

REPORT
BY HIS BRITANNIC MAJESTY'S GOVERNMENT
ON THE PALESTINE ADMINISTRATION
1923.

COLONIAL OFFICE,

June, 1924.

MANDATE FOR PALESTINE.

First Annual Report to the Council of the League of Nations.

His Britannic Majesty's Government have had the honour to communicate to the Council upon the dates noted hereunder the following Reports on the Palestine Administration, and other documents in connection therewith.

Report on the Palestine Administration,
July, 1920-December, 1921
Ditto 1922
Palestine Order in Council 1922
Ditto (Amendment) 1923
Correspondence with the Palestine Arab
Delegation and the Zionist Organisation
June, 1922
Papers relating to the Elections for the
Palestine Legislative Council ... 1923
Proposed Formation of an Arab Agency... 1923

Copies of all laws and regulations promulgated or issued in Palestine up to the end of the year 1923 have been submitted direct to the Council by the Palestine Administration.

A report on the Palestine Administration for the year 1923 is appended hereto.

These documents furnish a comprehensive review of the measures taken by His Britannic Majesty's Government to carry out the provisions of the Mandate for Palestine. The specific questions asked by the Permanent Mandates Commission in their questionnaire of 23rd August, 1922, are dealt with below.

I.--JEWISH NATIONAL HOME (Article 2 of the Mandate).

1. *Question.*--What measures have been taken to place the country under such political, administrative and economic conditions as will secure the establishment of the national home for the Jewish people?

What are the effects of these measures?

Answer.--The legislation of the Government of Palestine has been directed towards the general aim of providing equal opportunity for all communities and classes, and encouraging enterprise.

An Ordinance was enacted in 1920 to regulate immigration into Palestine. The Ordinance does not expressly relate to Jewish immigration, but provides that entry into Palestine, either for permanent or temporary residence, shall be regulated by the High Commissioner from time to time according to the conditions and the needs of the country.

The action of the Government in regard to Jewish settlement on the land has been similar to that taken with regard to immigration, that is, it has removed unfavourable discrimination imposed by the Ottoman legislation, and given equal opportunity to all persons to acquire land and register it in their own name.

The amount of land acquired by Jews during the last three years is as follows: In 1921--100,000 donums (about 25,000 acres), of a value of £E.600,000; in 1922--45,000 donums, of a value of £E.700,000; in 1923--34,440 donums.

For further reference, see:--
Palestine Order in Council, enacted 1922.
Ditto (Amendment) ditto 1923.

| Reports on Palestine Administration. | | | |
|--------------------------------------|-----------------------------------|--------------|--------------|
| | July, 1920- December, 1921. | 1922. | 1923. |
| | <i>Pages</i> | <i>Pages</i> | <i>Pages</i> |
| Lands | 111 | 46 | 41 |

In June, 1922, His Majesty's Government published a White Paper*, which embodied as statement of its policy in relation to Palestine.

In November, 1923, His Majesty's Government published a further White Paper containing correspondence with the High Commissioner for Palestine on the proposed formation of the Arab Agency.

For further reference, see:--
Reports on Palestine Administration.

| | July, 1920- December, 1921. | 1922. | 1923. |
|--|-----------------------------------|--------------|--------------|
| | <i>Pages</i> | <i>Pages</i> | <i>Pages</i> |
| Introduction ... | 5 | -- | 3 |
| ... | -- | 19 | 18 |
| Law and Justice | -- | 20 | 19 |
| ... | | | |
| Ditto Religious | 52 | 28 | 24-25 |
| Courts | | | |
| Education | 110 | -- | -- |
| } | | | |
| Grants-in-Aid... | | | |
| ... } | | | |
| Lands--Opening of Land Registry | | | |

2. *Question.*--What measures have been taken to place the country under such political, administrative and economic conditions as will secure the development of self-governing institutions?

What are the effects of these measures?

Answer.--For reference, see:--
Reports on Palestine Administration.

| | July, 1920- December, 1921. | 1922. | 1923. |
|-------------|-----------------------------------|--------------|--------------|
| | <i>Pages</i> | <i>Pages</i> | <i>Pages</i> |
| Legislation | 47-50 | 19 | 3, 20-21 |
| | | | |

3. *Question.*--What measures have been taken to place the country under such political, administrative and economic conditions as will safeguard the civil and religious rights of all the inhabitants of Palestine, irrespective of race or religion?

What are the effects of these measures?

Answer.--For reference, see:--
Reports on Palestine Administration.

| | July, 1920- December, 1921. | 1922. | 1923. |
|--|-----------------------------------|--------------|--------------|
| | <i>Pages</i> | <i>Pages</i> | <i>Pages</i> |
| Moslem Religious | 91 | 5,19,20 | 19 |
| Courts | 93 | 5,19,20 | 19 |
| Non-Moslem ditto ... | | | |
| ... | | | |
| Palestine Order in Council, Section 51-54, 1922. | | | |

II.--AUTONOMOUS ADMINISTRATION (Article 3).

Question.--What measures have been taken to encourage local autonomy?

What are the effects of these measures?

Answer.--The Ottoman Law of Municipalities has remained in operation, but owing to the absence of electoral registers it has not been possible to hold municipal elections. Consequently, the Municipal Councils which exist in 21 towns have hitherto since the Occupation been nominated.

Various Ordinances passed by the Government enlarge the powers of the Municipal bodies. A Municipal Loan Ordinance empowered Municipalities, subject to the sanction of the High Commissioner, to raise loans secured on the property and revenue of the Council.

The system of Municipal taxation is in process of reform.

In the larger towns Municipal Courts of honorary magistrates have been established, who deal with contraventions of Municipal By-laws, and with minor offences under the Penal Code.

An Ordinance was passed in 1921 to provide for the establishment of elected Local Councils in the larger villages. These bodies exercise quasi-Municipal functions, may levy rates on the property of the village, and impose certain fees enumerated in the Order establishing each Council, and with the approval of a District Governor may issue By-laws for securing good order in the village.

For further reference, see:--

Reports on Palestine Administration.

| | July, 1920- December, 1921. <i>Pages</i> | 1922. <i>Pages</i> | 1923. <i>Pages</i> |
|-------------|---|---------------------------|---------------------------|
| Legislation | 47-50 | 21 | 18 |
| | | | |

III.--JEWISH AGENCY (Article 4).

1. *Question.*--When, and in what manner, has the Jewish agency been officially recognised?

Answer.--A committee appointed by the World Zionist Organisation is established in Palestine, and is officially recognised as a consultative body for the purpose of advising and co-operating with the Government in matters that may affect the establishment of a Jewish National Home in Palestine.

For further reference, see:--

Reports on Palestine Administration.

| | July, 1920- December, 1921. <i>Pages</i> | 1922. <i>Pages</i> | 1923. <i>Pages</i> |
|-------------|---|---------------------------|---------------------------|
| Immigration | 127 | 52 | 47 |
| | | | |

2. *Question.*--Has this agency given any advice to the Administration in the past year? If so, in what form, and in what connection?

Answer.--A member of the Committee is granted a weekly interview at Government House, and the Committee correspond with the Government Departments on Departmental matters.

3. *Question.*--What is the nature and extent of the co-operation of this agency with the Administration of Palestine in economic, social and other matters?

Answer.--The Committee are consulted by the Administration in fixing the Schedule of the numbers of immigrants to be allowed entry, and the Zionist Organisation, through its agencies in Europe, participates in the selection thereof.

The Zionist Committee maintains a complete system of education for the Jewish people. The expenditure in 1922-23 was £E.110,000. The Zionist Organisation maintains a medical unit (Hadassah) at an annual cost of £E.90,000.

4. *Question.*--In what manner has this agency taken part in the development of the country (statistics of the results obtained)?

Answer.--The Zionist Committee have special branches for maintaining agricultural settlement, commerce and industry. Indirectly, the Zionist Committee has co-operated in several constructive public works undertaken by the Government. Thus, it advanced the money to the Government for the cost of laying a metalled road to the villages of Rishon le Zion and Rehobot from the main Jaffa-Jerusalem road, which forms the first part of a highway to be built to Gaza. The Jewish Co-operative Labour Association, a body supported by the Zionist Organisation, competes for contracts for the construction of roads and other public works. Among the works carried out by it for the Government are the Tiberias-Semakh road, and other roads in Galilee, for a total price of about £E.150,000; the construction of a railway siding for the army at Sarafand, and of a branch line from Ras el Ain to the Jewish village of Petah Tikvah; the building of barracks at Jenin, and of a Government office at Ramleh. The total value of these Government and army contracts to the end of 1922 was nearly £E.200,000.

5. *Question.*--What steps have been taken in consultation with His Britannic Majesty's Government to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish national home?

Answer.--The Palestine Government is in touch with a number of organisations other than the Zionist Organisation, which have as their object to assist in the settlement of Jews in Palestine. In particular, the Palestine Economic Board, the Jewish Colonisation Association, and the Palestine Development Council constituted by Jews in the United States, the Alliance Israelite Universelle, whose Headquarters are in Paris, and the Joint Distribution Committee for the Relief of War Sufferers who maintain Jewish orphans in Palestine.

IV.--IMMIGRATION AND EMIGRATION (Article 6).

1. *Question.*--What measures have been taken to facilitate Jewish immigration?

Answer.--For reference, see:--
Reports on Palestine Administration.

| | July, 1920- December, 1921. | 1922. | 1923. |
|--|-----------------------------------|--------------|--------------|
| | <i>Pages</i> | <i>Pages</i> | <i>Pages</i> |
| Immigration and Travel-- | 126 | -- | -- |
| (1) Establishment of Special Organisation ... | 126 | -- | -- |
| Immigration Ordinance ... | | | |

An Immigration Officer of the Palestine Government was attached to the British Consulate at Trieste to assist in the selection and granting of visas to immigrants. This officer has now been transferred to Warsaw, where the bulk of the immigrants come, and the Trieste office has been closed.

2. *Question.*--What measures have been taken to safeguard the rights and position of other sections of the population?

Answer.--The general principle regulating immigration into Palestine, namely, that it must be determined by the economic capacity of the country to absorb the new

settlers, safeguards the other sections of the population from any serious disturbance of economic conditions. The figures of unemployed are carefully compiled from month to month by enquiry in all the districts. Where the figures have shown that there is a considerable number of persons out of work, whether new settlers or old residents, the immigration of working-people has for a time been further restricted.

3. *Question.*--What measures have been taken in co-operation with the Jewish agency to encourage the close settlement by Jews on the land (give figures)?

Answer.--For reference, see:--
 Reports on Palestine Administration.

| | July, 1920- December, 1921. | 1922. | 1923. |
|---|-----------------------------------|--------------|--------------|
| | <i>Pages</i> | <i>Pages</i> | <i>Pages</i> |
| Authority to Zionist Organization | 127 | -- | 47 |
| to introduce Immigrants | 127 | 54 | 49 |
| | 128 | 55 | 50 |
| Number of Immigrants ... | 5,115 | -- | 47 |
| ... Countries of Origin, ditto ... Settlement on Land | | | |

4. *Question.*--What are the effects of these measures?

Statistics of immigration (country of origin, religion, race, profession, age and sex). Geographical distribution within the country in the urban centres and in the rural districts.

Some statistics for emigration.

Answer.--Exact statistics are not available of the distribution of immigrants in urban and rural areas, but hitherto the vigorous building activity in the larger towns has attracted there the bulk of the new arrivals.

The geographical distribution of the present Jewish population in the census of 1922 was: Municipal areas,

68,622; rural areas, 15,172. In a census estimate in 1920 it was 56,200 and 10,370, respectively.

For further reference, see:--

Reports on Palestine Administration.

| | July, 1920- December, 1921. | 1922. | 1923. |
|-------------------------------|-----------------------------------|--------------|--------------|
| | <i>Pages</i> | <i>Pages</i> | <i>Pages</i> |
| Numbers ... | 127 | 5 | 49 |
| ... Countries of Origin | 128 | 55 | 50 |

V.--LAND REGIME (Article 6).

1. *Question.*--How have State lands been defined and delimited?

Answer.--For reference, see:--

Reports on Palestine Administration.

| | July, 1920- December, 1921. | 1922. | 1923. |
|---|-----------------------------------|--------------|--------------|
| | <i>Pages</i> | <i>Pages</i> | <i>Pages</i> |
| Agriculture | 4,105-109 | 42-46 | -- |
| | 109 | 46 | 41 |
| Lands Registry | 113 | 47 | -- |
| ... | 113 | 46 | -- |
| Government | 114 | -- | 42 |
| Lands ... | 113 | 47 | 42 |
| Land Commission ... Demarcation ditto... Surveys | | | |

2. *Question.*--How have waste lands been defined and delimited?

Answer.--For reference, see:--

Reports on Palestine Administration.

| | July, 1920- | 1922. | 1923. |
|--|-------------|-------|-------|
|--|-------------|-------|-------|

| | December, 1921. | Pages | Pages | Pages |
|--------------------------|--------------------|-------|-------|-------|
| Cadastral Surveys ... | 113 | 47,48 | 42,43 | |

3. *Question.*--What measures have been taken for the registration of real property?

Answer.--For reference, see:--
Reports on Palestine Administration.

| | July, 1920- December, 1921. | 1922. | 1923. |
|---|-----------------------------------|----------|----------|
| | Pages | Pages | Pages |
| Law and Justice, Land Courts ... | 90,91 109 | -- 46 | 17 41 |
| Lands Registry Opening of Registries | 110 | 46 | -- |

VI.--NATIONALITY (Article 7).

1. *Question.*--What is the text of the nationality law?

Answer.--An Order in Council concerning Palestinian Nationality is now under consideration.

2. *Question.*--Have special provisions been enacted, framed so as to facilitate the acquisition of Palestinian citizenship by Jews?

Answer.--(See above.)

VII.--JUDICIAL SYSTEM (Articles 8, 9 and 10).

1. *Question.*--When did the new judicial organisation begin to operate?

Answer.--The Palestine Order in Council, Part V, comprises sections dealing with judicial organisation, but many detailed changes to be introduced in the existing system in accordance with its terms have not yet come into operation. It will be necessary for an Ordinance to be passed reconstituting the High Courts whose functions and powers are modified in certain measures. Legislation to this end

is now under consideration.

For further reference, see:--

Reports on Palestine Administration.

| | July, 1920- December, 1921. | 1922. | 1923. |
|---|-----------------------------------|--------------|--------------|
| | <i>Pages</i> | <i>Pages</i> | <i>Pages</i> |
| History ... | 3,84,87 | 26 | -- |
| ... | 87 | -- | 17 |
| Court of Appeal ... | 88 | -- | 18 |
| District Courts ... | 89 | -- | 18 |
| Magistrates' Courts | | | |
| Severance of the Admi- nistration of the Courts from the Department of the Attorney- General ... | -- | 5,21 | -- |
| Municipal Courts ... | -- | 21 | 18 |

2. *Question.*--What special features does it include with a view to assuring to foreigners as well as to natives a complete guarantee of their rights as laid down in Article 9?

Answer.--For reference, see:--

Reports on Palestine Administration.

| | July, 1920- December, 1921. | 1922. | 1923. |
|--|-----------------------------------|--------------|--------------|
| | <i>Pages</i> | <i>Pages</i> | <i>Pages</i> |
| Capitulations | 87 | 21 | -- |
| Jurisdiction over Foreigners ... | -- | 20 | -- |

... -- -- 19
 Palestine
 Order in
 Council--
 Sections 58-67
 ...

3. *Question.*--What special measures have been taken to assure respect for the personal status of various peoples and communities, and for their religious interests?

Answer.--For reference, see:--
 Reports on Palestine Administration.

| | July, 1920- December, 1921. | 1922. | 1923. |
|--------------------------------|-----------------------------------|--------------|--------------|
| | <i>Pages</i> | <i>Pages</i> | <i>Pages</i> |
| Religious Courts ... | -- | 19 | 18 |
| ... | 91 | 5,20 | 10 |
| Moslem Religious Courts ... | 93 | 5,20 | 19 |
| Non-Moslem ditto-- | 93 | 5,20 | 19 |
| Christian | 38-67 | -- | -- |
| Jewish | | | |
| Palestine Order in Council | | | |

4. *Question.*--How have the control and administration of Wakfs been assured?

Answer.--For reference, see:--
 Reports on Palestine Administration.

| | July, 1920- December, 1921. | 1922. | 1923. |
|-------------|-----------------------------------|--------------|--------------|
| | <i>Pages</i> | <i>Pages</i> | <i>Pages</i> |
| General ... | 5 | -- | -- |
| ... | -- | 21 | -- |
| Finance ... | | | |
| ... | | | |

5. *Question.*--What extradition agreements have been made between the Mandatory and other foreign Powers since the coming into force of the mandate?

Answer. Extradition Agreements.--Two provisional extradition agreements have been made by the High Commissioner for Palestine. The first was made in July, 1921, with the High Commissioner for Syria, and states in the preamble that it is to be replaced subsequently by a definite arrangement to be made between the two Governments. The parties undertake to surrender reciprocally any person who is prosecuted, or who has been condemned for an offence, against the Civil or Military Law in force, committed on the territory of the other party, provided that the act is punishable with at least one year's imprisonment, or the sentence is at least one year's imprisonment. The person surrendered may only be tried for the offence in respect of which application for extradition was made, and extradition will not be granted for a political offence.

Excluded from that category are:--

(a) Any act of violence or brigandage, whether committed by a single person or by a band either against individuals, or against the local authorities, or against the railways or other means of communication.

(b) Any attempt against the person of the High Commissioner or the head of the Government, or any member of their families. The procedure for extradition requires the application to be considered by a British or a French official, respectively. In the case of an application made to the Palestine Government, if the person to be extradited is a Palestinian, or a foreign subject, the charge is to be examined judicially before the order for surrender can be made.

The second agreement was made with the Egyptian Government, and is similar in its terms, except that it applies only in respect of persons who, under the legislation for the time being in force in Egypt would, if in Egypt, be subject to the criminal jurisdiction of an Egyptian Court. In consequence, neither the Egyptian nor the Palestine Government can apply for the extradition of a foreign subject.

For reference, see:--

Reports on Palestine Administration.

| | July, 1920- December, 1921. | 1922. | 1923. |
|-------------|-----------------------------------|--------------|--------------|
| | <i>Pages</i> | <i>Pages</i> | <i>Pages</i> |
| Extradition | -- | 22 | -- |
| | | | |

VIII.--ECONOMIC EQUALITY (Articles 11 and 18).

1. *Question.*--How have the interests of the community been safeguarded in the execution of measures taken to secure the development of the country in respect of public ownership or control of any of the natural resources of the country, or of the public works, services and utilities?

Answer.--The whole of the railway system in Palestine has been brought under public ownership; the water supply of Jerusalem, which is the only town in which a general installation of water has been established, has been taken over by the Municipality from the Public Works Department of the Government, which had administered, and in many directions improved, it since the Civil Administration came into being; and the tobacco monopoly has been discontinued. Further, a mining policy designed to secure full Government control of mineral resources is now under consideration.

For further reference, see:--

Palestine Order in Council, Sections 12 and 13.

2. *Question.*--Has it been found necessary to arrange with the Jewish agency to construct or operate any public works, services and utilities, or to develop any of the natural resources of the country, and if so, under what circumstances?

Answer:--

Construction and operation of public works, etc., in conjunction with the Jewish Agency.

In no case has any arrangement been made directly with the Jewish Agency to construct or operate any public works or to develop any of the natural resources of the country; it is, however, a term of the projected concession to Mr. Rutenberg for generation of electrical energy from the

Jordan that the constitution of the company which will operate the concession shall be subject to the approval of the High Commissioner in agreement with the Jewish Agency.

The Zionist Committee advanced to the Government the sum of £E.15,000 for the purpose of constructing a highway from the Jaffa-Jerusalem road to the Jewish villages of Rishon le Zion and Rehobot. The Government was to repay that sum within three years of its being received, or earlier at the discretion of the Government; the villages undertake to repay to the Government £E.5,000 in 10 yearly instalments of £E.500 each. No interest is payable by the Government on the loan.

3. *Question.*--Give a complete list of concessions and the names and nationalities of the concession holders.

Answer.--Particulars of the concessions granted are as follows:--

(1) Concessions for the provision and supply of electrical energy for lighting and power purposes, and for irrigation in the district of Jaffa. Concessionaires: The Jaffa Electric Company, Limited, a Palestine Company.

(2) An agreement to grant a concession for the generation of electricity by means of water power derived from the Rivers Jordan and Yarmuk, and for its distribution throughout Palestine, was concluded with Mr. Pinhas Rutenberg, a Russian subject, in 1921. A Palestine Company, the Palestine Electric Corporation, has been formed, in accordance with the terms of the agreement, to operate the concession, and it is anticipated that the concession will be granted at an early date.

(3) An agreement for the grant of a concession for the drainage of Lake Huleh, and for the reclamation and irrigation of certain lands in and in the vicinity of the Lake has been concluded with the Syro-Ottoman Agricultural Company, Limited.

This agreement replaces a concession granted by the Turkish Government in the year 1914. The actual concession will be granted if the Syro-

Ottoman Agricultural Company, Limited, fulfils certain conditions, including the formation of a British or Palestine Company, to carry out the concession.

(4) An agreement of a concessionary nature empowering the Athlit Salt Company, a Palestine Company, to produce salt by evaporation from the sea at Athlit.

(5) A concession for the maintenance of certain lighthouses on the sea-board of Palestine was granted by the Turkish Government to the Société de Phares de l'Empire Ottoman, a French Company, in 1860, and is still in operation.

(6) A concession was granted to the Jewish Colonization Association in 1921 for the drainage, cultivation, and afforestation of the Government lands between Athlit and Caerea.

(7) A small concession for motor-boat transport on the Dead Sea. Concessionnaire: Mr. Hasboon, a Syrian. This concession is not at present in operation, and proposals for its revival in a revised form are at present under consideration.

4. *Question.*--Give the reports submitted to the company meetings and the balance sheets of these undertakings, or, when such reports and balance sheets are not available, give all information relating to the subject, particularly the rate of interest and the uses made of profits.

Answer.--No information is available.

5. *Question.*--What provisions are made to secure economic equality as regards--

- (a) Concessions?
- (b) Land tenure?
- (c) Mining rights (in particular, rules in regard to prospecting)?
- (d) Fiscal regime (direct and indirect taxation)?
- (e) Customs regulations (imports, exports, transit)?

Answer:--

- (a) No legislative provision has yet been made.
- (b) *Land tenure.*

The difficulties placed by the Ottoman legislation in the way of foreign persons acquiring land in their own name and the prohibition against any foreign corporation holding land have been removed by Ordinances passed by the Administration, in virtue of which all foreign persons, whether individual persons or corporate persons, can hold land upon the same terms as any Palestinian person, individual or corporate person.

- (c) *Mining rights.*

No legislation about mining has yet been enacted, and no mining rights have yet been granted.

- (d) *Fiscal regime* and
- (e) *Customs Regulations.*

There is no discrimination in the customs tariff in favour of the imports of any particular country except Egypt. Under the Military Administration imports from the Ottoman Empire paid a duty of 8 per cent. only, while the general import duty is 11 per cent., because the 3 per cent. that was added to the original duty for the service of the Ottoman Public Debt was not charged on such imports. That distinction, however, was abolished in November, 1922. The indulgence allowed by the Military Administration still applies to goods of Egyptian origin subject to the *ad valorem* tariff.

Under the provisions of the Palestine-Syria Customs Agreement, the domestic produce of either territory is admitted free of duty. Export duty at the rate of 1 per cent. *ad valorem* is chargeable on goods despatched abroad, with the exception of those despatched to Syria, as above stated.

Foreign subjects are liable to the same taxation, whether imposed by the Central Government or by local bodies, as Palestinian citizens. The Ottoman Law of professional tax (*temettu*), which was assessed only upon Ottoman subjects and not upon foreigners, has not been applied hitherto by the Administration in Palestine. A number of foreign charitable institutions enjoyed privileges of immunity both from customs duties and from payment of direct taxes, house

and land tax, and tithes, in virtue of privileges granted under the Capitulatory Regime. Those immunities have hitherto been maintained by the Administration, but no fresh privileges of the kind have been granted.

Further information in this connection will be found in the relevant section of the Report on the Palestine Administration from July, 1920, to December, 1921.

6. *Question.*--What regulations has the Mandatory Power made for the application of the clause providing "freedom of transit under equitable conditions"?

Answer.--The following is the text of the only Customs Agreement entered into by the Government of Palestine by virtue of Article 10 of the Mandate, and this Agreement embodies the only regulations made to apply to Palestine the clause of the Mandate relating to freedom of transit under equitable conditions.

This Agreement must be considered to be provisional until it has been confirmed by the French Government and His Majesty's Government.

AGREEMENT BETWEEN THE GOVERNMENT OF PALESTINE AND
SYRIA IN RESPECT OF CUSTOMS REGULATIONS ON FOREIGN
GOODS IN TRANSIT TO SYRIA VIA PALESTINE, AND TO
PALESTINE VIA SYRIA.

1. *Goods through-booked from Country of Origin to Country of Destination passing directly through Country of Transit.*

(a) Import duty will be charged by the country of destination only.

(b) All goods will be examined in country of transit by the customs authorities in the presence of an official of the railway responsible for their safe carriage.

(c) The customs officials of the country of transit will ensure that the goods are as stated in the Way Bills and Invoice of goods presented by the railway, and will take records for statistical purposes. They will also ensure that the goods are not on the categories of prohibited imports.

(d) Exact valuation will not be carried out, but any apparent discrepancy between the goods and the invoices will be noted on a transit advice note to be made out by the customs official for the information of the country of destination.

(e) The Way Bills will then be certified as correct by the customs officials of the country of transit (subject to paragraph (d) above), and the goods allowed to proceed to the country of destination.

(f) The railway will forward the transit advice note signed by the customs officials of the country of transit to the customs officials of the country of destination; a copy will accompany the goods, and a second copy will be retained by the Customs in the country of transit.

(g) Articles, import of which is prohibited, will be dealt with according to the regulations of the country of transit.

(h) The customs officials of the country of destination will pay from the dues collected one-half per cent. on the value of the goods to the country of transit to cover the cost of the above formalities. The receipts of this duty will be forwarded monthly by the customs authorities of the country of destination to the Director of Customs of the country of transit.

(i) Should any consignment or part thereof fail to reach the customs authorities of the country of destination, and be so inscribed on the transit advice note referred to in paragraph 1 (f), the onus of search will lie with the officials of that country, unless it be proved that the goods did not cross the frontier. In the latter case the onus will lie with the country of transit.

2. Goods in transit, by sea or railway, breaking bulk at or consigned through an agent in a town in the country of transit on route for the country of destination.

The regulations laid down in paragraph 1 will be carried out with the following alterations--

(a) All goods will be taken on charge of the Customs in the town of transit.

(b) Customs formalities as detailed in paragraph 1 will be carried out with the consignee or his agent, and not with the railways.

(c) The consignee or his agent in the town of transit will pay any storage or other fees incurred other than those laid down in 1 (a).

(d) After completion of formalities, the consignee or his agent will be allowed to re-consign the goods on his giving a guarantee to the customs officials in the country of transit of payment of the customs duty due on each consignment.

(e) In the event of the goods or part thereof being proved to have remained in the country of transit, the guarantor will be liable for the import duty of the country of transit.

(f) If, on the contrary, the goods are proved to have crossed the frontier, the customs authorities of the country of destination will be responsible for the collection of duty.

3. Where not specifically modified in the above agreement, International Customs Transit regulations will be carried out.

4. In this agreement the term "Palestine" shall include Transjordan, and the Government of Syria agrees to establish bonded stores in Damascus to deal with goods breaking bulk in that town in transit for Transjordan.

5. This agreement will take effect on a date to be mutually agreed upon later, and will remain in force until the verification of the treaty with Turkey, when it will be reconsidered and confirmed or otherwise by mutual agreement.

(Signed) GOURAUD.

(Signed) HERBERT SAMUEL.

ANNEX I.

*Text of letter from General Gouraud to the High
Commissioner.*

(Translation.)

I have the honour to return with my signature the agreement relating to the transit of goods between Syria and Palestine, the text of which you were kind enough to send me.

I am glad that the conclusion of this agreement will put an end to the smuggling which is being carried on along the frontier of Transjordan at the cost either of Palestine or of Syria.

The British Authorities and the French Administration shall henceforth be able to levy taxes at that frontier on all goods of foreign provenance which actually cross the frontier without their knowledge.

It is, of course, understood that the French Authorities shall have the right to levy customs duty on goods of foreign origin entering their territory on which dues have been collected at Haifa, and which are subsequently forwarded to Syria and to the Lebanon.

Goods of Palestine origin exported with a certificate of origin from the British Authorities are naturally exempt from customs dues, as will be the case in Palestine for goods of Syrian or Libanese origin forwarded under the same conditions.

Article 5 in the agreement provides that it shall take effect on a date to be mutually agreed upon later. I have the honour to propose to you that this date shall be the 1st October, 1921, in order that we, on either side, may adopt the necessary measures on the application of this agreement.

(Signed) GOURAUD.

ALEY, 20th August, 1921.

ANNEX II.

Reply of the High Commissioner to General Gouraud.

MONSIEUR LE HAUT-COMMISSAIRE,

I have the honour to refer to your letter dated the 20th August, 1921, enclosing the agreement relating to the transit of goods between Syria and Palestine, signed by you.

It is, of course, understood that the Palestine Government shall have the right to levy customs duty on goods of foreign origin entering Palestine, on which dues have been collected at a Syrian port, if such goods are subsequently exported to Palestine.

I agree to your proposal to fix the 1st of October next the date on which this agreement will come into force.

A copy of the agreement signed by me is returned herewith.

(Signed) HERBERT SAMUEL.

GOVERNMENT HOUSE,
JERUSALEM,
25th August, 1921.

7. Question.--Have any customs agreements been made by virtue of Article 18? If so, give the text of such agreements.

Answer.--For reference, see:--

Reports on Palestine Administration.

| | July, 1920- December, 1921. | 1922. | 1923. |
|--|--------------------------------------|--------------|--------------|
| | <i>Pages</i> | <i>Pages</i> | <i>Pages</i> |
| Syria-Palestine Customs Agreement | 24 | -- | -- |

IX.--HOLY PLACES (Articles 13 and 14).

1. Question.--What measures have been taken for the

assumption by the Mandatory of responsibility in connection with the Holy Places and religious buildings or sites, including the responsibility of preserving existing rights, and of securing free access to the Holy Places, religious buildings and sites, and the free exercise of worship?

Answer.--The Administration of Palestine has assumed responsibility for the Holy Places and religious buildings and sites as successor to the Turkish Government. In all specific cases that have arisen it has strictly maintained the *status quo*, and has postponed the final determination of any disputed questions until the establishment of the Holy Places Commission, contemplated by Article 14 of the Mandate. The definition of the purely Moslem sacred shrines will also be one of the functions of that Commission.

Proposals were communicated to the Council of the League of Nations by His Majesty's Government on 3rd January, 1922, for the constitution of the Commission, but, a general agreement not having been reached with respect to them, those proposals were withdrawn.

2. *Question.*--Which are the purely Moslem sacred shrines, the immunities of which are guaranteed?

Answer.--See above.

X.--FREEDOM OF CONSCIENCE (Articles 15 and 16).

1. *Question.*--What measures have been taken to assure freedom of conscience and religion?

Answer.--For reference, see:--
Palestine Order in Council, Section 83.

2. *Question.*--Have any restrictions been made upon the free exercise of any form of worship in the interest of the maintenance of public order and morals? What are the effects of such restrictions?

Answer.--In the interests of the maintenance of public order and morals a circular notice was communicated to the Heads of all communities with reference to the conversion of a person from one religious community to another. The question became of importance because conflicts of jurisdiction arose in matters of personal status of a person who had changed his religion.

This circular was subsequently cancelled, and the question is receiving further consideration. The intervention of the Government in the matters of change of religious community is directed solely to secure that there will be public notification of a change of legal status. For further references, see: Palestine Order in Council, Sections 47, 52, 53, 54 and 64.

The only other case in which the Administration was called upon to take any action affecting worship in the interests of the maintenance of public order was with reference to the tomb of the Baha Ulla, the revered founder of the Bahai sect. The tomb is at Acre, and had been in the custody of Sir Abbas Abdel Bahai, his son. When Sir Abbas died in the summer of 1922, a dispute arose as to the succession to the custody of the tomb between his grandson, who was appointed by his will as the head of the community, and his brother, who was the eldest member of the family. As it was impossible to obtain an agreement between the two parties, the Administration took possession itself of the key of the tomb, and gave free access to the members of both parties. It recommended the convening of an assembly of representatives of the Bahai Communities from all parts of the world who should settle the question of succession, but it has not yet been possible to hold the assembly. Any untoward incident, however, has been averted.

3. *Question.*--What measures have been taken to assure the rights of communities to maintain their own schools for the education of their own members?

What educational requirements of a general nature are imposed by the Administration?

What measures have been taken to assure the exercise of such supervision over religious or any charitable bodies of all faiths or nationalities in Palestine as may be required for the maintenance of public order and good government?

Answer.--See "Education," XIX.

Legislation on the subject of supervision over religious or charitable bodies is now receiving consideration.

XI.--MILITARY CLAUSES (Article 17).

1. *Question.*--What is the form of military organization and training?

Answer.--There is no military training in Palestine, nor any military organization except that of the British Garrison and of the Gendarmerie Police.

2. *Question.*--Are there any police forces independent of the military charged with the defence of the territory?

What is the respective importance of these two forces and the amount spent on each?

Racial and religious composition of these two forces.

Answer.--For reference, see:--
 Reports on Palestine Administration.

| | July, 1920- December, 1921. <i>Pages</i> | 1922. <i>Pages</i> | 1923. <i>Pages</i> |
|--|--|-----------------------|-----------------------|
| Foreword | 3 | -- | -- |
| Origin of the Department of | 97 | -- | -- |
| Public Security | 99 | 37,39 | -- |
| | | | |
| Organization | 99 | -- | 30,31 |
| | 100 | 5,38-40 | 33 |
| Strength and Composition by religion of the Police | | | |
| Palestine Gendarmerie | | | |
| " " <i>Officers</i> -- | | | |
| British | | | 14 |
| " " <i>Men</i> -- | | | |
| Mohammedan | | | 202 |
| Christian | | | 22 |
| Jews | | | 109 |
| Circassians | | | 110 |
| Others | | | 11 |

3. *Question.*--Has there been any occasion for the

Administration of Palestine to contribute to the cost of the maintenance of the military forces of the Mandatory Power?

If so, to what extent?

Answer.--No.

4. *Question.*--Has the Mandatory exercised its right to use the roads, railways and ports of Palestine for the movement of armed forces and the carriage of fuel and supplies?

Answer.--Yes.

If so, to what budget has the expenditure been charged?

Answer.--The expenditure in connection with the movement of troops is borne by His Majesty's Government.

XII.--INTERNATIONAL CONVENTIONS (Articles 19 and 20).

1. *Question.*--To what international conventions has the Mandatory adhered on behalf of the Palestine Administration?

Answer.

The Universal Postal Convention and subsidiary Agreement, 1920.

The International Transit and Waterways Conventions, 1921.

The International Copyright Convention, 1908.

It is also proposed to adhere to the International Opium Convention, 1912.

2. *Question.*--What steps have been taken by the Mandatory to co-operate with the League of Nations in the struggle against disease, including diseases of plants and animals?