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LEAGUE OF NATIONS

PERMANENT MANDATES COMMISSION

MINUTES

of the

TWENTIETH SESSION

Held at Geneva from June 9th to June 27th, 1931,

including the

REPORT OF THE COMMISSION TO THE COUNCIL.

Series of League of Nations Publications

VI. A. MANDATES

1931. VI. A. 1.

LIST OF ANNEXES.

be agreeable to the Permanent Mandates Commission, the British Government would proceed to the preparation of the special report. "

He believed that all the members of the Commission were agreed that an immediate decision was not required, but that they must consider whether the report supplied an adequate basis for a final decision at the November session.

M. MERLIN agreed. The Commission would not be required to estimate until November whether or no the mandatory Power could lay aside its responsibility.

Count DE PENHA GARCIA drew special attention to the close interdependence, in the case of Iraq, of the question of its admission to the League of Nations, for which provision was made in the Treaty, with the question of the termination of the mandate. The Council had quite logically asked for an opinion on the question whether Iraq fulfilledthe necessary conditions for such termination. Only after receiving a reply to this first question could the Council consider the problem of Iraq's admission to the League, with which the Mandates Commission had nothing to do.

M. RAPPARD considered that, from the practical point of view, it would be well to examine the report, chapter by chapter, the Commission reserving the right, after hearing the accredited representative, to hold a private meeting during which it could decide on fresh questions to be submitted to him.

He agreed with Lord Lugard that it was essential to examine the general conditions required for the termination of a mandate in order to know the lines which the discussion on a particular case must follow. It would be much to be regretted if, after the accredited representative had left Geneva, the Commission were to discover that it had omitted to ask for information on certain important points.

Count DE PENHA GARCIA thought that this would in fact be the best procedure, a preliminary discussion between the members of the Commission not being necessary. Each member would ask questions which, from his personal point of view, would be calculated to throw light on the subject. The general observations would emerge from the usual discussion which would take place after the examination of the report.

Lord LUGARD maintained his view that it was better to consider the general question of the conditions required for the termination of a mandate before embarking on the question of Iraq. It was, however, impracticable to suppose that the Commission could conclude its discussion on the general question at a single meeting, and it would not be possible to ask the accredited representative and those accompanying him to remain at Geneva until the end of the discussion, which might last some time.

M. ORTS wished to draw the Commission's attention to what was, in his view, the principal task before it. The mandatory Power, in its introduction to the special report (pages 10 and 11), explained the aim which it had had in view and gave the results of its work in Iraq. Its aim had been to set up, " within fixed frontiers, a self-governing State, enjoying friendly relations with neighbouring States and equipped with stable legislative, judicial and administrative systems, and all the working machinery of a civilised Government ". The report indicated that this result had been fully attained, which enabled the mandatory Power to say that Iraq could now dispense with the assistance and advice of the Mandatory and be admitted into the League.

Nevertheless, it might be asked whether the criterium accepted by the Mandatory was absolutely conclusive. Undoubtedly, Iraq now gave the appearance of a constitutional monarchy, with a Cabinet responsible to a Parliament composed of two Chambers. In its Constitution were embodied all the principles which were at the basis of the public law of the modern State. Was this sufficient to justify the conclusion that Iraq was ready to govern itself as a civilised country ? The façade seemed to be good, but it was necessary to be sure that the foundations were solid and that the edifice was not kept standing solely by reason of the support given by the mandatory Power. Good institutions were not everything: in order that they might function, they must be animated by a public spirit.

It was already a surprising achievement to have created all the machinery of the political and administrative organisation of a modern State, none of which had existed barely ten years ago. Who would dare to claim that the political education of this people, who for centuries had remained completely separated from the general trend of ideas and who had been mostly nomads, had followed, even at a distance, the development of the organisation of this new State ?

This question became of the utmost importance in connection with the future of the minorities, What would be the fate of these racial and religious minorities when the departure of the Mandatory would give the Government, composed of a Moslem majority, a free hand ? Would the Government carry out that policy of liberty of conscience and religion which was inscribed in the Iraq Constitution, and also respect for minorities ?

The Permanent Mandates Commission had received petitions from Kurds and previously that of the Bahais. The petition from Captain Rassam, for which M. Orts was Rapporteur, was accompanied by those from qualified representatives of the Assyrians, the Chaldeans and the Yezidis. All these documents expressed the same deep fear for the future felt by the minorities of various origins and religions, and the very fact that this fear was unanimous made it impossible to conclude that it was unfounded. These people were living in close touch with the Moslem majority and the representatives of the Iraq Government. They demanded guarantees for their existence from the moment when the British authority would be withdrawn. Would they expose

themselves to the risks which such an attitude of mistrust involved if they had not the very clear feeling that a grave danger threatened them ?

It was important that the Commission should be reassured as to the future of these minorities, that it should receive from the Mandatory, which alone could give it, the formal assurance that, in this country, which only a few years ago was not considered to be capable of governing itself, there had been such a change in spirit that one of the reasons for which it had been put under a guardian had ceased to exist.

If the Commission acquiesced in the discontinuance of the mandate system without having been completely reassured in this respect, it would be dividing with the mandatory Power the responsibility for the disappointments which Iraq might cause in the future.

M. VAN REES stated that, as a member of the Mandates Commission, he would personally never consent to accept the responsibility to which M. Orts had just referred.

The Commission, moreover, could not accept this responsibility. There was only one authority which could assume it, and that was the mandatory Power which was in a better position than anyone else to judge whether the territory was ready to be declared independent and to become a Member of the League of Nations. If Great Britain, as it had already done, formally declared that this was so, if it took the initiative before the Council, as it had done, for the emancipation of Iraq, it was Great Britain which took the moral responsibility for this action. The Mandates Commission did not share this responsibility, could not even do so, because it could not form an opinion with full knowledge of the facts, since it had at its disposal only the information supplied by the mandatory Power. What the Commission could say, as a result of its examination, was that it had not found sufficiently serious objections to justify an opinion to the effect that the proposal of the British Government should not be realised. If the information supplied to the Commission appeared to it to be conclusive, it could not go farther than that negative opinion, without tacitly assuming part of the responsibility for the unforeseen consequences, which were always possible, of the withdrawal of the mandatory authority in Iraq—a responsibility which did not belong to it.

M. RAPPARD pointed out that M. Orts, in drawing attention to the mandatory Power's definition of the work done, had brought the discussion back to the point at which it had started. This showed that Lord Lugard was right, and that the general conditions required for the termination of a mandate must first be examined. It was essential for the Commission, first, to set up its principles, and then to examine Iraq's particular case in the light of those principles.

M. ORTS proposed that the Commission, after considering the report as a whole with the accredited representative, should deal with the question of the conditions to be fulfilled by Iraq in order that it should be recognised as having full independance. The Commission might embark on this question with a study of the double definition appearing on page 10 of the special report.

On that occasion, the accredited representative might be asked whether, apart from the framework of the institutions, there existed that spirit which was essential for their normal working. If the accredited representative replied in the affirmative, the Commission could assume its share of the responsibility. It could inform the Council that it was satisfied upon all the points within its competence—namely, the Constitution, political and administrative organisation. In so doing, the Commission would, however, point out that, as regarded the public spirit of Iraq, and its moral progress, it could but rely on the mandatory Power's statement.

M. VAN REES saw no objection to this procedure.

Lord LUGARD thought that M. Orts' proposal was logical and that the accredited representative should be asked the questions he suggested, but the Commission's final decision on the question, whether Iraq should be liberated from the mandate regime should be deferred till the general question of the conditions of the withdrawal of a mandate had been decided.

M. RAPPARD emphasised the importance of the problem. The question, which was not only one of form, was most difficult. Unless the Commission had no misgivings about the complete emancipation of Iraq, it must avoid everything which might be construed as an approval of that policy.

M. ORTS pointed out that he had described what was in his view the division of the responsibility between the Commission and the mandatory Power. If the latter refused to shoulder its responsibility, especially as regarded the future of the minorities, and refused to guarantee their security, the Commission could take note of the fact that, as regards this question, the mandatory Power refused to assume responsibility.

M. MERLIN added that, even if the mandatory Power refused to give an undertaking, it would still have full responsibility, seeing that it had taken the initiative in declaring Iraq's independence. It played, so to speak, the role of godfather to Iraq vis-à-vis the League of Nations, and would therefore be entirely responsible from the moral standpoint, if the future should prove that the assurances it had given were invalid. This point must be clearly established.

M. RAPPARD pointed out that those who denied the Commission's responsibilities implicitly acknowledged that its work was vain. The Council of the League had a political responsibility but, if the Commission, after a profound study of the question, stated that the Council could proceed without demur, it assumed in so doing full and complete responsibility for its advice. It should not attempt to shirk this, but should make its opinion to the Council as authoritative

to be no great hope for the future if the majority in Iraq denied the very existence of that minority.

Sir Francis HUMPHRYS thought that the Minister of the Interior had had in mind the particula society of Kurds who were demanding separation for the Kurdish race. He agreed that ther sentence in question was liable to be misunderstood, but it was probably a reference to the exclusive attitude of certain parties as regards, for example, the employment of Kurdish officials. There was also the feeling that a minority implied subordination, and the speech was intended to emphasise the idea of Iraqi unity and equality for all.

Replying to M. Rappard, the accredited representative said that, if the Iraqi Government were asked whether it recognised the Kurds and Assyrians as being minorities, it would certainly reply in the affirmative, but would probably say that the existence of minorities did not necessarily constitute a minority question.

M. RAPPARD observed that this point was important in view of the Commission's present task. It had to consider what hope there was of getting loyal co-operation as regards guarantees for the minorities.

He noted one passage in the last part of the statement: " The Iraqi State ", he read, " has shown itself jealous of the sanctity of international engagements ". He thought that the Bahai question and the question of the Kurds were not very significant of such an attitude.

Sir Francis HUMPHRYS observed that the international engagements to which he had referred were chiefly with Great Britain, Turkey, the Nejd and Persia—that was to say, with Iraq's neighbours, with whom the Iraqi State had a good reputation for keeping faith. There was also the list of international Conventions given on page 37 of the report. He must join issue with M. Rappard on the suggestion that the Bahai case could be classed in the category of international engagements.

He agreed that the decision in this case had been unfortunate; the question now was how to deal with a *res judicata* in a manner that was strictly legal. The idea of taking it before the Permanent Court of International Justice had been abandoned, but he hoped to be able to show the Commission that the matter was being dealt with satisfactorily.

PROPORTION OF NON-KURDISH-SPEAKING OFFICIALS.

Lord LUGARD, referring to the passage in the accredited representative's statement to the effect that there still remained at the end of 1930 a total of 100 officials out of 756 in the Kurdish areas " who were not Kurds, and did not know Kurdish ", enquired how many approximately of those officials were in the Administration and how many in technical posts.

Sir Francis HUMPHRYS said he would make a statement on the subject.

Sir Francis Humphrys subsequently submitted the following reply to Lord Lugard's question:

Of the 100 officials mentioned, 21 are gazetted and 79 non-gazetted, distributed as follows:

Gazetted Officials.

	Arab	Turcoman	Christian and Jew
General Administration	3	—	—
Police	5	—	—
Justice	1	—	—
Land registration	1	—	—
Customs	3	—	1
Finance	2	1	—
Jails	—	—	1
Health	—	—	2
Agriculture	—	—	1
Total	15	1	5

Non-Gazetted Officials.

General Administration	4	—	1
Police	11	—	4
Justice	—	—	—
Land registration	2	—	1
Customs	3	—	4
Finance	2	1	1
Education	9	—	15
Posts and Telegraph	2	—	7
Health	1	—	4
Agriculture	—	—	1
Public Work Department	1	—	4
Jails	1	—	—
Total	36	1	42

There are three points which ought not to be forgotten in considering these figures. In the first place, they are not quite up to date—the returns which have been called for are sent in every six months and the next is due on July 1st. Moreover, a number of these officials have already been replaced by Kurds or by non-Kurds with a knowledge of Kurdish. Secondly, the Language Law provides for correspondence between liwas and Baghdad, and between qadhas and liwa headquarters at Mosul, being conducted in Arabic. This naturally involves the retention of a certain number of Arab clerical officials in these areas. Lastly, the Mosul qadhas cannot be brought under the Language Law until the local Kurds have chosen what form of Kurdish they wish to use. There is every reason to hope that the proportion of non-Kurdish-speaking officials will be considerably reduced in the near future.

SEVENTEENTH MEETING

Held on Friday, June 19th, 1931, at 10.30 a.m.

Iraq: Examination of the Special Report on the Progress of Iraq during the Period 1920-1931 (continuation).

Sir Francis Humphrys, Major H. W. Young, Mr. R. V. Vernon and Mr. T. H. Hall came to the table of the Commission.

THE BAHAI CASE.

M. ORTS recalled the severe criticisms made both by the Mandates Commission and the British Government itself of the supreme judicial authority of Iraq and the highest authorities in the country for their partiality and weakness in connection with the Bahai affair in Baghdad. This affair was an example,which was not yet forgotten, of the annoyance to which the minority was exposed at a time when the British authorities were still in a position to make their influence felt.

It was said that a Special Committee which had been instructed to examine the case in question had come to a decision which appeared to have been satisfactory to both parties. The decision was to expropriate the land on which were situated the buildings of which the Bahais had been unjustly deprived, and to convert the buildings into public dispensaries.

It must be recognised that, if the Bahais were satisfied with the decision reached, they were not difficult to satisfy. The expropriation had led to indemnities and the latter would be paid, not to the victims of the miscarriage of justice, but to those who benefited from judicial decisions which were notoriously biassed.

At the last session the accredited representative had stated that similar occurrences could not now arise. It seemed, however, that the desire to conform with the recommendations of the Council, which should at the moment influence the actions of the Iraq Government, had not been sufficient to cause it to resist the tendencies of one section of public opinion.

Sir Francis HUMPHRYS replied that the house in question had never been formally registered in the name of the Bahais. In the case before the Court there had been some false swearing on both sides. The Court consisted of a British President with two other members, one of whom was a Jew and the other a Sunni Moslem. The British President had thought the decision constituted a miscarriage of justice, and the British Government agreed with that view. The case had created much feeling, not only in Baghdad and elsewhere in Iraq, but also among the Shiahs of Persia. The highest Court in the country had pronounced in favour of the Shiahs by two votes to one. Sir Francis Humphrys asked the Mandates Commission how this decision could be legally reversed, as there was no higher Court in the country. If the Government had ordered the Shiahs to evacuate the property and had returned it to the Bahais, this would have been an illegal act.

Sir Francis Humphrys admitted there had been considerable delay in arriving at a settlement. In the first place, enquiries had been made as to whether this case could be brought before the Permanent Court of International Justice. On this solution proving impracticable, it had subsequently been decided to appoint a Special Committee, with a British judge as Chairman, to suggest a practical solution which would be in accordance with the law. This Committee suggested expropriating for purposes of public benefit, not only this house, but others in the district in connection with a town-planning scheme. It was not the intention that the structure of the house should be interfered with, but only that the necessary internal alterations should be made in order to convert the house into a dispensary. This had satisfied the Bahais as they were willing that the house should be put to some useful purpose.

Sir Francis again pointed out that, as there was no higher Court in the country, any other solution of the question would have been illegal.

M. ORTS fully realised the legal difficulties. In his opinion this did not alter the fact that the case was indicative. He would like to know, however, whether the Bahais who had not obtained material satisfaction had at least obtained moral satisfaction.

Sir Francis HUMPHRYS replied that he thought the decision must have given the Bahais some moral satisfaction, since they would have access to the house when it was situated in a public garden. Moreover, they were satisfied with the use of the house as a dispensary, as it would be used for the alleviation of misery to which the Bahai religion attached great importance.

M. ORTS asked whether it could not be decided that no change should be made in the arrangement of the buildings which were of sentimental value to the Bahais. Such an assurance would, no doubt, give them moral satisfaction.

Sir Francis HUMPHRYS repeated that the intention was that the building should remain, only internal changes being made for the purpose of its conversion into a dispensary.

M. RAPPARD supposed, with regard to the question of moral satisfaction that it could not be expected that the Bahais would be satisfied before the solution prepared by the Government was finally adopted. But it was too soon for them to feel this satisfaction, as the funds had not yet been voted by Parliament.

The Bahai case was, however, not only a regrettable incident. Had it not a more general significance ? An injustice had been committed which would doubtless have been avoided if the mandatory Power had maintained greater control. If the mandatory Power had previously withdrawn from Iraq, as it now proposed to do, the injustice would not even have come to the notice of the League. The Commission was now asked to approve the withdrawal of the mandatory Power. Was this not a very serious responsibility ?

Sir Francis HUMPHRYS did not understand how the Mandatory Power could have intervened in a judicial matter, or why there should be less likelihood of such cases being brought to notice in future.

M. RAPPARD replied that there would be no possibility of appeal to the League.

Sir Francis HUMPHRYS supposed that a case might occasionally happen in other countries that the ownership of property in dispute might be awarded to the wrong person.

This was the only case in eleven years in which the justice of a decision by the Iraqi Courts had been questioned by His Majesty's Government.

M. VAN REES asked whether there was a sentiment of hostility towards the Bahais in Iraq which might lead them to feel that they were in constant danger. He asked whether the judgment of the High Court reflected this sentiment of hostility or was merely a miscarriage of justice.

Sir Francis HUMPHRYS replied that he knew of no cases where Bahais were apprehensive for their safety. In the present case he thought the action was taken merely to obtain possession of the property and was not particularly directed against the Bahais.

M. VAN REES explained that he had asked this question, as he had heard that the Bahais felt themselves to be menaced.

Sir Francis HUMPHRYS replied that he had no knowledge of it.

ANGLO-IRAQI RELATIONS AFTER THE CESSATION OF THE MANDATE: MAINTENANCE OF PUBLIC ORDER.

Lord LUGARD said he found himself in difficulty regarding certain phrases in the report. On page 16 it was stated that the most important point in the Council Resolution of September 1924 " was the definite acceptance of the fact that the admission of Iraq to membership of the League would terminate the mandatory obligations of His Majesty's Government ". It was stated on page 287 that " there was every reason to believe that the Iraqi Government would be prepared in 1932 to give similar guarantees to those given by certain other States admitted to membership of the League, within the last few years ". The accredited representative had referred in his statement to page 30 of the special report, on which it was frankly stated that cases had occurred where individual Iraqi officials had proved themselves unworthy of their responsibility.

Lord Lugard pointed out that the Commission was not concerned with the conditions under which Iraq might enter the League of Nations, but only whether she could stand alone and fulfil the conditions required of a civilised State, including Article 5 of the Treaty, in respect of the maintenance of internal order. Iraq had undertaken this responsibility in the Military Agreement from August 1928, but in fact it had been shared by the mandatory Power. The Mandatory undertook to retain troops in the country for five years.

Lord Lugard asked the accredited representative's opinion upon the position thus created which, to his mind, presented real difficulties. By retaining troops in the country, His Majesty's Government could not avoid responsibility for the use to which they were put. Hitherto the High Commissioner had received information from British officers in frontier districts, who were in a position fully to explain the causes of the demand for military action. The majority of these officers were now, he understood, to be withdrawn. The Commission had heard from the High Commissioner yesterday that the number of British and Indian officials had again been reduced by thirty-two. In future, the British Ambassador would have no such sources of information and a

Sir Francis HUMPHRYS thought the progress would be maintained if from no higher motive than self-interest. The medical service was so much appreciated that any Government would add to its popularity by building new hospitals or dispensaries. The programme recently drawn up for expending the funds received from the Petroleum Company included considerable sums for public health.. For example, it had been decided, on the Government's own initiative, to build hospitals at Mosul and Sulaimaniya.

M. RAPPARD enquired whether these remarks also applied to preventive medicine.

Sir Francis HUMPHRYS replied in the affirmative.

The CHAIRMAN enquired as to the nationality of the staff of the Health Service.

Sir Francis HUMPHRYS pointed out that particulars were given on page 67 of the report.

JUDICIAL ORGANISATION.

M. RUPPEL asked how the British influence over the law courts was secured. Under the new Judicial Agreement there were only nine British judges of whom seven were Presidents of Courts of First Instance, while there were thirty-nine Courts of First Instance, forty-seven Peace Courts and numerous magistrates and Courts of Session. He did not understand what supervision and influence the British judges could exercise outside the seven Courts of First Instance.

Sir Francis HUMPHRYS replied that in future there would be six districts instead of three, with a British President in each district. He read the following passage from a note on the new Judicial Agreement (document C.496.1930.VI):

> " The new judicial agreement will ensure that any case beyond a mere contravention arising in the three vilayets of Basrah, Baghdad and Mosul, in which a foreigner is involved, is certain to be brought to the cognisance of a British judge. It is equally certain that in every grave case involving a foreigner, the British judge would arrange to be on the bench at the trial. With regard to other areas, it is the intention of the Iraq Government to appoint a British judge in any area where circumstances seem to call for his presence. "

M. RUPPEL said he had in mind justice for the Iraqis themselves and not for foreigners. According to the Iraqi Judicial Agreement, the British judges were to secure good jurisdiction also for the native population. He did not see how this could be done in forty courts in which there were only seven British Presidents.

Sir Francis HUMPHRYS explained that he had understood M. Ruppel's question to be influenced by anxiety as to the position of foreigners. He had therefore quoted from a document which was primarily concerned with that question. The intention was that the Iraqis should benefit equally with foreigners from the strengthening of the Judiciary.

The CHAIRMAN asked whether the British judge would not always be in a minority, since there were three judges in each Court. This had happened in the Bahai case.

Sir Francis HUMPHRYS said that this had been the position throughout the period under review, and pointed out that the Bahai case was the only case of a serious miscarriage of justice which had come to light during these eleven years. It was to be hoped that such a case would not occur again.

M. RUPPEL read the following sentence from page 82 of the report:

> " It is proposed that the number of judges of First Instance be increased to six or seven, the country being divided into a corresponding number of judicial districts, each one under the supervision of a British judge who will sit permanently at the headquarters of the district and elsewhere, as occasion may require ."

He asked whether this meant that a new organisation of the judicial system had taken place since last year.

Sir Francis HUMPHRYS replied that it was proposed that the number of districts should be increased, and that in each district there should be a British President. The whole of Iraq was at present divided into three districts, in each of which there was a British judge. It had been found that this number was insufficient, so that it was now to be increased to six, with a British judge in each district.

There was one place which would in future contain a large European population—namely, Kirkuk, on account of the development of the oilfields in that district. In the past there had been practically no Europeans, but there might be a thousand Europeans in Kirkuk within three or four years. A British judge would doubtless be appointed to this district.

M. MERLIN said M. Ruppel's remarks had confirmed his previous views. The Government had a very fine organisation in theory, but it was to be wondered whether it would work well in practice.

The accredited representative had informed the Commission that it was working well and would work still better in future, when the friction resulting from the control of the mandatory Power had been removed.

He was very sorry he could not share that conviction of the accredited representative. He had apprehensions on the subject, which had been strengthened by the Bahai case and other cases connected with Kurds. He noted from page 78 of the report that certain changes in the judicial system were proposed. Again, on page 83, it was said that the advocates were far from competent. He was glad to see that British judges would remain for ten years, as he considered they supplied the surest guarantee of justice. He, like M. Ruppel, considered that, far from being restricted, as was proposed in the 1930 treaty, the number should be increased.

He hoped the High Commissioner was justified in his optimism.

Sir Francis HUMPHRYS reminded the Commission that this new Judicial Agreement, with regard to which he was accused of being an optimist, had been approved by the Council of the League of Nations [1] as appropriate for the mandatory regime. Under the Agreement the High Commissioner had no powers to intervene in the courts of justice. He asked, therefore, how the new judicial regime, which he assumed would still be in force after Iraq had been admitted to the League, would be affected by the termination of mandatory control.

M. MERLIN said he was not referring particularly to the Judicial Agreement. He felt that, in view of the small number of British judges, there was no guarantee that the Courts would give that impartial justice to which the inhabitants of a civilised country were entitled.

The main point of his question was whether these Courts would give impartial justice, not only to Europeans, who were in any case well provided for, but also to the other inhabitants, including the minorities.

Sir Francis HUMPHRYS said that all the circumstances had been fully taken into account when he had negotiated the new Judicial Agreement in the previous year on behalf of his Government. It seemed to offer all the necessary guarantees for the proper administration of justice. After having been approved by the Mandates Commission, it had been referred to the Council of the League which had also approved it. He would not have been a party to negotiating that Agreement if he had not considered it adequate. He did not believe that the Mandates Commission and the Council would have approved it unless they also had considered it satisfactory. He had every hope that the Courts of Iraq would perform their duties in a satisfactory manner.

M. RAPPARD said the question would doubtless be asked in Geneva why the Commission approved of the emancipation of Iraq. The official answer was because Iraq was able to stand alone. If it were asked whether justice would be meted out, the reply would be: "Yes, because the number of foreign judges is to be increased ".

If Iraq were able to stand alone, why whould the number of British judges be increased ? He would like to know what was the proper answer to this question.

Sir Francis HUMPHRYS did not think this was a fair question, unless the previous existence of special privileges belonging to foreigners were taken into consideration. Those special privileges could not be given up without some transitional period. This gave the reason and excuse for instituting a special judicial regime, the object of which was to secure equal and impartial justice for all.

Lord LUGARD asked whether the tribal Majlis would be maintained for the Bedouin tribes and no attempt made to bring them under the Baghdad law courts.

Sir Francis HUMPHRYS replied that he knew of no proposal to alter the system, which was a very useful one for those particular communities.

M. RUPPEL pointed out that the accredited representative had said that the Judicial Agreement would continue after Iraq had been admitted to the League. He thought this was a mistake. The Judicial Agreement would come to an end at the same time as the mandate. When this question had been discussed in November 1930, the accredited representative had declared, however, that the Iraq Government was prepared to guarantee that British judges would remain and to contract undertakings to this effect with the League.

Sir Francis HUMPHRYS replied that the new Judicial Agreement would terminate at the same time as the existing Treaty, which would come to an end when Iraq was admitted to the League. It had, however, always been thought possible, as had been indicated by the accredited representative at the nineteenth session (see page 101 of the Minutes) that the League, on admitting Iraq, might see fit to impose a condition that the regime described in the new Judicial Agreement should be continued for " X " number of years. It would be for the League to determine the value of " X ".

PUBLIC FINANCE.

The CHAIRMAN, on behalf of M. Rappard, who was not present, asked whether the ten years of advice and training given to the people of Iraq justified the High Commissioner in his assurance

[1] See Minutes of the sixty-second session of the Council, pages 179 and following.

ANNEX 1.

C.P.M.1173(1).

LIST OF DOCUMENTS[1] FORWARDED TO THE SECRETARIAT BY THE MANDATORY POWERS SINCE THE LAST EXAMINATION OF THE REPORTS RELATING TO THE FOLLOWING TERRITORIES:

A. *Iraq.*
B. *Palestine.*
C. *Syria and the Lebanon.*
D. *Nauru.*
E. *New Guinea.*
F. *South West Africa.*

A. IRAQ.

I. *Special Report and Legislation.*

1. Special Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the progress of Iraq during the period 1920-1931.
2. Laws and Regulations issued between July 1st, 1930, and December 31st, 1930.[2]

II. *Various Official Publications.*

Iraq Government Gazette.[3]

III. *Various Communications.*

1. Letter from the British Government, dated January 12th, 1931, transmitting the Report of the Special Committee appointed by the Government of Iraq to examine the Claim of the Bahai Spiritual Assembly, Baghdad, and communicating the Measures taken by the Government of Iraq in Execution of the Recommendations contained in the Report (document C.P.M.1136). (See Annex 6.)
2. Letter from the British Government dated March 28th, 1931, with regard to the Signature and the bringing into Force in the Near Future of the new Judicial Agreement between the British Government and the Government of Iraq (document C.205.M.83.1931.VI).

B. PALESTINE.

I. *Annual Report and Legislation.*

1. Report by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the Council of the League of Nations on the Administration of Palestine and Transjordan for the Year 1930.
2. Ordinances, Annual Volume for 1930.
3. Proclamations, Rules, Orders and Notices. Annual Volume for 1930.
4. Transjordan Legislation 1930 (English version).

I. *Various Official Publications.*

1. Report on Immigration Land Settlement and Development by Sir John Hope Simpson (document Cmd. 3686).
2. Appendix containing Maps to the Former Paper (document Cmd. 3687).
3. Statement dated October 1930 of Policy in Palestine by His Majesty's Government in the United Kingdom (document Cmd. 3692).
4. Letter, dated February 13th, 1931, addressed by the Prime Minister to Dr. Weizmann of the Jewish Agency.
5. Staff List showing Appointments and Stations on March 31st, 1930, together with a List of Corrigenda to bring the List up to date as on June 1st, 1931.[2]

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[1] *(a)* Documents received by the Secretariat primarily for any of the technical organisations (cf. Advisory Committee on Traffic in Opium and Other Dangerous Drugs) or other Sections of the Secretariat (cf. Treaty Registration) are not included in this list. Unless otherwise indicated, the members of the Permanent Mandates Commission should have received copies of all the documents mentioned in this list.

The annual reports and copies of laws, etc., are available only in the language in which they have been published by the mandatory Powers.

The communications forwarded in reply to the observations of the Permanent Mandates Commission, and certain other documents, have been translated by the Secretariat and are available in both official languages. The titles of these documents are followed by the official number under which they have been published.

(b) The petitions forwarded by the mandatory Powers, together with their observations on these petitions and on the petitions communicated to them by the Chairman of the Permanent Mandates Commission in accordance with the rules of procedure in force, are not mentioned in the present list. These documents are enumerated in the agenda of the Commission's session.

[2] Kept in the archives of the Secretariat.

2. In so far as the Company's petition raises questions concerning the interpretation of Article 94 of the Iraqi Constitution, the High Court contemplated in Article 81 of that Constitution would appear to be the competent authority to consider such questions; but under Article 83 of the Constitution that Court can only be convoked by Royal Iradah, to be issued with the concurrence of the Iraqi Council of Ministers.

(Signed) G. W. RENDEL.

C.P.M.1205.

(*b*) REPORT BY M. RAPPARD.

During its nineteenth session, the Commission examined the petitions of May 25th and September 17th, 1929, and June 6th, 1930, of the British Oil Development Company, Limited, London, regarding the petroleum resources of Iraq. The conclusions formulated by the Commission for submission to the Council with regard to these petitions read as follows:

" The Commission,

" Considering that it cannot examine a petition with a view to formulating recommendations to the Council so long as a legal remedy is still open to the petitioner;

" That it cannot state whether the petitioner is or is not able to bring an action against the Government of Iraq:

" Decides to request the Council to ask the mandatory Power to state whether the petition of the British Oil Development Company can be examined by some judicial authority in Iraq or Great Britain, and, if so, which. "

In accordance with our suggestion, the Council asked the mandatory Power to inform us on the point whether the subject of these petitions could be examined by any judicial authority and, if so, which.

In a letter dated June 4th, 1931 [1], the text of which has been communicated to the Commission, the British Government states:

" 1. There exists no judicial authority in Iraq other than the ordinary civil courts competent to deal with a claim by the British Oil Development Company, and an action by that Company against the Iraqi Government would lie in such courts if the Company could show a *prima facie* cause of action.

" 2. In so far as the Company's petition raises questions concerning the interpretation of Article 94 of the Iraqi Constitution, the High Court contemplated in Article 81 of that Constitution would appear to be the competent authority to consider such questions; but under Article 83 of the Constitution that Court can only be convoked by Royal Iradah, to be issued with the concurrence of the Iraqi Council of Ministers. "

Since, according to the mandatory Power's reply reproduced above, the case dealt with in the British Oil Development Company's petition is capable of being judged by an Iraq Court, it must be concluded that, in accordance with the rules of procedure in force, the Commission is not competent to examine the substance of the petitions in question.

I therefore have the honour to propose to the Commission the adoption of the following conclusion:

" In view of the British Government's communication dated June 4th, 1931, from which it appears that the case dealt with in the British Oil Development Company's petition is capable of being brought before the Iraq Courts, the Commission considers that it is not competent to examine the petition in question on behalf of the Council. "

C.P.M.1136.

ANNEX 6.

IRAQ.

LETTER FROM THE BRITISH GOVERNMENT.

DATED JANUARY 12TH, 1931, TRANSMITTING THE REPORT OF THE SPECIAL COMMITTEE APPOINTED BY THE GOVERNMENT OF IRAQ TO EXAMINE THE CLAIM [2] OF THE BAHAI SPIRITUAL ASSEMBLY BAGHDAD, AND COMMUNICATING THE MEASURES TAKEN BY THE GOVERNMENT OF IRAQ IN EXECUTION OF THE RECOMMENDATIONS CONTAINED IN THE REPORT.

London, January 12th, 1931.

With reference to the last paragraph of your letter No. 6A/9245/516 of March 25th, 1929, in which you brought to the knowledge of His Majesty's Government in the United Kingdom the conclusions reached by the Council of the League of Nations in regard to a position from the Bahai

[1] See above-mentioned document C.P.M.1182.

[2] See document C.P.M.784.

Spiritual Assembly of Baghdad, I am directed by Mr. Secretary Henderson to inform you that these conclusions have received the most careful consideration by the Government of Iraq.

2. The Government of Iraq finally decided to set up a special Committee under the Chairmanship of Mr. G. Alexander, President of the Iraqi Court of Appeal, to consider the views expressed by the Bahai community in respect of certain houses in Baghdad and to formulate recommendations for an equitable settlement of this question. I am now to transmit to you the accompanying translation of the report submitted by this Committee to the Iraqi Government on August 27th, 1930, and to request that it may be communicated to the members of the Permanent Mandates Commission for their information.

3. I am to ask that the members of the Permanent Mandates Commission may at the same time be informed that the Iraqi Government have decided to accept the recommendations contained in the report, which have also been accepted in principle on behalf of the Bahai community, and have directed that detailed plans and estimates shall be prepared, with a view to carrying these recommendations into effect during the coming financial year.

(Signed) C. W. BAXTER.

Translation of Report on the Bahai Case.

In accordance with the Secretary to the Council of Ministers' letter No. 2003 dated July 12th, 1930, addressed to the Ministries of the Interior and Justice, stating that we were appointed to form a Special Committee to consider the case of the claim of the Bahai Community relating to certain houses in Baghdad and to examine the " method " which the Government should adopt for dealing with (or remedying) this question, we have held three meetings—on July 28th, 1930, August 25th, 1930, and August 27th, 1930—and, having gone through the proceedings of the Permanent Mandates Commission of the League of Nations and previous papers on the case and a note by the Chairman of our Committee notifying that the Prime Minister has authorised him to inform the Committee that the object of its formation was to find out what measures can be adopted to constitute a suitable solution of the Bahai case referred to above, having regard to existing circumstances and conditions, and after careful discussion and deliberation on the subject, we have resolved as follows:

1. The competent courts have already considered the dispute over the houses in question which arose between two Bahai individuals by the name of Muhammad Hasan and Nuri, heirs of Bahaullah, of one part, and Muhammad Jawad and Bibi, two Shias, of the other part, and issued final judgment to the effect that the first party had no right to the said houses. Therefore it is neither possible nor justifiable to consider the case from the aspect of the claim of the first party to the ownership of the houses.

2. If there be any justification at all to consider this case, it can only be on the ground of State interests and policy. On this assumption and having regard to the principles of the laws in force in this country and to present conditions and circumstances, only one course of action is possible—namely, that of appropriating the houses for purposes of public benefit by means of expropriation for such purpose of public benefit.

3. Such expropriation may be carried out either for the public benefit of the Government or for that of the municipality. As, however, the case regarding the houses has a " past reputation " (*sic*) arising from the fact that it had arisen between two parties of different creeds, and that their expropriation now is likely to be taken as a pretext for taking away the houses from those in whose possession they are at present, who belong to a special creed, and as such will give rise to public agitation among the followers of that creed, and in order to avert such risk, the operation of expropriation should be an extensive one and should cover the said houses together with other surrounding houses and properties in order to give out that the purpose is one of public benefit. Assuming that appropriation is to take place, we suggest that the operation of expropriation should be extensive so as to cover the properties surrounding the houses in question for the opening of a road or the laying out of a garden if expropriation is to be made for a municipal purpose, or for a hospital (or dispensary) or a school, to be built in the middle of a square, if the expropriation is to be on behalf of and for the Government.

It should be observed that the state of the houses at Shaikh Bashshar quarter is such as will justify Government action in opening a wide square adequate for laying out a garden, or especially a play-ground for children and a promenade ground for women. The success of the children's play-ground and women's recreation ground at North Gate furnishes the strongest proof that such a project of public benefit is essential.

As houses in Baghdad West are crowded and in a bad state and there is no play-ground for children, it appears to us that the Government will be perfectly in the right in expropriating a number of the houses surrounding the Bahai houses and in the laying out of a public garden (park). If necessary, these (? the Bahai) houses may be used for the construction of a special dispensary for women and children.

The existing dispensary to the north near Parliament House is common for both sexes. If the Bahai houses are used for a dispensary for children and women, such dispensary will be centrally situated among the crowded quarters and not on their extremity. As such, it should prove very useful for the inhabitants.

4. As will be plainly observed from the above details, the scheme will have to take financial conditions into consideration, as it will require a large provision of money. Also political considerations should be attended to, since religious feelings may be involved.

Therefore, and as the Council of Ministers are more competent to appreciate these circumstances, we leave it to them to consider what is advisable in the circumstances.

Dated August 27th, 1930.

(Signed) G. ALEXANDER.
NASRAT AL FARISI.
SUBHI AL DAFTARI.
NASHAT AS SINAWI.

ANNEX 7a.

C.P.M.1160(1).

PETITIONS REJECTED IN VIRTUE OF ARTICLE 3 OF THE RULES OF PROCEDURE.

REPORT BY THE CHAIRMAN.

In accordance with Article 3 of the Rules of Procedure, I have the honour to submit the following report on the petitions received since our last ordinary session which I did not think required the Commission's attention.

I. Syria and Lebanon.

1. (*a*) LETTER FROM THE EMIR CHÉKIB ARSLAN, M. IHSAN EL DJABRI AND M. RIAD EL SOULH, DATED JUNE 18TH, 1930, AND

(*b*) LETTER FROM M. IHSAN EL DJABRI, DATED JUNE 28TH, 1930.

These communications, copies of which, if I am not mistaken, were handed direct to members of the Commission at the time, set out certain arguments regarding the conditions under which the Organic Statute of Syria and the Lebanon was promulgated and the intentions which seemed to be implied by the mandatory Power's attitude in this matter.

These petitions reached me at the end of our eighteenth session. As their object was to furnish the Commission with information with a view to the preparation of its report to the Council, I did not think it necessary to forward them for observations to the mandatory Power concerned, which would not have received them until after the close of our session.

2. TELEGRAM DATED CAIRO, JUNE 27TH, 1930, FROM THE SECRETARY-GENERAL OF THE EXECUTIVE COMMITTEE OF THE SYRO-PALESTINIAN CONGRESS.

As the object of this communication was to protest in general terms against the dissolution of the Syrian Constituent Assembly, against the promulgation of the Organic Statute in Syria and the Lebanon, I did not feel that it need detain the Commission's attention.

3. COMMUNICATION DATED FEBRUARY 17TH, 1931, FROM THE CONGRESS OF "LAS ASOCIACIONES SIRO-ARABES PRO INDEPENDENCIA", BUENOS AIRES.

This petition protests against the French mandate in Syria and Lebanon, and puts forward a programme for the settlement of the Arab problem. As its object is incompatible with the provisions of the Covenant and the mandate, I felt that it could not be regarded as a receivable petition according to the normal procedure.

4. PETITION OF MAY 22ND, 1931, FROM M. HOUBRON.

The author of this communication complains that a sum of £1,000 in gold collected by the authorities of Damascus in February 1926, has not been paid to him, although he was the sole victim of the outrage which was the occasion for the collection of this fine.

In view of the fact that the petitioner was residing at the time in Syria as a soldier in the troops of the mandatory Power, the object of his request is, strictly speaking, outside the competence of the Commission.

II. Tanganyika.

COMMUNICATIONS FROM THE "COMMITTEE OF GERMAN WOMEN TO CONTEND AGAINST THE WAR GUILT LIE" AND THE "GERMAN WOMEN'S FIGHTING LEAGUE", DATED BERLIN, JANUARY 13TH AND 14TH, 1931, RESPECTIVELY.

Both these documents concern the scheme for closer union between the mandated territory of Tanganyika and the two British Colonies of Kenya and Uganda, and the concession to Germany of a mandate for one of her former colonies.

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P.M.C. = Permanent Mandates Commission.