

M. Orts proposed that the Commission should draft its reply on the following lines :—

- (1.) As to Germans temporarily residing in the former tropical colonies of Germany, the Commission should state that they retain their German nationality.
- (2.) As to the German population permanently domiciled in such colonies, the Commission should state that it was not competent to decide its national status, but should draw the attention of the Council to the problem and to its probable consequences.
- (3.) The Commission would then proceed to give its opinion on the status of the Native population.

The Commission agreed to note General Smuts's letter.

In considering the draft memorandum on the question of the national status of the inhabitants of "B" and "C" mandated territories, Mr. Ormsby-Gore recalled the fact that the Law Officers of the Government of New Zealand had expressed an opinion that the Government could not grant the application made by certain Samoan Natives to acquire New Zealand nationality. M. Beau drew a distinction between the full sovereignty exercised in mandated territories, and said that the French Government considered the ex-German subjects in the mandated territories under its control could not become French subjects, but were to some extent quasi-subjects.

As the question of the national status of inhabitants of territories under "B" and "C" mandates has since the Third Assembly been determined by the Council of the League of Nations, it may be sufficient to set out the resolutions adopted by the Council on the 23rd April, 1923, after consideration of the report of the Permanent Mandates Commission. They were as follows :—

"The Council of the League of Nations, in accordance with the principles laid down in Article 22 of the Covenant, resolve as follows :—

- "(1.) The status of the Native inhabitants of a mandated territory is distinct from that of the nationals of the mandatory Power, and cannot be identified therewith by any process having general application.
- "(2.) The Native inhabitants of a mandated territory are not invested with the nationality of the mandatory Power by reason of the protection extended to them.
- "(3.) It is not inconsistent with (1) and (2) above that individual inhabitants of the territory should voluntarily obtain naturalization from the mandatory Power in accordance with arrangements which it is open to such Power to make with this object under its own law.
- "(4.) It is desirable that Native inhabitants who receive the protection of the mandatory Power should in each case be designated by some form of descriptive title which will specify their status under the mandate."

Next Session.

The Permanent Mandates Commission decided to reassemble on the 20th July, 1923, and wished it to be understood that if an earlier date were chosen they would run the risk of not being in possession of the reports of the Mandatories, and if later it would be impossible to complete their investigation and observation in time to report to the Council. The Commission pointed out that the next session would last longer and would entail heavier duties, as thirteen annual reports would have to be examined in the presence of duly accredited representatives. The Commission terminated its observations with thanks to the Director and the staff of the Secretariat for discharging their duties at high pressure, and indicated that at the next session, if possible, a more adequate increase of staff might be provided.

COMMENTS ON THE OBSERVATIONS OF THE PERMANENT MANDATES COMMISSION.

This document (A. 37, 1922, VI, dated Geneva, 23rd August, 1922) includes comments by the accredited representatives of Australia, as the mandatory Power at present administering the Island of Nauru, on the observations of the Permanent Mandates Commission concerning the reports relating to the administration of the Island of Nauru discussed during the session in August, 1922.

The Permanent Mandates Commission observes, *inter alia*, "However, an examination of the report leaves the impression that the administration of the island is exercised *de facto* by the Australian Government, which now assumes responsibility for it."

A mandate for the administration of the Island of Nauru—subsequently confirmed on the 17th December, 1920, by the Council of the League of Nations—was conferred by the Principal Allied and Associated Powers upon the British Empire. This mandate was to come into force coincident with the beginning of a state of peace with Germany. At a plenary meeting of the British Empire Delegation held at Paris it was decided that, as, from their geographical positions, Australia and New Zealand were obviously best fitted to administer this island, the administration should be vested in the Government of these two Dominions together with the United Kingdom; these three Governments, therefore, were to act on behalf of, and be responsible to, the British Empire, upon whom the mandate was conferred. Representatives of the Governments of the United Kingdom, Australia, and New Zealand accordingly met and drew up arrangements for the administration, which were incorporated in the Nauru Island Agreement of the 2nd July, 1919, by which the Australian Government was nominated, as agent for the three parties, to administer the island for the first five years. But in all matters relating to the major policy reference was to be made to all three Governments concerned, whose concurrence was essential.

"The impression that the administration of the island was exercised *de facto* by the Australian Government, which now assumes responsibility for it," is not justified by the actual facts, which show that in this administration the Australian Government is acting merely as agent for the mandatory authority—*i.e.*, the British Empire.