

The Termination of the A Mandates

Norman Bentwich, M. C., O. B. E., M. A., Professor of the International Law of Peace at the Hebrew University of Jerusalem.

There has been a remarkable spectacle at the two last meetings of the Permanent Mandates Commission, a British representative seeking to persuade a somewhat sceptical international Commission that the country for which Great Britain was responsible as guardian for ward was ripe for complete independence, and that the last remains of the guardian's control should be withdrawn. It was Sir Francis Humphreys, the British High Commissioner for Iraq, who was anxious to satisfy the Commission that it could safely recommend to the Council of the League the termination of the Mandate, and the admission of Iraq as an independent State to the League. Professor Rappard, a member of the Commission, remarked that the story of Anglo-Iraqi relations in the last ten years was a striking episode in the history of liberty; and as a citizen of a small State, he welcomed this unusual instance of voluntary concessions by the stronger to the weaker party. Before, however, considering the conditions proposed by the Commission for the termination of the Iraq Mandate, it is necessary briefly to summarise the relations between the Mandatory and the mandated territory since the end of the War. A bare outline only is given, because the main features of the development of the A Mandates between 1928 and 1930 were described in this *Zeitschrift* of last year¹⁾.

The A Mandates for the countries detached from Turkey, Iraq, Palestine, and Syria, were allotted by the Principal Allied Powers to Great Britain and France at the Conference of San Remo in May 1920. The draft Mandates were laid before the Council of the League in August 1921. Great Britain announced, however, in September 1922 that she proposed to set out the main terms of the Mandatory relation in the form of a treaty with Iraq which should take the place of an instrument from the League to the Mandatory. The treaty of Alliance with King Faisal was concluded, by which the British Government undertook to furnish the Kingdom of Iraq with the advice and assistance it required, and the King of Iraq undertook on his side to be guided by the advice

¹⁾ Bd. II, T. I, pp. 378 ff.

of the representatives of the British Government in all important affairs concerning the international and financial interests of Great Britain. In May 1923 the Council of the League accepted a declaration of the British Government that it proposed to carry out its obligation under Article 22 of the Covenant by this means; and in September 1924 the Council approved an instrument of guarantee defining British obligations towards the League. The Treaty was to come to an end upon Iraq becoming a member of the League, and in any case not later than four years after the ratification of the treaty of Peace with Turkey, — i. e. 1928. When, however, the Council decided in 1925 that the Vilayet of Mosul should be included in Iraq, it attached the condition that the Treaty should be prolonged for 25 years, unless Iraq should be admitted in the meantime to the League. The Government of Iraq continued to chafe at the continuation of any control; and in 1927 Great Britain undertook to press for the admission of Iraq to the League in 1932 provided that the State was progressing satisfactorily.

That conditional declaration failed to satisfy national feeling; and in 1929 Great Britain announced that she would recommend without further condition the admission of Iraq in 1932. She informed the Council of the League of that decision; and at once negotiated a fresh treaty with Iraq on the basis of an offensive and defensive Alliance between two independent States. The Treaty of Alliance was signed at Bagdad in June 1930, and was ratified by the two Powers in January 1931²⁾. It is to become operative upon the entry of Iraq into the League. The Council referred to the Permanent Mandates Commission for advice the two questions which were intimately bound up: (1) the general conditions which should be required for the termination of a Mandate; and (2) the fitness of Iraq to be completely emancipated and to stand alone. Those two questions have been thoroughly examined by the Commission at its last two sessions in June and November 1931.

At the former meeting the Commission was concerned with the general question, and it received from three of its members, the Vice-President, Mr. Van Rees, the English representative, Lord Lugard, and Count de Penha Garcia, reports on the matter of their deliberation³⁾. Mr. Van Rees pointed out the temporary character of a mandate which was inherent in the institution. All the peoples subjected to the system should win first autonomy and then independence. It rested with the League Council to decide as to the termination of a mandate: provided that, as the mandate is a synallagmatic convention, its decision may only be taken at the request of the Mandatory Power concerned. The question of the fitness of a people under mandate to manage their own

²⁾ For the provisions of the treaty see this Zeitschrift, Bd. II, T. I, pp. 380 ff.

³⁾ See Minutes P. M. C. 20th Session C. 422. M. 176, pp. 195 ff.

affairs was one of fact and not of principle; and the answer could only be found in local conditions connected with political and administrative organisations and with the economic and the social development of the country. The emancipation might be subject to certain conditions of a humanitarian nature which would have been imposed on them if the period of transition between the old rule and self-government had not been interposed. These conditions would be aimed at safe-guarding the interests of racial, linguistic and religious minorities, securing freedom of conscience, and providing legal protection for foreigners.

Lord Lugard, who has had long experience in the government of African peoples, suggested that a liberal interpretation of the words in the Covenant „to stand alone” would be the wisest statemanship. Progress to complete independence is a process of slow evolution. The Mandatory power can alone judge whether the young State has the physical ability and is imbued with the right spirit, and whether the final stage of evolution can best be achieved by putting it on its own legs even though it may need some extraneous help for a time in carrying out its obligations. He stressed the need of safeguarding the position of minorities. „Where the government is in the hands of an indigenous community which is accounted by the Council at the request of the Mandatory to be fit for emancipation, and there are important indigenous minorities differing in race, religion and language under its rule who are averse to the withdrawal of the Mandate, the Council should be assured before consenting to the withdrawal, of the future well-being and just treatment of the minorities.”

The last „reporter” remarked that the moral responsibility of the Mandatory would continue even after the termination of the mandate; and the initiative or consent of that Power to the termination was therefore of the greatest consequence. The essential consideration was that in the State to be emancipated there should have been a capable government in authority for a certain length of time, supported by the mass of the population, enjoying authority, and having given proof that it is capable of governing within the framework of the organisation of peace. There was then general agreement that the opinion of the guardian power must carry the greatest weight.

The Commission, having agreed after much heart-searching that it ought to frame its conclusions on the general question with-out reference to the special case of Iraq, laid down the following conditions which should be fulfilled before a mandated territory can be emancipated.

(a) It must have a settled government and an administration capable of maintaining the regular operation of essential Government services.

(b) It must be capable of maintaining its territorial integrity and political independence.

(c) It must be able to maintain the public peace throughout its whole territory.

(d) It must have at its disposal adequate financial resources to provide regularly for normal Government requirements.

(e) It must possess laws and a judicial organisation which will afford equal and regular justice to all.

Beyond this, the new State should furnish guarantees to the League of Nations in the form of a declaration which, without prejudice to any supplementary provisions justified by the special circumstances of certain territories, should ensure: —

(a) The effective protection of racial, linguistic, and religious minorities.

(b) The privileges and immunities of foreigners, including consular protection and jurisdiction as formerly practised in virtue of the Capitulations and usages, unless any other arrangement has been previously approved by the Council of the League in concert with the Powers concerned.

(c) The interests of foreigners in judicial, civil and criminal cases in so far as these interests are not guaranteed by the Capitulations.

(d) Freedom of conscience and public worship, and the free exercise of the religious, educational, and medical activities of religious missions of all denominations.

(e) The financial obligations regularly assumed by the former Mandatory Power.

(f) Rights of every kind legally acquired under the former mandate regime.

(g) The maintenance in force of the international conventions, both general and special, to which during the mandate the mandatory power acceded on behalf of the mandated territory.

Lastly, they added a rider that it would be desirable that the new State, if hitherto subject to the Economic Equality Clause, should consent to secure to all States Members of the League the most-favoured-nation treatment as a transitory measure on condition of reciprocity⁴).

The last recommendation, carefully guarded as it is, represents a reduction of what some members of the Commission had proposed, that the principle of economic equality should be permanently maintained after emancipation, as in the interests of international peace. The objection to that was made, that it would involve an impairment of the independence of the new State; and the final resolution is a compromise which secures the retention of a principle of the Mandate for a limited time, and on the condition of reciprocity.

⁴) *Ib.* p. 228—9.

Z. ausl. öff. Recht u. Völkerr. Bd. 3, T. 2: Abh.

Another proposal of the Commission which, on the face of it, seems open to objection is that which contemplates the return of the capitulatory regime in the territories of the Middle East which were once subjected to it as parts of the Turkish Empire. When it is recalled that the Turks have rid themselves of the burden, and that the mandated territories will have been free from it during the period of their minority, it seems incongruous that the incapacity should be restored just at the stage when the government is found capable of standing alone and doing justice to all the inhabitants. The recommendation of the Commission is, however, likely to be academic and not to be carried into practice, if we may judge by the example of Iraq. A new judicial agreement by which one uniform system of Courts is established in the country, in place of special arrangements in the interests of foreign parties, has been approved by all the Powers concerned and by the Council of the League. And so, in that first case of emancipation, there will be no reversion to the system of discrimination which is resented in the Eastern countries to-day. The Commission was forced to insert the condition because of the wording of the existing mandate documents for Palestine and Syria, which prescribes that the system of Capitulations is *suspended* only during the operation of the Mandate. That illogical stipulation is then a fetter on the procedure of emancipation — in theory. But if and when the question of terminating the mandate in Palestine and Syria arises, it may be confidently expected that the Mandatory will have succeeded in obtaining the consent of the Powers, including the United States — which is not a party to the Mandate but has an equal interest — to the establishment of a judicial system which will assure to foreign subjects a guarantee for their rights without the restoration of the unequal treaties. That view was expressed emphatically at the Council of the League which considered the report of the Commission.

The Mandates Commission at the same session examined the Special Report submitted by the British Government to the Council of the League on the Progress of Iraq during the period 1920—1931⁵⁾. The Council had asked for that report, so that it might be in a position to judge of the fitness of the young State, that had applied, through the British sponsor, for admission to the League „to stand alone in the strenuous conditions of the modern world.” In particular, it wanted information on the capacity shown by Iraqi ministers, the position of foreign nationals, and the guarantees of the rights of minorities. The Report is an impressive account of the progress made by Iraq to complete self-government, and of her ability to secure order both in her external and internal relations. As an example of the progressive capacity of the

5) (1931) Colonial 587.

Iraqis to manage their own affairs the figures of the employment of British and Indian officers in the administration are notable. The figures of three periods taken between 1920 and 1931 are: —

| | British Gazetted Officers | Ungazetted Officers | Indian Officers |
|------|---------------------------|---------------------|-----------------|
| 1920 | 364 | 484 | 2035 |
| 1926 | 148 | 53 | 250 |
| 1931 | 118 | 28 | 36 |

The functions of the High Commissioner, which had been originally partly executive, were now purely advisory; and he found it necessary to interfere less and less with the resolutions of the Iraqi Ministers. Thus in the year 1930 he commented on only 9% of the 450 resolutions submitted to him by the Ministry. While for the first five years of the period under review British rather than Iraqi officers were responsible for the progress achieved, after the Iraqi Parliament was established in 1925 the position was reversed, and the Iraqi ministers and officials were the primary factor in building up the State. The frequent change of Ministries which had been a feature of Parliamentary Government had at least this good result, that a large number of men had experience of responsible office. No less than 46 persons had been Ministers.

In Foreign affairs the relations with the neighbouring Powers had been put on a satisfactory basis. Turkey, which for long threatened trouble with regard to the Northern Province of Mosul, had, since the Treaty of Angora in 1926 with Great Britain, been on the most friendly terms. Persia, which for some time would not recognise the Kingdom of Iraq, because of dissatisfaction over the treatment of Persian subjects in the Courts differently from European foreign subjects, had been completely reconciled by the new judicial agreement that established a uniform judicial system. In 1930 she entered into a provisional treaty for the exchange of diplomatic and consular missions and for the giving of most-favoured nation treatment. The Kingdom of Hedjaz and Nejd, under King Ibn Saud, which had for a time nourished an hereditary feud with the Hashemite House of King Faisal, had been brought to an excellent understanding by the good offices of the British Government. The two sovereigns had entered into a Convention of amity, like an Eastern Locarno, on board an English man-of-war in 1930. In the following year the Prime Ministers of the two countries signed at Mecca a *Bon Voisinage* Agreement which cleared up the thorny questions of Border tribes; and also made an extradition Treaty. Lastly, the frontier question with Syria, the remaining border State, was in a fair way to solution. Since the Report was published, Great Britain and

France have jointly applied to the Council of the League to appoint a Commission for the purpose of settling the question definitively: and the League has consented to nominate a Commission.

As regards Defence, the Kingdom was steadily progressing to a position in which it should be able to ensure internal and external peace. Under a system of voluntary service an army of 10,000 men was maintained, and was officered mainly by Iraqis. The British Military mission, which in 1930 numbered 46 officers, was reduced to 26. A system of compulsory national service is contemplated, and a bill has been prepared that provides for two years service in the ranks and 8 years in the Reserve. It is proposed to bring that system into operation in 1932—1933. The Treaty with Great Britain indeed makes provision for the retention of detachments of the British Air Force at two places in Iraq during the 25 years of the currency of the Treaty, for the purpose of securing the Imperial Air Routes to India; and further for keeping at two other places, for a transition period of 5 years, certain British military troops. The special military interests of the former mandatory are therefore recognised, and the position will be similar to that of Client and Suzerain States in the Middle Ages. The Police Force is already almost entirely native. The British Inspecting staff that once numbered 96 is now reduced to 14, and the British officers are only 12.

The Courts of Justice are another department of Government in which the British mandatory was especially concerned, because of the provision in the original Mandate document that the judicial system should safeguard the interests of foreigners and the law and jurisdiction of personal status of the different peoples and communities. Originally the Iraq Judiciary included a British Judicial Secretary and 6 British Judges in the Court of Appeal and First Instance. Under the new judicial agreement by which a foreign subject may not demand the presence of a British judge, but the attempt will be made to secure the presence of a British judge on the Court in any important case, whether affecting foreigners or native subjects, the number of British judges is to be increased to 7 in First Instance. The Permanent Mandates Commission suggested that a further increase would be desirable in order to give assurance to all Powers of a sound judicial administration. But all the Powers concerned have now given their adherence to the agreement, and no question will arise of the restoration of the Capitulations on the termination of the Mandate.

On the financial side, the Government of Iraq has been assisted by the conclusion of an Agreement with the Iraq Petroleum Company for the exploitation of the great oil-fields of Mosul and Kirkuk. That arrangement will ensure the annual payment to the State of a minimum

sum of £ 400.000 on account of royalties, and, also, the laying of a pipe-line from Iraq to the coasts of Syria and Palestine, and the probable construction of a railway to follow the pipe-line. The steady development of the oil resources and the assured revenue of the Government hold out the hope that the State will not only be solvent, but able to carry out a progressive policy of social and economic development. The Treaty with Great Britain includes agreements concerning the joint control for a period of the Iraq Railways and the Port of Basra, by Boards composed of British and Iraqui nominees, but so that the ownership is immediately transferred to the new State. And Iraq is in the fortunate position of having paid off her share of the Ottoman Debt and having no new national debt.

The most serious problem of Iraq, which has caused the most anxious concern of the Permanent Mandates Commission, and also of various groups in England, is the treatment of minorities when the Mandate is finally terminated. Iraq includes two principal minorities, the Kurds who are Moslems, and the Assyrians and Chaldeans who are Christians. Both live for the most part in the Northern Vilayet of Mosul which was added to the Kingdom by the decision of the League in 1925, and on the understanding that the rights of the minorities would be safeguarded by Great Britain as the Mandatory. The Kurds number about half a million, and form but one sixth of the whole Kurdish nations; the rest are divided between Turkey, Persia and Syria. The Assyrians number about 40.000 of whom the larger part are refugees from Turkey. The Chaldeans are a bigger community; and there is in the same area a body of 35.000 Yezidis or Devil-Worshippers.

The still-born Treaty of Sèvres envisaged a separate Kurdish State, under the guardianship of the Powers; and that unfulfilled hope has complicated the position. The Frontier Commission of the League of Nations in 1925 recommended that special regard should be paid to the desire of the Kurds for the appointment of officers of their race for the administration of the area and the dispensation of justice and education, and for making Kurdish an official language. The Iraq Government has done something to give effect to these stipulations, but the Kurdish national feeling is not satisfied, and the League has been bombarded with petitions for independence. (See this Zeitschrift Bd. II, T. 1, p. 385.) At the same sitting of the Permanent Mandates Commission in June 1931 the Commission, after considering the petitions and the comments of Great Britain, recommended to the Council, of which it is the advisory body, (a) to request the Mandatory to impress on the Government of Iraq that it should be guided in its dealings with the Kurds by a spirit of broad toleration towards a minority worthy of respect; and (b) to give its closest attention to the uneasiness prevalent

in the Kurdish population which is caused by the uncertainty as to their fate if the moral protection of Great Britain is withdrawn. And with regard to the petitions from the Christian minorities, they suggested that the Council should draw the Mandatory's attention to the necessity of securing from the Iraq Government guarantees for the treatment of racial and religious minorities. The Treaty of Alliance with Great Britain was altogether silent about minorities, because, as it was explained, that was not a question to be discussed between two equal Powers. But the minorities were not reassured. The High Commissioner for Iraq, Sir Francis Humphreys, who appeared before the Commission, expressed his emphatic opposition to any scheme of administrative separation; and that is the standpoint taken up in the special report of the British Government. He was equally opposed to a proposal for the appointment of a resident representative of the League of Nations, such as is functioning in Silesia, with the duty of supervising the guarantees afforded to the minorities. Such a step would in his judgment be regarded by Iraq as a derogation of her sovereignty, and would serve to emphasise and perpetuate the artificial divisions between the different parts of the population. Iraq would, on the other hand, be prepared to sign the Minority Clauses that have been accepted by other States, e. g. Albania and Finland, on their admission to the League, and have been incorporated in the treaties that establish the new States of Central Europe.

The Council of the League adopted at its meeting in September 1931 the proposals of the Mandates Commission concerning the termination of a Mandate, including the rider about the maintenance of the most-favoured-nation treatment to all Members of the League. And with regard to minorities it expressed the view that in certain cases there must be special guarantees. The Council referred to the Mandates Commission the particular question of the emancipation of Iraq, and that task came before the Commission at its meeting in November. ~~The Commission considered further the report of the British Government, and had again the advantage of the presence of the British High Commissioner. There was no indecision about the sponsorship by Great Britain of the complete emancipation of her ward. With regard to external relations the High Commissioner said that „the young kingdom has shown itself already well-fitted for admission to the comity of progressive and civilized nations of the world, and no further guarantees than those indicated by the Commission are required in her case”.~~ And on the broad question of her fitness to stand alone he said:

„In little more than a decade, and from disparate material, a new nation has been fashioned, self-reliant, stable, imbued with a high spirit of patriotism and with enthusiasm to justify itself

in the eyes of its peers. That, I submit, is an achievement of which the League of Nations and my Government have just cause for pride. You hold the key to the door through which this young State must pass to a full manhood and emancipation. I ask you to open that door."

He dealt also with the minority problem, and indicated that, since the last examination of the Commission, much had been done to reassure the Kurds of the sincere intentions of the Iraqi Government, that steps had been taken to settle the landless Assyrians, and that the Yazidis had been given a Communal Council to control their internal affairs. He believed a measure of encouragement and trust was more likely to produce the desired results than the provision of special safeguards against future bad faith. The past record of Iraq was one of remarkable religious tolerance, and Moslems, Jews, and Christians had lived together in amity for centuries.

Even his enthusiasm and conviction could not altogether dispel the diffidence of the Mandates Commission, and their report to the Council was a study in caution and the gentle art of passing responsibility. „The Report of the British Government and the verbal explanations of the High Commissioner, they said, contain nothing to form an impediment to the emancipation of Iraq." That was a very gentle favouring breeze to the vessel of State on its voyage to the Council. They recommended that Iraq should be required to sign an undertaking regarding the treatment of minorities and give adequate protective guarantees for her Christian subjects. They commented on certain clauses in the Treaty of Alliance between Great Britain and Iraq which are unusual, but found that, in view of the special circumstances, both geographical and political, it may be considered that they do not impair the degree of independence requisite for the admission of the State to the League of Nations. The Commission could not bless, but they would not wound.

It is significant of the apprehension felt by the Assyrian community that soon after the meeting of the Commission, their religious heads and lay leaders sent a petition to the League asking that, if Iraq were admitted to the League, they might either be assisted to migrate to a country under a Western government or permitted to settle in the mandated territory of Syria. The latter change, indeed, would be stepping from one Moslem sovereign to another. The solution proposed by Great Britain for the minorities in Iraq, that they should be citizens in a centralised State with a guarantee for minority rights, is recognised not to be ideal; but it is imposed by the hard logic of facts, because there is no territory in which an autonomous enclave can be established for the Kurds or the Assyrians or the other elements of different creeds.

One of the most interesting and thorny questions to be examined by the Frontier Commission concerns the home of the Yazidis or Devil Worshipers. Their territory was divided by the Anglo-French agreement of 1920, half falling to Iraq, half to Syria. To-day their community is in apprehension of Arab rule, and may wish to be placed under French guardianship.

The Council of the League considered the report of the Permanent Mandates Commission at its meeting in January 1932 and virtually accepted its recommendations. It decided straightway that in principle the mandatory control might be terminated and Iraq admitted as a member of the League, provided that she entered into the necessary undertakings with the Council about minorities, foreigners' rights, etc. It appointed a special committee to examine particular points particularly the safeguarding of the rights of minorities; but it may be assumed that these matters will be satisfactorily disposed of and that the Assembly of the League next autumn will finally admit Iraq as an independent State and a member of the League. The proposal that Iraq should be required to maintain the principle of most-favoured-nation treatment for all States members of the League on the basis of reciprocity was endorsed by the Council, but the British Member urged that the period for which this obligation is to hold should be restricted in order not to hamper the Iraqi Government in making commercial treaties. One other point raised by the British member of the Council, Lord Cecil, and to be further considered by the Committee, concerned the choice of foreign judges for the Iraqi Courts. It had been suggested that there should be a restriction on the appointment of more British judges; but Lord Cecil, while not contesting in any way the eligibility of non-British candidates urged that the Iraqi Government should have a completely free hand in selection.

Lastly it was stated that the termination of the Mandate will become effective from the date on which Iraq is admitted into the League.

If the story of the Mandate for Iraq illustrates the „Inevitability of rapid gradualness” in dealing with a people nationally conscious, the story of the Mandate for Syria indicates the difficulty of checking a similar movement for national independence in a neighbouring people equally conscious nationally. The story of the attempt of the French Mandatory to implement the first article of the Mandate which prescribes the framing, within three years of its coming into force, of an organic law for Syria and the Lebanon, has been told in the article already cited. The constitution of the Lebanese Republic was promulgated in 1926, some time before the expiration of the term. Having failed to obtain the formulation of a satisfactory Constitution by a Constituent Assembly of Syria, the High Commissioner, Monsieur Ponsot, promul-

gated in May 1930 an Organic Law for the State of Syria, and dissolved the Assembly. The decree promulgating the Constitution provided that it should come into force after the election of the members of the Syrian Chamber of Deputies. At the same time the High Commissioner issued four Arrêtés, concerning a special régime for the Sanjaq (province) of Antioch and Alexandretta, an organic law for the Government of the Jebel Druze, and another for the Government of Latakia, and lastly, a Regulation of a Conference on Common Interests between the Governments of the States under the French Mandate. (See this Zeitschrift, Bd. II, T. 1, pp. 390 ff.)

After a long delay the Mandatory took steps to implement the Syria constitution by the holding of elections for the members of the Chamber of Deputies. In November 1931 M. Ponsot on his return from France, issued a letter to the President of the Conseil d'Etat of Syria, and with it three Arrêtés, to provide for the holding of elections by the provisional form of government. The letter declared that, after four years of provisional government, he had decided as representative of the mandatory power to assume more direct responsibility for the implementing of the Constitution. Free elections would be held in January 1932, and he desired that they should take place „in the most favourable atmosphere for collaboration which is necessary to assure the success of the progressive evolution of the mandate". The first decree set up a Consultative Council to assist the High Commissioner in his task. The Council includes the leading official personages of the country, such as the present and former heads of the Syrian State, the President of the Constituent Assembly of 1928, the Governors of the provinces, the President of the Court of Cassation, of the Administrative Councils and of the Chambers of Commerce, and the Rector of the University of Damascus. The second decree provides for the reorganisation of the services of the Syrian government pending the completion of the elections. The government is to be carried on by the four ministers of Finance, Justice, Education and Agriculture, together with a Secretariat which will execute provisionally the duties of the Ministry of the Interior and of the head of the State. The direction of the Secretariat was entrusted to a Syrian official who was free of any political partisanship, and the decree prescribed that the signature of official documents should be given by two of the acting ministers acting with the concurrence of the delegate of the High Commissioner. In effect the representatives of the Mandatory will have control.

The third decree empowers the High Commissioner himself to exercise, with the assent, if he thinks fit, of the Consultative Council, the rights which under the constitution are conferred on the Head of the State in regard to the holding of elections. He will fix the numbers

of members for each constituency and the religious community to which they are to belong, he will summon the electoral colleges, and determine the procedure of the secondary elections. The primary elections were held in December 1931, and attended by considerable disorder. In Damascus, Aleppo and other towns there were serious riots, a party of the Nationalists being opposed to the election of the Chamber. But the Chamber has been elected, and the Constitution can now come fully into operation. It is expected that the Parliament will be called to make a treaty with France as the Parliament of Iraq was prevailed upon to do with England, and so convert the mandatory regime into a treaty relationship between the two Powers ⁶⁾.

That transformation of the Mandate was presaged at the meeting of the Permanent Mandates Commission in June. M. De Caix indicated that the French Government was contemplating a development of her relations with Lebanon and Syria similar to that which Great Britain had already carried out in Iraq. She proposed to enter into treaties with the indigenous Governments of Syria and the Lebanon which would relate not so much to the carrying out of the Mandate as to its replacement by a new regime. M. De Caix did not expound the details of the arrangement projected, but he stated that the present process of evolution pointed to the termination of the Mandate for both parts of the territory at a not very distant date. Again the Permanent Mandates Commission was somewhat sceptical of the maturity of the ward, and of the justification for the early ending of a trust that was conceived in the interests of a population which was to be assisted to stand alone. In their report to the Council they said that they would „follow with interest the evolution, and the stages leading to the point at which Syria and the Lebanon will no longer need the advice and assistance of the Mandatory by which they have so far benefited for only a short space of time. „They expressed the hope that, in the agreements preparing the way for the new regime,” the mandatory Power will endeavour to ensure the maintenance of the rights and interests, the safeguarding of which was specially entrusted to the Mandatory, until the termination of the Mandate.” And they trusted that they would be kept regularly informed of the various stages of the evolution ⁷⁾. Having regard to the cautious language of Geneva, their doubts and misgivings could hardly be more plainly indicated.

In the discussion between the Members of the Commission and the French representative, the causes of the anxiety were more clearly revealed. M. Rappard could not find in the annual report for the

⁶⁾ The letter of M. Ponsot and the 3 arrêtés are published in the *Correspondance d'Orient*, December 1931.

⁷⁾ Minutes P. M. C. 20th Session p. 231.

mandated territories of the last year any reason for proceeding further than the Organic Law contemplated in the grant of independence, and he feared that the example of Iraq was influencing unduly the policy of the Mandatory. Complete emancipation was to precede, and not to follow, political maturity. Such a result would imply a renunciation of the purpose of the mandate and the failure of the system. He drew attention too to certain differences between the conditions in Iraq and Syria. Iraq had much longer Parliamentary experience. It had too administrative unity; whereas in Syria a division of the country had been established from the beginning of the mandate rule. Another member of the Commission, M. Merlin, understood that Iraq's example could not but influence the attitude of the Mandatory in Syria, and increase the urgency of the Arab populations to obtain the same measure of independence. And the French representative urged in reply that „it would appear morally difficult not to grant to Syria similar treatment to that given to Iraq. The League was free to decide what attitude it would adopt towards the question; but it would be impossible to refuse to grant in one case what was considered possible in the other.”

The Vergilian tag may well be applied to the problem of the two Mandates. „Ardet et Ucalegon.” There is the further complication about the termination of the mandate for Syria, that the two territories of the Jebel Druse and Latakia, which are inhabited by peculiar communities are not to be included in any treaty of independence. They will remain under the mandatory care of France. On the other hand, the independence of Syria would involve the Province of Alexandretta which today enjoys a certain measure of autonomy. The French Government would have to insure in the treaty with Syria that the special rights of the Turkish-speaking subjects would be safeguarded. It is another cause for anxiety that the termination of the Mandate will involve the separation of the two parts of the French Mandated area, the Lebanon and Syria. That, however, is not yet a definite project, since the French mandatory is still in the stage of studying the provisions of possible treaties. It is, however, remarkable that, while Great Britain in Iraq has been at pains to uphold the integrity of the whole mandated territory and to resist the desires for separation of the minority peoples such as the Kurds, the French in their area have worked on the opposite principle, and have sought to give separate State-form to any racially distinct part of the population which occupies a defined part of the area. The British idea is to secure unity in diversity; and the French idea is to encourage division.

The third of the A Mandates, which covers Palestine and Transjordan, is not giving rise to a position in which the termination of the regime has to be considered as a matter of practical politics. Indeed,

so far as Palestine is concerned, the events of the last two years have rather tended to make the prospect of emancipation recede. In its thorough examination of the Palestine Mandate in 1930, when it considered the Special report of the British Government upon the riots of 1929, the Mandates Commission pointed out the two dominant obligations of the Mandatory, which are the establishment of the Jewish National Home and the establishment of self-governing institutions. It noted that „the Mandate fixes no time limit for the accomplishment of these objects, and the event must depend on numerous circumstances over which the Mandatory has no control.” (Minutes of the 17th Session P. M. C.)

As a result of the inquiries which the British Government made into the economic and agrarian conditions of the country in the year of intensive inquisition, 1930—1931, a new policy of land development by Government agencies, with a view to secure the progressive improvement of the conditions of the Arab Fellaheen and at the same time to facilitate agricultural settlement by the immigrant Jews, was formulated and communicated to the Permanent Mandates Commission. The Commission at its session in June 1931 welcomed the recognition by the accredited British representative of the fact that the improvement of relations between the Arabs and the Jews depended on a just settlement founded on a detailed study of a series of questions of an economic nature, for which the Mandatory was asking the assistance of the population. Lastly the Commission, guardedly but not obscurely, indicated its uneasiness at the fluctuations of the British policy during the troubled two years since the riots. In Palestine, therefore, the continuance of the Mandate control indefinitely is envisaged till the new economic policy (what the Russians would call N. E. P.) has succeeded in demonstrating to the two nationalities of Palestine that their economic and social interests coincide, and leading them to a spirit of cooperation. When that result is achieved, it may be possible to proceed there, as in the other mandated territories of the Middle East, along the road of selfgovernment and ultimate emancipation.

The Mandate régime in the Arab countries, other than Palestine, is giving way to a new régime of equal relations between the young States and their former guardians, based on treaties of Alliance and Protection. From the point of view of the minority populations in those countries and of their international relations that transformation is in some measure unwelcome. But in the remarkable and unexpected quickening of the national sentiment of the Arab peoples which has followed the Peace it was perhaps inevitable. Once again it is proved that a people which is at all civilised prefers self-government to good government, and will not quietly suffer any foreign control or even

guidance, however disinterested. The A Mandates were intended to be transitory, and circumstances have made them shorter-lived than the international society would have chosen. But they have been valuable instruments for training the tutored peoples to self-government. And as an acute observer in England has remarked ⁸⁾, the transitory political régime of the British and French Mandates is likely to leave behind a permanent economic monument in the shape of a new overland route across the desert from Europe to India and Persia. The three mandated areas are to be economically linked by an oil pipeline from the Mosul Oil-fields to Haifa on the one hand, and Tripoli of Syria on the other. And, in addition, the British Government has surveyed the route for a railway from Haifa to Bagdad, that will pass over what is today British Mandated territory, and thus bring the peoples of Iraq and of Palestine into one trade orbit. These economic measures may prepare the way for some political linking up of the Arab countries that have been under the A Mandates.

The more complete and lasting vindication of the Mandate idea is to be found in the mandates for the territories inhabited by the backward peoples of Africa and Polynesia. But that lies outside the scope of this paper. There is at present no question of the termination of any of the Bor C Mandates.

⁸⁾ See Toynbee: *Survey of International Affairs*, 1930. p. 174.