

The Hon. G. E. Rich (Australia) delivered the following address :—

"The matter of the Nauru mandate came before the committee on which I acted as one of the Australian delegates. Australia acts on behalf of the unit of the British Empire entrusted with the administration of Nauru. I should not have intervened in this debate but for the remarks which have fallen from the delegates from New Zealand and India.

"The Australian Delegation considers that the report of the Mandates Commission is, on the whole, highly flattering to their administration of Nauru. I must take this opportunity of thanking the committee for receiving and incorporating in its report explanations made with respect to some matters in regard to which there appeared to be some doubt or misapprehension in the minds of the Mandates Commission. With regard to the employment of Chinese labour, which was commented on by the delegate from India, I would point out that the monopoly over the phosphates was acquired by voluntary sale from the Pacific Phosphate Company. That company, prior to the war, employed a certain number of Chinese in the work of mining the phosphates. The employment of the Chinese has been continued by the Administration, but in fewer and decreasing numbers, and we hope that in the near future their employment will be discontinued altogether.

"I can assure the Assembly that the Administration of Nauru is doing everything in its power to safeguard the interests of the indigenous populations, and is paying the strictest attention to the question of the employment of indentured labour.

"With regard to the point made by Sir Francis Bell, it is no doubt of very great interest, but no decision is required upon it at the present time, and accordingly I do not propose to say anything at all about it."

The foregoing extracts go a long way toward consolidating rather than diminishing the substance of Sir Francis Bell's protest.

An explanation of how the Permanent Mandates Commission came to arrive at the final terms of their observations, containing as they did certain inaccuracies, appears in the speech of the lady delegate for Sweden, viz.: "The Mandates Commission received Sir Joseph Cook's comments *only after our work was finished*, and that is why I want to say now expressly that this statement, as far as I understand, is exactly the explanation which the Commission wanted in order to set our minds at rest upon this point." In the light of this, it is difficult to discover any reason for Lord Robert Cecil's saying (quoted above) "that the public meeting referred to was successful." "We are entitled," said the delegate for India, in the speech just quoted, "not merely to the opinion of the Council, but we are entitled to be placed in possession of the material upon which the Council has formed its opinion." It is, however, apparent that the delegate for India did not fully understand the matter, as no opinion had been expressed by the Council. On the contrary, the only opinion expressed, and expressed in public, had been not that of the Council, but only that of the Permanent Mandates Commission. The difficulty of recalling a published statement is well known, and the subject of mandates at the Third Assembly is a forceful illustration of this. Nor can the published observations of the Permanent Mandates Commission, admittedly incorrect, be counteracted by the recommendation of the Sixth Committee that the explanations of the accredited representatives should be noted. Considering the importance conceded to this subject both at the Third Assembly and subsequently, the following correspondence which passed between Sir Francis Bell and the Director of the Mandates Section would appear to be not only a valuable inclusion, but indispensable to this report. It is as follows :—

#### Correspondence.

1. From the Hon. Sir FRANCIS BELL, K.C.M.G., K.C., to M. RAPPARD, the Director of the Mandates Section.

DEAR M. RAPPARD,—

Hotel les Bergues, Geneva, 20th September, 1922.

I did not appreciate when you spoke to me yesterday that you were the officer of the Secretariat having principal charge of the Mandates Department, otherwise I should have at once proceeded to give as full an answer as I could to the question you put to me, and I will endeavour to do so now.

It was not for me, when expressing in the Assembly the objections of New Zealand to the present procedure, to appear to dictate to the Council a course of procedure which it might adopt to avoid our objections. I was addressing the Assembly, and could not ask the Assembly to direct the Council on a matter of Council procedure. A comment on the administration and principles of legislation adopted by a sovereign State holding a mandate of the "C" class should be very carefully considered by the Council before its publication to the world. The Council is composed of men who appreciate the delicacy and difficulty of such intervention. The duty of the Mandates Commission is to point to any matter to which its attention is called, whether by the Mandatories' reports or otherwise, and which in its opinion requires consideration by the Council. In performance of that duty the Mandates Commission should not be careful to avoid offence. It should speak plainly, and should point plainly to any matter in respect of which it considers that the Mandatory has departed from the principles of the Covenant. It is then for the Council to consider whether those matters are really of sufficient importance to require explanation from the Mandatories, and to exercise very great judgment in the phrasing of its communications. We all want the Mandates Division to work quietly and effectively, but neither peace nor effect will result if the mandatory Powers are subjected to the tutelage of the Permanent Mandates Commission.

My answer to your request for my own suggestion is—firstly, that in each year the Permanent Mandates Commission should make a separate report to the Council upon each mandate; secondly, that the Council, on receipt of that report, should forward it to the mandatory Power, requesting the mandatory Power to supply the Council with its comment upon the report of the Permanent Mandates Commission; thirdly, that both those documents should be confidential, and should not be printed; fourthly, that the Council should, after receiving and considering both documents, make an official statement, which should be printed. To that official statement the Council might, if it thought fit, append the report of the Mandates Commission and the commentary of the Mandatory Government, but if it did so the Council should in its own official statement state its opinion upon the points at issue. But in some cases it would not be advisable for the Council to append for publication either the report of the Mandates Commission or the commentary thereon by the mandatory Government, confining its official statement to matters which in its opinion were worthy of special attention.

The effect of my suggestion is that the Council, in respect of its mandatory function, should be the Foreign Office of the League of Nations, receiving in that capacity communications from its Permanent Mandates Commission, and communicating freely with the mandatory Governments, but publishing only such matter as is really necessary for the information of the Assembly.

Yours faithfully,

F. H. D. BELL.