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PERMANENT MANDATES COMMISSION

MINUTES

of the

SIXTEENTH SESSION

Held at Geneva from November 6th to 26th, 1929

Including the

REPORT OF THE COMMISSION TO THE COUNCIL

and

**Comments by Certain Accredited Representatives
of the Mandatory Powers.**



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Mr. Bourdillon wished to explain the position of the British Government in this matter. That Government held that it was for the Iraq Government, and for the Iraqi themselves, to decide whether this measure should be accepted. The British Government had not refused its support because it thought the measure would make it unpopular, but because it thought that it would be unjust if conscription were to be enforced on the people of Iraq by means of alien troops.

M. RAPPARD understood that the present Government had been elected on the platform of conscription. What would happen if, when the British forces had been withdrawn, a Government were to find that the passive resistance of the people rendered the execution of its programme impossible?

The CHAIRMAN pointed out that M. Rappard had raised a very important question. The British Government had proposed that its ward should be declared of age, and that its trusteeship should terminate. The Commission was anxious to ascertain, therefore, whether the country was capable of managing its own affairs and, in particular, it wished to know exactly how much help was given to the Government of Iraq by the British authorities. Further, up to what point did the Government desire that support? Would the authority of the Government continue if it had not the assurance of British support on each particular question?

Mr. BOURDILLON said that he quite understood the object of M. Rappard's question. He did not think, however, that the conscription problem was of importance in this connection. Although it was true, on the one hand, that conscription could not be imposed without the use of British troops, the Government of Iraq, on the other hand, had not yet gone so far as to lay a Conscription Bill before Parliament.

With regard to the general question, it would be necessary to enter into a mass of detail if any satisfactory answer were to be given. There was no doubt, however, that in recent years there had been a marked growth in the ability of the Iraqi Ministers, both in respect of their capacity to conduct their own ordinary business without consulting the advisers upon every small point, and of their success in carrying out the more unpleasant functions of government without British support. This progress was continuing—indeed, in geometrical, rather than in arithmetical ratio—and it was in the conviction that it would be maintained that the British Government had brought forward its proposal.

Mlle. DANNEVIG recalled the following statement in the report for 1927 (page 152):

“ Although primary and elementary teachers are reasonably paid as compared with other professions in the country, their position cannot be regarded as satisfactory until they have some security of tenure. At present they are liable to dismissal without any recognised or regular form of procedure; an order by the Minister of Education is enough . . . A measure protecting all Government officials, including schoolmasters, from arbitrary dismissal was drafted in 1926 but has not yet become law. ”

Had the position of the officials yet been regulated, and, if so, was this due to pressure by the British advisers?

Mr. BOURDILLON said that the law had actually been approved by the Council of Ministers, but had not received the Royal Assent, the King having been of opinion that a certain amount of purging was required in the Civil Service by more drastic measures than those contained in the law itself. The Council of Ministers had redrafted the law to some extent, and it would, he believed, be submitted to Parliament at its next session.

Petition from the Bahai Spiritual Assembly: Measures taken after the Council's Decision.

M. PALACIOS said that one matter which might throw light on the question of the degree of maturity of the Iraq people and on that of the relations between the British Government and the Government of Iraq was the problem of the Bahais sect, a matter which had already been before the Commission.

In its report on the work of its fourteenth session the Commission had recommended that the Council should invite the British Government to request the Government of Iraq to redress the injustice of which the Bahais had been the victims. This recommendation had been made by the Commission as a result of its examination of a petition from the “ Bahai Spiritual Assembly ” and of the observations of the British Government on the petition. M. Orts had been the Rapporteur.

The annual report of the mandatory Power did not refer to the matter, and it would be interesting to obtain from the accredited representative as exact information as possible regarding the measures taken by the British Government and by the Iraq authorities as a result of the Council decision.

Mr. BOURDILLON said that the British authorities had informed the Government of Iraq of the request of the Council, and had strongly pressed it to find a solution. The Government had suggested compensation on a monetary basis. The British authorities, although not considering this solution satisfactory, had, nevertheless, felt called upon to submit to the Bahais any proposal that the Iraq Government had made. As it had expected, this proposal had not been accepted. The Bahais themselves had contemplated presenting a further petition, but, after discussing the question with the High Commissioner and the British advisers, they had agreed that it would not be in their best interests to do so.

Settlement of the question had been further delayed by the death of Sir Gilbert Clayton, and it would take some time for the new High Commissioner to make himself acquainted with all the details. In the meanwhile, however, the Acting High Commissioner and the Bahais' representative were following up the matter actively.

Mr. Bourdillon added that in the course of the last few days he had further discussed the question at Geneva with the Bahais' representative, and that, during this discussion, a solution had been suggested which he hoped would be ventilated shortly.

M. PALACIOS did not think this reply wholly satisfactory. He recognised that for reasons of domestic policy it might be advisable to employ this roundabout method. On the other hand, both the mandatory Power and the Mandates Commission had admitted that injustice had been done. It was desirable therefore that that injustice should be removed without delay; such action would serve as an example.

The CHAIRMAN recalled that the Council had endorsed the Commission's opinion and that, as a result, the mandatory Power had to follow it. The present state of affairs was, therefore, all the more serious.

M. RAPPARD said that he might employ the Bahai case as an argument for the contention which he had already advanced. There could be no clearer example of the necessity for action by the mandatory Power in order to prevent injustice.

Mr. BOURDILLON said that it was his firm conviction that a similar injustice would not be committed at the present time. Every effort was being made to remedy this particular injustice, but he would recall that it was very difficult to provide an immediate remedy for such cases.

The CHAIRMAN asked what steps were being taken to carry out the decision of the Council. What means existed for the administration of justice when the League of Nations demanded it? A solution of this question would be very difficult to find. Mr. Bourdillon should examine the question not, of course, from the historical point of view, but in order to settle it.

Development of the Town and Port of Basra.

The CHAIRMAN said he had read in the *Daily Mail* of October 10th, 1928, that certain notables had requested that Basra should be set up as a separate territory, directly under British control. He would like to know whether this information was correct and, if there was any truth in it, how much.

Mr. BOURDILLON replied that there was no foundation for such a request on the part of Basra, nor was there any movement towards such separation.

With regard to the port, he pointed out that it had a separate budget. It was now making regular payments, and legislation as regards the Port Trust was being prepared. The port was well administered, its business was going on very satisfactorily, and its debt was being repaid to the British Government.

Landing of Foreign Aircraft.

M. VAN REES asked whether the landing grounds for civil aircraft had been closed to foreign aviation.

Mr. BOURDILLON replied that the grounds in existence were purely military. He hoped, however, that the situation would shortly be dealt with. The Iraq Government had been invited to accede to the Air Convention, and was busy considering this matter, and making arrangements for a civil aerodrome.

In reply to a question by M. Van Rees as to whether the grounds were closed at the moment, Mr. BOURDILLON replied in the negative. Permission was required to use them, but this permission was always given.

M. MERLIN asked whether the authorisation to which Mr. Bourdillon had referred must be obtained in the case of each landing. Was it not possible in the case of, for instance, a regular service to have a regular permit?

Mr. BOURDILLON replied that every possible permission was given, and also that a series of permissions could be obtained. The grounds were intended, however, primarily for military service, and therefore military considerations had to come first.

M. MERLIN understood that delay in acceding to the Air Convention was due to difficulties of translation. Surely, however, there must be a sufficient number of translators.

Mr. BOURDILLON replied that the translation had, he believed, been completed two or three months ago.

Elective System and Parliamentary Activity.

COUNT DE PENHA GARCIA wished to ask a question regarding the working of the Parliamentary regime in Iraq. Were the elections there similar to those held in European countries? Were the voters familiar with the rights which they exercised?

Mr. BOURDILLON replied that he had seen two elections in Iraq. Election was indirect; by means of primary and secondary electors. At the first election which he had seen, neither class

SPECIAL OBSERVATIONS.

1. *Political Situation* (pages 23-26, 27-29, 137-142, 144-148).

The very full and clear statement given in the mandatory Power's report, and the care with which the accredited representative replied to the questions put to him, have enabled the Commission to form an idea of the legislation passed and the reforms effected in every branch of the Administration.

It is quite clear that, in the last few years, the successive High Commissioners at Baghdad, and the British officials in the service of Iraq, have managed, by their energy and patience, systematic methods and tact, to promote tranquillity and progress in the country, in accordance with the Council resolution of September 27th, 1924—an achievement worthy of the highest praise. They have obtained those results despite the distrust on the part of a certain section of local opinion, and it is obvious that the Iraq Government could not have done as much on its own initiative and with its own resources.

It would therefore be desirable for the mandatory Power to endeavour, in future reports, to make clear how much of the result is due to British officials in the Iraq Government service and how much to the efforts of the Iraq Government itself. It would be well that the extent to which the Iraqi authorities are dependent upon British support, the efforts made, the opposition encountered and the results achieved in each sphere, the difficulties which have been settled and those which have still to be overcome, should be described as far as possible.

The Commission would thus be able to base its opinion on as complete a picture as possible of the present economic, political, material and moral conditions of the country.

2. *Foreign Relations.*

The Commission learns, with great satisfaction, that the Imperial Persian Government has officially recognised Iraq, and that the hope expressed by the Commission at its previous sessions that normal relations should be established between the two countries has thus been fulfilled (page 34).

On the other hand, the Commission regrets the unsatisfactory state of the relations between Iraq and the Nejd. It trusts that the negotiations entered into with the latter State may lead, in the near future, to agreements which will satisfy all the interests concerned and secure permanent tranquillity on the southern frontier of Iraq (pages 21-23, 34).

Further, the Commission also desires to repeat the recommendation made in its previous reports that the frontier between Syria and Iraq, which was determined in outline by the Franco-British Convention of December 23rd, 1920, should be finally settled (pages 34-35).

3. *Public Health.*

The Commission notes that, according to the annual report, the health service is inadequate. It hopes that this state of affairs will be remedied by an increased appropriation to the department concerned (pages 35-36).

4. *Administration of Justice.*

The Commission took note of a statement by the accredited representative that the Government of the mandatory Power and the Iraqi authorities are endeavouring to give effect to the Council's resolution of March 4th, 1929, and to redress the wrong done to the Bahá'í sect by the denial of justice it has suffered. The Commission welcomed the assurance by the accredited representative that it is no longer possible for such arbitrary action to be taken in Iraq (pages 26-27).

5. *Economic Development.*

The Commission appreciates the very full information supplied by the accredited representative as to the operations of the companies exploiting the Iraq oil-fields. It hopes that the extraction of oil, which has hitherto been limited to the amount required for the needs of the territory, will be extended for export. The Commission also hopes that the responsible authorities, realising the importance of the exploitation of this natural wealth as a factor in the territory's prosperity of the country, will see their way, should any fresh concessions be granted, to impose on the companies to which they are granted conditions which will ensure the due development of the Iraq oil industry (pages 41-44).

6. *Labour.*

The Commission was informed by the accredited representative of a proposal to entrust labour questions to a special department. The Commission, recalling the observation made on the report for 1927 at its fourteenth session and noting in the report for 1928 various indications of the

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