

distinct in their respective powers of government, and the mandatory authority of the British Empire can therefore only be exercised by some one or more of the several Governments of the territories composing the Empire. If, for the statement in the report that the British Empire 'had transferred the responsibility for the administration of the Island of Nauru to Great Britain, Australia, and New Zealand,' there were substituted a statement that 'the British Empire had provided for the administration of the Island of Nauru by Great Britain, Australia, and New Zealand,' the position would be defined with greater precision and exactitude.

"Secondly, that the statement in the report that the Governments of Great Britain, Australia, and New Zealand had reserved to themselves the exclusive rights of the administration of the rich deposits of phosphates which constitute the wealth of the island is capable of misinterpretation without the explanation that the three Governments acquired, by direct purchase through voluntary sale on the part of the owners and not through the mandate, exclusive rights granted before the war by the German Government to a private company."

On the subject of petitions the report of the Sixth Committee contains the following:—

"III. The Assembly, having considered the matter of the right of petition alluded to in the report of the Permanent Mandates Commission, expresses the hope that this right may be defined in such a manner as to ensure that—

"(a.) All petitions emanating from inhabitants of mandated areas will be sent to the Permanent Mandates Commission through the intermediary of the local administration and of the mandatory Power;

"(b.) No petition concerning the welfare of the inhabitants of mandated areas emanating from other sources will be considered by the Permanent Mandates Commission before the mandatory Power has had full opportunity of expressing its views."

The report includes a statement by Mr. Justice Rich, the Australian delegate, on the subject of the Nauru mandate, which reads as follows:—

"The statement in the report (and the context) that it is not clear what powers and means of control the Australian Administration possesses with regard to this organization seems to be capable of misinterpretation without the explanation that the political and economic powers are distinct. The Administrator is paramount. He is invested with the power (Article I of the Act) to make laws for the peace, order, and good government of the island. The Commissioners' powers are confined to the control over the business connected with the phosphates, free from Government interference in such business (Article 13). They, in common with other citizens, are subject to the laws made by the Administrator under Article I. They hold office during the pleasure of their respective Governments (Article 4)."

With regard to petitions, the resolutions of this report were adopted by the Assembly (Document 105, 1922, VI); but so far as regards the points raised by Sir Francis Bell, and covered by the recommendations in the Sixth Committee's report, the President of the Assembly observed that no vote or resolution was necessary, as with regard to these the Sixth Committee had merely recommended that note should be taken of them.

The above facts may help to indicate the position at the time Sir Francis Bell addressed the Assembly on a general question of procedure as observed by the Permanent Mandates Commission. Stated simply, the facts on which his case was based were that the Permanent Mandates Commission had drawn up and published its observations on the reports by the Mandatories of their administration of their mandates, and that, as these observations were published before reference to or adoption by the Council, the Permanent Mandates Commission had, in issuing what was to all intents and purposes a final and authoritative report, exercised an authority which, according to the terms of the Covenant, had been located in the Council itself, and as to the delegation of which to the Permanent Mandates Commission the provisions of the Covenant were silent.

The Permanent Mandates Commission had considered the reports of the Mandatories, and examined the accredited representatives of the Mandatories at private meetings, and finally, at a plenary meeting to which the public were admitted, dealt with "the final terms of its observations on the reports it had examined," and at the same meeting examined the representatives. In other words, the Chairman in a public meeting published the final observations of the Commission, which this year happen to contain adverse criticism and inaccurate statement of the fact, and simultaneously examined the representatives of the Mandatories in relation thereto. These reports, with the observations of the Permanent Mandates Commission, and the comments of the accredited representatives of the Mandatories on those observations, were forwarded to the Council. The Council simply referred these documents to a committee (Sixth Committee), which declined to express any opinion of its own, but merely suggested that certain explanations of the accredited representatives should be taken note of, and, as these recommendations did not amount to resolutions, the Assembly took no vote upon the matter. In other words, the observations of the Permanent Mandates Commission, which were arrived at before consideration of the corrections suggested by the accredited representatives, stand uncorrected by any vote of the Assembly or of the Council.

#### *Mandate Speeches in the Assembly.*

The context of Sir Francis Bell's speech to the Assembly may perhaps be better understood after some concise reference to extracts from preceding speeches in the Assembly.

Dr. Nansen, the rapporteur, in presenting the report of the Sixth Mandates Committee to the Assembly (19th September), and referring to the work of the Permanent Mandates Commission, said:—

"Their duty is to express their views and their opinions as to the way in which the mandates are administered, whether those views please the Governments concerned or not. It may sometimes