

may be adopted by reason of its present convenience, but in other and different circumstances it must not be possible to assert that that course defines a method which the Assembly itself had decided in the year 1922 to accept as correct and conclusive for its procedure.

"We all recognize that in its relation to mandatory Powers the League holds an authority entirely different from that which it exercises in its discussion of the relations of the members generally. Every member of the League has obligations created by the League, but a member which is also a mandatory Power has, added to these general obligations, special duties imposed by the mandate.

"The Dominion of which I am one of the representatives has the dual obligation and duty, first as member and secondly as Mandatory. Its position in the discussion in this Assembly of the general obligations of members of the League is the position of a small part of the British Empire content in most matters to be guided by the delegates who represent the Government of Great Britain. But its position as a Mandatory is one which brings it into direct actual and separate relation with the League. Though what I now say has a general bearing upon the position of all mandatory Powers holding mandates of the 'C' class, it must be understood that I only desire to define the position of New Zealand, and that I speak for that Dominion as a member of its Government, though using my right of audience as a delegate nominated by it.

"His Majesty, in right of his Dominion of New Zealand, has accepted a mandate for Western Samoa, and shares another for Nauru. What His Majesty does in right of his Dominion he does on the advice of his Ministers of that Dominion, not on the advice of his Ministers of Great Britain, and the statement which I present is one which the Government of New Zealand very respectfully but very urgently presents to this Assembly.

"The first and second paragraphs of Article 22 of the Covenant are in the following terms:—

"'To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them, and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle 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 this Covenant.

"'The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations which, by reason of their resources, their experience, or their geographical position, can best undertake this responsibility, and which are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.'

"We are clearly a Mandatory of the League and not of the Council.

"Another paragraph of Article 22 defines the 'C' class of mandate:—

"'There are territories, such as South-west Africa and certain of the South Pacific islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilization, or their geographical continuity to the territory of the Mandatory, or other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.'

"Our duty to the Council is defined in the next paragraph:—

"'In every case of mandate the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.'

"The next paragraph—'The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the members of the League, be explicitly defined in each case by the Council'—only confers on the Council the ultimate power of determining the class of mandate applicable to each territory.

"The last paragraph is as follows:—

"'A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.'

"The New Zealand Parliament has legislated for Western Samoa. The Administrator of Western Samoa rules and administers under and in pursuance of those laws.

"New Zealand is under an honourable obligation to legislate and administer in accordance with the terms and intent of the Covenant of the League. She is bound to report annually to the Council. She is willing and anxious to receive suggestions and advice from either the Permanent Mandates Commission or the Council of the League, but she cannot admit that the Mandates Commission has power to interpret for her the meaning of the Covenant, or to dictate to her what procedure she should adopt in her endeavours to perform her duties to the League.

"I offer two objections to the present procedure: First, the report of the Mandates Commission should, I submit, be a report to the Council and not to the public. And certainly opinions of the Mandates Commission on any subject should be expressed to the Council and not to the public. We have nothing to fear from any investigation, and court the fullest inquiry; but we do not court or desire opinions upon our laws or our administration from any body of persons other than the Council or the Assembly.

"The Council must necessarily require from its Mandates Commission the freest statement of the results of the investigations of the Commission, and must seek the unrestrained advice of the Commission on every point. How is it possible that such a report and advice, if published, can fail to give offence to the mandatory Legislature and Government? The class of report and advice which the Covenant requires from the Commission to the Council is not one framed in diplomatic language avoiding offence, but a summary of facts and advice to enable the Council to form an opinion.