Geneva, December 6th, 1932.

# LEAGUE OF NATIONS

# PERMANENT MANDATES COMMISSION

# **MINUTES**

of the

# TWENTY-SECOND SESSION

Held at Geneva from November 3rd to December 6th, 1932,

including the

REPORT OF THE COMMISSION TO THE COUNCIL



Series of League of Nations Publications

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He thought he ought perhaps to say a word concerning the recent insurrection of the Sheikh of Barzan. This movement had been inaugurated as a purely personal action on the part of the sheikh and had led to considerable trouble attended by brigandage and murder in remote and difficult country. The Iraqi Government was, therefore, compelled to interfere to re-establish order and protect the other inhabitants. The movement had now been successfully put down and the Sheikh Ahmad had taken refuge in Turkey. The country was now being rapidly pacified and roads and police posts were being constructed. The situation in Kurdistan had become satisfactory and continued to be so.

#### THE BAHAI CASE.

The Chairman, with regard to the Bahai case, observed that the Mandates Commission had on several occasions been obliged to take up this matter. He thought it desirable to recall them.

# Fourteenth Session, October 26th to November 13th, 1928:

Petition dated September 11th, 1928, from the Bahai Spiritual Assembly of Bagdad (document C.P.M.784).

"The Commission draws the Council's attention to the considerations and conclusions suggested to it by an examination of the petition of the Bahai Spiritual Assembly of Bagdad and of the documents accompanying it.

"It recommends that the Council should ask the British Government to make representations to the Iraqi Government with a view to the immediate redress of the denial of justice from which the petitioners have suffered.

"Moreover, the Commission proposes to the Council that the petitioners be answered in the following terms:

"'The Permanent Mandates Commission, recognising the justice of the complaint made by the Bahai Spiritual Assembly of Bagdad, has recommended to the Council of the League such action as it thinks proper to redress the wrong suffered by the petitioners.'"

Approved by the Council on March 4th, 1929.

# Sixteenth Session, November 6th to 26th, 1929:

# " 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 Bahai 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 and 27).'

Approved by the Council on January 13th, 1930.

#### Nineteenth Session, November 4th to 19th, 1930:

# " 3. Administration of Justice.

"The Commission notes a statement by the accredited representative that the Iraqi Government has appointed a Commission to propose some method of providing redress for the wrong done to the Bahai sect by the denial of justice to that sect. It regrets that such redress has not yet been given, in spite of the Council's endorsement on March 4th, 1929, of the Commission's conclusions (pages 77, 82)."

Approved by the Council on January 22nd, 1931.

#### Twenty-first Session, October 26th to November 13th, 1931:

### " 2. Administration of Justice.

"The Commission learned with regret that the mandatory Power had not yet succeeded in obtaining redress for the Bahai community in respect of the miscarriage of justice of which it was the victim and to which allusion was made in the Commission's two previous reports to the Council on Iraq (pages 97 and 98)."

Approved by the Council on January 25th, 1932. 1

<sup>1</sup> References: Minutes of the Mandates Commission. Fourteenth Session: pages 189 and 190, 194 and 195, 221, 222, 261 to 264, 276. Sixteenth Session: pages 26 and 27, 204. Nineteenth Session: pages 77, 208, 214. Twentieth Session: pages 115, 127, 128 and 129, 138, 139, 191. Twenty-first Session: pages 97 and 98, 116.

He desired to draw the attention of the representative of the United Kingdom to the anxiety which the Commission felt at the fact that, up to the present, the Bahais had obtained no satisfaction in this matter. Could Mr. Flood give any information to allay that anxiety?

Mr. Flood replied that, as the Commission had already been informed, the Iraqi Government had arranged, in order to satisfy the Bahais, that the two houses in question should be set apart for public utility purposes. That arrangement had been accepted by the Bahais, but difficulties in the further application of the plan were being caused by the existence of a town-planning scheme for Bagdad, in which these houses were involved. Until a scheme had been definitely decided upon, the Iraqi Government would be unable to carry out the proposal. It had, however, given a pledge which would satisfy the Bahais, wishes, and it would certainly honour that pledge. It was much to be hoped that the question would soon be finally settled.

M. Orts regretted to have to note that, in spite of the insistence of the Council, no measure had yet been taken by the Iraqi Government to remove the consequences of the action which the United Kingdom Government itself had not hesitated to describe as a "denial of justice". Reference to the observations which the United Kingdom Government had appended to the Bahai petition in 1928 would show that no mandatory Power had ever condemned in such severe terms the action taken by a local authority. Three years had passed and the denial of justice remained, although the mandatory Power, the Commission and the Council itself had in turn severely condemned the way in which the Bahais had been treated. What had to be done was to remove the effects of a flagrant denial of justice, whereas difficulties had been raised owing to a town-planning scheme in which the Commission was not the least interested. It was at least surprising that such secondary considerations were brought forward in the circumstances

Was it said that the Bahais were such a small minority in Iraq that there was no need to bother unduly about them? It was the very fact that the minority was a small one that made it necessary for the authorities to safeguard its rights.

However that might be, the repeated recommendations of the Council had been deliberately ignored by the Iraqi Government, and the mandate had come to an end without the wrong inflicted on this minority having been put right. It would be the duty of the Mandates Commission to draw the attention of the Council to that fact.

This matter called for serious reflection. It showed the weakness of the Iraqi Government; the power which an intolerant majority had over it; finally, it justified the anxiety felt by all the racial and religious minorities as a result of the cessation of British control in Iraq.

Mr. Flood replied that, although the wrong had not yet been righted, the Iraqi Government had already undertaken to prevent the alteration or demolition of those houses. A solution acceptable to the Bahais had been found and the Iraqi Government would carry it out as soon as it was in a position to do so. He agreed with M. Orts that town-planning schemes were not of immediate interest to the Commission: he had, however, been obliged to mention the fact because it was only the difficulty in settling the town-planning scheme which was at present holding up the creation of the proposed gardens around the houses and the entire fulfilment of the other proposals, which, he was convinced, would finally be implemented.

M. Rappard said that he had long been in touch with the Bahai representatives. Too much should not be made of the fact that an agreement had finally been reached between this community and the Iraqi Government. That was not necessarily a proof of the generosity of the latter. It should be remembered that the Bahais were, by their religion, tenets, and character, of an extremely conciliatory disposition. Public opinion should not be misled by the fact that the Bahais had reluctantly agreed to a solution which they themselves did not regard as just (indeed, no impartial onlooker could regard it as just). Moreover, the solution itself had not yet been put into effect.

#### ASSYRIAN COMMUNITY IN IRAQ.

The Chairman hoped that the representative of the United Kingdom would be good enough to reply to one or two questions which M. Orts, in his quality as Rapporteur, desired to ask regarding certain Assyrian petitions which the Council at its last session had referred to the Commission.

M. Orts explained that, in accordance with the desire expressed by the Council, the Commission must examine and report on the petitions received from Iraq since the last session of the Commission. These petitions all came from Assyrian sources.

At first sight, the unpractical or futile character of certain suggestions made in the petitions did not give a favourable impression — for example, the proposal that the whole population

<sup>1</sup> See document C.P.M.784.

With regard to the first point, he thought that M. von Bassewitz's accusations were not founded and that this should be stated in the conclusions of the report. With regard to the second point, the only action the Commission could take would be to refer M. von Bassewitz back to the competent courts. As regarded the third point, the case had been brought before the courts, and the Arab in question had been duly acquitted. He suggested that these three points should be dealt with in the order mentioned and separately in three different conclusions.

M. Sakenobe was not at all sure that the Mandates Commission was entitled to state that, as regarded the general situation, M. von Bassewitz's allegations were entirely groundless, because the United Kingdom Government had not referred to it explicitly except by stating that the allegation was not true. The other points referred to by M. Ruppel had been dealt with in the report, and he had come to the conclusion stated in the report.

M. VAN REES agreed with M. Sakenobe. In addition, M. von Bassewitz's petitions had nothing to do with the mandatory regime or with the provisions of the mandate. Consequently, they ought to be rejected; in other words, there was no reason whatever for the Commission to transmit them to the Council.

M. Ruppel pointed out that M. Sakenobe's report contained no reference to the general question raised by the petitioner. He would, however, not insist on any addition to the conclusions on this subject.

Lord LUGARD supported M. Van Rees' views. Accusations of a very general nature without evidence, like those contained in M. von Bassewitz's petitions regarding the attitude of the Trans-Jordan authorities, could not be accepted by the Commission.

The Chairman noted that all the members of the Commission endorsed the conclusion reached by M. Sakenobe. In these circumstances, it would be sufficient to insert in the report a sentence which would meet M. Ruppel's wishes.

It was agreed that M. Sakenobe and M. Ruppel should draft this sentence and insert it in the report (Annex 16).

Palestine and Trans-Jordan: Memorandum dated June 1931, submitted by the General Council (Vaad Leumi) of the Jewish Community in Palestine.

The conclusion set out in M. Sakenobe's report (Annex 11) was adopted with one drafting change.

Economic Situation of the Territories under Mandate: Observations applicable to all Territories.

M. Catastini asked the Commission whether it intended to include in the report concerning the work of its twenty-second session an observation applying equally to all territories with regard to the economic situation, on the lines of the reference thereto in its previous report. <sup>1</sup>

After an exchange of views, the Commission decided not to insert in the report on the work of its twenty-second session any general observation regarding the economic situation.

It was understood that this decision did not in any way affect the observations it had already made or might make in the future regarding the particular economic situation of any given territory.

Iraq: Observations concerning the Administration of the Territory during the Year 1931: Question of the Transmission by the Mandatory Power of a Report covering the Period January to October 1932.

M. Catastini asked the Commission whether it intended to submit, either in the usual form or in some other form, any observations on the report submitted to it concerning the administration of Iraq during the year 1931.

M. Orts held that, as the Commission had not examined the report on Iraq for the year 1931 in detail, its observations, if any, regarding this report could not be couched in the usual form. He suggested that the Council should simply be informed that its recommendations for the reversal of the denial of justice from which the Bahais were suffering had had no effect.

<sup>&</sup>lt;sup>1</sup> See Minutes of the twenty-first session, page 211.

Lord Lugard was of opinion that, if the question of the Bahais were raised, it would also be necessary to refer, in the observations, to the question of the Assyrians, which had also occupied the time of the Commission in connection with Iraq.

M. Orts dissented. In his view, the opinion expressed by the Commission on the earlier petitions had exhausted the subject and he thought it would be contrary to the practice followed hitherto to confirm in the general report to the Council an opinion already formulated in connection with the consideration of those petitions. In the Bahais' case, it was not on any new petition that an observation would be based; it would seem that the Council should be

informed of the results of its previous recommendations in the matter.

He wished to make it clear that he was actuated purely by considerations of expediency in suggesting that the Commission should make no detailed comments on the report. There was nothing to prevent the normal procedure being followed again this year, since the report related to the year 1931, during which the regime set up by Article 22 of the Covenant was still in force. The fact that Iraq had, in the meantime, acquired its independence was of little importance, since it was the administration of the mandatory Power that was subject to the League's supervision, and the mandatory Power could still be required to render account. It had indeed done so when it submitted its annual report and sent a representative to assist the Commission in examining it.

The Chairman agreed with M. Orts' suggestions. In spite of the fact that the Council had intervened, the Mandates Commission had received no satisfaction in the case of the Bahais. The Commission was right, therefore, to insist on that point, while addressing its observations, not to Iraq, but to the mandatory Power.

M. Palacios also agreed with the opinion expressed by M. Orts. His view differed perhaps only as regards the remark of his colleague to the effect that it would not be in accordance with the practice of the Commission to confirm, in the observations to the Council, an opinion formulated after the consideration of a petition. That had already happened on previous occasions. On the other hand, he agreed with M. Orts that nothing concerning the petition from the Assyrians should appear in the observations of the Commission to the Council on the annual report on Iraq. He shared the hope of his colleagues that the Commission would have the opportunity to examine a final report on Iraq for the year 1932, up to the time when that country was admitted to the League of Nations.

M. Ruppel also agreed with M. Orts' view, adding that the mandatory Power itself ought to attach great importance to a decision by the Council to the effect that it had, as guardian of the territory, faithfully discharged all its duties in 1931 and during the first nine months of 1932.

M. Catastini understood, in view of the observations that had just been made, that the Commission intended to ask the mandatory Power to submit a report on the administration of Iraq from January to October 1932.

M. Ruppel deemed such an invitation unnecessary. The mandatory Power would certainly, without being asked, send a report covering this period.

M. Merlin opined that it would be better to wait and see what the mandatory Power decided to do. It was certainly not for the Commission to suggest to that Power what action it should take.

The Commission replied in the negative to the question raised by M. Catastini.

Economic Equality: Purchase of Material and Supplies by the Administrations of Territories under A and B Mandates either for their Own Use or for Public Works (continuation): Report by M. Orts: General Discussion.

M. Orts pointed out that document C.P.M.1333 was not, strictly speaking, the report of an individual member of the Commission. It was merely a draft text submitted to the Commission for discussion. True, two or three years previously he had been appointed Rapporteur on the question of economic equality; but his work had been completed by the submission of a report, which was, moreover, referred to in the present document.

submission of a report, which was, moreover, referred to in the present document.

The present report was intended to convey to the Council the results of the Commission's examination following on the replies from the various mandatory Powers to the questions put to them by the Council at the request of the Commission. As the Commission was aware, two apparently irreconcilable theories had been upheld in the Commission itself, so that there could be no idea of securing unanimity on a doctrinal interpretation of the mandates, but he thought that all the members of the Commission might at least be able to approve the first

part of the report, in which the two theories were set out at equal length.

Since he himself had defended one view, he had, for reasons which the Commission would understand, asked M. Rappard, one of the advocates of the other theory to explain the latter.

M. Van Rees said that the Commission seemed to be preparing to insert the document prepared by M. Orts either in its report to the Council or as an annex to that report. He would

Joint Select Committee on Closer Union in East Africa and the correspondence arising from that report between the Secretary of State for the Colonies and the Governors of the territories concerned (Cmd. 4141).

Although it has duly taken note of these documents, the Commission has thought it

preferable to adjourn, until its next session, the study of this question.

# C. OBSERVATIONS CONCERNING THE ADMINISTRATION OF THE TERRITORIES UNDER MANDATE.

The following observations, which the Permanent Mandates Commission has the honour to submit to the Council, were adopted after consideration of the situation in each territory in the presence of the accredited representative of the mandatory Power concerned. In order to appreciate the full significance of these observations, reference should, as usual, be made to the Minutes of the meetings at which the questions concerning the different territories were discussed. <sup>1</sup>

#### TERRITORIES UNDER "A" MANDATE.

## Iraq.

The Commission has taken note of the annual report on the administration of Iraq in 1931 submitted by the United Kingdom Government, and the supplementary information given orally by the representative of that Government.

Having regard to the circumstances, it refrains from submitting to the Council any detailed observations on the administration of Iraq in 1931 (pages 13-15, 28, 37-39, 44, 226-227).

The Commission feels bound, however, to remark that the recommendations contained in the reports on its fourteenth, sixteenth, nineteenth and twenty-first sessions and endorsed by the Council resolutions of March 4th, 1929, January 13th, 1930, January 22nd, 1931, and January 25th, 1932, regarding the redress of the miscarriage of justice from which the Bahai Community has been the victim, have not been carried into effect (pages 41-42, 226-227).

#### Palestine.

#### GENERAL OBSERVATIONS.

In its previous report to the Council, the Commission noted the statements made by the

mandatory Power regarding its programme of constructive policy in Palestine.

Although this programme seems to be taking more definite shape, it appears from the information contained in the last annual report and the statements of the accredited representative that the preparatory study has not yet been wholly completed. It would therefore be premature for the Commission to express now an opinion on the development of the mandatory Power's policy subsequent to the crisis which it studied in 1930 at its extraordinary session.

The Commission notes, however, that, as a result of the measures taken to ensure security, and of an exceptionally favourable economic situation in the territory, the year 1931 has been

a period of calm and prosperity for the territory.

#### SPECIAL OBSERVATIONS.

#### 1. Legislative Council.

The Commission noted the statement by the accredited representative that "steps would be taken towards the formation of a Legislative Council when the new Local Government Ordinance which was now in preparation had been brought into working order" (pages 82, 103, 179, 197-199, 200-201, 300).

### 2. Liquor Traffic.

The attention of the accredited representative was called to the large increase in the consumption of spirits in Palestine (pages 99, 300).

#### 3. Labour.

The Commission welcomes the appointment of a Committee to review the labour legislation in Palestine, and hopes that the work of this Committee will result in progress towards ensuring fair conditions of labour for all Palestinian workers (pages 96-97).

#### 4. Child Marriages.

The Commission hopes that the next annual report will contain information as to the result of the investigation undertaken by the Administration, in collaboration with the various religious communities, on the question of the minimum age for marriage (page 94).

<sup>&</sup>lt;sup>1</sup> The page numbers following each observation are those of the Minutes of the session.

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