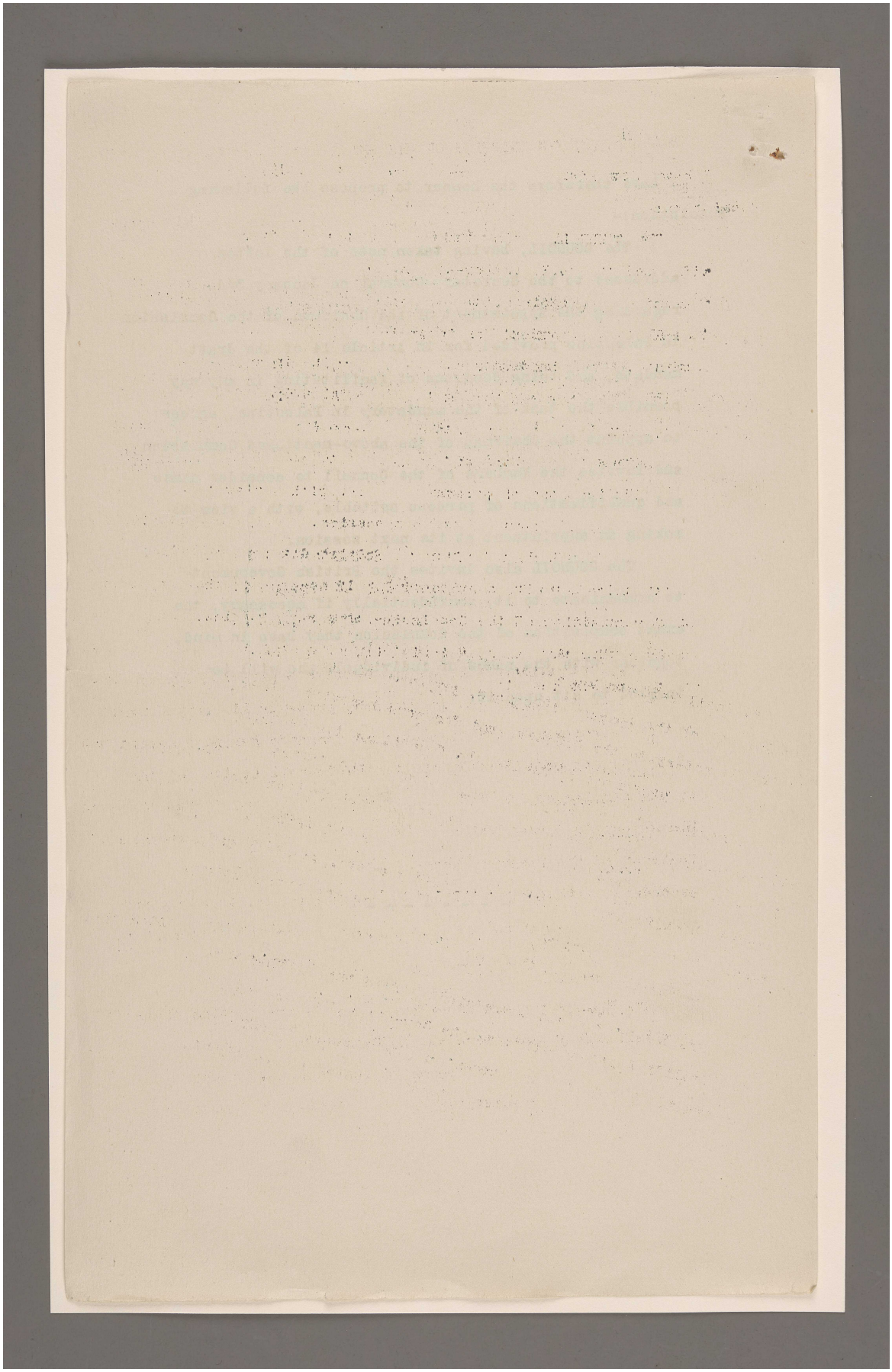

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