

at all without reference to the Council. The point is essentially one of jurisdiction and of powers as determined by the Covenant, according to which the mandatory Powers must report to the Council, who surveys the stewardship of the mandates. In Article 22 of the Covenant the function of the Permanent Mandates Commission is definitely said to be that of *advising* the Council. If it publishes its opinion, *qua* Permanent Mandates Commission, before forwarding it to the Council, this would appear to be a usurpation of the function of the Council, and, if allowed to continue, it will in effect mean that the Permanent Mandates Commission is endowed with final and authoritative powers over mandatory States. As a matter of fact, so far as this year is concerned, this is precisely what the Permanent Mandates Commission did; and, moreover, the observations so published contained statements admittedly incorrect.

It will be remembered that the Dominion Mandatories have no representation on the Permanent Mandates Commission, whose members are appointed largely on account of their independence and disinterestedness. It is a body whose duties of advising the Council are essentially duties of review, and, it may be said, of critical review, in that it must jealously guard the spirit of the Covenant, as suggested by Lord Robert Cecil in remarks made at the Second Assembly. Lord Robert said: "We have also to be grateful for rather a small mercy in the promise that the League shall be allowed to see any reports on the administration of the mandated territories which have been presented by the mandatory Powers to their own Parliaments. May I very respectfully remind the Assembly of the words of the Covenant which deal with this matter? The principle which is laid down in Article 22 is that the well-being and development of such peoples form a sacred trust of civilization, and that securities for the performance of this trust should be embodied in the Covenant." But if this function of the Permanent Mandates Commission is largely that of critical review (although not of final review), it is surely imperative that the rules of procedure should at least provide for the consideration of the reply of the mandatory Powers to suggested criticism before final observations are arrived at.

#### PERMANENT MANDATES COMMISSION.

The Permanent Mandates Commission held its first meeting at Geneva on the 4th October, 1921, just immediately after the Second Assembly rose, and it therefore fell to the Third Assembly to consider the observations of the Permanent Mandates Commission on the first reports of the Mandatories holding "C" mandates, which had been confirmed on the 17th December, 1920.

In the course of a statement of the work undertaken by the Mandates Section during the year the Director of the Mandates Section said: "The duties of the section over which I have the honour to preside are of a twofold nature: on the one hand it has to act as a permanent secretariat for your Commission, whose ordinary meetings are held yearly—that is to say, on somewhat rare occasions—but whose duties impose upon its members constant vigilance; while, on the other hand, the section forms an integral part of the Secretariat of the League of Nations . . . with regard to all matters dealing with the question of mandates." (Document A. 36, 1922, VI).

The statement proceeds to explain that the Permanent Mandates Commission has endeavoured to keep the members of the Commission fully informed of the general movement of ideas regarding mandates, especially in mandatory and mandated countries.

The second session of the Permanent Mandates Commission began on the 1st August, 1922, and, so far as regards "C" mandates, duly considered reports from the mandatory States administering the mandates of the Pacific islands—Nauru, New Guinea, Samoa—and South-west Africa. Accredited representatives of the Governments of Great Britain, Australia, Japan, and New Zealand were present at the discussions concerning the respective mandates, and it was regretted that no representative of South Africa was available. The procedure followed by the Commission was in accordance with Rule 8 of the Rules of Procedure. It is to be noted that these Rules of Procedure of the Permanent Mandates Commission were drawn up by the Permanent Mandates Commission itself in accordance with the provisions of the constitution of the Permanent Mandates Commission, which was approved by the Council on the 1st December, 1920, according to which the Commission is instructed to draw up its own rules, subject to the approval of the Council. The Rules of Procedure, as drawn up, were approved by the Council on the 10th January, 1922 (Document C. 404, M. 295, 1921, VI). Rule 8 is as follows:—

"At the beginning of the ordinary session the Commission shall undertake a separate examination and discussion of each of the annual reports submitted by the mandatory Powers. The examination and the discussion shall take place in each case in the presence of the accredited representative of the mandatory Power which issued the report.

"After this examination the Commission shall decide upon the form to be given to the observations to be transmitted to the Council of the League. If the Commission is not unanimous it may present its observations in the form of majority and minority reports. These observations shall be, in every case, communicated to the accredited representative of the Power which issued the report to which they refer. The representative concerned may attach his own remarks.

"The Commission shall forward the reports of the mandatory Powers to the Council. It shall annex to each report its own observations, as well as the observations of the duly authorized representative of the Power which issued the report, if the representative so desires.

"The Commission shall hold a plenary meeting in the presence of all duly authorized representatives of the mandatory Powers, when it has adopted the final terms of its observations on all the reports which it has examined. This meeting shall be public. If the majority of its members so desire, the Commission may take advantage of the presence of the duly authorized representatives of the mandatory Powers to bring before them all matters connected with the mandates which in its opinion should be submitted by the Council to the mandatory Powers and to the other members of the League."