

“Secondly, whether the annual report to be considered by this Assembly be from the Permanent Mandates Commission (which I contend should not be the case) or from the Council (as I contend it should be), a second question has arisen and must in another year be directly decided by the Assembly.

“The mandatory Powers are not represented on either the Council or the Permanent Mandates Commission, but they are represented by their delegates in this Assembly. On behalf of New Zealand, I beg to present a claim that when this Assembly refers such a report to one of its committees the delegates of the Mandatory have a right to require that committee to inquire into and report to the Assembly its opinion upon any objection which the Mandatory offers to the language or findings of the report.

“The Sixth Committee of this year has given full and fair hearing to the objections of mandatory Powers, and has set forth in its report the effect of those objections, but has desired to abstain from expressing directly its own views of the validity of those objections. That course has been convenient in the case of the present report, but the right of a mandatory Power whose legislation or administration is under consideration to appeal from adverse comment and invite a decision from the delegates in this Assembly should be definitely affirmed and established. A mere right of audience is wholly insufficient. We are required to govern, and must govern to the best of our ability. We are required to legislate, and must legislate according to a careful exercise of our discretion. It is possible that our government and our laws may become the subject of adverse comment or criticism in some report of a later year. Then, and upon that report, will arise the question whether we agree with the comment or criticism. If we do not we cannot in performance of our obligations alter our administration, or request our Parliament to repeal or amend its legislation, until we have a decision from our fellow-members assembled in the League that in their opinion the comment or criticism is justified.”

The address by Sir P. S. Sivaswamy Aiyer (India) contained the following paragraphs:—

“I should also like to pay a tribute to the solicitude for the well-being of the Natives which has been displayed by those various mandatory Powers in their administration of the territories. When Sir Francis Bell made his remarks yesterday I was wondering what there was in the report of the Mandates Commission which had offended his susceptibilities and called forth the note of warning which he thought it necessary to sound. I have re-examined the report of the Mandates Commission, but I have not been able to discover anything in that report which could have offended the susceptibilities of any one. Far from criticizing the administration, they extol the virtues and the merits of the New Zealand administration. I should have thought that the Permanent Mandates Commission would have been entitled to expect the thanks of the New Zealand administration; but it is a hard world, and it is difficult to please every one.

“As regards the dangers which Sir Francis Bell has spoken of, I am unable to find any departure from the constitutional position which he so correctly laid down. I see no desire or any intention to infringe upon the position or upon the principle which he laid down. The Permanent Mandates Commission has made its report only to the Council, as he says it ought to have done, and it is the Council which has submitted to us the reports of the Permanent Mandates Commission as annexes to its report. We are entitled, as members of the Assembly, not merely to the opinions of the Council, but we are also entitled to be placed in possession of the material upon which the Council has formed its opinions. I have been unable to discover any impropriety or any desire on the part of the Mandates Commission, or of the office of the Secretary-General, to depart from the strict canons of propriety. . . .

“It seems to me, however, that it is just possible there may be some misconception in the minds of the responsible statesmen of South Africa with regard to their obligations in this matter. I noticed that in a speech delivered by him some time in September, 1920, General Smuts, the great South African statesman, uttered remarks which seem to me to be not quite reconcilable with the true position of mandated territories. He observed that the territories held under the ‘C’ class mandates were practically annexed—that they were annexed, all but in name, to the territories of the Administration of which they formed a part. It is quite possible that in this view the Premier of the South African Union may regard his obligations in respect of the mandated territories as of a purely temporary character, and it may be that in this view these obligations sit rather lightly upon him. But I venture to think, with all deference to that great statesman, who himself was in no small measure responsible for the theory of mandates, that the territories held under the ‘C’ class mandates cannot possibly be treated as annexed to the territories with which they are administered. The intention of Article 22 of the Covenant seems to me to be perfectly clear. All these territories which are dealt with under Article 22 are regarded as a sacred trust of civilization, and they are all to be administered as trust estates. . . .”

M. Bellegarde (Haiti) spoke next, and in the following words pleaded for the right of direct petition to the League from the inhabitants of the mandatory territories:—

“I have now a few comments to make on the report itself, and especially on the last point—the right of petition.

“My colleagues in the sub-committee will allow me to voice here the misgivings which I feel, and of which I have already spoken to them, regarding the exercise of this right. The right of petition is an essential one; it is the most effective guarantee which we can supply to the populations under mandate, to allow them to lay their complaints before the League of Nations.

“The Committee has expressed, not a recommendation, but a hope that all petitions from inhabitants of mandated territories should be addressed to the mandatory Power. I had given it as my opinion that it would be advisable to seek a more direct means of transmitting the petitions of those who believed themselves to be victims of ill treatment or injustice. It was very justly pointed out that the authority of the mandatory Power would be undermined if the inhabitants were